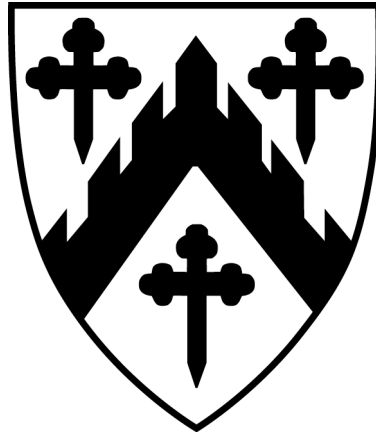
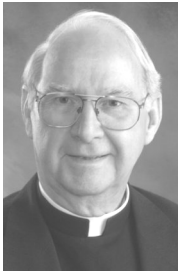


Diocese of Davenport



Policies Relating to Sexuality and Personal Behavior

Reviewed and Revised June 2003



Dear Brothers and Sisters in Christ:

The abuse of a child or young person contradicts everything our Savior teaches us and everything His Church is called to be. The sexual abuse of children and young people by some priests and bishops and the ways in which this may have been handled in the past has caused pain, anger and confusion among many in our faith community. From the depths of my heart, I again wish to express my great sorrow and profound regret for the suffering of the victims of this abuse, their families and our Catholic community across the United States and within our global Church. I hope that our efforts in the Diocese of Davenport may ease some of that anger and confusion and help begin to heal the pain.

The *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* were approved and became effective a few months ago. The goals of these documents are to:

- Protect our Children;
- Promote Healing and Reconciliation with Victims;
- Guarantee an Effective Response to Allegations;
- Restore Trust in the Priesthood; and
- Ensure Our Own Accountability.

In light of those documents and in a spirit of cooperation with my brother bishops, I promulgated the following *Policies Relating to Sexuality and Personal Behavior* to become effective June 1, 2003.

Along with the promulgation of these policies, I announce a revised and enhanced Safe Environment Program. The four dioceses of Iowa have joined together and will be implementing the Protecting God's Children™ programs and other elements of the VIRTUS© programs. The Diocese of Davenport will train local program facilitators, clergy, staff, and volunteers who regularly work with children and then will broaden the program to include others throughout the faith community. Many dioceses are using this same program. Michael Bemis is president and CEO of National Catholic Risk Retention Group, Inc., the developer of the VIRTUS© program. He states, "our awareness and training programs are based on an approach that calls on every adult in our communities to become a protector of children." Ongoing training, mainly web-based, is also a component of this program.

Behind the scenes and for many months, diocesan staff and members of the Review Board have attended diocesan, regional and national meetings and workshops and consulted with colleagues in order to effectively implement these documents. The following policies and the upcoming training program are some of the fruits of their labor. Their efforts have not been publicly acknowledged but I thank them and all of you in the Church of Davenport as we walk together in faith and implement these policies. It will take all of us to help prevent abuse and make our Church a safe environment, fostering the love and peace of Christ. Parish communities will be integral in training and facilitating background checks and other protocols for staff and those volunteers who will be in regular contact with children. We all must take reasonable steps together to protect all of God's children.

I ask your cooperation in helping me implement these policies. I am convinced that through our work together the Church we love will ultimately be strengthened.

Sincerely in the Peace and Joy of Christ,
(Most Rev.) Wm E. Franklin,
Bishop of Davenport

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Please do not remove separate sheets from a booklet form of this policy. If you are required to complete a form, please submit separate sheets. You may make copies from this publication or visit www.davenportdiocese.org

Diocese of Davenport

Preamble

The teachings of the Catholic Church are the foundation for all who minister in her name. They provide basic teachings of responsibility and accountability for one's behavior as well as requirements of chastity for all the baptized and adherence to public vows and commitments. These commitments include those taken by priests and unmarried deacons to lead celibate lives. It is important that those in ministry understand appropriate conduct relating to sexuality and personal behavior.

There is a sacred relationship that exists between the Church and her members, whether they are adults or children. This relationship involves respect and trust. In particular, inappropriate use of the Internet, sexual abuse, sexual misconduct, sexual assault and/or sexual exploitation when occurring within the context of the Church, create a tragic reality which misrepresents the Good News to those who have been victimized and indeed to all people. Every instance of sexual misconduct toward those who are the most vulnerable amongst us is a matter of the gravest concern. Knowledge of these instances calls for an organized diocesan response so that healing may occur and the safety of the community is assured.

The Diocese of Davenport upholds the highest ethical standards for its members and personnel and strives to maintain safe environments for its people. Therefore, the Diocese has adopted the following policies regarding conduct relating to sexuality and personal behavior. Acceptance, understanding and acknowledgement of receipt of these policies are required of all persons involved in ministry in the Diocese prior to ordination, assignment, employment or acceptance of regular voluntary services involving interaction with children or vulnerable adults.

Sexual misconduct violates human dignity as well as the moral teaching and mission of the Church. These policies establish appropriate behavior and address in particular, issues of sexual misconduct, including review of the fitness for ministry of any individual within the Diocese. These policies seek to be as fair and responsive as possible to the pastoral needs of those to whom we minister. In particular, they address instances of alleged misconduct and the pastoral needs of the victim, the victim's family, the parish or institution involved, the community and the alleged perpetrator. These policies shall facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations. The primary purposes of these policies and their procedures are the safety of children, protection of the vulnerable, the well being of the community and the integrity of the Church.

1. Personnel

The following policies will apply to all personnel of the Diocese of Davenport to include:

- (a) All incardinated clerics (including all incardinated priests and deacons of the Diocese);

- (b) All religious priests and deacons who have received faculties in the Diocese of Davenport and are working in a Diocesan assignment;
- (c) All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the *Code of Canon Law*;
- (d) All clerics of other dioceses or religious communities who are working for the Diocese;
- (e) All male and female religious working in the Diocese;
- (f) All personnel of Faith Formation programs of the Diocese (schools, religious education, youth ministry and campus ministry);
- (g) All paid personnel in the offices and parishes of the Diocese;
- (h) All volunteers in the offices and institutions mentioned in f and g above who work on a significant scale with vulnerable persons; and
- (i) Such other personnel as designated by the Bishop of Davenport;
- (j) Unless specifically included above, Catholic corporate entities within the Diocese of Davenport that are listed in the *Official Catholic Directory* or the Diocesan Directory that do **NOT** have the Bishop of Davenport as their President are **NOT** covered by these policies. (St. Ambrose University, while following the general outline of these policies, has its own regarding these issues that are particularly appropriate to these concerns in higher education.)

2. Distribution of Policies

These policies are to be distributed to all personnel listed above and to the following:

- 1) All those who seek ordination in the Diocese at the time they are admitted into an ordination formation program and
- 2) All clerics of other jurisdictions who seek assignment or appointment for work in the Diocese.

3. Acknowledgement by Personnel

All personnel are asked to complete a brief questionnaire and sign an annual acknowledgment of receipt that signifies the understanding and acceptances of these policies. To protect members of the Church, waivers allowing background checks are also included for screening of those who would work regularly with certain vulnerable populations.

- Personnel listed in 1a - d and those additional persons noted in 2 above are to forward these to the Vicar General of the Diocese or his designee.

- All Catholic school employees other than principals should return these to their principal; principals should return their forms to the Diocesan schools office; all non-ordained parish personnel not associated with a parish school should return them to the pastor or his designee; all diocesan employees and volunteers should return them to the Director of Human Resources; and any others not referred to in this statement should return them to the Vicar General.

