

# EXHIBIT A

**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

# EXHIBIT B

**PLAN TO SUPERVISE PRIESTS WHO ARE DEEMED CREDIBLY ACCUSED  
OF SEXUAL MISCONDUCT TOWARD A MINOR OR VULNERABLE ADULT  
BY THE INDEPENDENT REVIEW BOARD AND BISHOP**

**Introduction:** The Diocese of Buffalo is committed to the protection of children and vulnerable adults. One part of that commitment is the monitoring of priests who have been credibly accused of sexual misconduct of a minor or a vulnerable adult. The Diocese shall appoint an independent individual with experience in the field of law enforcement (the “Monitor”) to develop individual monitoring plans for priests against whom a Complaint has been deemed substantiated. The Monitor shall certify, before monitoring any priest, that, other than his or her monitoring role, he or she lacks any material familial, personal, financial, or employment relationship with the Diocese or the accused priest.

For each priest who has been judged credibly accused by the Independent Diocesan Review Board and Bishop, the diocese will create and supervise an individualized monitoring plan that reflects the following:

**Priest’s biographical data and background.**

**Allegations and interventions (information on offenses so risk factors can be clear).**

**Canonical status of this case.**

**Health, mobility and cognitive status.**

**Restrictions.** Every credibly accused priest agrees to certain prohibitions:

1. He is prohibited from exercising priestly ministry in all forms, including public celebration of the mass, hearing confession wearing the Roman collar or clerical garb and being introduced as “Father.”
2. He is prohibited from providing spiritual direction, pastoral care counseling and all other forms of ministry that may be provided by lay persons.
3. He is prohibited from viewing, downloading or otherwise possessing pornography or sexually explicit materials of any kind.
4. He is prohibited from attending any place that features sexual performance such as a strip club or “adult book store.”
5. He is prohibited from having a personal post office box.

Other prohibitions may be made based on an individual’s history of offence.

**Each individualized plan will address the following elements for risk assessment and containment purposes. As a result, the plan is dynamic and may change during the course of supervision:**

1. Housing. The credibly accused pedophile must not live in close proximity to youth, not within 1,000 feet of a school, park or other place where children gather. The credibly accused priest may be required to live in communal housing if such supervision is needed. Wherever he lives, the Monitor can visit at any time unscheduled and unannounced. The Monitor may search, without a warrant, the

individual's property and any property under his control if credible information exists that some violation of this plan has been breached. (Property includes the subject's person, vehicle, papers, computer, or other electronic communication or data storage devices or media and effects.)

2. Internet Use. The credibly accused priest shall use only computers, cell phones, or other internet connected devices authorized by the Monitor. The internet activity of the credibly accused priest is available to the Monitor at any time. The Monitor is authorized to install a third-party application on authorized connected devices to facilitate monitoring the priest's compliance with this plan.

3. The credibly accused priest is prohibited from viewing pornography in any format. Downloading or otherwise possessing pornography or sexually explicit materials of any kind is forbidden.

3. Counseling. The priest may be required to attend individual or group counseling sessions. If so, the priest must get a signed note from the counselor testifying to the priest's participation in each session. This verification will be given to the Monitor.

4. Support groups. The priest may be required to participate in a 12 STEP group (AA, OA, NA) or other support group. If so, he must request a signed verification that he attended a session. This verification is given to the Monitor at the next session.

5. Spiritual direction. The priest may be required to attend individual or group spiritual direction sessions. If so, the priest must get a signed note from the spiritual director testifying to the priest's participation in each session. This verification will be given to the Monitor.

6. Travel. Travel overnight is to be done only after discussion with and advance approval of the Monitor. Ordinarily, travel will be done with a companion aware of the priest's sexual offending history and approved by the Monitor. An itinerary must be submitted in advance and adhered to. Travel will not include trips to child orientated places.

7. Frequency of monitoring meetings. The plan delineates how often the priest will meet individually with the Monitor, though this will not to be less than monthly. Additional meetings may be unscheduled and/or spontaneous at the Monitor's discretion as required to monitor compliance with the plan.

8. Family events. If the person is attending a family event where children are present, some responsible adult, aware of the priest's sexual offense history and authorized by the Monitor, must be identified to provide appropriate supervision. The Monitor must be allowed to speak with that person in regard to this event.

