

# DIOCESE OF BUFFALO

## POLICY AND PROCEDURES FOR THE PROTECTION OF CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS REVISED October 17, 2016

### INTRODUCTION: PASTORAL STATEMENT

An essential part of the mission of the Church is the promotion and protection of the rights and dignity of all people. Christian principles dictate that we have a special concern for those who are most vulnerable and those who cannot fully care for themselves.

The abuse of children, young people, and vulnerable adults by some members of the clergy and the ways in which those crimes and sins were addressed have caused enormous pain, anger, and confusion. The damage caused by that sexual abuse is devastating and long lasting and is felt not only by the direct victims but also by their families and communities.

At the same time, the problem of unethical sexual or physical conduct, a form of exploitation, is one that compromises the credibility of the Church's ministers and volunteers and adversely affects the image and effectiveness of the entire Church. People place in their Church leaders a trust that must never be violated by any person employed by or volunteering services to the Church.

With a firm determination to promote and honor that trust, the Diocese of Buffalo renews its resolve to provide safety and protection

for children and vulnerable adults in Church ministries and institutions.

Well before the issue of sexual misconduct by Church personnel received widespread national attention, the Diocese of Buffalo prepared a written policy to address abuse. This policy was distributed to all our clergy in 1990. In June 2002, the United States Conference of Catholic Bishops (USCCB) took steps to ensure the Church's vigilance in guarding against violations of trust. In November 2002, the USCCB approved a revised Charter for the Protection of Children and Young People (Charter) and revised Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Essential Norms). The Charter and Essential Norms are revised periodically. See Charter for the Protection of Children and Young People, Essential Norms, and Statement of Episcopal Commitment (Promise to Protect - Pledge to Heal) (USCCB 2011).

<http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf>

This policy of the Diocese of Buffalo is also revised periodically.

## **I. GENERAL POLICY AND DEFINITIONS**

### **A. General Policy**

Sexual and physical misconduct is contrary to Christian principles and inconsistent with the mission of the Church. All personnel of the Diocese of Buffalo must comply not only with applicable state and local laws regarding incidents of actual or suspected misconduct but also with the procedures included in this document, and they must exercise heightened vigilance as required.

**B. Definition of Terms**

**Child:** Any person under 18 years of age.

**Vulnerable Adult:** A person who is impaired by reason of mental illness, mental deficiency, physical illness, or disability to the extent that he or she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or to manage his or her affairs effectively.

**Child or Vulnerable Adult Abuse:** Causing or attempting or threatening to cause harm to a **child's** or **vulnerable adult's** health or welfare, to include damage to the physical or emotional/psychological health and welfare of a **child** or **vulnerable adult**, resulting from non-accidental physical or mental injury, incest, sexual abuse, sexual exploitation, molestation, or repeated negligent treatment or maltreatment.

**Sexual Abuse of a Child or Vulnerable Adult:** Actual or attempted sexual molestation or sexual exploitation of a **child** or **vulnerable adult** or other behavior by which an adult uses a **child** or **vulnerable adult** as an object of sexual gratification.

Sexual abuse has been defined by different civil authorities in various ways, and this policy, like the Charter, does not adopt any particular definition provided in civil law. 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.

Thus, the norm to be considered in assessing an allegation of **sexual abuse of a child or vulnerable adult** is whether conduct or interaction with a **child** or **vulnerable adult** qualifies as an external, objectively grave violation of the Sixth Commandment.<sup>1</sup> A canonical offense against the Sixth Commandment<sup>2</sup> need not be a complete act of intercourse; nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation . . . unless it is otherwise apparent."<sup>3</sup>

The acquisition, possession, or distribution of pornographic images of a **child** shall be considered **sexual abuse of a child**. The showing of pornographic images of an adult to a **child** shall be considered **sexual abuse of a child**.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the

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<sup>1</sup> USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6.

<sup>2</sup> CIC, c. 1395 § 2; CCEO, c. 1453 § 1.

<sup>3</sup> CIC, c. 1321 § 3; CCEO, c. 1414 § 2. Cf. CIC, canons 1322-27 and CCEO, canons 1413, 1415 and 1416.

writings of recognized moral theologians will be consulted and the opinions of recognized experts will be obtained when appropriate.<sup>4</sup> Ultimately, the Bishop, with the assistance and advice of the Diocesan Review Board (see below), will determine the gravity of the alleged act.

