

# DIOCESE OF BUFFALO

## POLICY AND PROCEDURES FOR THE PROTECTION OF CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS REVISED March 12, 2021

### 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 2018). [https://www.usccb.org/test/upload/Charter-for-the-Protection-of-Children-and-Young-People-2018-final\(1\).pdf](https://www.usccb.org/test/upload/Charter-for-the-Protection-of-Children-and-Young-People-2018-final(1).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 writings of recognized moral theologians will be consulted and the opinions of recognized experts will

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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.

be obtained when appropriate.<sup>4</sup> Ultimately, the Bishop, with the assistance and advice of the Independent Diocesan Review Board (see below), will determine the gravity of the alleged act.

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

**Chancery**: The Bishop, Vicar 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 or parish schools.

**Volunteer**: A person who works without compensation on a regular basis for the **Diocese**, or for any of its parishes or parish schools. 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 for any of its parishes or parish schools.

**Independent Diocesan 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**

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

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** and containing the details necessary to assess the **allegation**. 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 and diocesan representatives 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 initial inquiries and investigations will be presented to the **Independent Diocesan 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.**

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 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 make itself available to 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.

**Initial 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 prompt initial inquiry regarding the complaint. As part of that initial 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 Vicar General.

If the initial inquiry results in a determination that the complaint is manifestly false or frivolous, the Vicar General will generate a written memorandum for the file to document the basis for that conclusion.

If a **complaint** is not manifestly false or frivolous and is 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 (discussed below).

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.

In the case of a cleric, the relief from administrative responsibilities shall be recorded in a decree, which shall include restrictions designed to prevent abuse during the pendency of the investigation. The **Diocese** shall take reasonable and appropriate measures to ensure that the cleric complies with the restrictions.

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

**Investigation:** Unless the initial inquiry results in (1) an admission by the accused or (2) a determination that there is no semblance of truth to the complaint, the initial 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 shall be a person of integrity and skill with significant experience conducting investigations and shall not be a member of the **Chancery**, a priest or employee of the **Diocese**. 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>5</sup> All appropriate steps shall be taken to protect the reputation of the accused during the **investigation**.

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<sup>5</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**.

At the conclusion of the **investigation**, the investigator shall submit a written report to the **Independent Diocesan Review Board**. After such additional inquiries as it may deem necessary and after deliberation, the **Independent Diocesan Review Board** shall submit a written recommendation to the Bishop about whether the **allegations** of the **complaint** should be found substantiated or unsubstantiated. Where the **Independent Diocesan Review Board** has recommended that that **allegations** of the **complaint** should be found substantiated, that written recommendation shall be made public.

When there is sufficient evidence that **sexual abuse of a child** has occurred, the Congregation for the Doctrine of the Faith shall be notified within ten weeks of the Bishop's acceptance of such a recommendation of the **Independent Diocesan Review Board**. 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,
- prohibit public celebration of the Most Holy Eucharist pending the outcome of the process, and
- where feasible, create a safety plan around the priest in an effort to protect children from abuse.

**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>6</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 provisions of canon law must be considered.<sup>7</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>8</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

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<sup>6</sup> CIC, c. 1395 § 2; CCEO, c. 1453 § 1.

<sup>7</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>8</sup> Article 13, "Procedural Norms" for *Motu proprio Sacramentorum Sanctitatis tutela*, AAS, 93, 2001, p. 787.

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 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>9</sup>

- (a) He may request that the accused freely resign from any currently held ecclesiastical office;<sup>10</sup>
- (b) If the accused declines to resign, and if the Bishop judges the accused to be truly not suitable<sup>11</sup> at that time for holding an

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<sup>9</sup> CIC, cc. 381, 129, ff.; CCEO, cc. 178, 979, ff.

<sup>10</sup> CIC, cc. 187-189; CCEO, cc. 967-971.