**Supervision.** Content of the monitoring meeting: In preparation of the monitoring meeting, the priest will prepare a written summary of his accountability during the past month in each area of his plan. At the monitoring meeting each aspect of the plan will be reviewed and the priest will be held accountable for following the plan. Both the priest and the Monitor will date and sign the accountability report and this will be filed in the priest's personnel file.

**Collaboration.** The priest shall grant the Monitor authorization to communicate with all treatment providers and collateral resources as necessary for verification purposes, continuity of care, and risk management.

**Accountability.** If a priest is not adhering to his plan, a more restrictive living environment can be required. If a priest is not adhering to his plan, his pension may be revoked entirely, following the “Plan Document of the Secular Priests’ Retirement Plan of Diocese of Buffalo.”

# EXHIBIT C



# DIOCESE OF BUFFALO

## POLICY AND PROCEDURES FOR THE PROTECTION OF CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS REVISED October 2022

### 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. The "Commitments by the Diocese" set out in the Stipulated Final Order in *New York v. Diocese of Buffalo*, No. 1:21-cv-00189 (S.D.N.Y.), are hereby incorporated into these Policy and Procedures. The Diocese agrees that, during the term of the Stipulated Final Order, it will not modify any of the Commitments that have been incorporated into these Policy & Procedures without a corresponding modification to the terms of the Stipulated Final Order.

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

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

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 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.

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<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.

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

**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.

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

**Cleric:** A person ordained for service in the Roman Catholic Church.

**Complaint:** An **allegation** of **child** or **vulnerable adult abuse** or **sexual abuse of a child** or **vulnerable adult** by **personnel** that is received by the **Diocese** and contains sufficient detail to identify the alleged abuse and the alleged abuser(s). A **complaint** may include allegations of a violation of the Code of Conduct's prohibition on behavior by **personnel** that constitutes grooming. A form for written **complaints** is attached as Appendix A.

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

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

**Former Cleric:** A cleric who is deceased or an individual who is included in the list of *Priests With Substantiated Claims of Abuse* published on the Diocese's website.

**Governing Policies:** These *Policy & Procedures*, the *Charter for the Protection of Children and Young People*, adopted by the USCCB, as revised June 2018 and any subsequent versions; The Diocese's *Code of Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Staff, and Volunteers*, as revised January 19, 2017, and any subsequent versions; The *Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, prepared by the Ad Hoc Committee on Bishops' Life and Ministry of the USCCB, promulgated as revised June 17, 2005, and in all subsequent versions; and *The Plan to Supervise Priests Who Are Deemed Credibly Accused of Sexual Misconduct Toward a Minor or Vulnerable Adult by the Independent Review Board and Bishop*, dated March 22, 2021 and any subsequent versions of the same.

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

**Personnel:** Individuals who, at the time a complaint is made, are (a) **employees**; (b) **volunteers**; (c) a **Cleric** or **Former Cleric**; or (d)

working for the **Diocese** or at any of its parishes or parish schools and belong to a religious order.

**Religious Order Allegation:** An allegation of sexual abuse of a child or vulnerable adult by a member of a religious order who, at the time of the alleged abuse or at the time the allegation is made, works, teaches, ministers, or resides within the Diocese. The allegation may assert a violation of the *Code of Conduct's* prohibition on behavior by a member of a religious order that constitutes grooming.

**Stipulated Final Order:** The Stipulated Final Order in *New York v. Diocese of Buffalo*, No. 1:21-cv-00189 (S.D.N.Y.)

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

**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.

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 (a) contact the Diocesan Victim Assistance Coordinator at 716-895-3010 or Jacqueline.joy@ccwny.org; (b) go to the "Report Misconduct" page on the Diocese's website (<https://www.buffalodiocese.org/report-misconduct/>) for the Diocese's online, confidential portal and a link to report alleged abuse by a bishop or alleged mishandling of allegations of sexual abuse by a bishop. More information regarding **complaints** and how to report a **complaint** can be found at the link on the Diocesan website titled "Report Misconduct."

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**. The **Victim Assistance Coordinator** will advise the following of the report as soon as practicable: the Bishop, the Vicar for Clergy, the Child Protection Policy Coordinator, and the Diocesan attorney. If a written report has not been made previously, the **Victim Assistance Coordinator** shall interview the complainant, within ten days of a **complaint's** report, subject to complainant cooperation and availability. The **Victim Assistance Coordinator** shall then prepare a written report of the **complaint;**
  
- The **Victim Assistance Coordinator** will provide a copy of the written **complaint** to the Bishop, the Vicar for Clergy, the **Child Protection Policy Coordinator**, and the Diocesan attorney within ten days of

completing the complainant interview. 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 Review Board**.

