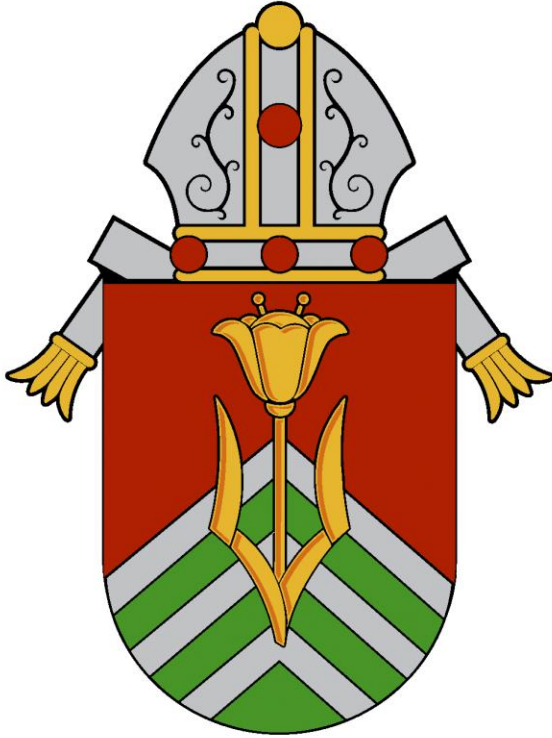


Diocese of Wheeling-Charleston



**Policy Relating
to Sexual Abuse
of Children**

**To report suspected cases
of sexual abuse of children
Diocese of Wheeling-Charleston:**

To report suspected cases of sexual abuse of children by personnel of the Diocese of Wheeling-Charleston to the Diocese, please contact one of the Bishop's designees at 1-888-434-6237. The proper extensions are listed below.

- Sr. Ellen F. Dunn, O.P., ext. 264
- Mr. Bryan Minor, ext. 263
- Rev. Msgr. Frederick P. Annie, V.G., ext. 267
- Rev. Msgr. Anthony Cincinnati, STD, V.E., ext. 270

You may also fill out a confidential Complaint Form for Allegations of Sexual Abuse of a Minor by picking one up at your local parish, visiting the World Wide Web at www.dwc.org, or requesting one in the mail from Safe Environment Coordinator, Diocese of Wheeling-Charleston, P.O. Box 230, Wheeling, WV 26003

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Diocese of Wheeling-Charleston Policy Relating to Sexual Abuse of Children

Preface

The Diocese of Wheeling-Charleston is committed to addressing instances of abuse against all persons. However, this particular document sets forth the policy of the Diocese relative to sexual abuse of children. In doing so, it will necessarily deal with matters of a technical or procedural nature. From the outset, however, it must be clear that, in every instance of such abuse, the primary concern of the Diocese is pastoral: the well being of all persons involved, especially children.

The first consequence of every instance of abusive behavior is that a number of persons suffer in some particular way. The victims of such behavior, those who commit the acts, the families of victims and perpetrators alike, and the community itself all experience harm of some kind. While each person or group may be affected in ways different from the others, all suffer a real and frequently terrible pain.

The Diocese deplores the tragedy of this human suffering, and is determined to do what it can to prevent the incidents which cause it. When such incidents do occur, it will do its best to discern what assistance may be most appropriate and helpful, and then to make that available, as far as possible, to the affected persons. It will discourage any fruitless blaming and vindictiveness and seek to be the agent of healing and reconciliation wherever possible. It will allow no other goal to obscure its desire to relieve the burden of human suffering which accompanies every expression of this tragic behavior.

Diocese of Wheeling-Charleston Policy Relating to Sexual Abuse of Children

Policy

1.0 Policy. Sexual abuse by the personnel of the Diocese is abhorrent to Christian principles and is contrary to and outside the scope of the duties of and employment of all paid and volunteer personnel of the Diocese. Accordingly, all personnel of the Diocese of Wheeling-Charleston must comply with applicable state and local laws regarding incidents of actual or suspected sexual abuse, and with the requirements delineated in this document.