<sup>11</sup> CIC, c. 149 § 1; CCEO, c. 940.



office previously freely conferred,<sup>12</sup> then the Bishop may remove the accused from office, observing the required canonical procedures;<sup>13</sup>

(c) For a cleric who holds no office in the **Diocese**, the Bishop may administratively remove any previously delegated faculties,<sup>14</sup> while any *de jure* faculties may be removed or restricted by the competent authority as provided in law;<sup>15</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>16</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>17</sup>

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<sup>12</sup> CIC, c. 157.

<sup>13</sup> CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396.

<sup>14</sup> CIC, cc. 391 § 1 and 142 § 1; CCEO, cc. 191 § 1 and 992 § 1.

<sup>15</sup> E.g., CIC, c. 764; CCEO, c. 610 §§ 2-3.

<sup>16</sup> CIC, c. 906.

<sup>17</sup> The priest shall be permitted to administer the sacraments in the case of a true emergency.

- (e) Depending upon the gravity of the case, the Bishop may also dispense<sup>18</sup> the cleric from the obligation of wearing clerical attire,<sup>19</sup> and may urge the cleric not to 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>20</sup> so that the cleric affected is afforded the opportunity of recourse in accord with canon law.<sup>21</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 will include the **complaint**, the result of the **initial inquiry**, the report of the investigator to the **Independent Diocesan Review Board**, and its recommendation to the Bishop. In the case of a cleric, the records will include the decrees and any materials sent to the Congregation for the Doctrine of the Faith and its response. Records shall be confidential

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<sup>18</sup> CIC, cc. 85-88; CCEO, cc. 1536 § 1 - 1538.

<sup>19</sup> CIC, c. 284; CCEO, c. 387.

<sup>20</sup> CIC, cc. 47-58; CCEO, cc. 1510 § 2, 1<sup>o</sup>-2<sup>o</sup>, 1511, 1513 §§ 2-3 and 5, 1514, 1517 § 1, 1518, 1519 § 2, 1520.

<sup>21</sup> CIC, cc. 1734 ff.; CCEO, cc. 999 ff.

and be kept securely at the Bishop's office, with access limited to the Bishop, the Vicar General, the Chancellor, the assigned investigator, and counsel for the **Diocese**.

The **Independent Diocesan 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.

**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 **Independent Diocesan 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.

**Independent Diocesan Review Board:** The **Independent Diocesan Review Board** functions as a confidential consultative body to the Bishop in discharging his responsibilities. The **Independent Diocesan 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 **Independent Diocesan Review Board** will review and, if appropriate, revise this policy no less often than once every five years. The **Independent Diocesan 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 **Independent Diocesan Review Board** must be composed of at least five (5) persons of outstanding integrity and good judgment in full communion with the Church and such additional members as may be approved by the Bishop. The majority of the **Independent Diocesan 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 **Independent 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>22</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 **Independent Diocesan 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.

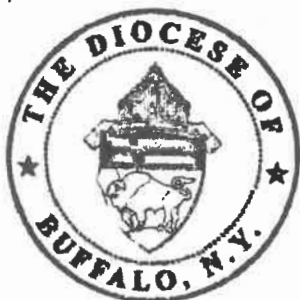
Within the confines of respect for the privacy and the reputation of the individuals involved, the **Diocese** will communicate as openly as possible with the community. This is especially so with regard to assisting and supporting

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<sup>22</sup> Cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513.

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.



Chancellor:

*Sr. Regina Murphy, S.S.M.N.*  
Sr. Regina Murphy, S.S.M.N.  
March 12, 2021

*+ Michael W. Fisher*

Most Rev. Michael W. Fisher  
Bishop of Buffalo  
March 12, 2021

**APPENDIX A**

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

[DATE]

