



***Diocese of Raleigh  
Policies and Procedures  
for the  
Program for the Protection of Children and Young People***

**1. Introduction**

**1.1** On November 13, 2002 the United States Conference of Catholic Bishops approved the *Charter for the Protection of Children and Young People* (USCCB, 2002; hereafter indicated as “the Charter”). The *Charter* addressed the commitment of the Church to respond effectively, appropriately and compassionately to accusations of sexual abuse of minors by priests, deacons or other Church personnel. This commitment extends to the victims of sexual abuse by anyone serving the Church in ministry, employment or as a volunteer, whether the abuse was recent or in the past.

**1.2** 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. Sexual abuse has been defined by different civil and criminal authorities in various ways, and these policies do not adopt any particular definition therein. Rather, 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. 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. A canonical offence 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.

**1.3** Respecting always the good reputation and privacy of all the individuals involved, the Bishops of the United States have stated their commitment to act as openly with the public as possible. The Bishops of the United States are committed to respond to the pastoral, spiritual and emotional well-being of victims and their families; and to work with priests, pastoral leaders of parishes, civil and criminal authorities, educators, churches and community organizations to provide a safe environment for children and youth.

**1.4** The Bishop of Raleigh has provided these norms as a commitment to the goals and policies of the *Charter*. Further, to insure that the Diocese of Raleigh is in full compliance with the *Charter*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, and following the prescriptions of Canon Law and civil law, the Diocesan Bishop has, after extensive consultation and due diligence, directed that the policies and procedures contained in this document, be widely publicized, and formation and training be provided so that these norms be fully understood and accepted by all who are engaged in ministry to minors.

**1.5** The faithful observance of all prescribed canonical norms is not intended in any way to hinder the course of any civil and/or criminal action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

## 2. Those Described in these Diocesan Policies and Procedures

**2.1 *Diocesan Bishop*:** The Bishop of Raleigh, or in the case of a vacant See, the Diocesan Administrator. For the purpose of these norms, the Bishop or Diocesan Administrator may act personally or through his delegate in accord with the provisions of Canon Law.

**2.2 *Clergy, Personnel and Volunteers*:** Clergy includes the Diocesan Bishop, priests, and deacons. Personnel includes seminarians, non-ordained religious, lay persons who are involved in ministry or any type of professional service or work within the Diocese of Raleigh, its parishes and agencies. Volunteers include those who offer their time and talent in service within a parish, school or associated Diocesan agency.

These, by their duties and responsibilities, may have direct and regular contact with minors, act as chaperones for overnight events, and represent the Church by virtue of office, designated position, employment, contract or service.

**2.3 *Diocesan Director of Communications*:** Provides assistance to the Diocesan Bishop, Vicar General, CFO/COO and the Superintendent for Catholic Formation and Education in the preparation of public communications, letters to faith communities, media releases, etc. The Director of Communications provides assistance in the *Program for the Protection of Children and Young People* in the following manner:

- a. to be responsible for coordinating all communications from the Diocese of Raleigh to the public through the media, in matters of sexual misconduct by church personnel.
- b. to provide advice and assistance to the Diocesan Bishop and others responsible for informing the parish community affected by the sexual misconduct.
- c. to be responsible for ensuring that the policies and procedures of the *Program for the Protection of Children and Young People* are readily available in printed form and are the subject of periodic educational/informational programs.
- d. to provide all communications from the USCCB Office for Child and Youth Protection for use by Diocesan directors. These communications are kept on file by the Director of Communications.
- e. to assist the Diocesan Bishop, the Vicar General and the Vicar for Priests and others in the preparation and distribution of communications to defend and restore the reputation of anyone who has been falsely accused of the sexual abuse of a minor.

**2.4 *Investigator*:** Defined as a person who by education, training and demonstrated competence is qualified to perform a systematic, confidential and impartial inquiry of an allegation of sexual abuse of a minor.

**2.5 *Minor*:** Defined in the law of the State of North Carolina as any person, to include a child and a youth below the age of eighteen. In Canon Law, a minor is also described as anyone under the age of eighteen (Canon 97 §1).

**2.6 *Program Director*:** The Director of the *Program for the Protection of Children and Young People* reports to the Vicar General and is responsible for the day to day administration and operation of the program. The Director communicates with all Diocesan department directors as appropriate regarding USCCB and other communications. In collaboration with Diocesan department directors, the Program Director will have primary responsibility for insuring that an allegation of sexual abuse of a minor is promptly and appropriately processed and that safe environment programs for children and young people are designed,

implemented, monitored and maintained in the Diocese of Raleigh. The Program Director is also responsible for the Ministerial Restriction Monitoring Plan process for clergy who have restricted ministerial faculties due to an ongoing inquiry or who are subject to canonical penalty.

