

I Preliminary Investigation

When the Diocese receives a clear allegation against a member of the clergy from a credible source, the following steps will be taken:

- A The Vicar for Clergy or the designated diocesan official will promptly inform the Bishop of the allegation. The Victims' Assistance Coordinator will meet with the person making the allegation. In addition, the Vicar and/or another designated person will meet with the person making the allegation. Preferably, if the alleged victim is a female, the designated person should be a female. This is to be followed with a meeting with the accused priest or deacon. Following these meetings, the matter will be immediately reported to the district attorney having local jurisdiction.
- B The person making the allegation shall be advised of his or her absolute right to have an attorney or other person present to assist or support him or her and to submit the complaint to the office of the district attorney.
- C The person making the allegation shall be advised of the availability of the Bishop to meet with him or her should that be desired.
- D Where no reasonable grounds are found to exist, the complainant shall be notified of this determination and reminded of his or her legal rights. The accused cleric is to be notified immediately of this finding.

II Action Following Preliminary Investigation

- A Soon after the diocesan official meets with the complainant and meets with the accused, the Chairperson will convene the Review Board. The Board shall assess the allegation and advise the Bishop of further action in regard to the substance of the allegation.
- B The assessment reached by the Review Board will be communicated to the alleged victim and the accused.
- C If it is determined that there are reasonable grounds to believe that the alleged abuse took place, the Bishop will promptly relieve the accused of his ministerial duties (cf. *c.1722*), if he is incardinated in the Diocese of Ogdensburg, and place him on administrative leave. If the cleric is incardinated into another diocese or is a member of religious community, the Bishop will notify the bishop of the accused or his religious superior of the need to place him on administrative leave. The Bishop, or his delegate, will meet immediately with the cleric to review the allegation, to advise him of his rights to canonical due process and to legal and canonical counsel during the proceedings. The alleged offender will be encouraged to undertake an appropriate medical and psychological evaluation.

- D As a means to provide support to every person who has been the victim of sexual abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years ago, the Diocese of Ogdensburg provides a competent Victims' Assistance Coordinator to aid in the immediate pastoral care of persons who claim to have been sexually abused as minors. The Church's outreach will include provision of counseling, spiritual assistance, and other social services.
- E Should a cleric incardinated in the Diocese of Ogdensburg admit to the allegation, he will be removed from ministry immediately. Even in the case of a single act of sexual abuse of a minor,—past or present—the offending priest or deacon will be permanently removed from ministry. He will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention of further abuse.
- 1 The offender will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest or deacon.
 - 2 In every case, the processes provided for in canon law must be observed, (cf. *cc.1341, 1717-1721*).
- F If the cleric who has admitted to the allegation resides in the Diocese of Ogdensburg but is incardinated into another diocese or is a member of a religious community, the Bishop of Ogdensburg, with notice to the cleric's bishop or superior, will promptly relieve the cleric of any assignment he has in the Diocese. He shall request the bishop or superior to handle the matter according to the policy of the cleric's diocese or religious community.
- G If it has been determined that there is substance to the allegation and the accused denies any wrongdoing, further investigation will be undertaken. While the investigation is proceeding, the Bishop will judge whether it is necessary for the accused cleric to remain on administrative leave until the process is completed. This is necessary to protect the alleged victim, the accused, and the Church. The Bishop must take care not to endanger the good name of anyone resulting from the investigation (cf. *c.220*).
- H If he is incardinated in the Diocese of Ogdensburg, an accused priest on administrative leave will receive from the Diocese a living stipend in accordance with diocesan policy.
- I If the allegation is proven in the canonical process, the cleric, including one incardinated into another diocese but residing in the Diocese of Ogdensburg, will be formally removed from his office and/or any other clerical duties. The offending priest or deacon will be permanently removed from ministry. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself as a priest or deacon. The cleric may request dispensation from the obligation of holy orders and the loss of the clerical state. The Bishop may request dismissal from the clerical state even without the consent of the priest or deacon. The accused is encouraged to retain the assistance of civil and canonical counsel. The Bishop will provide the offending cleric the sustenance indicated by diocesan policy.

- J If the allegation is not proven in the canonical process, the alleged victim and the cleric are informed that insufficient evidence exists to act upon the complaint within the canonical forum. Should the allegation be a matter of civil or criminal action in the courts, the Diocese of Ogdensburg will cooperate fully with the judicial process. The Review Board may advise the Diocesan Bishop regarding the priest's future ministry.