**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.



# **Appendix B: Code of Conduct**

Diocese of Buffalo

## **Code of Conduct For Priests, Deacons, Pastoral Ministers, Administrators, Staff, and Volunteers**

### **Code of Conduct**

Adults who work with young people or vulnerable adults through the Diocese of Buffalo or any of its parishes or schools have the legal, moral, and religious responsibility to perform their duties in a way that educates and assists – and does not harm -- the young people and vulnerable adults with whom they work. In keeping with that obligation, the Diocese of Buffalo has established the following Code of Conduct for all who minister to young people or vulnerable adults in the parishes of the Diocese, teach young people in the schools of the Diocese, coach young people on sports teams connected with the Diocese or any of its parishes or schools, or in any other way work with young people or vulnerable adults through the Diocese of Buffalo. For purposes of this policy, the term “young people” or “young person” means anyone under the age of 18, and the term “vulnerable adult” means 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.

**As one of the priests and religious, teachers and coaches, employees and /or volunteers, who work with children and young adults in or through the Diocese of Buffalo, I solemnly pledge that:**

- 1) I will to the best of my ability, perform my work in a manner consistent with the mission of the Catholic Church and the Diocese of Buffalo;
- 2) I will always remember that I am not a peer of the young people with whom I work and I will perform my duties accordingly;
- 3) I will maintain appropriate physical and emotional boundaries from the young people and vulnerable adults with whom I work;
- 4) I will avoid situations where I am alone with a young person at Church activities;
- 5) I will refrain from any and all physical conduct, conversations and other communications with young people or vulnerable adults that have a sexual purpose or result;
- 6) I will not touch a young person and/or vulnerable adult in a sexual or other inappropriate manner;
- 7) If I learn of an allegation of abuse or if I suspect abuse, I will report that allegation or suspicion to the Victim Assistance Coordinator (716-895-3010) and to the appropriate district attorney's office;
- 8) I will cooperate fully in any investigation of abuse of young people and/or vulnerable adults;
- 9) I will treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration;
- 10) I will use positive reinforcement rather than criticism, competition, or comparison when working with young people and/or vulnerable adults;
- 11) I will neither accept expensive gifts from young people and/or vulnerable adults nor give expensive gifts to them without prior written approval from the parents or guardians and from the pastor or administrator;
- 12) I will not smoke or use tobacco products in the presence of young people;
- 13) I will not use, possess, or be under the influence of alcohol while working with young people;
- 14) I will not use, possess, or be under the influence of illegal drugs at any time;
- 15) I will not pose any health risk to young people and/or vulnerable adults (i.e., no fevers or other contagious situations);
- 16) I will not strike, spank, shake, or slap young people and/or vulnerable adults;
- 17) I will not humiliate, ridicule, threaten, or degrade young people and/or vulnerable adults;
- 18) I will not use any discipline that frightens or humiliates young people and/or vulnerable adults;
- 19) I will not use profanity in the presence of young people and/or vulnerable adults;
- 20) I will not acquire, possess, or distribute a pornographic image of a young person, nor will I show a pornographic image of an adult to a young person.

***I understand that this code is to be applied fairly and equitably on a case by case basis.***

**I understand that whenever I am working with children and/or youth, as a volunteer or employee, I am subject to a thorough background check including criminal history.**

**I further understand that this criminal background check will be conducted prior to beginning my employment/assignment and thereafter at such times and frequencies as determined by the agency, department, and/or organization by which I am employed and/or to which I am assigned.**

**I understand that criminal background and character reference information may be requested from public and private sources.**

**I understand that any action inconsistent with this Code of Conduct, or actions inconsistent with Diocesan policies for the protection of children and young adults, or failure to take action mandated by this Code of Conduct may result in removal from my position.**

**I also understand that this code of conduct does not abrogate or replace any other obligations that I have under any applicable law, guideline, policy or regulation.**

**I hereby authorize, without reservation, any law enforcement agency, institution, information service bureau, school, employer, reference, or insurance company contacted by the Diocese of Buffalo or its agent to furnish the information described herein. I hereby release the employer and agents and all persons, agencies, and entities providing information or reports about me from any liability arising out of the requests for or release of any of the information or reports herein.**

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**THIS IS A SAMPLE ONLY. PLEASE COMPLETE  
THE CODE OF CONDUCT PROVIDED BY YOUR  
PARISH, SCHOOL, OR AGENCY TO MAINTAIN IN  
THEIR FILES**

**Appendix C: Uniform Volunteer Questionnaire**

We do not discriminate in our selection of volunteers on the basis of race, color, age, sex or national origin. We may consider a candidate's religious affiliation in our decision to accept them as a volunteer because of our status as a religious entity, consistent with state and federal law.