**2.7 Assistance Ministry Coordinator:** The Assistance Ministry Coordinator, will designate a person of appropriate professional competency, a Victim Assistance Provider, to provide immediate and long term pastoral care needs of alleged and established victims of sexual abuse. These may include minors, adults, their families and those in the parish community. The designated Victim Assistance Provider, in collaboration with the Assistance Ministry Coordinator and the Program Director, will coordinate services (i.e., counseling, spiritual and emotional assistance, participation in support groups) and will cooperate with other community and government agencies to provide those services deemed necessary for the abused and their families.

### **3. Terminology used in the Diocesan Policies and Procedures for the Program for the Protection of Children and Young People**

**3.1 Administrative leave:** Administrative leave is defined as the temporary removal of individuals from their duties. Administrative leave does not presume guilt, nor is it a canonical penalty. Nonetheless, the Diocesan Bishop may issue a penal precept requiring the observance of administrative leave and the restrictions identified with such leave. Administrative leave is prescribed out of an abundance of caution and to achieve the following ends:

- a. to insure a safe environment for the alleged victim.
- b. to safeguard the reputation of the accused from further accusations pending the outcome of the investigation.
- c. to protect the public from further possible harm.
- d. to insure that the integrity of the investigation is not compromised.

The administrative leave of a priest or deacon shall be applied within the prescriptions of Canon Law.

**3.2 Decree Beginning the Preliminary Investigation, Canon.1717 §1:** A canonical decree to begin the Preliminary Investigation given by the local Ordinary, namely the Diocesan Bishop and, by written mandate from the Diocesan Bishop, the Vicar General, based on knowledge, that it at least seems true, that sexual abuse of a minor may have taken place.

### **4. Program for the Protection of Children and Young People**

To achieve the goals of the *Charter*, the Diocese of Raleigh has established the *Program for the Protection of Children and Young People* to accomplish the following:

- a. to attend to anyone who has suffered in the past or present from sexual abuse as a minor by anyone acting in the name of the Church.
- b. to describe the canonical, Diocesan and civil/criminal law protocols which are to be followed when an allegation of sexual abuse of a minor has been made.
- c. to designate the individuals and define the structures which are accountable for implementing the canonical and Diocesan policies and procedures to insure that the integrity of the Program has been followed.
- d. to provide guidelines for the publication and communication of the Program to the Diocesan Director of Communications.
- e. to initiate and maintain safe environment training for the faithful in the Diocese of Raleigh.
- f. to maintain USCCB communications files.

## **5. Program Structures and Processes**

### **5.1 The Diocesan Review Board**

The Bishop of Raleigh appoints the Diocesan Review Board which is to be comprised of at least seven persons of outstanding integrity and judgment. These board members are appointed by the Bishop for a term of five years, renewable for one additional term. The terms of all appointed board members are to be staggered. A Chairperson and Vice Chairperson are appointed by the Diocesan Bishop from among the board members for a term of five years, renewable for one additional term. The Vicar General, the Promoter of Justice, the Program Director, the Diocesan CFO/COO and the Diocesan legal Counsel each participate as *ex officio* members of the board. The Review Board serves in the following manner:

- a.** to assist the Bishop of Raleigh in the exercise of his pastoral ministry.
- b.** to recommend those who will be retained by the Diocese of Raleigh to serve as investigators to perform the necessary investigative work into an allegation of sexual abuse of a minor by Church personnel, in accord with the provisions of civil law and the Code of Canon Law.
- c.** to receive and evaluate reports of sexual misconduct against a minor by priests, deacons and other Church personnel. The reports will include a summary of the interviews of the alleged victim and the accused, a report by the designated investigator, and may include reports of the findings from the investigation conducted by law enforcement and/or other public authorities. The board will also receive pertinent information from personnel files, correspondence and any other related documents.
- d.** to advise the Diocesan Bishop regarding the investigation report into the allegation of sexual misconduct and when appropriate, assists the Bishop by way of recommendation as he determines the suitability of an individual for ministry or service in the Diocese of Raleigh.
- e.** to ensure that all allegations, findings and recommendations are appropriately communicated to the following: 1) the parent, guardian or adult responsible for the minor, 2) the alleged victim if no longer a minor, 3) the accused and 4) other public authorities, as may be required.
- f.** to review the policies and procedures for the *Program for the Protection of Children and Young People* at least every two years and recommends revisions as necessary.
- g.** to receive regular reports from the Program Director at the regularly scheduled meetings regarding the effectiveness and efficiency of the program.
- h.** to review communications from the USCCB Office for Child and Youth Protection and how these communications may inform the policies and procedures for the protection of children and young people in the Diocese of Raleigh.

### **5.2 Reporting**

All allegations of suspected or known sexual abuse of a minor must be reported to appropriate law enforcement authorities. The State of North Carolina grants immunity from civil and criminal liability to any person, organization or institution if the report is made in good faith. In addition to reporting sexual abuse to appropriate law enforcement authorities, the following norms apply:

**5.2.1** Allegations of sexual abuse of a minor by a priest, deacon or other Church personnel should be immediately reported to the Program Director. The initial report must be recorded by the Program Director and a file initiated without preliminary screening, inquiry or legal judgment by the Diocese.