**Diocese**: The **Diocese** of Buffalo.

**Chancery**: The Bishop, Auxiliary Bishop, Vicars General, and Chancellor of the **Diocese**, and their staffs.

**Employee**: A person who is compensated for work performed for the **Diocese**, or for any of its parishes, parish schools, Catholic Charities, or Christ the King Seminary.

**Volunteer**: A person who works without compensation on a regular basis for the **Diocese**, or for any of its parishes, parish schools, Catholic Charities, or Christ the King Seminary. A **volunteer** is more than a one-time or occasional worker.

**Personnel**: **Employees** and **volunteers** as defined above, clergy, and women and men religious working for the **Diocese** or any of its parishes, parish schools, Catholic Charities, or Christ the King Seminary.

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<sup>4</sup> *Canonical Delicts*, p. 6.

**Review Board:** The Panel described in this document (Part V, below).

**Victim Assistance Coordinator:** An office described in this document (Part V, below).

**Allegation:** An accusation of **child or vulnerable adult abuse** or **sexual abuse of a child or vulnerable adult** regardless of whether the person to whom the accusation is made believes it to be true.

**Complaint:** An **allegation** of **child or vulnerable adult abuse** or **sexual abuse of a child or vulnerable adult** made to the **Victim Assistance Coordinator**. A form for written **complaints** is attached as Appendix A.

C. **Types of Abuse**

This policy is intended to address **child or vulnerable adult abuse** and **sexual abuse of a child or vulnerable adult**.

II. **PROCEDURES FOR REPORTING SUSPECTED ABUSE AND LEGAL REQUIREMENT**

A. **For Victims of Child or Vulnerable Adult Abuse or Sexual Abuse of a Child or Vulnerable Adult and Persons Who Become Aware of Such Abuse**

The **Diocese** strongly urges all victims and families of victims to report any instance of **child or vulnerable adult**

**abuse** or **sexual abuse of a child** or **vulnerable adult** to the appropriate district attorney. Additionally, anyone desiring to report allegations of **child** or **vulnerable adult abuse** or **sexual abuse of a child** or **vulnerable adult** to the Diocese of Buffalo should contact the Diocesan Victim Assistance Coordinator (716-895-3010). More information regarding complaints can be found at the link on the Diocesan website entitled "Filing a Complaint."

The **Victim Assistance Coordinator** will explain to the person reporting the abuse or suspected abuse that the Diocese cannot promise absolute confidentiality to a complainant because of the responsibility of the **Diocese** to report allegations of abuse to the civil authorities as described in this policy and because, if the accused is still living, the **Diocese** will make the accused aware of the report. The **Victim Assistance Coordinator** will also explain, however, that the investigation of the complaint will be kept as confidential as the circumstances of an individual complaint will allow in order that the reputations of both the complainant and the accused are protected during the investigation.

**B. For All Personnel**

Any **personnel** who learns of an **allegation** of or suspects

**sexual abuse of a child** or **vulnerable adult**  
-- i.e., a person who is a **child** or  
**vulnerable adult** at the time of the  
suspicion or when the **allegation** becomes  
known to the **personnel**,

sexual abuse of a person who was a **child** at the time of the abuse but is no longer a **child**, or

**child or vulnerable adult abuse**

must report that allegation or suspicion to the **Victim Assistance Coordinator** (716-895-3010), and is strongly urged to report to the appropriate district attorney. The only exception is if to do so would violate the priest/penitent relationship of the Sacrament of Reconciliation.

- A written or oral report of the incident must be made as soon as possible to the **Victim Assistance Coordinator** who will prepare a written report if one has not been prepared already;
- The **Victim Assistance Coordinator** will provide a copy of the written complaint to the **Chancery** and the Diocesan attorney. The **Chancery** will notify the diocesan insurance administrator. The substance of all complaints and the results of any preliminary inquiries and investigations will be presented to the **Review Board**.
- A sample reporting form is attached to this policy statement (Appendix A) and is available on the diocesan website.

The foregoing reporting requirements are not intended to supplant whatever reporting obligations may be imposed by state or local laws.

All **personnel** will cooperate in any investigation by civil authorities in accordance with the law of the jurisdiction in question.

**B. For The Chancery**

The **Chancery**, through counsel, will report to the appropriate district attorney any **allegation** of **child abuse** or **sexual abuse of a child**, unless the statute of limitations for felony sex offenses in New York State has expired.<sup>5</sup>

The only other exception is if to report would violate the priest/penitent relationship of the Sacrament of Reconciliation.