- A sample reporting form is attached to this policy statement (Appendix A) and is available on the diocesan website.
- Where the **Diocese** receives an allegation of abuse that does not contain sufficient detail to permit a review or investigation of the alleged event(s), the **Diocese** shall make reasonable efforts to contact the complainant or his or her counsel to request additional information about the allegation so that it may be assessed and investigated pursuant to this policy. The **Diocese** shall document its efforts to contact the complainant and such documentation shall be included in the accused's personnel file.

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. 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 Vicar for Clergy will conduct or appoint an individual to conduct a prompt initial inquiry regarding any **complaint** other than (a) a **Religious Order Allegation** or (b) a complaint against a **Former Cleric**. The initial inquiry shall be completed within no more than ten business days from when the Vicar for Clergy or his designee receives a written report of the **complaint**, unless there are extenuating circumstances, in which case the circumstances will be documented. 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 initial inquiry results in a determination that the **complaint** is manifestly false or frivolous, the Vicar for Clergy or his designee will generate a written memorandum for the file to document the basis for that conclusion. That memorandum will be provided to the Bishop and the Independent Review Board for review and will be added to the personnel record for all personnel identified in the complaint.

If a **complaint**, other than (a) a **Religious Order Allegation** or (b) a **complaint** against a **Former Cleric**, is not manifestly false or frivolous and is deemed by the Bishop or Vicar General or his designee 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 that, during the pendency of the investigation, the accused cleric cannot present himself as a priest or deacon or, in the case of a priest, reside in the parish he serves at the time the Complaint is made or where the alleged abuse is alleged to have occurred. The **Vicar for Clergy** shall supervise the cleric's compliance with this decree.

The diocesan communications office shall report on the Diocese's website on the determination to place a cleric on administrative leave pending the investigation, without any implication as to the truth or falsity of the complaint.

For a Complaint against a cleric that is submitted anonymously and does not reference at least one person who can corroborate the alleged abuse (whether it be the alleged victim, a non-victim complainant, or someone else), the Bishop shall have the discretion not to place the



cleric on administrative leave pending the investigation. In such cases, the Bishop shall document his decision not to place the accused on administrative leave pending the investigation and his reason(s) for that decision. A copy of that record shall be placed in the personnel file for all Personnel identified in the anonymous Complaint.

**Investigation:** For a **complaint** that is referred to the **Independent Review Board** for 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.

Within no more than ten business days after the **complaint** is referred to the **Independent Review Board**, the Board 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 independent investigator shall certify before each investigation that, other than his or her investigative role, he or she lacks any material familial, personal, financial, or employment relationship with the **Diocese**, the accused cleric, or the complainant. The investigator will be directed to complete the **investigation** within 45 days of his or her appointment, unless circumstances

dictate the need for more time, in which case the circumstances shall be documented in the investigator's report. 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**.

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.

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<sup>5</sup> CIC, c. 1717; CCEO, c. 1468.

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 of the findings of the independent investigation, including the process and sources of information for the investigation, and submit the 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. The written recommendation shall set out the basis for the recommendation and may refer to or rely upon the investigator's written report. The **Independent Review Board** shall recommend that the Bishop find that a **complaint** substantiated where the **Independent Diocesan Review Board** determines, on the basis of the totality of facts, circumstances, documents, and any testimony or in-person statements presented to the **Independent Review Board** that it is more likely than not that the alleged abuse occurred. The written recommendation shall indicate whether the **Independent Review Board** members are unanimous in support of the recommendation. Where the **Independent Review Board** has recommended that that **allegations** of the **complaint** should be found substantiated, the fact of that

recommendation by the **Independent Review Board** shall be placed on the diocesan website.

A **Complaint** against a **Former Cleric** shall be referred expeditiously to the **Independent Review Board**, which shall then determine whether to appoint an independent investigator to investigate the **Complaint**. In making that determination, the **Independent Review Board** shall consider whether (a) the allegations in the **Complaint** implicate **personnel** in addition to the **Former Cleric**, including by alleging that such **personnel** failed to monitor the **Former Cleric** or failed to adequately respond to allegations of abuse by that **Former Cleric** or (b) the investigation is likely to provide material information that would improve the **Governing Policies**. The **Independent Review Board** may also, in its discretion, consider other factors in making this determination. In the event that the **Independent Review Board** determines that an investigator should be appointed, the provisions set forth herein concerning the conduct of the investigation shall apply, but the provisions for the timing of the appointment of an investigator shall not apply. In such an instance, the investigator need not be appointed within ten business days of when a **complaint** is referred to the **Independent Review Board** but shall instead be appointed by the **Independent Review Board** within a reasonable time after the **Independent Review Board** determines that an investigator should be appointed.