**5.2.2** As prescribed below, a more detailed report is made upon interview of the alleged victim and the accused. A lack of information, or lack of consent of the alleged victim, victim's parent(s) or legal guardian or person(s) providing the information, will not prevent the immediate reporting of the allegation of abuse to the proper authority. The following information, if known, should be contained in the report:

- a. The name, address and contact information of the person making the allegation.
- b. The name, address and contact information of the alleged victim.
- c. The name, address and contact information of the alleged victim's parents, guardian or responsible adult if the alleged victim is a minor.
- d. The name of the alleged abuser and present whereabouts if known.
- e. An accurate and detailed description of the alleged misconduct, the relevant dates, times, and circumstances in which the misconduct allegedly occurred and the names, addresses, telephone numbers of any other persons who may have knowledge of the alleged misconduct.
- f. The Assistance Ministry Coordinator uses the above information so as to extend pastoral care to the alleged victim and their immediate family members.

**5.2.3** The Program Director, following the reception of an allegation of the sexual abuse of a minor, will insure that the notification of the following persons are notified within forty-eight hours:

- a. Appropriate law enforcement authority or agency according to the following prescriptions:
  - 1. The North Carolina Conference of District Attorneys pursuant to the Memorandum of Understanding Between the Roman Catholic Diocese of Raleigh and the North Carolina Conference of District Attorneys.
  - 2. In the event that said Memorandum of Understanding is not in effect the following shall be notified: The Sheriff's Department in the county where the alleged abuse took place or the local Police Department if the alleged abuse occurred in a township or within city limits.
- b. Diocesan Bishop (The Bishop of Raleigh. If the accused is a priest or deacon not incardinated, but serving in the Diocese of Raleigh, the Diocesan Bishop or Major Superior for the accused will be notified by the Bishop of Raleigh)
- c. Vicar General
- d. Diocesan COO/CFO
- e. Assistance Ministry Coordinator

- f. Promoter of Justice
- g. Diocesan Counsel
- h. Vicar for Priests, if the accused is a priest
- i. Bishop's Delegate for Religious, if the accused is a non-ordained religious
- j. Director of the Permanent Diaconate, if the accused is a permanent deacon
- k. Diocesan Bishop and the Vocation Director, if the accused is a transitional deacon (If the accused is a religious, the Major Superior for the accused will be notified by the Bishop of Raleigh).
- l. Diocesan Bishop and the Vocation Director, if the accused is a seminarian or deacon candidate (if the accused is a religious, the Major Superior for the accused will be notified by the Bishop of Raleigh).
- m. Director of Human Resources, if the accused is a lay employee or Volunteer
- n. The Superintendent of Catholic Schools, if the accused is a staff member at a Diocesan, parochial or Diocesan endorsed private Catholic school
- o. Director of Communications
- p. Chairperson of the Review Board
- q. The date, time of notification as well as the person receiving the notification of the alleged abuse at the law enforcement agency, will be recorded. At the time of notification, a request will be made to the law enforcement agency that the Diocese be kept informed as to the progress of the criminal investigation.

**5.2.4** Anyone receiving a specific allegation of sexual abuse will respond in a supportive manner, without initial judgment as to the truth of the complaint. In all cases the Program Director will be responsible for ensuring that the alleged victim, or person making the allegation, is advised of his/her right to report the allegation of sexual abuse of a minor to the public authorities and will support his/her exercise of this right. In those cases where the alleged victim is no longer a minor, the Diocese will cooperate with all public authorities as is prescribed.

**5.2.5** A file will be opened by the Program Director for each reported allegation and shall contain all material pertinent to the allegation. The files will be secured in the Office of the Vicar General upon the conclusion of the Preliminary Investigation. During any Preliminary Investigation, and prior to any decision by the Diocesan Bishop, all information regarding the allegation of sexual abuse of a

minor by Church personnel will be held in the strictest confidence and will be communicated only to those named in the Confidentiality and Disclosure of Information section of this document, so as to protect the accused should the allegation prove to be false.

**5.2.6** Care will always be taken to protect the good reputation and rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to maintain the good name of the falsely accused.

### **5.3 Initiation of the Preliminary Investigation**

According to the provisions of Canon 1717 and the information received in the allegation, if it at least seems true that sexual abuse of a minor may have taken place, a Preliminary Investigation is to be initiated by a decree of the local Ordinary, namely the Diocesan Bishop and, by written mandate from the Diocesan Bishop, the Vicar General.

#### **5.3.1 Interview of the Alleged Victim**

In all cases, the alleged victim is to be interviewed within forty-eight hours of reception of the allegation by the Program Director or as soon as possible. The interview is to take place in person, if possible. The Program Director is to conduct the interview in the presence of the Assistance Ministry Coordinator or Victim Assistant Provider and the parent(s) or guardian of the alleged victim, if he/she is a minor. If the alleged victim is a female, the Program Director, in collaboration with the Victim Assistance Coordinator, is to ensure that a designated female Victim Assistance Provider is present for the interview.