The **Chancery** will cooperate with civil authorities by reporting **allegations** of **child abuse** and **sexual abuse of a child** even when the victim of the abuse is no longer a **child** at the time when the **allegations** are received by the **Chancery**.

The **Chancery** also will comply with any applicable civil laws with respect to the reporting of **allegations** of **child**

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<sup>5</sup> The statute of limitations for felony sex offenses in New York State is five years. See New York Criminal Procedure Law § 30.10(b); New York Penal Law Article 130.

**abuse** and **sexual abuse of a child** to civil authorities and will cooperate in any investigation by civil authorities in accordance with the law of the jurisdiction in question. In every instance, the **Chancery** will advise any person making an **allegation** or **complaint** of that person's right to make a report to civil authorities, and the **Diocese** will support that right and encourage its exercise.

### **III. INSTITUTIONAL RESPONSE TO COMPLAINTS AND ALLEGATIONS**

When a **complaint** is made, it is understood that the rights of all must be protected and that prompt and incisive action is important in responding. The Diocesan Bishop or the Vicar General will conduct or appoint an individual to conduct an initial inquiry into the **complaint**. Care will be taken not to interfere with any investigation by civil authorities and to be sensitive to the pastoral care of the victim, the well being of the community, and the fair treatment of the accused. Every effort will be made to ensure that all persons involved will be ministered to in a manner that is consistent with the gospel values of dignity, compassion, understanding, and justice.

**Outreach:** The **Diocese** will reach out to all victims of abuse and their families -- whether the abuse was recent or occurred many years ago -- to promote their spiritual and emotional well-being, their healing, and their reconciliation. The Diocesan Bishop or his designee will offer to meet with victims of abuse and their families to listen with patience and compassion to their experiences and concerns. The **Diocese** will provide counseling,

spiritual assistance, support groups, and other social services as agreed by the **Diocese** and the victim. Local parishes are encouraged to foster support groups for victims and others affected by abuse. The **Diocese** and its parishes will cooperate with social services agencies and other churches to provide support for victims and their families.

**Preliminary Inquiry:** Upon receiving a written complaint from the **Victim Assistance Coordinator**, the Diocesan Bishop or Vicar General will conduct or appoint an individual to conduct a preliminary inquiry regarding the complaint. As part of that preliminary inquiry, if the identity of the accused can be determined and that person is a member of the diocesan **personnel**, the accused individual will be notified of the particulars of the allegations and advised of the right to be represented by civil and/or canonical counsel. If the accused is a priest or deacon, the initial inquiry will be conducted by the Auxiliary Bishop or the Vicar General.

If there appears to be any credibility to a **complaint** deemed by the Bishop or Vicar General to be serious, the accused will be relieved of responsibilities and placed on administrative leave, pending the outcome of the investigation. The leader of the employing entity, in consultation with the Bishop or Vicar General, shall decide whether such leave is with or without pay or benefits.

This relief from administrative responsibilities is for investigation purposes only and is not intended to, nor shall it, imply any determination as to the truth or falsity of the **complaint** or the innocence or guilt of the individual involved.

Communications regarding administrative leave will be handled by the diocesan communications office.

**Investigation:** Unless the preliminary inquiry results in (1) an admission by the accused or (2) a determination that there is no semblance of truth to the complaint, the preliminary inquiry will proceed to an investigation. The accused individual will be informed that the alleged incident is being investigated and will be given every opportunity to respond to the **complaint**. The accused may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the **Diocese** and the accused.

The Bishop or Vicar General will appoint an investigator. The investigator will be directed to complete the investigation within 45 days, unless circumstances dictate the need for more time. The appointed investigator will obtain legal advice, both civil and canonical, as necessary.

When a **complaint** of **child** or **vulnerable adult abuse** or **sexual abuse of a child** or **vulnerable adult** involves a priest or deacon, the investigation will be initiated and conducted promptly and objectively in harmony with Canon Law.<sup>6</sup> All appropriate steps shall be taken to protect the reputation of the accused during the investigation.

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<sup>6</sup> CIC, c. 1717; CCEO, c. 1468.

The accused shall have the right

- to present evidence to the investigator,
- to be represented by civil and/or canonical counsel,
- to be notified of the particulars of the **allegations**,  
and
- to due process of law in accordance with canon law.

The accused will be encouraged to retain the assistance of civil and canonical counsel and will be notified promptly of the results of the investigation.