Acknowledgements should be forwarded as follows

Personnel	Recipient
a) Incardinated clerics	Vicar General
b) Religious priests/deacons receiving faculties and working in the diocese	Vicar General
c) Parish life coordinator per Canon 517	Vicar General
d) Clerics of other dioceses or religious orders working for the Diocese	Vicar General
e) All male and female religious working in the Diocese	Vicar General
f) All school employees and volunteers	Principal
g) Principals	Superintendent
h) Non-ordained parish personnel not associated with a parish school	Pastor or parish designee
i) Diocesan employees and volunteers	Director of human resources
j) Anyone not listed above	Vicar General

I. CODE OF CONDUCT RELATING TO SEXUALITY AND PERSONAL BEHAVIOR

The private and public conduct of those priests, deacons, administrators, staff and volunteers in the Catholic Church (i.e. personnel listed earlier) must uphold Christian values and conduct. This Code of Conduct sets standards for such. Those disregarding the Code will be subject to remedial action, which may take various forms - from verbal reproach to removal from ministry- depending on the specific nature and circumstances of the offense and extent of the harm.

A. Conduct for Pastoral Counseling and Spiritual Direction

Anyone involved in any way in pastoral counseling or spiritual direction must respect the rights and advance the welfare of each person.

Those (including all paid staff who work with children) who in any way are engaged in pastoral counseling or spiritual direction (to be broadly interpreted):

- A.1 Shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- A.2 Should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section G.2.2]
- A.3 Should not audiotape or videotape sessions without the written consent of the client.
- A.4 Must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual physical contact as well as forced physical contact, and inappropriate sexual comments.
- A.5 Shall not engage in sexual intimacies with individuals who are close to the client – such as relatives or friends of the client – when there is a risk of exploitation or potential harm to the client. They should presume that the potential for exploitation or harm exists in such intimate relationships.
- A.6 Assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- A.7 Should avoid physical contact of any kind (i.e., touching, hugging, holding) between them and the persons they counsel because it can be misconstrued.
- A.8 Should conduct sessions in appropriate settings at appropriate times.
 - A.8.1 Where possible, avoid conducting sessions in private living quarters.

A.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

A.9 Shall maintain reasonable records as appropriate respecting privacy and confidentiality.

B. Confidentiality

*Information disclosed to a person providing pastoral counseling or spiritual direction during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible. **These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure – even indirect disclosure – of information received through the confessional.***

B.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

B.1.1 If there is clear and imminent danger to the client or to others, they may disclose only the information necessary to protect the parties affected and to prevent harm.

B.1.2 Before disclosure is made, if feasible, they should inform the person being counseled about the disclosure and the potential consequences.

B.2 They should discuss the nature of confidentiality and its limitations with each person in counseling.

B.3 They should keep minimal records of the content of sessions.

B.4 Knowledge that arises from professional contact or communication should not normally be used in teaching, writing, homilies, or other public presentations unless effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

B.5 While counseling a minor, if it is discovered that there is a serious threat to the welfare of the minor, communication of any confidential information to a parent or legal guardian should disclose only the information necessary to protect the health and well-being of the minor.

C. Conduct and Behavior for Ministry to Minors

Because of its extensive ministries to children, the Church perhaps has more involvement with minors than many other organizations. Children have no choice but to be dependent upon adults, particularly those adults in positions of trust and leadership. It is vitally important, therefore, that prudence be exercised by all adults in both ministerial and

social relationships with children. In the case of at-risk children who are extremely vulnerable, adults should be particularly cautious and sensitive. It is expected that those who deal with at-risk youth consult regularly with appropriate supervisors, including the adults' supervisor or any supervisor of the child.

Following is a set of guidelines for all clergy, religious, lay employees and volunteers of the Diocese of Davenport in dealing with minors, defined as anyone under age eighteen.

These guidelines are not meant to be exhaustive but rather to serve as some general principles. At the same time, they are not intended to prevent the performance of ministry but rather to assist in employing good sense in dealing with minors. If it is necessary to depart from these guidelines, adults should be aware of any departure and be able to justify their actions. There are times when one-on-one involvement with minors is unavoidable. In these cases, extreme discretion should be used in relationships with children. Proceed as a reasonable prudent person would in similar circumstances.

1. Avoid physical contact when alone with a minor. In other situations where physical contact is necessary and proper, such as in certain moments in the celebration of the sacraments, use sound discretion and moderation. If a minor initiates physical contact out of affection, an appropriate response is proper if not prolonged.
2. Do not be alone with a minor in a residence, sleeping facilities, a locker room, restroom, a dressing facility or other closed rooms that are less desirable to a ministry relationship.
3. Seek responsible adults to be present at events involving minors, such as games and athletic activities.
4. Groups of minors should rarely be left alone. Youth group trips must have enough adult chaperones to provide adequate supervision based upon the type of activity.
5. Do not take an overnight trip alone with a minor or minors.
6. Inappropriate language (including profanity) or inappropriate conversation topics should not be used. When minors initiate such conversations or use such language in order to seek help or because they lack appropriate vocabulary, you should remain prudent and sensitive.
7. Do not provide alcohol to anyone under the age of 21. (Wine appropriately used in the celebration of the Eucharist is an exception to this directive.)
8. Avoid inviting a child by himself or herself into your house or automobile.
9. Always maintain a professional posture in dealing with minors, avoiding emotional attachment and being aware of the powerful attraction of adults in positions of authority and trust. If one recognizes personal or physical attraction developing,

consult a supervisor or refer the minor to another qualified adult, particularly in counseling situations.

10. If one-on-one pastoral care of a youth should require frequent or regular appointments, parents should be notified that these appointments are occurring. If the subject matter precludes such notification, the minister should consult his or her supervisor.
11. When practical, two adult supervisors should be present for any church activity outside of the classroom situation. Whenever two adults are not present, the adult should refrain from being alone with a minor unless necessary for the nature of the ministry. In those instances a window should be in any closed area/door or the door should be left ajar.
12. Volunteers should be invited to work with minors only after they are known to some degree within the parish or Diocese. For those volunteers new to the area, a six-month time period to get to know that person would be helpful.
13. An adult should never strike or humiliate, ridicule, threaten or degrade children.
14. Drivers on trips must be licensed drivers, 21 years of age or older with insurance. They should complete Driver Information Sheet. (See attached.)

All have an obligation to protect children, particularly when they are in the care of the Church.

- If there is reason to believe another adult is violating these directives, challenge that adult in a forthright manner or report this to a supervisor or the Victim Assistance Coordinator. (See specific policies later.)
- If there is reason to suspect that child abuse has occurred in a diocesan related entity, this matter must be reported to the supervisor or to the Victim Assistance Coordinator of the Diocese and the Diocesan Policy to Prevent and Address Sexual Abuse of Minors be followed, including making reports to the proper authorities as mandatory or permissive reporters. Supervisors receiving such reports must report the matter to the Victim Assistance Coordinator.

D. Sexual Conduct

Personnel must not, for any reason, but especially for sexual gain or intimacy, exploit the trust placed in them by the faith community.

- D.1 All Christ's faithful are called to lead a chaste life in keeping with their particular states of life. For some, this is celibacy.