**5.3.1a** If the accused primarily speaks a language other than English, the Program Director, in collaboration with the Vicar General and the Assistance Ministry Coordinator, will provide a suitable person, competent in that language, to assist with the interview.

**5.3.1b** For the Interview, the Program Director will verify the information received in the initial contact as follows:

1. The name, address and contact information for the one making the allegation.
2. The name, address and contact information of the alleged victim.
3. The name, address and contact information of the alleged victim's parents, guardian or responsible adult if the alleged victim is a minor.
4. The name of the alleged abuser and present whereabouts if known.
5. An accurate and detailed description of the alleged misconduct, the relevant dates, times, and circumstances in which the misconduct allegedly occurred and the names, addresses, telephone numbers of any other persons who may have knowledge of the alleged misconduct.

**5.3.1c** In collaboration with the Assistance Ministry Coordinator, the Program Director will extend pastoral care to the alleged victim and assess what outreach services (i.e., counseling, spiritual and emotional assistance, participation in support groups) may be needed for the alleged victim and his/her parent(s), guardian(s) or immediate family members.

**5.3.1d** The Program Director will share all findings of the Preliminary Investigation with the Promotor of Justice and the Diocesan Counsel.

**5.3.1 e** Under the provisions of the *Charter*, the alleged victim will be advised by the Program Director that he/she has the right to meet with the Diocesan Bishop. So as to provide for the integrity of the investigative process, the alleged victim may meet with the Diocesan Bishop upon the completion of the investigation by the law enforcement authorities, the completion of the Preliminary Investigation, and the reception by the Diocesan Bishop of the recommendation of the Review Board regarding the Preliminary Investigation.

If criminal proceedings have been initiated prior to the reception by the Diocesan Bishop of the recommendation of Review Board, the Diocesan Bishop may meet with the alleged victim prior to the conclusion of any criminal proceedings, upon request from the alleged victim and consultation with the law enforcement authorities and legal counsel.

If the alleged victim is a minor, scheduling for any meeting will occur in collaboration with the Program Director and the parent(s) or guardian of the alleged victim.

### **5.3.2** Notification and Interview of the Accused

In all cases, the accused named in the allegation shall be notified promptly in person, if possible, within forty-eight hours of the allegation.

**5.3.2 a** Notification shall be conducted by the appropriate person(s) indicated as follows:

1. The Vicar General or the Vicar for Priests, if the accused is a priest; the Director of the Permanent Diaconate or the Vicar General, if the accused is a permanent deacon or deacon candidate; the Vocation Director or Vicar General, if the accused is a transitional deacon or seminarian; the Religious Superior, if the accused is an ordained religious.
2. The Bishop's Delegate for Religious or the Vicar General, if a non-ordained religious. The Religious Major Superior will also be notified of the alleged allegation and will collaborate with the procedures of the Diocese of Raleigh and of the religious institute.
3. The Director of Human Resources or the Diocesan COO/CFO, if the accused is a lay employee or volunteer.
4. The Director of Human Resources or COO/CFO; the Principal or the Superintendent of Catholic Schools, if the accused is an employee or volunteer at a Diocesan, parochial, a Diocesan endorsed private school or a parochial early childhood center.

**5.3.2b** The accused will be informed of the substance of the allegation and interviewed as to if there is any matter relating to the allegation on which he/she can offer comment.



If the accused primarily speaks a language other than English, the Program Director, in collaboration with the Vicar General, will provide a suitable person, competent in that language, to assist with the notification and the interview.

**5.3.2 c** The accused is to be informed of the identity of the alleged victim with the provision under a canonical penal precept that the accused is not to contact directly the alleged victim. In addition, the accused will be informed not to contact the alleged victim by proxy nor to publicly name the alleged victim or engage in any detraction or calumny which may harm the reputation of the alleged victim. These actions are taken to insure that the following is provided:

1. A safe environment for the alleged victim.
2. The reputation of all parties is protected from further accusations pending the outcome of the investigation.
3. The public is protected from further possible harm.
4. The integrity of the investigation is not compromised.

**5.3.2d** The accused will be advised of the process for the Preliminary Investigation according to the provisions of Canon 1717. During the Preliminary Investigation, the accused may be required to observe the requirements of a penal precept identified in the decree by the Diocesan Bishop. If the accused is a priest, the penal precept may indicate that he is asked not to celebrate the sacraments publicly, to reside in a neighborhood where no minors reside nearby, to refrain from being in the presence of minors and to be under the guidance of a senior Diocesan priest in active ministry. In this instance, a Ministerial Restriction Monitoring Plan will be created in accord with Diocese of Raleigh policies. If the accused is a deacon, the penal precept may place similar restrictions, *mutatis mutandis*. If the accused is a religious or lay person, he/she shall be placed on administrative leave as determine by the Diocesan Employees Handbook and will not be permitted to be in the presence of minors on parish or school property, or in parish or school activities.