When there is sufficient evidence that **sexual abuse of a child** has occurred, the Congregation for the Doctrine of the Faith shall be notified. The Bishop shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473: i.e., he shall

- continue the administrative leave or remove the accused from sacred ministry or from any ecclesiastical office or function,
- impose or prohibit residence in a given place or territory,  
and
- prohibit public celebration of the Most Holy Eucharist pending the outcome of the process.

**Legal Rights and Duties:** Any **personnel** of the **Diocese** who

admits or is determined by the Bishop or  
Vicar General to have committed

even a single act of **child** or **vulnerable adult  
abuse** or **sexual abuse of a child** or **vulnerable  
adult**

shall immediately be terminated from employment  
or **volunteer** service and from any position of  
responsibility with the **Diocese** and any of its  
parishes, schools, and institutions.

When even a single act of **child** or **vulnerable adult abuse**  
or **sexual abuse of a child** or **vulnerable adult** by a priest  
or deacon is admitted or is established after an appropriate  
process in accord with canon law, the offending priest or  
deacon will be removed permanently from ecclesiastical  
ministry, not excluding dismissal from the clerical state  
if the case so warrants.<sup>7</sup> The cleric will be removed from  
ministry whether or not the cleric is diagnosed by qualified  
experts as a pedophile or as suffering from a related sexual  
disorder that requires professional treatment. Any cleric  
removed from ministry will be offered professional  
assistance for his own healing and well-being, as well as  
for the purpose of prevention.

In every case involving canonical penalties, the processes  
provided for in canon law must be observed, and the various

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<sup>7</sup> CIC, c. 1395 § 2; CCEO, c. 1453 § 1.

provisions of canon law must be considered.<sup>8</sup> The Congregation for the Doctrine of the Faith shall be notified, as appropriate. Unless the Congregation for the Doctrine of the Faith calls the case to itself because of special circumstances, the Bishop will proceed as directed.<sup>9</sup>

Because **sexual abuse of a child** or **vulnerable adult** is a grave offense, if the case would otherwise be barred by prescription, the Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription (time limits), while indicating appropriate pastoral reasons. For the sake of due process, the accused will be encouraged to retain the assistance of civil and canonical counsel. When necessary, the **Diocese** will supply canonical counsel to a priest or deacon.

Strict observance of canon and civil law will assist in the protection of all parties involved and will demonstrate that each individual's rights were fully respected and all privileges provided by law maintained.

If the penalty of dismissal from the clerical state has not been imposed (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass

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<sup>8</sup> Cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001.

<sup>9</sup> Article 13, "Procedural Norms" for *Motu proprio Sacramentorum Sanctitatis tutela*, AAS, 93, 2001, p. 787.

publicly, to administer the sacraments, to wear clerical garb, or to present himself publicly as a priest.

At all times, the Bishop has the executive power of governance, through an administrative act, to remove the offending cleric from office, to remove or restrict his faculties, or to limit his exercise of priestly ministry.

The Bishop may exercise his executive power of governance to take one or more of the following administrative actions:<sup>10</sup>

- (a) He may request that the accused freely resign from any currently held ecclesiastical office;<sup>11</sup>
- (b) If the accused declines to resign, and if the Bishop judges the accused to be truly not suitable<sup>12</sup> at that time for holding an office previously freely conferred,<sup>13</sup> then the Bishop may remove the accused from office, observing the required canonical procedures;<sup>14</sup>

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<sup>10</sup> CIC, cc. 381, 129, ff.; CCEO, cc. 178, 979, ff.

<sup>11</sup> CIC, cc. 187-189; CCEO, cc. 967-971.

<sup>12</sup> CIC, c. 149 § 1; CCEO, c. 940.

<sup>13</sup> CIC, c. 157.

<sup>14</sup> CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396.

- (c) For a cleric who holds no office in the **Diocese**, the Bishop may administratively remove any previously delegated faculties,<sup>15</sup> while any *de jure* faculties may be removed or restricted by the competent authority as provided in law;<sup>16</sup>
- (d) The Bishop may also determine that the circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist only privately (that is, with no member of the faithful present),<sup>17</sup> and the Bishop then shall forbid the priest to celebrate the Eucharist other than privately and to administer the sacraments, for the good of both the Church and the priest's own good;<sup>18</sup>
- (e) Depending upon the gravity of the case, the Bishop may also dispense<sup>19</sup> the cleric from the obligation of wearing clerical attire,<sup>20</sup> and may urge the cleric not to

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<sup>15</sup> CIC, cc. 391 § 1 and 142 § 1; CCEO, cc. 191 § 1 and 992 § 1.