This policy does not address sexual abuse in general, but only in the special circumstances described below. It is intended to establish requirements and procedures in an effort to prevent child sexual abuse by personnel of the Diocese and the resulting harm to others while the work of the Diocese is being performed. It is further intended to provide guidance to the personnel of the Diocese on how to respond to allegations of sexual abuse if any do occur.

Definitions

2.0 Definitions. For the purposes of this policy only:

2.1 “Child” any person under the age of eighteen (18) is considered a child under abuse laws. A vulnerable individual over the age of eighteen (18) is also covered by the civil law when such a person is unable or unlikely to report abuse without assistance because of impairment of physical or mental function or emotional status.

2.2 “Sexual Abuse”

A. Child abuse means any form of intentional or malicious infliction of injury to the detriment of a child’s physical, moral, or mental well-being.

B. Sexual misconduct/abuse means any form of sexual conduct that is unlawful; that is contrary to the moral instructions, doctrines, and canon law of the Catholic Church; and causes injury to another. It may constitute either sexual abuse, sexual harassment, sexual exploitation or child pornography. If a cleric has otherwise committed an offense against the sixth commandment of the Decalogue with force or threats or publicly or with a minor below the age of eighteen (18), the cleric is to be punished with just penalties, including dismissal from the clerical state if the case warrants it.

2.3 “Personnel” includes all personnel paid and volunteer of the Diocese including: all school personnel, clergy, religious, Directors of Religious Education, catechists, parish staff, child-care agency and program personnel, youth ministry personnel, seminarians, members of school boards, and members of parish and finance councils. Of special concern are paid and volunteer Diocesan personnel in a supervisory capacity, or in particularly high-risk areas—such as those who work with or around children, the very elderly, and the physically and mentally infirm—also those who counsel others, and generally those who work with people who are less capable of protecting themselves.

2.4 “Diocese” includes the Diocese of Wheeling-Charleston and all parishes, missions, institutions, and organizations under its direct jurisdiction.

“Proposing” refers to the initiative taken by a superior whose religious congregation has an agreement with the Diocese to supply parishes or institutions with personnel.

Education

3.0 In-service training and educational programs are offered for clergy, religious, seminarians, employees and volunteers in the Diocese regarding child abuse, reporting requirements, and Diocesan policy and procedures. These training and educational programs are provided on both the local and Diocesan levels.

3.1 All clergy, religious, seminarians, employees and volunteers of the Diocese of Wheeling-Charleston receive a copy of the **Diocese's Policy Relating to Sexual Abuse of Children**. The policy may be viewed from the Diocesan website (www.dwc.org) and copies are available at the parish and school offices.

3.2 There is on-going communication with clergy, religious, seminarians, employees and volunteers about child abuse issues through meetings, mailings, and Diocesan publications.

Screening, Background, and Reference Checks

- 4.0** **Diocesan applicants for the priesthood or permanent diaconate, clergy seeking incardination in the Diocese, clergy or religious seeking authorized ministry or residence in the Diocese, and employees and volunteers are screened for their fitness to work with minors.**
- 4.1** The following prospective personnel of the Diocese of Wheeling-Charleston may be asked to complete an informational questionnaire which asks specific questions of those (all paid and volunteer) who will work directly with children: school staff, clergy, religious, parish staff, child-care agency or program personnel, youth ministry personnel, and seminarians. If a questionnaire is used as a condition for clergy assignment, employment or volunteer service, the responsibility for seeing that these forms are completed and forwarded to the Office of Safe Environment rests with the pastor or his delegate, or, where appropriate, the designated supervisor in a central school.
- 4.2** Completed questionnaires shall be reviewed by the Safe Environment Coordinator and, as appropriate, investigated by the Process Administrator.
- 4.3** In hiring employees who will work with minors, specific inquiries are made of former employers and persons listed as references as to the applicant's fitness to work with minors.
- 4.4** Superiors of religious communities who have members seeking to minister in the Diocese are required to state clearly in writing that the Superior is unaware, after careful inquiry, of anything in the individual's background that would render the individual unsuitable to work with minors.
- 4.5** Superiors of religious communities who are proposing individual religious for ministry or residence in Diocesan parishes or other Diocesan institutions as well as the Superiors of those religious simply requesting priestly faculties in the Diocese, are required to state clearly in writing that there is no history which would render the individual unsuitable to work with minors.
- 4.6** Bishops of Diocesan priests from other Dioceses ministering or residing in a Diocesan parish or institution, as well as the Bishops of those priests simply requesting priestly faculties in the Diocese, are required to present the same written assurances.
- 4.7** In the screening process, the good reputation and right to privacy of the individual in question will be safeguarded.