**5.3.2e** The accused will be informed of the presumption of his/her innocence in the process of the Preliminary Investigation. In addition, the accused will be informed that the process of the Preliminary Investigation is designed such that the reputation of the accused is to be protected from further accusations pending the outcome of the investigation.

The accused will also be informed of the right to civil counsel, the right to canonical counsel and the role of the civil authorities may have in the process of the Preliminary Investigation (see 5.3.3). The accused will be advised of the right to appear before the Review Board with counsel and/or other advocate once the Preliminary Investigation has been completed.

If the accused is a priest, the Vicar for Priests is to be available to offer spiritual support. If the accused is a permanent deacon or deacon candidate, provisions for spiritual support will be made available in cooperation with his family through the Office of the Permanent

Diaconate. If the accused is a transitional deacon or seminarian, spiritual support will be coordinated with the seminary through the Office of Vocations. If the accused is a religious, spiritual support will be made available through their Major Superior.

### **5.3.2 f Admission of the Truth of an Allegation**

If in the Preliminary Investigation the accused is a priest or deacon freely admits that the allegation is true, pleads no contest or is found guilty in a civil or criminal proceeding, the Preliminary Investigation is concluded and, by a decree of the Diocesan Bishop, an administrative penal process is begun in accord with the provisions of Canons 1718 §1 3° and 1720.

In accord with the provisions of Canon 1722, a decree is issued by the Diocesan Bishop prohibiting the accused priest or deacon from the exercise of sacred ministry, removing him immediately from an appointed ecclesiastical office, restricting the place of his residence and participation in the celebration of the Holy Eucharist as may be prescribed.

A Ministerial Restriction Monitoring Plan will be created in accord with Diocese of Raleigh policies.

Subsequent to the issuance of this decree, the appropriate notifications shall be made as follows:

1. In accord with the USCCB “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons,” 6, the Congregation for the Doctrine of the Faith is notified by the Diocesan Bishop.
2. The current and previous parishes where the priest or deacon was appointed shall be notified by the Diocesan Bishop through the Vicar General.
3. The presbyterate, pastoral administrators and the Diocesan staff shall be notified by the Diocesan Bishop.

The accused cleric, having admitted the truth of an allegation, will be offered appropriate medical and psychological assistance and advised to seek the counsel of an attorney qualified in civil and Canon Law, if such has not been retained.

If the accused is a lay person, and freely admits that the allegation is true, pleads no contest or is found guilty in a civil or criminal proceeding and the Preliminary Investigation is concluded, he/she shall be immediately terminated as an employee or dismissed from a volunteer position.

### **5.3.3 The Process of the Preliminary Investigation**

Upon notification of the appropriate law enforcement authority or agency of an allegation of sexual abuse of a minor, and a denial of the allegation by the accused, the Program Director will ascertain if law enforcement authorities intend to conduct an investigation.

**5.3.3a** If an investigation is not to be conducted by law enforcement authorities, the Diocesan Bishop will decide on the continuation or termination of the Preliminary Investigation in accord with the provisions of Canons 1717 and 1718. If the continuation of the Preliminary Investigation is to occur, interviews by an independent investigator(s) are to be conducted as prescribed below.

**5.3.3b** If an investigation is to be conducted by law enforcement authorities, the Program Director will initiate contact with the law enforcement authorities to ascertain the progress of the investigation and if any collaboration may be possible with an independent investigator(s) retained by the Diocese of Raleigh.

**5.3.3c** If such collaboration is not possible between the law enforcement authorities and the independent investigator(s) retained by the Diocese of Raleigh, the Program Director will remain in contact with the law enforcement authorities regarding the progress of their investigation. No supplemental investigative activity by the Diocese of Raleigh is to occur during this period so as not to compromise the integrity of the investigation being conducted by the law enforcement authorities.

**5.3.3d** If the investigation by the law enforcement authorities concludes that no criminal activity has occurred, the Diocesan Bishop will decide on the continuation or termination of the Preliminary Investigation in accord with the provisions of Canons 1717 and 1718.

**5.3.3e** If the investigation by the law enforcement authorities concludes that criminal activity did occur, and the independent investigator(s) has not collaborated with the law enforcement authorities, the independent investigator will be asked to conduct or obtain the statements from interviews as prescribed below.

### **5.3.3 f** Interviews by the Independent Investigator(s)

The Independent Investigator(s) will meet with the following persons individually as soon as possible:

1. The person(s) making the allegation.
2. Parents, guardian or other responsible adult of the minor alleged to have been abused.
3. The alleged victim accompanied by the responsible adult and a victim advocate, if requested. If an alleged minor victim is less than 13 years of age or is developmentally delayed, the child will be interviewed by a professional trained in interviewing child victims and the interview will be coordinated with civil authorities so as not to interfere with an on-going investigation or contaminate the child's report.
4. The accused in question may be accompanied by the Vicar for Priests, or a person of his choosing, if the accused is a priest; the Director of the Permanent Diaconate, if the accused is a permanent deacon or deacon candidate; the Bishop's Delegate for Religious, or a person of his/her choosing, if the accused is a non-ordained religious; the Vocation Director, if the accused

is a transitional deacon or seminarian; and an advocate of his/her own choosing, if a lay employee or volunteer. The accused may also be accompanied by legal counsel.

