

## DECREE

### ESTABLISHING POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS, DEACONS OR OTHER CHURCH PERSONNEL

#### I. Introduction.

The Diocese of Columbus is committed to the protection and safety of children in the Diocese of Columbus. This commitment follows the fundamental mission of the Church to preach the gospel of Jesus Christ, to give authentic witness to the moral teaching of the Scriptures and the tradition of the Church, and to uphold the human dignity of every person. The diocese is fully resolved to use every effort to prevent the occurrence of any act of abuse within the jurisdiction of the diocese and to confront any act of abuse immediately and forthrightly so as to maintain the trust and respect of the faithful within the diocese for their clergy and the Church.

This decree is issued in accordance with Canon 31 of the Code of Canon Law and shall be binding upon all members of the Diocese of Columbus immediately upon its publication. This decree seeks to comply fully with and specify in more detail the steps to be taken in implementing canon law, especially Canons 1717-1719.

The provisions of this decree are adopted to fulfill the commitment of the Diocese of Columbus to the protection and safety of children. In addition to the specific provisions of this decree, the measures regarding the prevention of sexual abuse of minors, as well as the pastoral, administrative and canonical response to incidents of alleged sexual abuse of minors, and the standards of behavior for clergy and others in positions of trust, are subject to other canonical laws, diocesan policies, guidelines and practices, which individually retain the force proper to each. Matters which are fully treated elsewhere or are determined by other canonical or diocesan laws or policies, universal or particular, generally are not repeated in this decree. The Diocese of Columbus acknowledges the binding force of the Essential Norms as particular law for the Church in the United States, and no part of this policy is to be interpreted in a way that conflicts with those Norms or other binding canon or civil laws.

These policies are to comply with the requirements of canon law, and are adopted as part of the disciplinary process of the Roman Catholic Church.

#### II. Definitions.

For the purpose of implementing this decree, the following definitions shall apply:

1. Sexual Abuse shall have the meaning stated in the USCCB document, Charter for the Protection of Children and Young People, at Footnote 1 to Article 1. The term shall also apply to any allegation as to a minor who is an abused child as defined in Section 2151.031 of the Ohio Revised Code.

2. A Minor is any person under the age of 18 at the time an act of sexual abuse occurs, or a mentally or physically handicapped child under 21 years of age.

3. A Priest shall be any priest ordained in the Roman Catholic Church, who has not been laicized or who has not defected from the ministry, and incardinated in the Diocese of Columbus or legitimately assigned in the diocese under the authority of the Bishop of Columbus at the time an act of sexual abuse of a minor occurred.

4. A Deacon shall be any deacon ordained in the Roman Catholic Church, who has not been laicized or who has not defected from the ministry, and incardinated in the Diocese of Columbus or legitimately assigned in the Diocese of Columbus under the authority of the Bishop of Columbus when an act of sexual abuse of a minor occurred.

5. Other Church Personnel subject to this decree shall be any employee, agent or volunteer authorized by the appropriate Church authority to have care, control or custody of a minor, and having responsibility for the care, control or custody of a minor when an act of sexual abuse of that minor occurred.

6. Ordinary shall mean the Diocesan Bishop or the Vicar General.

### III. Organizational Policies.

The following action shall be taken under the authority and direction of the Bishop of Columbus:

1. The decree which establishes the standards of clergy conduct as stated in Appendix I is incorporated as part of these policies. These standards shall be provided to each Priest, Deacon or other appropriate Church Personnel in the Diocese of Columbus, and shall be published in the diocesan newspaper. These standards of clergy conduct may be reviewed and revised periodically at the direction of the Ordinary.

2. A competent person designated by the Bishop will coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by a Priest, Deacon or Other Personnel. It will be the responsibility of this person to assist with the provision of counseling, spiritual/pastoral assistance and other social services to abused persons who seek such service.

3. The Diocesan Chancellor shall be responsible for the administration of the Procedural Policies established in Section IV, below, without prejudice, however, to the rights and duties of the Diocesan Ordinary and the Promoter of Justice.

4. The form for commencement of a complaint set forth in Appendix II is adopted. Copies of the form shall be available at each parish office and school in the diocese, and at the Diocesan Chancery, 198 East Broad Street, Columbus, Ohio 43215. These forms may also be found on the Diocesan website—[www.colsdioc.org](http://www.colsdioc.org).

5. A Review Board has been established to function as a confidential consultative body to assist the Bishop in discharging his responsibilities, particularly in respect to the fulfillment of Canons 1717-1719. The functions of the Review Board shall be:

A. advising the Bishop in his assessment of allegations of sexual abuse of minors involving Priests and Deacons and in his determination of suitability for ministry;

B. reviewing diocesan policies for dealing with sexual abuse of minors; and,

C. offering advice on all aspects of cases involving sexual abuse of minors, whether retrospectively or prospectively.

The Review Board shall operate under the Diocese of Columbus Review Board Policies and Procedures attached hereto as Appendix III.