<sup>16</sup> E.g., CIC, c. 764; CCEO, c. 610 §§ 2-3.

<sup>17</sup> CIC, c. 906.

<sup>18</sup> The priest shall be permitted to administer the sacraments in the case of a true emergency.

<sup>19</sup> CIC, cc. 85-88; CCEO, cc. 1536 § 1 - 1538.

<sup>20</sup> CIC, c. 284; CCEO, c. 387.

wear clerical attire, for the good of both  
the Church and the cleric.

These administrative actions shall be taken in writing and  
by means of decrees<sup>21</sup> so that the cleric affected is afforded  
the opportunity of recourse in accord with canon law.<sup>22</sup>

The priest or deacon may at any time request a dispensation  
from the obligations of the clerical state. In exceptional  
cases, the Bishop may request of the Holy Father the  
dismissal of the priest or deacon from the clerical state  
*ex officio*, even without the consent of the priest or  
deacon.

**Records and Reports:** Appropriate records will be kept of  
each **complaint** and investigation. Records shall be  
confidential and be kept securely at the Bishop's office,  
with access limited to the Bishop, the Vicar General, the  
assigned investigator, and counsel for the **Diocese**.

The **Review Board** will be notified of any **complaint**, suspicion,  
or incident.

In accordance with the terms of applicable insurance  
policies, insurers also will be notified of any **complaint**  
or incident.

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<sup>21</sup> CIC, cc. 47-58; CCEO, cc. 1510 § 2, 1°-2°, 1511, 1513  
§§ 2-3 and 5, 1514, 1517 § 1, 1518, 1519 § 2, 1520.

<sup>22</sup> CIC, cc. 1734 ff.; CCEO, cc. 999 ff.

**Unfounded Complaints:** The **Diocese** will take every reasonable step to ensure that care is taken to protect the rights of all parties involved, particularly those of the person alleged to have been sexually abused and the person against whom the **complaint** has been made. When a **complaint** has been determined to be unfounded, the **Diocese** will take every reasonable step to restore the good name of the person falsely accused.

**Supplementary Review:** When a new complaint is made regarding a person who was previously accused of abuse, or when new and previously unavailable information comes to light about a determination previously made, the Bishop and the Review Board shall consider that information in exercising their responsibilities under these policies and procedures as they consider the new complaint or reopen a previously determined complaint.

#### **IV. TRANSFERS AND NEW ASSIGNMENTS**

When a cleric is proposed for a new assignment or transfer within the **Diocese**, the Chancellor or Vice Chancellor will check the personnel file of the cleric before transfer.

The **Diocese** will not transfer any priest or deacon who has committed an act of **child** or **vulnerable adult abuse** or **sexual abuse of a child** or **vulnerable adult** to a new assignment within the **Diocese** or to another diocese/eparchy or religious province.

When a cleric is proposed

for a new assignment or transfer,

for residence in another diocese or eparchy,  
or residence in a country other than the  
United States, or

for residence in a local community of a  
religious institute,

the Bishop (for Diocesan priests) or

religious superior (for religious order priests)

will forward to the Bishop or religious superior  
of the proposed new assignment or residence

an accurate and complete report of the  
cleric's record.

That report will include whether anything in the cleric's  
background or service raises questions about his fitness  
for ministry.

Before a diocesan priest or deacon can be transferred for  
residence to another diocese/eparchy or religious  
province, or before a diocesan priest or deacon can -- with  
the Bishop's knowledge -- be present for an extended period  
of time in another diocese/eparchy or religious province,

the Bishop will forward,

in a confidential manner

to the local bishop/eparch or religious ordinary (if applicable) of the proposed place of residence,

any and all information concerning any act of **child** or **vulnerable adult abuse** or **sexual abuse of a child** or **vulnerable adult**, and

any and all information indicating that the priest or deacon has been or may be a danger to **children** or **vulnerable adults**.

This will apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life).

Whenever the Bishop receives a priest or deacon from outside the **Diocese**,

the Bishop will obtain

all relevant information regarding the background of that priest or deacon, including any information regarding any past act of **child** or **vulnerable adult abuse** or **sexual abuse of a child** or **vulnerable adult** by that priest or deacon.