When the Bishop determines that a **complaint** against a **Cleric** is substantiated, the accused's name will be added to the list of *Priests With Substantiated Claims of Abuse* and, when the accused is a **Cleric** in ministry within the Diocese, announced in the parish where the Cleric is assigned and any other institution where the Cleric was assigned. The Diocese shall similarly publicize on its website all disciplinary actions taken as a result of an investigation, a subsequent canonical trial, or a referral to the Dicastery for the Doctrine of the Faith and, where applicable, announce such disciplinary action in the parish and any other institution where the accused Cleric was assigned. 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

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

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 Dicastery for the Doctrine of the Faith shall be notified, as appropriate. Unless the Dicastery 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 Dicastery 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

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<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.

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

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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.



truly not suitable<sup>11</sup> at that time for holding an 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

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

<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.

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>

- (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

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

18 CIC, cc. 85-88; CCEO, cc. 1536 § 1 - 1538.

19 CIC, c. 284; CCEO, c. 387.

20 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.

21 CIC, cc. 1734 ff.; CCEO, cc. 999 ff.

from the clerical state *ex officio*, even without the consent of the priest or deacon.

**Referral to the Dicastery for the Doctrine of the**

**Faith**: Within four weeks after reviewing a recommendation from the **Independent Review Board**, the Bishop shall determine whether to refer a **complaint** to the Dicastery for the Doctrine for the Faith and, when the Bishop has determined that such a referral is warranted, the Dicastery for the Doctrine of the Faith shall be notified within ten weeks of the Bishop's determination to refer a **complaint** to the Dicastery for the Doctrine of the Faith, unless circumstances dictate the need for more time to complete the referral, in which case the circumstances shall be documented. In the event that the Bishop disagrees with the **Independent Review Board's** recommendation, the Bishop shall issue a written response to the **Independent Review Board** that states the basis for his determination. In such cases, (a) the Bishop shall also consider whether to request that additional investigation should be conducted and, if so, whether any decree of administrative leave imposed on the accused should remain in place pending the completion of any such additional investigation and (b) copies of the Bishop's written response to the **Independent Review Board** shall be provided to (i) the Vicar for Clergy and (ii) the Auditor appointed pursuant to the **Stipulated Final Order**, during the Auditor's term in accordance with the **Stipulated Final Order**.

**Records and Reports:** Appropriate records will be kept of each **complaint** and investigation and the Diocese's training programs. Records will include the **complaint**, the result of any **initial inquiry**, any determination by the Bishop regarding whether to place a cleric on administrative leave pending an investigation, the report of the investigator to the **Independent Review Board**, its recommendation to the Bishop. In the case of a cleric, the records will include any determination by the Bishop or his designee concerning the recommendation of the **Independent Review Board**, the decrees and any materials sent to the Dicastery for the Doctrine of the Faith and its response, and the monitoring of clerics in accordance with the Priest Supervision Program. Records shall be confidential and be kept securely at the Bishop's office, with access limited to the Bishop, the Vicar General, the Chancellor, the assigned investigator, the **Independent Review Board**, and counsel for the **Diocese**. Complete copies of these records shall be provided for the Bishop's and the Independent Review Board's consideration in the event any new complaint is made regarding the same individual.

The **Independent 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 Review Board** shall consider that information in exercising their responsibilities under these *Policy & 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.

In letters of suitability or good standing for a cleric incardinated in the Diocese, the Diocese will state whether the cleric is in compliance with the Diocese's Safe Environment Program and whether there

is anything in the cleric's background that makes him unsuitable to work with minors or vulnerable adults.

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 information about  
any act of sexual abuse concerning the cleric,  
information about any Complaint and its status, and

any other information indicating that the cleric has been or may be a danger to minors.