6. The communications policy for the Diocese of Columbus with regard to matters treated in this decree shall be as follows: Within the confines of respect for the civil and canonical rights to privacy and the reputation of all individuals involved, the Diocese of Columbus will communicate allegations where there is sufficient information to proceed. While canon law requires that the acts of an investigation regarding a priest or deacon must be kept confidential and the Norms further require that the deliberations of the Review Board be confidential, nevertheless, the diocese will strive to communicate the major decisions which have been made in individual cases, the status of persons, and the progress of investigations and procedures insofar as is possible without divulging such confidential information. The Diocesan Director of Communications may be consulted to assist with appropriate responses to the media or to the public. If diocesan schools or religious education programs are involved, the Superintendent of the Department of Education may be requested to provide assistance in communications.

7. A “Safe Environment” program shall be provided for the Diocese, and a Coordinator to oversee this program will be appointed and will be available to assist with implementation and administration of the program, and to respond to concerns, questions, and requests for information. The program shall provide education and training to all Church personnel to maintain a safe environment for children. The Diocese will cooperate with parents, community leaders and other interested parties to establish and provide a safe environment for children.

All school staff and volunteers who have care, custody and control of students must have on file a current Ohio Bureau of Criminal Investigation criminal background check pursuant to Policy 4110.0 of the School Policies and Regulations of the Department of Education, Diocese of Columbus. All Priests, Deacons, Church Personnel, other than school personnel, and Church volunteers who have unsupervised access to children must be informed that they may be subject to fingerprinting and criminal background checks at any time as required by Section 109.575 of the Ohio Revised Code. Actual background checks of Priests, Deacons, Other Church Personnel or volunteers with unsupervised access to children may be requested by Church officials in cases determined to be appropriate or necessary. The document entitled “Best Practices for Screening Volunteers who Work with Children and Youth in the Parishes of the Catholic Diocese of Columbus” attached as Appendix IV is recommended for reference in regard to screening volunteers.

8. These policies will be provided to each Priest and Deacon in the diocese. The policies shall be

published in the diocesan newspaper periodically. The policies shall be available for distribution or inspection by any Other Church Personnel with care, control or custody of minors and will be provided upon request made by any person at any parish office or at the Chancery Office, 198 East Broad Street, Columbus, Ohio 43215.

#### IV. Procedural Policies.

An allegation of sexual abuse of a minor by a Priest, Deacon or Other Church Personnel may be initiated in various ways, including the filing of a complaint form, direct contact with the Ordinary, a pastor, or school or Church personnel by the party alleging abuse or a family member thereof, or by a claim presented in a civil law proceeding. The allegations may be by or for a specifically identified claimant. Allegations cannot be received under condition of anonymity except for the most serious reasons.

The following actions shall be taken immediately upon receipt of any allegation, regardless of who presents the allegation or how the allegation is received:

1. The allegation shall immediately be referred to the Ordinary. Any subordinate person in the Church who receives such an allegation in whatever manner shall forward it to the Ordinary without delay. If the allegation is received in the form of a civil action, the Diocesan Attorney shall immediately be notified and shall take appropriate action to respond to the civil claim.

2. A preliminary evaluation of the allegation will be initiated by the Ordinary and conducted promptly and objectively to determine if the allegation has any semblance of truth. If the allegation does not have a semblance of truth (for example, if it lacks all specificity, is irreconcilable with known facts, or cannot be deciphered), nothing further will be done.

3. If the allegation has any semblance of truth, the following actions will be taken:

A. The matter shall immediately be reported to the civil authorities. The Diocesan Attorney shall be consulted as to the requirements and procedures for reporting. The claimant shall be advised of the claimant's right to report the allegations to the civil authorities if the claimant has not previously reported. The diocese will cooperate with any civil investigation as required by law.

B. If the accused is not a Priest or a Deacon, the Church administrator with authority over the person accused will be advised and the Church administrator, after consultation with the Ordinary, will determine appropriate action, such as suspension or termination of employment.

C. If the allegation involves a Priest or a Deacon, the investigation mentioned in Canon 1717 (the "prior investigation") will be initiated by decree of the Ordinary, unless it appears the investigation is entirely superfluous. The accused cleric shall obtain civil and canonical counsel prior to any discussions with diocesan authorities regarding the allegation. (In cases where a cleric of another jurisdiction is the accused, the matter will be referred to the cleric's proper Ordinary for conduct of the prior investigation.) If circumstances indicate, the cleric may be placed on administrative leave immediately pending the investigation. Such circumstances may include immediate concern for the safety of children or publicity and notoriety of the allegation.