- D.2 Personnel who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Personnel must behave in a professional manner at all times.
- D.3 No personnel may exploit another person for sexual purposes.
- D.4 Allegations of sexual misconduct should be taken seriously and reported in accordance with the appropriate policy that follows which may include reporting to civil authorities if the situation involves a minor or dependent adult.

Diocesan procedures will be followed to protect the rights of all involved.

- D.5 Personnel should review and know the contents of the child abuse regulations and reporting requirements for the state of Iowa and should follow those mandates. (See www.davenportdiocese.org for links.)

E. Harassment

Personnel must not engage in or tolerate physical, psychological, written, or verbal harassment of anyone. Any personnel subject to the Handbook of Policies for Diocesan Faith Formation Programs must abide by that Handbook also.

- E.1 Personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- E.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including but not limited to the following:
- Physical or mental abuse.
 - Racial insults.
 - Derogatory ethnic slurs.
 - Unwelcome sexual advances or touching.
 - Sexual comments or sexual jokes.
 - Requests for sexual favors used as:
 - a condition of employment, or
 - to affect other personnel (or educational) decisions, such as promotion or compensation, (or grades).
 - Display of offensive materials.
- E.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.
- E.4 Allegations of harassment should be taken seriously and reported immediately in accordance with the appropriate policy.

Diocesan procedures will be followed to protect the rights of all involved.

F. Parish, Religious Community/Institute, and Organizational Records and Information

Confidentiality will be maintained in creating, storing, accessing, transferring and disposing of parish, religious community/institute, or organizational records.

- F.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.
- F.2 Most sacramental records older than 70 years are open to the public.
 - F.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.
 - F.2.2 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.
- F.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by the diocese or an appropriate government agency. Contact the Chief Financial Officer or Chancellor of the Diocese upon receipt of any request for release of financial records.
- F.4 Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

G. Conflicts of Interest

*Personnel should avoid situations that might present a conflict of interest. **Even the appearance of a conflict of interest can call integrity and professional conduct into question.***

- G.1 Personnel should disclose all relevant factors that potentially could create a conflict of interest.
- G.2 Personnel should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
 - G.2.1 No personnel should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
 - G.2.2 Generally counseling services should not be provided to anyone with whom one has a business, professional, or social relationship. When this is unavoidable, and it may well be in church-related situations, the client

must be protected. The counselor must establish and maintain clear, appropriate boundaries.

G.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, it would be advisable to :

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,
- Take appropriate actions to eliminate the conflict, and
- Obtain from all parties consent to continue services, preferably in writing.

G.3 Conflicts of interest may also arise when independent judgment of a person providing pastoral counseling or spiritual direction is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

In these circumstances, the person providing such services shall advise the parties that he or she can no longer provide services and refer them to another for pastoral counseling or spiritual direction.

H. Administration

Employers and supervisors shall treat personnel justly in the day-to-day administrative operations of their ministries.

H.1 Employment-related and other administrative decisions made by personnel shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code*.

H.2 No personnel shall use his or her position to exercise unreasonable or inappropriate power and authority.

H.3 Prudent fiscal management as well as diocesan policies regarding Internal Controls, Accounting Guidelines and civil and canon law should be observed.

I. Personnel Well-Being

Personnel have the duty to be responsible for their own spiritual, physical, mental and emotional health.

I.1 Personnel should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.

- I.2 Personnel should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- I.3 Personnel must address their own spiritual needs. Support from a spiritual director is highly recommended.
- I.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

II. POLICY TO PREVENT AND ADDRESS SEXUAL ABUSE OF MINORS

1.0 Policy

It is the policy of the Diocese of Davenport that sexual abuse of minors by personnel of the Diocese of Davenport while performing the work of the Diocese of Davenport is contrary to Christian principles and is clearly outside the scope of the duties, responsibilities and employment of all personnel of the Diocese of Davenport. Sexual abuse of minors is not to be tolerated and is grounds for immediate termination of employment/assignment and may necessitate canonical proceedings regarding continued ministry by clergy. All personnel of the Diocese of Davenport must comply with (1) this policy and (2) all applicable federal and state law pertaining to actual or suspected sexual abuse of minors.

2.0 Definitions

For purposes of this policy only:

2.1 “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. 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. (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6*) A canonical offense against the sixth commandment of the Decalogue 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” (CIC, c. 1321 Sec. 3; CCEO c. 1414 Sec. 2) (Cf. CIC canons 1322-27 and CCEO canons 1413, 1415 and 1416). (This definition is taken from the *Charter* and should be understood in the context of the Church’s moral teaching on sexual matters.) Sexual abuse will include definitions applicable under the laws of the State of Iowa. (See www.davenportdiocese.org.)

2.2 “Minor” means all children under the age of 18 unless otherwise defined.

3.0 Diocesan Personnel to Assist in Addressing Abuse of Minors

3.1 The Diocese of Davenport shall have a Victim Assistance Coordinator to receive allegations and reach out to alleged victims with provision of counseling, spiritual assistance, support groups or other services. The Victim Assistance Coordinator will listen with compassion and concern, facilitate any additional meetings between the Bishop or another designee and the alleged victim, provide for publication of the policies and procedures regarding allegations and facilitate the preliminary investigation.

3.2 The Diocese of Davenport will have a Review Board functioning as a confidential consultative body for the Bishop. The majority of its members will be lay persons not in the employ of the diocese. There will be at least five members of outstanding integrity and good judgment who are in full communion with the Church. At least one member should be a priest who is an experienced and respected pastor of the Diocese and at least one member should have expertise in the treatment of sexual abuse of minors. A Promoter of Justice should either be on the board or participate in the meetings. Members serve for five-year renewable terms. The functions of this board may include:

- advising the bishop in assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry,
- reviewing policies and procedures dealing with sexual abuse of minors and
- offering advice on all aspects of responses required in connection with these cases.

4.0 Safe Environment Program and Educational Efforts

The Diocese will provide a safe environment program that includes education or training regarding sexual abuse of minors in general and this policy in particular. The program will include educational programs concerning sexual abuse such as methods of recognizing and preventing sexual abuse of minors for personnel defined by this policy as well as children and parents. Some personnel of the Diocese of Davenport, such as principals, licensed school employees, counselors, etc., are governed by additional special training requirements (e.g., mandatory reporting laws).

5.0 References and Criminal Background Checks

5.1 References and criminal background checks will be required for all personnel defined above who are regularly in contact with children as well as for anyone who will be chaperoning minors overnight. A criminal background check should at the least include a reasonable check for felony and misdemeanor sexual offenses and a check of the sex offender list(s) and should be conducted only after written consent by the subject of the criminal background check. This may require checking different states if this person has not been in Iowa for a long time (e.g., 5-7 years). The results should be kept confidential. The offices of the Diocese of Davenport may act as clearinghouse for and repository of this information to maintain confidentiality and

facilitate clearances of individuals who may move within the Diocese of Davenport. Checks may be coordinated by contacting the Victim Assistance Coordinator, Director of Human Resources, Director of Faith Formation/Superintendent of Schools or Coordinator of Youth Ministry. Parishes, schools and other entities would pay for criminal background checks, as well as request the criminal background check (e.g. through the diocesan contacts) and check personal and professional references of their personnel.

- 5.2 An informational questionnaire and acknowledgment of receipt and acceptance of these and related policies with a consent for conducting a criminal background check are to be completed by all the personnel listed in the Preamble unless an alternative form is specified by state law or the entity conducting the background check.