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**, including information concerning any Complaint and its resolution, 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**



**Auditor:** The person or entity appointed pursuant to the **Stipulated Final Order** to conduct an annual, independent audit of the Diocese's compliance with its Commitments in the **Stipulated Final Order** for the period and under the terms as set forth in the **Stipulated Final Order**. Part II.B of the **Stipulated Final Order**, addressing "The Audit of the Diocese's Compliance with the Commitments" is hereby incorporated into these *Policies & Procedures*.

**Child Protection Policy Coordinator:** A senior Diocese official who shall report directly to the Bishop. The **Child Protection Policy Coordinator** shall be responsible for:

- (a) ensuring that the **Governing Policies** are followed;
- (b) notifying the Bishop when the **Governing Policies** are not followed;
- (c) providing advice to the Bishop concerning the Diocese's compliance with the **Governing Policies**;
- (d) providing advice to the Bishop on updates or modifications to improve the effectiveness of the **Governing Policies**; and
- (e) overseeing the *Priest Supervision Program*.

**Victim Assistance Coordinator:** The Diocese has established and will continue to support the Diocesan **Victim Assistance Coordinator**. The **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 Review Board:** The **Independent Review Board** functions as a confidential consultative body to the Bishop in discharging his responsibilities. The **Independent 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 Review Board** will review and, if appropriate, revise this policy no less often than once every five years. The **Independent 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 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 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.

The Code of Conduct shall be available on the Diocese's website.

**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. RELIGIOUS ORDERS

All members of a religious order who work, teach, minister, or reside within the Diocese shall be required to agree to the *Code of Conduct*. The **Victim Assistance Coordinator** and other means available to victims to report a Complaint against Personnel shall be available to report **Religious Order Allegations**. The Diocese shall proceed as follows with respect to such **Religious Order Allegations**:

- (a) The Diocese shall report the **Religious Order Allegation** to the appropriate district attorney and to the applicable religious order when the religious order is not otherwise on notice of the allegation (through the filing of a civil lawsuit or otherwise).
  
- (b) The Vicar for Clergy will conduct or appoint a specific individual to conduct an initial inquiry into any **Religious Order Allegation** against a person who works, ministers, teaches, or resides within the Diocese at the time the allegation is made, in accordance with the procedure set out above.

(c) If an initial inquiry by the Vicar for Clergy or his designee of a **Religious Order Allegation** finds that the allegation is not manifestly false or frivolous, the Bishop shall, pending any investigation of the **Religious Order Allegation** by the pertinent religious order or district attorney, (i) suspend the priestly faculties of the accused within the Diocese; (ii) revoke all permission for the accused to provide or participate in any form of ministry within the Diocese, including teaching; (iii) not allow the accused to live in a Diocesan parish; and (iv) report on the Diocese's website that the accused's faculties have been suspended within the Diocese pending investigation by the pertinent religious order or district attorney without any implication as to the truth or falsity of the allegation. Notwithstanding the foregoing, the Bishop shall have the discretion not to take the steps recited in (i) through (iv), above, if the **complaint** is submitted anonymously and does not reference at least one person (whether it be the alleged victim, a non-victim complainant, or someone else) who can corroborate the alleged abuse; in such cases, the Bishop shall document his decision not to place the accused on administrative leave pending investigation of the **complaint** and his reason(s) for that decision. A copy of that record shall be placed in the personnel file for all **personnel** identified in the **complaint**.

X. **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 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>

## **XI. COMMUNICATION**

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

Any settlement agreement entered into between the **Diocese** with respect to a **complaint** shall not bind the parties to confidentiality unless the claimant requests confidentiality and that request is expressly stated in the settlement 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 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

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

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 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.

The **Diocese** has adopted and will adhere to a whistleblower policy, in compliance with New York law, which prohibits any intimidation, harassment, discrimination, retaliation, or adverse employment consequence against **Personnel** that, in good faith, reports any action or suspected action that is illegal or violates the Governing Policies. This whistleblower policy is posted on the **Diocese's** website.

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. Michael W. Fisher  
Bishop of Buffalo  
October 2022

Chancellor:

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October 2022

**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:<br>References Checked<br>Yes _____ No _____ |
|---|

**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

# EXHIBIT D

## **DIocese of Buffalo - Whistleblower Policy**

The Whistleblower Policy is intended to encourage Trustees, officers (including administrative officers), committee members, employees, and volunteers to report, without the fear of intimidation, harassment, discrimination, retaliation, or adverse employment consequences, any action or suspected action that is potentially illegal, fraudulent, or is in violation of any adopted policy of the Corporation. This policy also applies to the Diocese's Code of Conduct and the [Diocesan Policy and Procedure for the Protection of Children, Young People and Vulnerable Adults](#), but any complaint regarding abuse in violation of those policies should be directed to the Diocesan Victim Assistance Coordinator at 716-895-3010.