Compliance with West Virginia Law

5.0 The Diocese complies with West Virginia laws regarding reporting of suspected child abuse to civil authorities.

5.1 Under West Virginia law, the following persons are mandated to report suspected child abuse: medical, dental or mental health professional, Christian Science practitioner, religious healer, school teacher or other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer, law-enforcement official, or member of the clergy.

Additionally, any other person may make a report if such person has reasonable cause to suspect that a child has been abused or neglected.

5.2 The Diocese will promptly comply with any applicable reporting requirements governing abuse or neglect of children and will cooperate fully with civil authorities investigating reports of child abuse or neglect. Responsibility for compliance with such reporting requirements shall remain exclusively with the Diocese. The Diocesan Review Board shall only address the Diocesan response to the personnel issues related to such complaints.

Obligation to Report

- 6.0** Any personnel of the Diocese of Wheeling-Charleston who has actual knowledge of or who has reasonable cause to suspect an incident of sexual abuse by any personnel of the Diocese shall comply with all applicable reporting or other requirements of state and local laws, and shall report to the Diocese as stipulated below (unless to do so would violate the priest penitent relationship of the Sacrament of penance):
- 6.1** The Diocese is committed to a prompt response to any individual or family alleging child sexual abuse. The Diocese shall respond to child sexual abuse reports within 24 hours and shall report any such claims to the appropriate public authorities within 24 hours as required by W.Va. Code §49-2-803.
- 6.2** The Bishop appoints a Process Administrator whose primary responsibility it is to ensure that all policy procedures and all steps in the process are followed.
- 6.2.1** In some cases the Process Administrator also has the responsibility to determine whether the safety of children or other significant considerations may require the immediate withdrawal of the accused person from his/her ministerial assignment. In making this determination and recommendation the Process Administrator will consult appropriate supervisors.
- 6.2.2** Pending legal advice and upon the recommendation of the Diocesan Review Board, ongoing pastoral care and assistance for counseling can be offered. It is the responsibility of the Process Administrator to see that this recommendation is acted upon.
- 6.3** Any person who suspects or alleges child sexual abuse on the part of a member of the clergy within the Diocese is requested to contact the Process Administrator or anyone on the Diocesan Staff. The report will immediately be given to the Process Administrator in writing.
- 6.4** Any clergy, religious, seminarian, employee, or volunteer of the Diocese who receives such a complaint or report from any person must immediately contact the Process Administrator or anyone on the Diocesan Staff and follow up with a subsequent written report.

- 6.5** In allegations involving lay employees and volunteers, religious sisters and brothers, and seminarians a report of the incident is made promptly to the immediate supervisor, who in turn immediately reports the allegation to the Process Administrator and follow up with a subsequent written report.
- 6.6** Priests, deacons, religious, seminarians, employees, or volunteers of the Diocese who receive complaints or reports of suspected child sexual abuse do not attempt to investigate the matter themselves.
- 6.7** The Process Administrator notifies the Diocesan Attorney and the Diocesan Director of Communications of a report of child sexual abuse.
- 6.8** To respect the privacy rights of those involved, confidentiality is maintained to the extent possible consistent with civil reporting requirements and the Diocese's policy and procedures.
- 6.9** In the event that the person making the initial disclosure has not reported it to Protective Services the Process Administrator does so in compliance with state law.
- 6.10** Matters reported under this policy in good faith shall be privileged in the context that adverse action shall not be taken against any employee of the Diocese or parishioner of any parish by reason of such a report.