Completed questionnaires and acknowledgments and waivers by personnel shall be filed as outlined in the Preamble of these policies.

- 5.3 More extensive criminal background checks than the minimum and any further investigations (e.g. credit checks), when necessary, will be coordinated by the head of the office, parish or institution responsible for hiring and may be coordinated through the offices of the Diocese of Davenport by contacting the Victim Assistance Coordinator, Director of Human Resources, Director of Faith Formation/Superintendent of Schools or Coordinator of Youth Ministry.

- 5.4 All applicants for ordination in the Diocese of Davenport and certain professional personnel as determined by the Bishop shall have a criminal background check prior to beginning a formal relationship with the Diocese.

- 5.5 Failure to disclose information or failure to complete the appropriate questionnaire regarding previous allegations of sexual abuse or other misconduct may be grounds for immediate termination of ministry.

- 5.6 With regard to personnel listed in Preamble 1b, 1d and 1e, an agreement will be reached with their respective religious order/diocese to inform the Diocese of Davenport of any allegations of physical or sexual abuse, or other misconduct by such individuals of which the religious order/diocese is or may become aware. The Diocese of Davenport will inform the superior/bishop of such personnel of any credible allegation of sexual misconduct.

- 5.7 Priests and deacons will not be transferred to another diocese for ministerial work if they have committed an act of sexual abuse of a minor. No priest or deacon will be transferred to another diocese for residence or be received into the Diocese of Davenport until disclosures are made in a confidential manner between bishops/eparchs or religious ordinaries regarding any credible allegations of sexual abuse of a minor by the priest or deacon being transferred.

6.0 Allegations of Sexual Abuse - Reporting and Investigation

6.1 Reports

Diocesan personnel will comply with the current state and federal reporting requirements. As a reference at the time of this revision, Iowa Code Section 232.69 defines mandatory reporters. Iowa Code Section 232.70 requires mandatory reporters to file a report with the Department of Human Services if they reasonably believe a child has suffered abuse. Iowa Code 232.70 requires those who are mandatory reporters to make an oral report within 24 hours to the Department of Human Services to be followed by a written report within 48 hours if they reasonably believe a child has suffered abuse. (See www.davenportdiocese.org for some helpful links.)

6.1a Any personnel of the Diocese governed by this policy who know, or have reason to know, of an incident of sexual abuse shall comply with applicable reporting and other requirements of the state and local laws (unless to do so would violate priest/penitent relationship of the Sacrament of Reconciliation) and shall also make a report of the incident to the Victim Assistance Coordinator. Unless otherwise determined, if the allegation involves Catholic schools, the principal should also be notified who shall complete the prescribed Level I Investigation.

The Victim Assistance Coordinator may be reached by:

Effective January 31, 2004
New Victim Assistance Coordinator:
Thomas Crowley
PO Box 232
Bettendorf IA 52722-0004
Phone: 563-349-5002 vacdav@attglobal.net

6.1b The Victim Assistance Coordinator will listen to the complainant's allegations and take notes. Alleged victims have the right to make any report to civil authorities also.

The alleged perpetrator will be removed from any possible contact with children, pending the resolution of the charges and the outcome of the investigation. Such action will not imply guilt or innocence.

6.1c When accusations of sexual abuse of a minor are made against personnel of the Diocese, contact by the Victim Assistance Coordinator or designated Diocesan staff with the alleged victim and family should, if appropriate, be promptly initiated. Contact should be made for the purpose of offering whatever concern or solace may be needed with no comment or implication as to the truth of any accusation. Medical, psychological and spiritual assistance may be offered in the spirit of Christian justice and charity.

6.2 Investigation of Reported Allegations

Each reported allegation will be investigated as soon as reasonably possible. Care will be taken not to interfere with any criminal investigation. The investigation will be with a high level of Christian care, concern and as much confidentiality as practical for the alleged victim, the family of the alleged victim, the person reporting the incident and the accused. The Victim Assistance Coordinator or investigator(s) designated by the Bishop shall complete a preliminary investigation of each reported incident in accordance with Canon Law, and this shall be done as soon as reasonably possible. Those conducting the preliminary investigation may consult with and seek the advice of the Diocesan attorney, as deemed appropriate.

The alleged perpetrator shall not contact the alleged victim after the initial charges have been made.

- 6.2a All appropriate steps shall be taken to protect the reputation of the accused during the investigation. He/She may be represented by legal counsel of his/her own choosing. The Diocesan legal counsel shall not act as counsel for the accused.
- 6.2b In the case of a cleric or ecclesiastical office holder, the accused may also seek canonical counsel. If the clergy cannot afford canonical counsel, the Diocese may provide for one. In any legal proceedings the accused is responsible for obtaining legal counsel. In any case, any legal expense where an allegation is found to be proven is the responsibility of the accused.
- 6.2c The accused should be advised of the provision of Section 6.2a and b and should be informed of his/her rights and that anything said may be used against the accused in a criminal proceeding or in a civil lawsuit. The accused should be presented with specifics of the allegations. The accused should be given an opportunity to ask any clarifying questions and should then be asked to respond to the allegations after consultation with his/her counsel. The investigator has the right to review the accused's personnel file. The investigative process may include an evaluation conducted by a professional counselor or therapist.
- 6.2d The investigator will ordinarily meet with and interview the complainant and persons identified as witnesses or persons likely to possess information relevant to the investigation as the investigator thinks necessary for purposes of the investigation. The investigator will assure any complainant of the Church's pastoral concern in these situations and will give the complainant a complete and caring hearing. While respecting the complainant's rights, the investigator will inform the complainant of the necessity of the complainant's willingness to be identified if the process is to move forward in a way that will stop abuse and to be able to prove the abuse occurred.

- 6.2e Upon completion of the investigation, a report will be provided to the Bishop outlining the findings of the investigation. The Bishop may request confidential consultation with the Review Board.
- 6.2f If the alleged claim is substantiated, or if it appears it can be substantiated:
- the alleged perpetrator, in accordance with canonical and other considerations, will be placed on administrative leave pending the outcome of the internal and any outside investigation. Such leave will be with or without pay or benefits as the Bishop or his designee may decide.
 - the bishop will notify the Congregation of the Doctrine of Faith if the alleged perpetrator is a priest or deacon.
- 6.2g If the alleged claim is proven unfounded, every step possible should be taken to restore the good name of the alleged perpetrator.
- 6.2h Appropriate records of each incident reported and of the investigation and the results thereof will be kept as directed by the Diocesan Attorneys.
- 6.2i Any media inquiries regarding allegations of sexual misconduct by Church personnel or volunteers should be directed to Diocese of Davenport Communication Office at the Pastoral Center. In keeping with the above-stated policies, the Diocese is committed to dealing with alleged incidents of child abuse and/or other forms of sexual misconduct in a responsible manner. In light of the permanent harm to all involved that can result from such allegations, even if they ultimately prove to be unfounded, the Diocese respects the strict confidentiality and privacy of all persons who are involved in such incidents.

6.3 Action Where A Violation is Determined

- 6.3a Any non-cleric of the Diocese who admits to, does not contest, or is found to have violated this policy following an investigation shall be immediately terminated from employment and any position of responsibility with the Diocese.
- 6.3b Any priest, deacon, ecclesiastical officeholder, non-incardinated priests or deacons and religious personnel in similar circumstances will be placed on administrative leave from ministry. The response from the Congregation for the Doctrine of the Faith (CDF) on the preliminary investigation should advise the diocese on how to proceed.