Last Name: \_\_\_\_\_ First: \_\_\_\_\_ Middle Init: \_\_\_\_\_  
(Print Clearly Full Legal Name)

Preferred Name: \_\_\_\_\_ Parish or Institution: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Month) (Day) (Year)

Address: \_\_\_\_\_  
(Street Address) (Apt) (City) (State) (ZIP code)

Telephone # (Home): \_\_\_\_\_

Nature of volunteer assignment: \_\_\_\_\_

Date volunteer assignment will begin \_\_\_\_\_

**EMPLOYMENT RECORD**

**THIS IS A SAMPLE ONLY. PLEASE COMPLETE THE APPLICATION PROVIDED BY YOUR PARISH, SCHOOL, OR AGENCY TO MAINTAIN IN THEIR FILES.**

**CURRENT OR MOST RECENT EMPLOYMENT:**

Employed by: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Address) (City) (State) (ZIP code)

Your Supervisor: \_\_\_\_\_ Telephone # \_\_\_\_\_

Supervisor's title: \_\_\_\_\_

Employed from: \_\_\_\_\_ to \_\_\_\_\_  
(month/year) (month/year)

Why did you leave? \_\_\_\_\_

**IF EMPLOYED LESS THAN TWO (2) YEARS, PREVIOUS EMPLOYMENT:**

Employed by: \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Address) (City) (State) (ZIP code)

Your Supervisor: \_\_\_\_\_ Telephone # \_\_\_\_\_

Supervisor's title: \_\_\_\_\_

Employed from: \_\_\_\_\_ to \_\_\_\_\_  
(month/year) (month/year)

Why did you leave? \_\_\_\_\_

Office Use: References Checked Yes _____ No _____
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**VOLUNTEER SERVICE OR PERSONAL REFERENCES WITHIN THE PAST THREE (3) YEARS:**  
or list other references

Organization Name / Address / Supervisor	Position	Dates	Tele.#
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Religious affiliation: \_\_\_\_\_

Have you ever been discharged or asked to resign by your employer or a volunteer organization?

Yes     No    If yes, please state circumstances: \_\_\_\_\_

Have you ever been convicted of, or are you currently under indictment for a crime with the exception of a traffic offense?     Yes     No    Date: \_\_\_\_\_ Please explain.

State charge and disposition: \_\_\_\_\_

Are you now or have you ever been the subject of an indicated report of child abuse, neglect or mal-treatment?  
 Yes     No    Date: \_\_\_\_\_ If yes, please explain. \_\_\_\_\_

Your answer is looked upon only as one of the factors considered in our decision and is evaluated in terms of nature, severity and date of the offense. No applicant will be excluded from consideration due to prior arrests.

**APPLICANT'S AGREEMENT:**

I hereby represent that each answer to a question herein and all other information or personal references furnished is true and correct. I further represent that such answers and information constitute a full and complete disclosure of my knowledge with respect to the question or subject which the answer or information relates. I understand that any incorrect or false statements or information furnished by me will subject me to discharge at any time. I hereby authorize my former employers and organizations to which I volunteered my services or personal references to give any information regarding my employment or volunteer services with them and, in addition, to furnish any other information they may have concerning me including, but not limited to, character, general reputation and personal characteristics.

I also understand I am subject to a thorough background check including criminal history.

I understand that my volunteer services are for no definite period and may be terminated at any time without previous notice.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Rev. 24-Feb-2017