Specific Procedures

7.0 The response to these allegations is managed through several channels which include:

- Process Administrator
- An Examiner(s) of the Facts
- Victim's Assistant Coordinator
- An Independent Diocesan Review Board
- Diocesan Director of Communications

7.1 Upon receiving a report of alleged child sexual abuse committed by a lay employee, volunteer, clergy, or religious sister or brother, an Examiner(s) is selected by the Process Administrator. The Examiner(s) arranges to meet with the person(s) making the report or complaint and others who may have relevant information and report the results of the investigation to the Process Administrator and the Diocesan Review Board with due diligence.

7.1.1 The Examiner(s) interviews all appropriate persons and gathers relevant information to obtain as clear and detailed a statement about the allegation as possible. The Examiner(s) will be chosen based on experience and/or training to respond to cases of child sexual abuse. On-going education and training will be provided.

7.2 Legal advice, both civil and canonical, shall be obtained immediately by the Process Administrator. Similarly, the Diocesan Communications Director shall be consulted regarding possible communications and public relation implications of the situation.

7.3 If the accused is a religious, or a cleric from another Diocese, the investigation is conducted with notification made to the appropriate superior or Bishop.

7.4 Additionally, a Victim's Assistant Coordinator is selected by the Process Administrator to provide care and assistance to the alleged victims, their families and if applicable members of the affected church community. Appropriate pastoral care will also be offered to the accused.

7.4.1 The Victim's Assistant Coordinator will be selected from among those persons who have received training to respond to cases of child sexual abuse.

- 7.4.2** The Victim's Assistant Coordinator reports to the Process Administrator and the Diocesan Review Board with due diligence.
- 7.5** An independent Diocesan Review Board is convened by the Process Administrator.
- 7.5.1** The Diocesan Review Board members are appointed by the Bishop and make up an independent body composed of laity and clergy. None are employed in Diocesan Central Administration. The members of the Diocesan Review Board are selected on the basis of their maturity, credibility, and ability to exercise independent judgment.
- 7.5.2** The mandate of the Diocesan Review Board includes:
- Acting as overseer of the Diocese's handling of all such cases, to assure the integrity of the Diocesan process for responding to reports;
 - Making recommendations to the Bishop concerning all the factors involved in a report;
 - In every case, upon receipt of an allegation, meeting to review reports of child sexual abuse by employees and volunteers, action taken by the Diocese, the examination findings and other relevant information;
- 7.6** In the event that any employee or volunteer of the Diocese admits guilt or pleads no contest to an allegation of child sexual abuse the Diocesan Review Board shall:
- 7.6.1** Confirm that the Diocese has taken appropriate steps to remove the person from access to minors;
- 7.6.2** Furthermore, make recommendations to the Bishop regarding the cleric's exercise of any form of ministry in the future, along with other restrictions or conditions which are either appropriate or required;
- 7.6.3** Confirm that the Diocese has immediately terminated the person from employment or any position of responsibility with the Diocese.
- 7.7** In the event that an employee or volunteer of the Diocese does not admit guilt but the Diocesan Review Board determines there exists a reasonable probability regarding the substance of the allegation, the Board may recommend to the Bishop that the accused be removed immediately from a position of access to minors while the investigation continues.

- 7.7.1** In such a case where a cleric is involved, 7.6.2 above will be invoked.
- 7.7.2** In the case of lay employees they are suspended with pay while the investigation continues.
- 7.8** When the alleged child sexual abuse is purported to have occurred in the distant past and it has been determined that reasonable probability exists regarding the substance of the allegation, the Diocesan Review Board follows the same procedures as in a report that is alleged to have occurred in the present time.
- 7.8.1** If the alleged perpetrator is deceased the Diocesan Review Board is kept informed of the report and makes any appropriate recommendations to the Bishop.
- 7.9** When an employee is found guilty of child sexual abuse the Diocesan Review Board will invoke 7.6.2 and 7.6.3 as appropriate.
- 8.0** If the investigation of the allegation results in a finding by Protective Services or the Diocesan Review Board that the allegation of sexual misconduct by clergy, religious, seminarians, employees or volunteers of the Diocese involving a minor is not substantiated, the Diocesan Review Board will recommend to the Bishop that the Process Administrator will:
- Inform the accused of the findings and confirm such findings in writing;
 - Inform the alleged victim and/or his/her family of the findings;
 - Promptly terminate any temporary action taken against the accused;
 - Restore the ministerial status of the person taking into account the need for healing.