The Review Board may provide confidential consultation with the Bishop regarding fitness for ministry and recommendations for dismissal from the clerical state for priests and deacons. Diagnosis, evaluation, treatment and successful after-care may be considered.

- 6.3c When even a single act of sexual abuse of a minor by a priest or deacon is admitted or established after an appropriate process in accord with canon law, 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; CCEO c.1453 §1) This may involve the Bishop using his 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 ministry.
- (i) In every case involving canonical penalties, the processes provided for in canon law must be observed and the various provisions of canon law must be considered.
- The accused is encouraged to retain civil and canonical counsel. When necessary, the diocese will supply canonical counsel to a priest or deacon.
 - Unless the CDF having been notified, calls the case to itself because of special circumstances, it will direct the Bishop how to proceed.
 - If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop shall apply to the CDF for a dispensation while indicating the pastoral reasons.
- (ii) 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.
- 6.3d At all times, the diocesan Bishop 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 ministry. For the sake of the common good and observing the provisions of canon law, the diocesan Bishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.
- 6.3e A priest or deacon may request dispensation from the obligation of holy orders and loss of the clerical state. In exceptional cases, the Bishop 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.

6.4 Diagnosis and Treatment for Clergy

- 6.4a The alleged offender 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 Diocese and the accused. If a cleric is so encouraged, the evaluation may be at the expense of the Diocese. The cleric shall provide the Bishop or his designee with an authorization for the release of diagnostic information to carry out the purposes of this policy. This release is intended to be limited to the purposes of this diocesan policy and not to constitute a waiver of any statutory privilege of confidentiality.
- 6.4b A cleric of the Diocese of Davenport may be required to undergo treatment if he wishes to be considered for future service in the Diocese. Cost of such treatment and release of information from the treatment center will be negotiated between the cleric and the Bishop.
- 6.4c When a cleric of the Diocese of Davenport has completed treatment, the Bishop should receive a written evaluation from those who were responsible for his treatment. The cleric may be required to execute any appropriate release of information forms and take part in an appropriate, supervised after-care program approved by the Bishop.

7.0 Civil Settlements

While offers of counseling and other services may be provided as an act of charity with no implications regarding a finding of abuse, there may also be settlements reached with alleged victims which also may not have any implication regarding whether or not there was abuse. These should not be confidential unless done for grave and substantial reasons brought forward by the alleged victim and noted in the text of the agreement.

8.0 Confidentiality

All information related to an incident in which a complaint is made of sexual abuse of a minor must be assembled and retained in a written form in as confidential a manner as possible, allowing for a fair investigation. Such information should be safeguarded from unauthorized disclosure.

9.0 Acts of Retaliation

The Diocese of Davenport will not tolerate retaliatory acts of any nature against persons who in good faith make reports and provide information implementing these policies.

10.0 Pastoral Responses

- 10.1 Pastoral care for alleged victims (regardless of substantiation of any sexual abuse) by the Victim Assistance Coordinator or other agent of the Diocese may include concrete and direct offers of assistance. For example, financial aid may be provided for counseling.
- 10.2 Appropriate and sensitive responses should be extended to the suffering parish community. (See attached Communication Policy and Response to Those Impacted by the Pain of Sexual Misconduct.)
- 10.3 While recognizing the limitations of psychological screening, the Diocese of Davenport remains committed to an intensive and extensive screening of all candidates for the priesthood and diaconate.
- 10.4 The Diocese has certain expectations of the behavior of its personnel, including volunteers, regarding their conduct so as to assure the safety of all and to prevent misunderstanding or inappropriate action however well-intentioned. In particular, the Diocese has adopted the Code of Conduct Relating to Sexuality and Personal Behavior which specifically addresses conduct and appropriate behavior in ministering to minors.

Policy issued at Pastoral Center of the Diocese of Davenport—effective July 3, 1998.
Revised July 1, 2001
Revised June 1, 2003

Most Reverend William E. Franklin
Bishop of Davenport

III. POLICY TO PREVENT AND ADDRESS PHYSICAL ABUSE OF MINORS AND PHYSICAL OR DEPENDENT ADULT ABUSE

1.0 Policy

It is the policy of the Diocese of Davenport that physical abuse of minors and physical or sexual abuse of dependent adults by personnel of the Diocese of Davenport while performing the work of the Diocese of Davenport is contrary to Christian principles and is clearly outside the scope of the duties, responsibilities and employment of all personnel of the Diocese of Davenport. It is not to be tolerated and is grounds for discipline including immediate termination of employment/assignment. All personnel of the Diocese of Davenport must comply with (1) this policy and (2) all applicable federal and state law pertaining to such abuse.

2.0 Definitions

2.1 A minor is anyone under age 18 unless otherwise defined.

2.2 A dependent adult is a person 18 years or older who is unable to protect his or her own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another.

3.0 Reporting

Reports required by law must be made in accordance with that law. Reports should also be made to the supervisor of the alleged perpetrator, Victim Assistance Coordinator or in accordance with other applicable policies of the entity involved. (See www.davenportdiocese.org for helpful links.)

IV. POLICY TO PREVENT AND ADDRESS ADULT SEXUAL MISCONDUCT

1.0 Policy

It is the policy of the Diocese of Davenport that sexual misconduct by personnel of the Diocese of Davenport while performing the work of the Diocese of Davenport is contrary to Christian principles and is clearly outside the scope of the duties, responsibilities and employment of all personnel of the Diocese of Davenport. Sexual misconduct is not to be tolerated and is grounds for immediate termination of employment. All personnel of the Diocese of Davenport must comply with (1) this policy and (2) all applicable federal and state law pertaining to actual or suspected sexual misconduct.

2.0 Definitions

For purposes of this policy only:

- 2.1 “Sexual Misconduct” means any sexual conduct which is unlawful as described by federal law, the laws of the State of Iowa or these policies or is contrary to the moral instructions, doctrines and Canon Law of the Catholic Church and causes injury to another. (See www.davenportdiocese.org for helpful links.)
- 2.2 Sexual Misconduct regarding adult victims is prohibited by this policy. Included as a broad reference at the time of the latest revision, three of the primary areas of prohibited conduct with adults are sexual abuse, sexual exploitation and sexual harassment, and generally can be described as follows:
- 2.3 Sexual abuse of an adult is a sex act done by force, coercion, manipulation, or against the will of the other. (See earlier policies regarding minors or dependent adults.)
- 2.4 Sexual exploitation is any kind of sexual conduct, whether verbal or non-verbal, between counselor and client or in any other relationship which involves an imbalance of authority between the parties as further defined by Iowa law.
- 2.5 Sexual harassment is defined by state and federal law and includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:
 - 1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education or housing;
 - 2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment, public accommodations or public services, education or housing; or
 - 3) That conduct or communication has the purpose or effect of substantially

interfering with an individual's employment, public accommodations or public services, education or housing, or of creating an intimidating, hostile, or offensive employment or housing environment.

3.0 Education

The Diocese will provide programs which include knowledge or training regarding this policy. Some personnel of the Diocese of Davenport, such as principals, licensed school employees, counselors, etc., are governed by special training requirements (e.g., mandatory reporting laws). All personnel and regular volunteers must attend designated educational programs concerning sexual misconduct issues.