III The Review Board

- A The Diocesan Review Board shall be composed of at least ten persons of outstanding integrity and good judgment. The majority of the members will be laypersons who are not in the employ of the Diocese of Ogdensburg. Membership must include the Vicar for Clergy and at least one other incardinated priest of the Diocese. At least one member should have particular expertise in the treatment of the sexual abuse of minors. The Bishop of the Diocese of Ogdensburg appoints the members for renewable five-year terms. The Promoter of Justice shall serve as an ex-officio member of the Board and the Diocesan Assistance Coordinator may be called upon to address the Board, as requested by the Board Chairperson.
- B The Chairperson, or in the Chairperson's absence the Vice-Chairperson, in consultation with the Vicar for Clergy, will call the Board together when an allegation is received. The presence of five members at a meeting shall constitute a quorum. A minimum of three Board members who are not employed by the Diocese of Ogdensburg must be present in any review of an allegation to determine the allegation's credibility.
- C Tasks of the Review Board are as follows:
 - 1 To assess all allegations of sexual abuse of minors by priests, deacons, and other church personnel so as to advise the Bishop of their credibility. The Board may assess past as well as present allegations.
 - 2 To review the *Policy of the Diocese of Ogdensburg with Respect to Allegations of Sexual Abuse of Minors* and the procedures for dealing with these allegations at least every five years in order to recommend to the Bishop any modifications, if appropriate.
 - 3 To make recommendations to the Bishop, as requested, concerning a cleric's fitness for ministry in particular cases.

IV To Protect the Faithful in the Future

- A The procedures for those making a complaint will be readily available in printed form and be the subject of periodic public announcements (i.e., *North Country Catholic*, diocesan webpage, parish bulletins, etc.).

- B The Diocese of Ogdensburg will enter into no confidentiality agreement except for grave and substantial reasons brought forth by the victim.
- C Before a priest or deacon is proposed to another diocese for assignment, transfer, or residence, it will be noted if there is anything in his background to indicate that he would be a danger to children or young people. An accurate and complete description of the priest or deacon's background will be forwarded by the Bishop of Ogdensburg to the local ordinary of his new residence.
- D Extensive criminal background investigations of all diocesan and parish employees will be conducted. The criminal backgrounds of volunteers who have contact with children and young people will also be evaluated. The diocese will utilize the resources of law enforcement and other community agencies.
- E The Diocese of Ogdensburg will continue to review, update, and promulgate clear and well-publicized standards of ministerial behavior with regard to sexual abuse, harassment, etc.
- F The Diocese of Ogdensburg will continue to initiate "*safe environment*" programs.
- G The Bishop may determine to provide financial assistance to the accused cleric who is incardinated in the Diocese of Ogdensburg if he is unable to obtain legal counsel due to financial hardship.

V Policies Regarding Lay Employees and Volunteers

- A *Reporting*: If allegations of sexual abuse are made against a lay employee or volunteer, local church authorities, in addition to notifying the Victims' Assistance Coordinator, shall notify the proper diocesan department head who will report the matter to the Bishop, or, in his absence, to the Vicar General, for further instructions. A civil attorney will be consulted.
 - 1 If the Bishop determines that the allegations may have substance, the employee may be placed "on leave" pending resolution of the matter. The employee is to be informed of his or her rights under civil and canon law and is to be encouraged to retain independent legal counsel. When an allegation is made against a volunteer, all volunteer service on the part of that person is suspended unless and until a determination is made by the Bishop that the person was not responsible for acts of abuse.
 - 2 All allegations shall be reported to the appropriate civil authorities.
 - 3 Upon notification, the Diocesan Victims' Assistance Coordinator shall render appropriate support to the alleged victim. Such support should not be considered as an indication that the Diocese of Ogdensburg is culpable or responsible for the actions of the accused. Rather, it is intended to provide pastoral, moral, and spiritual help to the person and family involved.

4 The insurance service for the diocese shall be put on notice of a possible claim and requested to provide whatever service or coverage is available.

B *Preliminary Investigation:* The Bishop, or his delegate, and the concerned Department Head, with the advice of legal counsel, shall consult with the reporting party, the alleged victim, and the employee or volunteer.

1 If the employee or volunteer admits the allegations, he or she is to be dismissed and encouraged to seek professional help.

2 If the alleged party denies the allegations, and if the investigation discloses reasonable grounds to indicate the truth of the allegations, the person shall remain “on leave” pending completion of a formal investigation by the Review Board.

3 If, after formal investigation, the allegations are determined to be true, the employee will be dismissed and encouraged to seek professional assistance.

4 If an allegation against a volunteer is determined to be true, the volunteer will be dismissed and not allowed to volunteer again in any capacity in Church service that involves direct or limited contact with minors.

7/1/13