5. Any other persons who may have information pertinent to the allegation and helpful to the inquiry.

If the primary investigator is a male and the alleged victim to be interviewed is a female, the primary investigator is to employ the assistance of a female independent investigator. If the primary investigator is a female and the alleged victim to be interviewed is a male, the primary investigator is to employ the assistance of a male independent investigator. Each investigator is to have demonstrated training, competency and experience in the investigation of sex crimes and/or sexual child abuse.

If those to be interviewed speak a language other than English, the Program Director, in collaboration with the Vicar General, will provide a suitable person, competent in that language, to assist with the interview.

#### **5.4 The Assembly of Facts**

A complete written account of the interviews conducted will be prepared by the investigator(s) for referral to the Review Board, but a preliminary report shall be forwarded to the Diocesan Bishop, the Vicar General, the Program Director and the Diocesan Counsel, as soon as reasonably possible. The complete written account of the interviews conducted, along with the findings of any law enforcement investigations, if available, appropriate personnel information, correspondence or other pertinent and related documents will constitute the materials necessary for the assembly of the facts in accord with the provisions of Canon 1718 §1.

#### **5.5 Consultation with the Diocesan Review Board**

The Review Board will meet as soon as practical once any investigation by law enforcement authorities and/or the Preliminary Investigation have been completed. In the presence of a quorum, the board will carefully examine all information obtained that is relevant to the allegations. The presence of four members of the Board will constitute a quorum for official action of the Review Board. After due deliberation, the board may take any/or all of the following actions:

- a. to request additional information.
- b. to request interviews with persons involved or knowledgeable about the allegation.
- c. to interview the accused when requested by him/her or when the board determines such an interview would be helpful.
- d. to recommend to the Diocesan Bishop that the allegation has a *semblance of truth* which warrants further action in accord with the provisions of penal law.

*(The term, “semblance of truth” is an indication that a delict or violation of the Code of Canon Law by the accused has taken place. While “semblance of truth” does not have the evidentiary weight of terms such as “probable,” it remains an indication that what is alleged at least seems to be true)*

- e. to recommend to the Diocesan Bishop that the allegation appears to be without a semblance of truth or has not been sufficiently established and should not be considered further unless new information becomes available.

## **5.6 The Penal Processes and Other Administrative Acts**

Following the conclusion of the Preliminary Investigation, in accord with the provisions of Canon 1718 §1, 1-3°, the assembly of facts, the recommendation of the Review Board that there is a semblance of truth to the allegation that the sexual abuse of a minor may have occurred, and/or the issuance of criminal charges by law enforcement authorities, the following actions will take place:

### **5.6.1 Priests/Deacons**

In accord with the provisions of Canon 1722, a decree is issued by the Diocesan Bishop prohibiting the accused priest or deacon from the exercise of sacred ministry, removing him immediately from appointment to ecclesiastical office, restricting the place of his residence and participation in the celebration of the sacramental life of the Church, with special regard to Holy Eucharist, as may be prescribed. The canonical limitations of these actions are taken into account for the priest who is a pastor.

**5.6.1 a** Subsequent to the issuance of this decree, the appropriate notifications shall be made as follows:

1. In accord with the USCCB “Essential Norms for Diocesan or Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons,” paragraph 6, the Congregation for the Doctrine of the Faith is notified by the Diocesan Bishop.
2. If the case would otherwise be subject to prescription, the Diocesan Bishop shall apply to the CDF for a dispensation from prescription.
3. The Diocesan Bishop, in his notification of the CDF, shall submit a *Votum* on the particular form of the penal process he recommends regarding the accused, whether a judicial penal process, an administrative penal process or the penal remedy of prayer and penance. Unless the CDF calls the case to itself, the Diocesan Bishop will be given direction by the CDF regarding the particular penal process to be followed or the penal remedy to be administered.
4. The current and previous parishes where the priest or deacon was appointed shall be notified by the Diocesan Bishop through the Vicar General.
5. The presbyterate, pastoral administrators and the Diocesan staff shall be notified by the Diocesan Bishop.

**5.6.1 b** The accused priest or deacon will be offered appropriate medical and psychological assistance and advised to seek the counsel of an attorney qualified in civil and Canon Law if such has not been retained.

### **5.6.2 Non-Ordained Religious**

An accused non-ordained religious will be immediately removed from his/her ecclesiastical appointment or duties and the competent Major Religious Superior will be notified.