4.0 Reporting and Investigation

4.1 Diocesan personnel will comply with any current state and federal reporting requirements at all times.

Otherwise, reports may be made to the Victim Assistance Coordinator or his or her designee. (See chart in Preamble for guidance.) If the accusation is made against a designee the report shall be made to the Victim Assistance Coordinator or Vicar General.

4.2 Reasonable care will be taken to separate the complainant and alleged perpetrator until the investigation is completed. Such action will not imply guilt or innocence.

4.3 Contact by the appropriate Diocesan staff with the alleged victim should, if appropriate, be promptly initiated. Outreach shall be given as warranted with no comment or implication as to the truth of any accusation. Medical, psychological and spiritual assistance may be offered in the spirit of Christian justice and charity.

5.0 Investigation of Reported Incidents

5.1 Each reported incident will be investigated as soon as reasonably possible. Care will be taken not to interfere with any criminal investigation. The investigation will be conducted with a high level of Christian care, concern and as much confidentiality as practical for the alleged victim, the family of the alleged victim, the person reporting the incident and the accused. The Bishop or his designated investigator shall investigate each reported incident, and this shall be done as soon as reasonably possible. Those conducting the investigation may consult with and seek the advice of the Diocesan attorneys, as deemed appropriate.

5.2 In the Diocesan investigation, the accused may be represented by counsel of his or her own choosing. In the case of a cleric or ecclesiastical office holder, he or she may wish to have a canon lawyer as well. In any criminal proceedings the accused is responsible for obtaining his or her own legal counsel. In any case, any legal expense where an allegation is found to be proven is the responsibility of the accused. The Diocese will not necessarily assume legal fees. The Diocesan legal counsel shall not

act as counsel for the accused. The accused shall not make further contact with the alleged victim after the initial charges have been made.

- 5.3 For accusations against all personnel, the accused should be interviewed by the Bishop or his designated investigator. The accused should be advised of the provision of Section 5.2 and should be informed of his/her rights and that anything said may be used against the accused in a criminal proceeding or in a civil lawsuit. The accused should be presented with the specific allegations. The accused should be given an opportunity to ask any clarifying questions and should then be asked to respond to the allegations after consultation with his/her counsel. The investigator has the right to review the accused's personnel file. The investigative process may include an evaluation conducted by a professional counselor or therapist.
- 5.4 The investigator will ordinarily meet with and interview the complainant and persons identified as witnesses or persons likely to possess information relevant to the investigation as the investigator thinks necessary for purposes of the investigation. The investigator will assure any complainant of the Church's pastoral concern in these situations and will give the complainant a complete and caring hearing. While respecting the complainant's rights, the investigator will inform the complainant of the necessity of the complainant's willingness to be identified if the process is to move forward in a way that will stop misconduct and to be able to prove it occurred.
- 5.5 Upon completion of the investigation, if done by his designee, a report will be provided to the Bishop outlining the findings of the investigation.
- 5.6 If the alleged claim is substantiated, or if it appears it can be substantiated, the alleged perpetrator, in accordance with canonical and other considerations, will be placed on administrative leave pending the outcome of the internal and any outside investigation. Such leave will be with or without pay or benefits as the Bishop or his designee may decide.
- 5.7 Appropriate records of each incident reported and of the investigation and the results thereof will be kept by the Bishop or his designee as directed by the Diocesan Attorneys.
- 5.8 Notification of the incident shall be given to the Director of Human Resources of the Diocese as soon as possible.
- 5.9 Any media inquiries regarding allegations of sexual misconduct by Church personnel or volunteers should be directed to Diocese of Davenport Communication Office at the Pastoral Center. In keeping with the above-stated policies, the Diocese is committed to dealing with alleged incidents of sexual misconduct in a responsible manner. At the same time, in light of the permanent harm that can result from such allegations, even if they ultimately prove to be unfounded, the Diocese respects the strict confidentiality and privacy of all persons who are involved in such incidents. (*See Communication Policy and Response to Those Impacted by the Pain of Sexual Misconduct.*)

6.0 Action Where A Violation is Determined

Any non-cleric of the Diocese who admits to, does not contest, or is found to have violated this sexual misconduct policy following an investigation under this policy shall be disciplined which may include immediate termination from employment and any position of responsibility with the Diocese. Any priest or deacon of the Diocese, ecclesiastical officeholder, non-incardinated priest or deacon and religious personnel in similar circumstances will be placed on administrative leave from ministry. Only following diagnosis, evaluation, treatment and successful after-care may an individual priest or deacon of the Diocese of Davenport be considered for reassignment with the Diocese and then only under such conditions and limitations as deemed appropriate by the Diocese. Further penal sanctions including, but not limited to, dismissal from the clerical state may be considered.

- 6.1 The alleged offender 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 Diocese and accused. For a cleric, such evaluation, if required, may be at the expense of the Diocese. The cleric shall provide the Bishop or his designee with an authorization for the release of diagnostic information to carry out the purposes of this policy. This release is intended to be limited to the purposes of this diocesan policy and not to constitute a waiver of any statutory privilege of confidentiality.
- 6.2 A cleric of the Diocese of Davenport may be required to undergo treatment if he wishes to be considered for future service in the Diocese. Cost of such treatment and release of information from the treatment center will be negotiated between the cleric and the Bishop.
- 6.3 When a cleric of the Diocese of Davenport has completed treatment, the Bishop should receive a written evaluation from those who were responsible for his treatment. The cleric may be required to execute any appropriate release of information forms and take part in an appropriate, supervised after-care program approved by the Bishop.
- 6.4 Following diagnostic evaluation, treatment and successful after-care, the individual priest or deacon may, unless professional advice indicates otherwise, be eligible for consideration of a contractual assignment with such limitations (e.g., excluding ministry to minors or others at risk) as are deemed appropriate after consultation with diagnostic and treatment professionals. He will be expected to participate in a regular program of support and will report to a supervisor assigned by the Bishop.

V. INTERNET SAFETY POLICY

The Diocese of Davenport recognizes and promotes the increasing availability of Internet access in schools and parishes throughout the diocese. The Internet is an electronic highway connecting thousands of computers all over the world with access to electronic mail, public domain software, discussion groups, libraries of information, and other forms of direct electronic communication.

Along with the inherent freedom of the Internet comes the possibility of accessing material that is not consistent with the Catholic faith. Although precautions should be taken to restrict access to controversial materials, such access may still be possible.

To safeguard the Internet and its users the Diocese requires that the following regulations be enforced by the system administrators of each Internet access site in the Diocese:

Transmission or intended reception of any material in violation of any national, state or local regulation is prohibited. This includes, but is not limited to: copyrighted material (without appropriate permission), threatening or obscene material or material protected by trade secret. Use for commercial activities, product advertisement, or partisan political lobbying is prohibited. Intended transmission or reception of materials that would tend to violate the moral teaching of the Catholic Church or be scandalous to the Church is also prohibited.

Any network or computer may be monitored for improper use, network diagnosis and virus detection.

The Diocese requires the use of filtering software or services on all school computers with access to the Internet. This particular filtering and monitoring may also be done on all other computers without previous notice.