The **Diocese** will cooperate with the Apostolic Visitation of any seminary or religious house of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002. The **Diocese** will develop systematic ongoing formation programs, in keeping with the Conference document *Basic Plan for the Ongoing Formation of Priests* (2001), so as to assist priests in living out their vocation.

V. OFFICES TO ASSIST THE DIOCESE

Victim Assistance Coordinator: The Diocesan **Victim Assistance Coordinator** will offer assistance and immediate pastoral care to any person who claims to have been the victim of **sexual abuse of a child** by priests, deacons, or other Diocesan **personnel**, and, within the discretion of the **Chancery**, to anyone else needing similar assistance or care. The **Victim Assistance Coordinator** will also be responsible for preparing a written complaint if one has not been prepared already by the complainant.

Review Board: The Diocesan **Review Board** functions as a confidential consultative body to the Bishop in discharging his responsibilities. The **Review Board** advises the Bishop in his assessment of **allegations** or suspicions of **child** or **vulnerable adult abuse** and **sexual abuse of a child** or **vulnerable adult**, and in evaluating suitability for ministry or employment. The **Review Board** will review and, if appropriate, revise this policy no less often than once every five years. The **Review Board** will meet periodically

and offer advice on all aspects of **allegations** or suspicions of **child** or **vulnerable adult abuse** and **sexual abuse of a child** or **vulnerable adult**, whether retrospectively or prospectively.

The **Review Board** must be composed of at least five (5) persons of outstanding integrity and good judgment in full communion with the Church. The majority of the **Review Board** members must be lay persons who are not employed by the **Diocese**, but at least one member must be a priest who is an experienced and respected pastor in the **Diocese** and at least one member must be a person with particular expertise in the treatment of **sexual abuse of a child**. Each member is appointed by the Bishop for a term of five (5) years, which can be renewed at the sole discretion of the Bishop.

## **VI. SAFE ENVIRONMENT PROGRAM**

The **Diocese** has established a Safe Environment Program. All diocesan offices, parishes, schools, and other organizations must participate in this program by:

ensuring that all **personnel** agree to and execute the Code of Conduct;

participating in the **Diocese**-wide education program designed to educate parents, **children**, and all **personnel** who have regular contact with **children** and young adults.

## VII. EDUCATIONAL EFFORTS

The **Diocese** of Buffalo recognizes that to fully address the problem of sexual or physical misconduct by church **personnel**, the **Diocese** must continue its comprehensive program of education designed to create an atmosphere of understanding that will help maintain the integrity of ministry in the church.

The educational efforts of this policy will continue to focus on:

- Working definitions of sexual abuse within pastoral and ministerial relationships;
- Characteristics of coercive and exploitive sexual behavior;
- Strategies for maintaining the integrity of ministerial relationships; and
- Reporting responsibilities for those aware of possible sexual misconduct or harassment.

The educational component of this policy has prevention of sexual misconduct as its goal and will provide intervention strategies when sexual misconduct has already taken place.

The following **personnel** (lay, religious, and clerical) of the **Diocese** and its parishes, schools, and other institutions, and such other **personnel** as the Bishop or

Vicar General may require from time to time, must attend designated educational programs on methods of recognizing, reporting, and preventing sexual misconduct involving **children** or others:

- All priests and deacons engaged in ministry in the **Diocese** of Buffalo;
- Pastoral associates;
- Administrators (schools and religious education);
- Teachers and teachers aides;
- Coaches and scout leaders;
- And any other person whose status as an **employee** or **volunteer** involves regular contact with **children**, young adults, or other vulnerable populations.

#### **VIII. STANDARDS OF BEHAVIOR**

All clergy, Diocesan and parish **employees, volunteers**, and other church **personnel** -- including and especially those who have regular contact with **children** and young adults -- must maintain the following boundaries and standards of behavior:

- ❑ They must refrain from **child** or **vulnerable adult abuse** and **sexual abuse of a child** or **vulnerable adult**, as defined under I(A) above;
- ❑ They must avoid any physical or verbal contact of any kind with a **child** or **vulnerable adult** that has the purpose of, or results in, their sexual excitement or gratification;
- ❑ They must never use their role as a member of the clergy, an **employee**, a **volunteer**, or any other Church position to enter into a sexual relationship or encounter with a **child** or **vulnerable adult**;
- ❑ They must execute and abide by the terms of the Code of Conduct, attached as Appendix B.