### **5.6.3 Lay Employees/Volunteers**

An accused lay person shall be immediately terminated as an employee or dismissed from a volunteer position and/or any further relationship with the Diocese of Raleigh by the appropriate authority (pastor, principal, etc.), in accord with Diocesan personnel policies. The Review Board is to be informed of the case and the employment actions taken.

### **5.6.4 Permanent Removal of Priests and Deacons from Active Ministry**

Diocesan policy and the Essential Norms provide that for even a single act of sexual abuse of a minor, the priest or deacon will be permanently removed from ecclesiastical ministry, not excluding dismissal from the clerical state.

**5.6.4a** In every case involving canonical penalties, the process provided for in Canon Law shall be observed and the various penal provisions of Canon Law shall be considered, including a request by the priest or deacon for dispensation from the obligations of the clerical state and the request by Diocesan Bishop that the priest or deacon be dismissed from the clerical state. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. The offending priest or deacon will be offered professional psychological or psychiatric assistance as well as spiritual direction.

**5.6.4b** If the penalty of dismissal from the clerical state is not applied (e.g. in the case of advanced age or infirmity) the offender may be assigned the remedy of leading a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to administer the sacraments, to wear clerical garb or present himself publicly as a priest.

## **6. Communications**

The Diocese of Raleigh is committed to openness and honesty with the public and equally to the protection of privacy and the good reputation of all individuals involved in allegations of sexual abuse of minors. All requests for information made by outside parties to anyone (officials, employees or volunteers) regarding matters of sexual abuse of minors shall be referred to the Diocesan Director of Communications. Any communication to be made is done in collaboration with the Vicar General, the Diocesan COO/CFO and the Diocesan Counsel.

## **7. Confidentiality and Disclosure of Information**

The Vicar General is the custodian of all information obtained in cases of allegations of sexual abuse of minors and is responsible for maintaining the system which ensures the security of the information. In collaboration with the Diocesan Bishop, the Diocesan COO/CFO, the Diocesan Counsel and the Diocesan Director of Communications, information may only be disclosed:

- a. to provide the accused with information to respond to the allegation. The release of any information to the accused will be done only if it does not compromise providing a safe environment for the alleged victim, especially if he/she is still a minor.
- b. to provide the person making the allegation as well as the accused with information on the progress of any inquiry, investigation or canonical penal process in a timely manner.
- c. to provide immediate access to all information to the Diocesan Bishop or his designee, the Program Director, the Promoter of Justice and the chairperson of the Review Board.
- d. to provide appropriate information to competent major superiors of a religious community or appropriate officials of another Diocese.
- e. to provide such information as may be required by law to public authorities.

**7.1** The Diocese of Raleigh will not enter into confidentiality agreements except for grave and substantial reasons, brought forward by the victim/survivor, which are noted in the text of any such agreement.

## **8. Victim Assistance and Pastoral Outreach Program**

The Diocese of Raleigh, through the Assistance Ministry Coordinator, will provide pastoral care to victims, families, parishes and affected communities essential to beginning the healing process. This pastoral care includes:

- a. Acknowledgement and a compassionate pastoral attendance to feelings of anger, pain and mistrust.
- b. Under the provisions of the *Charter*, the alleged victim will be advised by the Program Director that he/she has the right to meet with the Diocesan Bishop. So as to provide for the integrity of the investigative process, the alleged victim may meet with the Diocesan Bishop upon the completion of the investigation by the law enforcement authorities, the completion of the Preliminary Investigation, and the reception by the Diocesan Bishop of the recommendation of the Review Board regarding the Preliminary Investigation.

If criminal proceedings have been initiated prior to the reception by the Diocesan Bishop of the recommendation of Review Board, the Diocesan Bishop may meet with the alleged victim prior to the conclusion of any criminal proceedings, upon request from the alleged victim and consultation with the law enforcement authorities.

If the alleged victim is a minor, scheduling for any meeting will occur in collaboration with the Program Director and the parent(s) or guardian of the alleged victim.

- c. Assessment, counseling and therapeutic interventions by competent professionals as mutually agreed upon by the individual requesting victim assistance from the Diocese of Raleigh.

- d. Education of the parish and community to facilitate understanding, support and acceptance of victims and how to access victim assistance when needed.
- e. Pastoral counseling for affected faith communities and families.
- f. Providing education and training for clergy and other church personnel on the pastoral care and assistance that is offered to those who have suffered sexual abuse as a minor.

## **9. A Summary of Diocesan Safe Environment Programs**

To promote a safe environment for children and young people in the Diocese of Raleigh, the following policies and procedures have been initiated.

**9.1** Background checks utilizing the resources of law enforcement and other community agencies are conducted for all Church personnel who directly and regularly minister to minors. Accepted screening and evaluation techniques are employed in determining an applicant's fitness for ordination to the priesthood or permanent diaconate or for service to or employment by the Diocese of Raleigh. The process and tools for screening and evaluations are reviewed every three years by the Program Director in collaboration with the Director of Vocations or the Director of Human Resources.