The Diocese has implemented a fraud reporting system which includes a toll-free hotline and a web-site through the independent, third-party company EthicsPoint. This confidential reporting system, available in both English and Spanish, allows employees, volunteers, parishioners, vendors and other interested parties to report concerns regarding a range of suspected unethical behavior by trustees, officers, directors, employees, volunteers, staff, agents or contractors of the Diocese. Reports may be filed confidentially through EthicsPoint by choosing the "Report Fraud" link on the left-hand column of [www.buffalodiocese.org](http://www.buffalodiocese.org), or via one of EthicsPoint's trained specialists at 1-844-573-4177. All reports will be taken seriously, promptly investigated, and when requested, anonymity is provided.

Alternatively, an employee or volunteer should promptly report the suspected or actual violation to his/her supervisor who, in turn, must notify the Vicar General or the Moderator of the Curia. If the employee or volunteer is uncomfortable or otherwise reluctant to report to his/her supervisor, then the suspected or actual violation can be reported to the next highest level of management who, in turn, must notify the Vicar General or the Moderator of the Curia. The individual can always notify the Vicar General or the Moderator of the Curia directly. Trustees and officers should promptly report the suspected or actual violation directly to the Vicar General or the Moderator of the Curia. The individual must report the suspected or actual violation in writing on the Whistleblower Reporting Form. (Appendix D) and should include his/her identity to facilitate proper and prompt investigation allowing the Diocese to obtain any additional information or clarification needed. Alternatively, an individual can elect to submit an anonymous complaint delineating the facts of a suspected violation including the name of the alleged offender(s), date of the incident(s), description of the incident(s), and names of witnesses to the incident(s). Anonymous complaints may not permit as thorough an investigation as would otherwise be permitted by additional follow up.

Appropriate resolution of the complaints and effective remedial action oftentimes is possible only when suspected violations are promptly filed.

In consultation with the chairperson of the Audit and Compliance Committee of the Board of Trustees ("Audit and Compliance Committee"), the Vicar General or the Moderator of the Curia shall promptly conduct an appropriate investigation

of any report. If the investigation establishes that a violation of law, external regulation, or any adopted policy of the Corporation has occurred, then the Audit and Compliance Committee shall determine the appropriate action based upon law and corporate policy, up to and including civil or criminal prosecution. Directors who are employees may not participate in any committee deliberations or voting related to administration of this whistleblower policy.

The subject of a whistleblower complaint shall not be present at or participate in committee deliberations relating to such a complaint. The subject of a whistleblower complaint shall not vote on the matter relating to such complaint. Nothing in this paragraph shall prohibit the committee from requesting that the person who is the subject of the complaint present information as background, or answer questions at a committee or board meeting prior to the commencement of deliberations or voting relating thereto.

Reports will be kept confidential to the extent possible consistent with the need to conduct an adequate investigation and prevent or correct suspected violation(s). The Vicar General or the Moderator of the Curia shall disclose information relating to a report with those who have a need to know so that he can conduct an effective investigation and determine what action to take based on the results of any such investigation. Complaints will be kept as confidential as possible as is consistent with a thorough investigation and applicable laws. To the extent complaints made under this policy implicate criminal conduct the Diocese may be required to contact and cooperate with appropriate law enforcement authorities.

No Trustee, officer (including administrative officers), committee member, employee, or volunteer of the Corporation who in good faith reports any action or suspected action that is illegal, fraudulent, or in violation of any adopted policy of the Corporation shall suffer intimidation, harassment, discrimination, retaliation, or, in the case of employees, adverse employment consequence.

Any individual who files a report concerning a suspected or actual violation must do so in good faith. The Corporation will impose appropriate discipline against any person found to have knowingly made a report in bad faith, up to and including termination of employment, or other legal means, in order to protect the reputation of the Corporation and members of its staff.

Anyone who retaliates against any individual who has made a report in good faith will be subject to disciplinary action up to and including termination of employment or in the case of a non-employee up to and including termination of the existing relationship.

A copy of this policy shall be posted on the Diocese's website or at the Catholic Center in a conspicuous location accessible to employees and volunteers.