For cases involving Priests or Deacons, a Review Board has been established according to the requirements of the Charter for the Protection of Children and Young People and the Essential Norms. The Ordinary will seek the advice of the Review Board in its capacity as a confidential consultative board in conducting the prior investigation as foreseen in Canon 1717.1 and 1718.3. The allegation will be referred promptly to the Secretary of the Review Board, who shall then proceed according to the established procedures of the Review Board (see Appendix III). The Promoter of Justice shall participate in all meetings of the Review Board in which an allegation of abuse is being discussed by the Review Board.

D. At any time following the preliminary evaluation, the person designated by the Bishop to coordinate the pastoral care of victims will determine the appropriate actions for healing and reconciliation with the accuser and the accuser's family. The actions may include provision of counseling, spiritual and/or pastoral assistance and other social services available and agreed to by the accuser and the diocese. The Bishop or his representative will offer to meet with the accuser and the accuser's family in recognition of a sincere commitment to the spiritual and emotional well being of the accuser and the accuser's family.

E. Care must be taken lest anyone's good name be endangered by this investigation (Canon 1717.2). Appropriate information as to the facts involved in the allegations as determined by the Ordinary in consultation with the Director of Communications shall be communicated to the public pursuant to the communications policy found in Section III, No. 6 above.

4. When the Ordinary determines that sufficient information has been obtained, the Review Board shall consider the case and offer recommendations to the Ordinary in his assessment of allegations of sexual abuse of minors and of suitability for ministry. Having heard the Review Board's recommendations, therefore, the Ordinary shall proceed as follows:

A. If the allegation is determined by the Ordinary not to be credible, the matter shall be closed. The accused and the accuser shall be advised as to the results of the investigation and the closing of the case. All appropriate actions to clear the name of the accused shall be followed.

B. If an allegation involving a Priest or a Deacon is admitted or is determined by the Ordinary to be probable, and if accordingly he determines that the penalty of dismissal from the clerical state is to be sought, the Ordinary, in accordance with Canon 1718.4, shall inform the accused of the results of the investigation and inquire whether he may wish to pursue voluntary laicization in order to avoid the necessity of a penal judicial trial. The Ordinary will inform the accused of this by means of a decree in which the Ordinary gives the accused a suitable period of time to consider his options. In the same decree, the Ordinary may close the prior investigation and invoke the application of the precautionary measures mentioned in Canon 1722 in accordance with Paragraph 6 of the Norms.

C. When the accused has responded to the decree mentioned in the previous paragraph, if the accused wishes to petition for laicization voluntarily, a decree of suspension will be issued and the process for voluntary laicization will be undertaken in the normal manner. If the accused does not wish to proceed voluntarily, then the Ordinary will issue the decree mentioned in Canon 1718.1. Since sexual abuse, as defined in the Charter and Norms and as referred to in Canon

1395.2 is a grave delict reserved to the Congregation of the Doctrine of the Faith, this matter shall be referred to said Congregation, which may either call the case to itself or advise the Ordinary how to proceed. The remainder of the Penal Process is governed by the applicable universal and particular canon laws.

5. At all times, the Bishop has the executive power of governance as stated in Paragraph 9 of the Norms.

#### V. Other Policies.

1. Paragraph 12 of the Norms shall be followed in regard to the transfer from ministerial assignment from the Diocese of Columbus to another diocese or religious province. If a Priest or a Deacon is to be received into the Diocese of Columbus, before receiving the Priest or Deacon, the Bishop will obtain the necessary information regarding any past act of sexual abuse of a minor by a Priest or a Deacon in question and will determine if the transfer will be accepted. Any past history of sexual abuse would disqualify a Priest or Deacon from another jurisdiction for service in the Diocese of Columbus.

2. These policies shall be reviewed at least once in each five-year period. The Review Board shall commence the process of review and shall assist the Bishop by presenting a report to him as to each review, including recommendations for amendments, or stating that the policies have been reviewed and no amend-ments are recommended by the Review Board. The Bishop shall advise the Review Board as to action taken by him in response to the report.

3. If allegations are resolved by agreement between parties, the terms of the agreement shall not include provisions as to confidentiality unless grave and substantial reasons for confidentiality are presented by the accuser with a request for confidentiality, and the reasons are stated in the agreement.

4. The Bishop or his representative shall maintain regular contact with Priests and Deacons who have been accused. The Bishop or his representative may provide assistance, advice and support to the accused, and may provide and facilitate referrals to counselors and other professionals who can provide psychological, emotional and spiritual assistance to the accused. The Bishop or his delegate shall monitor Priests and Deacons who are on leaves of absence, or removed from the ministry but not laicized, to provide assistance and to determine that any conditions or obligations of the accused are being followed.

5. These policies are to be administered to be uniform with the Charter and the Norms, and any inconsistencies shall be resolved by conforming these policies to the Charter and the Norms.

Given at the Chancery Office this 15th day of May 2003.

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+ JAMES A. GRIFFIN  
Bishop of Columbus