**9.2** No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for appointment to ministry in the Diocese of Raleigh.

**9.3** Before a priest or deacon can be transferred for residence to another Diocese or religious province, the Bishop of Raleigh shall forward, in confidence, to the local Diocesan Bishop and/or religious Provincial of the proposed place of residence, any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.

**9.4** The Bishop of Raleigh, when he considers receiving a priest or deacon from outside his jurisdiction for appointment in the Diocese of Raleigh, will obtain the necessary information regarding any past allegation or act of sexual abuse of a minor by the priest or deacon in question and/or any other information indicating that he has been or may be a danger to children or young people.

**9.4.1** All superiors of religious communities proposing names of individual religious for ministry, residency or parochial faculties in the Diocese of Raleigh are required to state clearly in writing to the Bishop of Raleigh that there is no history which would render the individual unsuitable to work with minors. All allegations, even if proved false, should be included with a statement that no semblance of truth was found associated with the allegation. All religious communities are expected to abide by the policies and procedures of the Diocese of Raleigh should allegations of sexual misconduct be made against an individual religious serving in a Diocesan parish or facility.

**9.4.2** The Diocesan Bishop of those extern priests or deacons ministering or residing in a parish or institution in the Diocese of Raleigh are required to present the same written assurances to the Bishop of Raleigh regarding the suitability of the individual for ministry, especially to minors.



**9.4.3** Priests or deacons seeking incardination in the Diocese of Raleigh shall be required to submit a canonical petition for incardination and to complete a background check, and psychological testing as necessary to determine their suitability to minister to minors.

**9.4.4.** No pastor/parochial administrator, associate pastor or director of any Diocesan institution, agency or facility is permitted to grant residence in a Diocesan owned residence or grant full, part-time, weekend ministry to an extern priest, deacon or religious until a letter of approval or appointment has been received from the Bishop of Raleigh. This letter shall indicate that written assurances have been obtained from the appropriate religious Superior and/or Diocesan Bishop that the priest or deacon is suitable for ministry to minors in accordance with canonical and Diocesan norms.

**9.4.5.** Protocols with Institutes of Consecrated Life, Societies of Apostolic Life, Personal Prelatures and Public Associations of the faithful whose members may seek faculties for ministry or employment in the Diocese of Raleigh are required complete a background check, and to present documentation from the appropriate Superior that accused member will abide by the policies and procedures of the Diocese of Raleigh regarding Child and Youth Protection, and that the member does not have a history that would render them unsuitable for ministry to minors.

**9.5** Education and training initiatives for children, youth, parents, ministers, and educators about ways to initiate and maintain a safe environment for children will be conducted regularly.

**9.6** The Diocese of Raleigh will collaborate with other churches, ecclesial communities, institutions of learning and community organizations in addressing the effects of sexual abuse in our society, analyzing the root causes of the problem and providing the best practices to insure a safe environment for children and youth.

## **10. Information Questionnaire**

All Church personnel working in an environment where children are being served, are required to be appropriately screened and evaluated prior to beginning their duties. Safe environment training must be completed within three months of commencement of personnel duties. Personal Information Sheets are to be completed by all employees and volunteers. Employees' forms are to be kept in their personnel files and volunteer forms are to be kept in an appropriate file at the parish or agency. Clergy are to complete the Clergy Personal Information Sheet. The completed forms are to be kept in their personnel file in the Office of the Bishop of Raleigh. All Church personnel shall attest to the fact that they have read, understand and agree to abide by the Code of Conduct and the Policies and Procedures of the *Program for the Protection of Children and Young People* and will yearly reaffirm this statement regarding the issue of child sexual abuse.

## **11. Sanctions**

Church personnel who fail to comply with the provisions of the policies of the *Program for the Protection of Children and Young People* will be subject to such action(s) by the Diocese of Raleigh as may be deemed necessary up to and including termination from any positions with the Diocese and/or with any parish, mission or other Catholic institutions and organizations which are subject under Canon Law and/or civil law to the administration, authority or governance of the Diocese. If a priest or deacon is in non-compliance with these provisions, sanctions may be

applied in accordance with the provisions of Canon Law; this constitutes a canonical warning requiring compliance with these provisions in accord with Canon 1347 §1. Applicants for positions in the Diocese of Raleigh who fail to comply with the *Program for the Protection of Children and Young People*, or who answer falsely any pertinent questions on the application form, shall be denied hiring or removed from a position. Similarly, all who provide false answers on the annual attestation form may be removed from a position.

## **12. Conclusion**

The *Program for the Protection of Children and Young People* was adopted on March 1, 2003. This Program will continue to be reviewed as often as necessary and at minimum every two years to insure its full compliance with the *Charter, The Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors*, and applicable civil and Canon Law.

**These revised norms for the *Program of Protection for Children and Young People* in the Diocese of Raleigh are promulgated as particular Diocesan law by the Most Reverend Luis Rafael Zarama, Bishop of Raleigh, on July 26, 2019 and effective immediately. All particular law contrary to these norms is abrogated with this promulgation.**