## IX. PROCEDURES FOR SCREENING

### Applicants/Employees/Volunteers

Screening is required of all applicants for a position as an **employee** or **volunteer** ("applicants").

The form attached to this policy as Appendix C is provided to assist with the screening of applicants who seek to serve the Church in the **Diocese** and is required for all applicants for **personnel** positions.

In addition, this form must be completed by all current members of the clergy, **employees**, and **volunteers**. The **Diocese** will review the **personnel** file of each member of the clergy, diocesan **employee**, diocesan **volunteer**, and other diocesan **personnel** to ensure that this form is in each file. All parishes in the **Diocese** will likewise review the **personnel** file of each parish **employee** and **volunteer**. The Vicar General (for the **Diocese**), or the pastor (for each parish and parish school), will have the responsibility of approving each applicant, or current **employee** or **volunteer**. If the Vicar General or pastor has any question about a given applicant, or about a diocesan or parish **employee** or **volunteer**, he will forward that person's **personnel** file to the Diocesan **Review Board** for its review and recommendation. These files will be maintained as a permanent record by the parish or institution. In addition, the **Diocese** and its parishes, schools, and institutions will evaluate the background of all of their respective **personnel** who have regular contact with **children**.

### Priests and Deacons

The **Diocese** will employ careful screening and evaluative techniques in deciding the fitness of candidates for ordination.<sup>23</sup>

## **X. COMMUNICATION**

The **Diocese** is committed to open and transparent communication.

The **Diocese** will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement.

In order to coordinate the response of the **Diocese** to the media, any media inquiries regarding an incident of reported sexual misconduct by **personnel** of the **Diocese** must be directed to the Diocesan Director of Communications. Likewise, any inquiries directed to members of the **Review Board** or to any **personnel** of the **Diocese** regarding this policy must be directed to the Diocesan Director of Communications. Unless the Bishop directs otherwise, the Diocesan Director of Communications will be the sole spokesperson for the **Diocese** for matters addressed in this policy.

Within the confines of respect for the privacy and the reputation of the individuals involved, the **Diocese** will

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<sup>23</sup> Cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513.

communicate as openly as possible with the community. This is especially so with regard to assisting and supporting parishes, schools, and other diocesan institutions directly affected by ministerial misconduct involving **children**. Recognizing the harm that **child** or **vulnerable adult abuse** or **sexual abuse of a child** or **vulnerable adult** can do to a faith community, the **Chancery** will offer a pastoral response to the affected parish, school, or institution.

**I HEREBY AUTHORIZE THIS POLICY RELATING TO CHILD AND VULNERABLE ADULT ABUSE AND SEXUAL ABUSE OF A CHILD OR VULNERABLE ADULT AS THE OFFICIAL POLICY OF THE DIOCESE OF BUFFALO. THIS POLICY IS EFFECTIVE IMMEDIATELY AND I AUTHORIZE ITS IMPLEMENTATION IN THE DIOCESE OF BUFFALO.**



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Most Rev. Richard J. Malone  
Bishop of Buffalo

October 17, 2016

Chancellor:



Rev. Msgr. Paul A. Litwin, JCL

October 17, 2016

**APPENDIX A**

**COMPLAINT OF ABUSE TO THE DIOCESE OF BUFFALO**

**What is your name, address and telephone number?**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_

**What is your relationship to the person whom you believe to be the victim of abuse?**

- Self
- Parent
- Grandparent
- Other relative
- Friend
- Other      Please specify: \_\_\_\_\_

**Tell us about the person whom you believe to be the victim of abuse:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ (If applicable)

Parish: \_\_\_\_\_ (If applicable)

**Tell us about the person whom you believe to be responsible for the abuse:**

Name: \_\_\_\_\_  
Position/Title: \_\_\_\_\_  
Parish: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**Tell us the date(s) of the incident(s) reported (approximate, if necessary):**

**Tell us the location of the incident(s) reported (approximate, if necessary):**

**Please describe the incident(s):**

**How do you know about this?**

**You have the right, and are encouraged, to report this incident to the civil authorities, including the appropriate police agency and/or office of the District Attorney.**

Have you reported this incident to any investigator or civil authority?

If so, to whom?

Is there any other relevant information that you would like to provide? For example, would you like to meet with a representative of the diocese to provide information that you would prefer not to provide in writing? If so, please provide any such request(s) or additional information here:

Thank you for providing this report. You will be contacted soon by a representative of the Diocese of Buffalo.