Other Roles and Responsibilities

- 9.0** If the Bishop determines that a cleric cannot be returned to ministry, he may ask the cleric to resign or take a leave of absence from active ministry or to request a dispensation from Holy Orders or the Bishop may initiate a canonical process for removal from ministry.
- 10.0** The accused person's personnel file is documented by the Process Administrator to reflect the complaint, the investigation, and the results with due regard to the reputation and right to privacy of the accused.

Supervision Procedures

- Have adequate number of adults present at events involving children and youth.
- Have two or more adults present for events involving children or youth in higher risk settings.
- Monitor your facilities during church services and all school or other activities.
- Release children only to parent or guardian.
- Obtain parental permission, including a signed medical treatment form, before taking children or youth on trips.
- Always obtain parental approval before permitting any minor to participate in athletic events or any other activity that involves potential risk.
- Have minors use a “buddy system” whenever they go on trips away from church property.
- All adult leadership and sponsors for any overnight activities should be approved in advance by the appropriate administrator.

Behavioral Guidelines for Working with Children or Youth

All clergy, staff and volunteers of the Diocese will observe the following guidelines for dealing with minors:

- No minor child may be an overnight guest or reside in any church rectory or other living quarters of priests.
- Do not provide minors with alcoholic beverages, tobacco, drugs or anything that is prohibited by law.
- Do not serve as a chaperone for activities that conflict with curfew laws pertaining to minors.
- Touching should be age appropriate and based on the need of the minor and not on the need of the adult. Avoid physical contact when alone with a minor. If a minor initiates physical contact, an appropriate, limited response is proper.
- Do not engage in the physical discipline of a minor. Discipline problems should be handled in coordination with your supervisor and/or the parents of the minor.
- Do not be alone with a minor in a residence, sleeping facility, locker room, restroom, dressing facility or other closed room or isolated area that is inappropriate to a ministry relationship.
- Do not take an overnight trip alone with a minor who is not a member of your immediate family.
- Do not sleep in the same bed with a minor. If an adult supervisor stays in a hotel or other sleeping room with a group of minors, the supervisor should sleep in his or her own bed using a roll away or cot if necessary.
- Topics, vocabulary, recordings, films, games or the use of computer software or any other form of personal interaction or entertainment that could not be used comfortably in the presence of parents should not be employed with minors. Sexually explicit or pornographic material is never appropriate.
- Do not administer medication of any kind without written parental permission.

- If you recognize inappropriate personal or physical attraction developing between yourself and a minor, maintain clear professional boundaries between yourself and the minor or refer the minor to another adult supervisor.
- If one-on-one pastoral care of minor should be necessary, avoid meeting in isolated environments. Schedule meetings at times and use locations that create accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parents of the meetings.
- Do not give minors keys to church facilities. If the minor has a key as a result of being a church employee or volunteer, the minor should be properly screened.
- Do not drive a church or school vehicle unless you have received prior authorization and have the appropriate license and/or certification.
- Do not permit minors to cross a road by themselves while they are in your custodial care.
- Do not take photographs of minors while they are unclothed or dressing (e.g. in a locker room or bathing facility).
- If you observe anyone (adult or minor) abusing a minor, take appropriate steps to immediately intervene and to provide a safe environment for the minor. Report the misconduct (see Obligation to Report).



Diocese of Wheeling-Charleston
P.O. Box 230
Wheeling, WV 26003

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