When minors are using the Internet, access to visual depictions must be blocked or filtered if they are (a) obscene, as that term is defined in section 1460 of title 18, United States Code; (b) child pornography, as that term is defined in section 2256 of title 18, United States Code; or (c) harmful to minors. Staff may not disable the filters when minors are using them, even with parental or teacher permission and supervision. Appropriate staff may disable filters only for adults who are using filtered computers for bona fide research purposes. Minors' use of the Internet should be monitored.

Appropriate language shall be used while respecting the rights of others.

In general, personal addresses and personal phone numbers should not be made public over the Internet without special permission. Personal addresses and phone numbers of minors should never be given out over the Internet. Illegal activities may be reported to law enforcement.

Internet information is not guaranteed to be confidential. The dissemination of credit card information is prohibited unless a secure system of encryption is available.

Attempts to disrupt the use of the network by destroying data of another user or of the network is prohibited. Attempts to use system administrator access rights or another user's account without written permission is prohibited. Any user identified as a security risk may be denied access to the network.

All computers should continuously run anti-virus software while in operation. Any information downloaded from the Internet should be scanned for viruses before use.

The Diocese of Davenport makes no warranties of any kind, whether expressed or implied, for Internet service including loss of data, delays, non-deliveries, miss-deliveries or service interruptions. Use of any information obtained is at the operator's risk. It is up to the user to verify or validate all of the information obtained.

**Diocese of Davenport
Internet Safety Policy**

I understand and will abide by the above Internet Safety Policy. I further understand that any violation of the policy is unethical and may constitute a criminal offense that may result in the revocation of privileges, disciplinary action and/or legal action.

User's Full Name: _____

Signature: _____ Date: ____/____/____

If the user is under age 18, a parent or guardian must also sign below:

Parent or Guardian: I understand the Internet Safety Policy and hereby give permission to issue an account for my child and certify that the information given on this form is correct.

Name: _____

Signature: _____ Date: ____/____/____

Complete separate sheet as at end of document (IX) for submission.

A copy of this signed agreement should be kept by the local computer system administrator.

VI. COMMUNICATION POLICY AND RESPONSE TO THOSE IMPACTED BY THE PAIN OF SEXUAL MISCONDUCT

When members of the clergy or other ministers or volunteers engage in sexual misconduct, many people may be harmed or affected. This is true not only of those directly involved in the misconduct, but also of the members of the parishes or other Catholic entities where the minister currently serves or served in the past. Outlined below are the key elements of the response that the Diocese may take to help heal this pain. These responses are guided by three key principles.

First, the Diocese of Davenport acknowledges the complex process of grieving. When people first learn that a respected leader has been accused, there is often a reluctance to believe that the report could be true. This denial is a reflection of our American belief that an accused person is innocent until proven guilty. However, the same denial also can create a burden on those who, often after a long struggle, have found the ability to bring forth important information. Denial is usually followed by the other well-known steps in grieving a loss, including depression and significant anger against the accused, the accuser(s), the Diocese and the whole Catholic Church. Only after time passes and the appropriate steps are taken can the Church truly move on in the accomplishment of its mission.

Second, the Diocese of Davenport also acknowledges that one of the most important elements in healing is that the parish receives information about what happened. Information helps dispel the atmosphere of distrust that is fed by rumor, by the sudden departure of a “minister” assigned to or employed by the parish, and the feeling that a “cover-up” is being imposed. Information also assists other victims to come forward, if there are any, and assures that the appropriate steps are taken so that the Church can truly move ahead.

While committed to disclosure where possible, it is acknowledged that significant limitations on communication may exist. These limitations can include the concern of victims and their families for privacy as well as the need to protect the rights of the accused, especially when lawsuits or criminal action may be threatened. The fact that investigations often yield confusing, contradictory or unsubstantiated conclusions, especially in their early stages, further limits disclosure.

Third and finally, the Diocese of Davenport acknowledges that healing is a multidisciplinary challenge. Experience has taught us that neither Diocesan officials nor a pastor alone can respond to all the concerns and problems that arise in the aftermath of an incident or accusation of sexual misconduct in a parish setting. As a result, we may involve others such as teachers, therapists, lawyers and communication experts in a team approach to specific parishes. The Review Board may provide some of this expertise.

1.0 Communications to the People of the Diocese

Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. Matters under litigation, unsubstantiated allegations, and information that an adult victim has asked the Diocese to keep private, are examples of circumstances necessitating confidentiality. Information that is received by the Diocese that indicates a case of sexual abuse that involves a minor or a dependent adult will be referred to the local authorities, pursuant to Iowa law.

2.0 Communication of Policies with the People of the Diocese

The Diocese will promulgate its relevant policies to all members of the community through dissemination to its parishes, the diocesan newspaper, *The Catholic Messenger*, and through the diocesan web-site, www.davenportdiocese.org. References will also be available there.

3.0 Response in the Current Ministry of the Accused

When a report of ministry-related sexual misconduct is received, Diocesan officials follow the policies regarding whether the accused can remain in his or her current position or assignment while the investigation progresses. If the accused remains, restrictions may or may not be imposed on his or her “ministry.” Whether the accused remains or leaves, there are issues of communication to be faced.

3.1 When the Accused is Removed

Credible accusations may result in the removal of the accused from ministry. These steps follow:

- (a) If the accused is the pastor, the Bishop will appoint a temporary administrator in his place. (The administrator is informed of the accusation and of the follow-up steps.) If the accused is someone other than the pastor, it is the pastor who will decide if someone needs to be appointed to act in the accused person’s capacity on a temporary basis. In non-parish entities, the administrator will consult with the Bishop.
- (b) Key parish or other personnel will be informed as soon as possible. Depending on the organization of the particular entity, they may include the lay trustees, the professional staff and the president of the parish council.
- (c) The pastor or administrator, after consulting with the Diocesan staff and with the parish leadership, will announce the absence of the accused. This announcement can happen in several ways, including pulpit announcements, bulletin notices or a mailing. Because the early stages of an investigation can be complex, the first

announcement sometimes will include little information and may indicate only a temporary absence. It also includes, however, an indication that more information will be provided, as it becomes available.

- (d) The investigation of the matter will proceed as quickly as possible and follow the applicable Diocesan policy. The investigation will first attempt to determine the reliability of the accusation and its implication for the ministry of the accused. As soon as possible, a more comprehensive report about the reason for the absence of the accused will be given. This will include the resignation, vindication of the accused or of any other result. Along with this announcement, there may be a parish/staff meeting within the following few days.
- (e) The meeting is a key step in the process of healing. It allows for a more complete discussion of the complaint, its investigation and its implications for the entity. The meeting should include the participation of some or all of the following: a Diocesan official (the Bishop or his designee), pastor or temporary administrator, Review Board member, a facilitator, a therapist, an attorney and a communication expert. Because it is a pastoral gathering, non-members of the parish or other entity are generally excluded.
- (f) Following this meeting, a team will be formed to assess the immediate results of the meeting and other issues of healing that may arise in the parish. The team includes the pastor or temporary administrator, some or all of the professional staff, the trustees and the parish council or board president. An outside expert may meet with the team. The team sets its own mode of operating. It should meet with the Bishop or his designee at least quarterly for the first year following the parish meeting. The Review Board may help comprise this team.
- (g) In consultation with the Bishop or his designee, the team arranges for whatever healing measures are needed in the parish. These may include further general meetings, a small group process of reflection, a reconciliation service and a request for communication from the accused.

3.2 When the Accused Remains in Assignment

- (a) Key personnel (as above) are informed of the accusation, of the process of investigation and of the restrictions that are in place. They are asked to report inappropriate behavior or violations of ministerial restrictions to a designated person.
- (b) The investigation will progress as outlined in the applicable policy. Respect for the confidential nature of any investigation will be honored to the extent possible.

3.3 Response in Former Assignments of the Accused

Two reasons may cause the Diocese to inform members of former parishes or other entities of a “minister” that he or she has been accused of sexual misconduct. The first and more pressing reason is so persons who may have been victims of misconduct in those other settings will know that they may come forward for assistance. The second is to encourage healing of the hurt and betrayal that can result from knowledge of the accusations. Diocesan officials will assess the applicability of each of these reasons to each former parish or entity. Generally speaking, the current pastor or administrator will be consulted in making this determination. If disclosure is called for, then the following steps will be taken:

- (a) Key personnel will be informed of the accusation, the follow-up steps that are planned, and the potential impact of the news on their own parish or other entity. They will work with a Diocesan official to plan together for the best way to inform the people at large, or at least subgroups that may be affected by the news.
- (b) The pastor or administrator, after consulting with Diocesan officials and the parish leadership, will announce the accusation against their former “minister.” The announcement of disclosure also indicates that some process for immediate follow-up has been put in place. This is generally a meeting of the parish or other group impacted, but other options may be used.
- (c) Key personnel will form a team to assess the ongoing impact of the disclosure in the parish/entity. The team should meet at least once with the Bishop or his designee about three to six weeks after the initial disclosure. More meetings can be scheduled if needed.

3.4 Concern for the People of the Diocese

A primary concern of the Diocese of Davenport is the pastoral care of all people who are affected by sexual misconduct and ways to prevent others from being victimized. The Diocese will continue to promote the work of the Diocesan Victim Assistance Coordinator, the Safe Environment Program and other resources available to victims through notices in the diocesan newspaper, the diocesan website and electronic mail.

3.5 Spokesperson for the Diocese

The spokesperson for the Diocese on matters concerning sexual abuse and misconduct is the Associate Director of Communication.

3.6 Media Interviews

All communication from the Diocese to the public through the media will be approved by the Chancellor or Associate Director of Communication in consultation with the Bishop. Diocesan responses to inquiries from the media will be as responsive as possible. Requests from the media for interviews on these issues shall be made through the Diocesan Spokesperson who for these matters will be the

Associate Director of Communication. No interviews will be given without scheduled appointments.

3.7 Diocesan Relationship to the Media

It is relevant to the Diocese's overall relationship with the media to develop contacts with the media at all levels. If a member of the media does not comply with his or her own standards of professional conduct at any level, this should be pointed out by contacting the media with supporting evidence.

Parish / Entity _____ Volunteer Employee Clergy

VII. ACKNOWLEDGEMENT AND CONSENT FORM

I hereby acknowledge that I received a copy of the Policies Relating to Sexuality and Personal Behavior of the Diocese of Davenport, have read the Policies, understand their meaning, and agree to conduct myself in accordance with them. Those Policies call for background checks (investigative consumer reports), as deemed appropriate, for some serving as employees or regular volunteers. Realizing, as Church, the importance of protecting youth and other vulnerable populations, I hereby consent and authorize an investigative consumer report, to be conducted if deemed appropriate by the Diocese or entities noted below. Public records may be used in this report, such as civil and criminal records and driving records as well as personal interviews, as needed. I realize this inquiry may include information regarding my character, general reputation, a criminal background check and motor vehicle report. I release the Diocese of Davenport, any parish, school, or other related Catholic institution and their agents from liability associated with obtaining that inquiry.

This consumer report will be used for employment/volunteer selection purposes and may be subject to the Fair Credit Reporting Act. I may receive a free copy of this report. Before any adverse action is taken based on this report I will receive a copy of the report and notice of my rights under the FCRA.

Mindful of the importance of protecting children and other vulnerable persons, the undersigned acknowledges a truthful response to the questions below. I understand that past violations would not necessarily preclude the employment or volunteer position sought.

1. Have you had any convictions other than a traffic violation? Yes No
2. Did you ever enter into an agreement with any past employer not to divulge the true reason for termination of employment? Yes No
3. Have you ever been subject to ecclesiastical discipline? Yes No
4. Please provide your addresses for the past 10 years, including the counties.

5. Please list any aliases.

6. Please provide two (2) references and phone numbers.

Date of birth _____ Gender male female Full Legal Name (printed) _____
Driver's License # _____ Social Security Number _____ Signature _____
Date _____

This form will be amended as needed to allow for appropriate background checks or an additional form may be required.

Office Use Only		
Background Check Completed Date _____	Background Check Not Required <input type="checkbox"/>	Signature _____

VIII. DRIVER INFORMATION SHEET

DIOCESE OF DAVENPORT

DRIVER

Name: _____ Date of Birth: _____

Address: _____ Social Security #: _____

Phone #: _____

Driver's License #: _____ Date of Expiration: _____

VEHICLE THAT WILL BE USED

Name of Owner: _____ Model of Vehicle: _____

Address of Owner: _____ Make of Vehicle: _____

Year of Vehicle: _____

License Plate #: _____ Date of Expiration: _____

Insurance Company: _____

Policy #: _____

Date of Policy Expiration: _____

Liability Limits of Policy*: _____

**Please note: The minimum, acceptable liability limit for privately owned vehicles is \$100,000/300,000/100,000.*

CERTIFICATION

I certify that the information given on this form is true and correct to the best of my knowledge. I understand that as a volunteer driver, I must be 21 years of age or older, possess a valid driver's license, have the proper and current license and vehicle registration, and have the required insurance coverage in effect on any vehicle used to transport participants of the event.

Signature: _____ Date: _____

*Please include a copy of your insurance card

IX. INTERNET SAFETY POLICY AGREEMENT

A copy of this signed agreement should be kept by the local computer system administrator.

Diocese of Davenport Internet Safety Policy Agreement

I understand and will abide by the above Internet Safety Policy. I further understand that any violation of the policy is unethical and may constitute a criminal offense that may result in the revocation of privileges, disciplinary action and/or legal action.

User's Full Name: _____

Signature: _____ Date: ____/____/____

If the user is under age 18, a parent or guardian must also sign below:

Parent or Guardian: I understand the Internet Safety Policy and hereby give permission to issue an account for my child and certify that the information given on this form is correct.

Name: _____

Signature: _____ Date: ____/____/____

NOTES

Effective January 31, 2004
New Victim Assistance Coordinator:
Thomas Crowley
PO Box 232
Bettendorf IA 52722-0004
Phone: 563-349-5002 vacdav@attglobal.net

Other Resources Available:

- ❖ Restoring Trust: Response to Clergy Sexual Abuse -
United States Conference of Catholic Bishops
www.usccb.org/comm/restoretrust.htm

- ❖ The Charter For The Protection Of Children And Young People -
www.usccb.org/bishops/charter.htm

- ❖ The Essential Norms For Diocesan/Eparchial Policies Dealing With
Allegations Of Sexual Abuse Of Minors By Priests Or Deacons
www.usccb.org/bishops/norms.htm

- ❖ The Diocese of Davenport website: www.davenportdiocese.org

Copies of this policy may be made from this booklet or by downloading from the
Diocese of Davenport website: www.davenportdiocese.org