



DIOCESE OF BATON ROUGE

Policy Regarding Sexual Abuse of Minors and Vulnerable Adults by Diocesan Personnel

PREAMBLE

Sexual Abuse¹ of Minors and Vulnerable Adults is a grave sin and crime in the Roman Catholic Church worldwide and in society at large. The Roman Catholic Church in the United States is deeply committed to addressing this problem positively.²

By means of this *Policy Regarding Sexual Abuse of Minors and Vulnerable Adults by Diocesan Personnel* (“**Policy**”), the Bishop of the Diocese of Baton Rouge (“**Diocese**”) and the entire community of the Diocese desire to achieve five vital goals: (1) to prevent Sexual Abuse in our Church; (2) to respond with compassion and respect to those who report that they have been abused by Diocesan Personnel; (3) to ensure due process and respect for the rights of those who have been accused of Sexual Abuse; (4) to provide for cooperation with civil authorities; and (5) to address transparently allegations of Sexual Abuse of Minors and Vulnerable Adults. In addition, as a matter of particular law, the Diocese requires that Diocesan Personnel comply with all policies and procedures of its Child Protection Policy, Abuse Reporting Process and Code of Ethics. The Child Protection Policy is intended to provide local application of the Charter, Louisiana law and federal law. The Abuse Reporting Process is intended to provide a systematic method of reporting Sexual Abuse of Minors and Vulnerable Adults in compliance with Louisiana law. The Code of Ethics is intended to provide a broader context in which to view ministerial relationships by Diocesan Personnel. The instant Policy focuses solely on preventing, investigating and remedying the Sexual Abuse of Minors and Vulnerable Adults.

¹ All capitalized terms defined, or used but not defined, in the text of this Policy have the meanings given to them in the section entitled “Definitions.”

² Cf. the revised *Charter for the Protection of Children and Young People* (the “**Charter**”) adopted by the United States Conference of Catholic Bishops (“USCCB”) in 2018 (Washington, D.C.)

Responsibility for adhering to this Policy rests with each individual. Diocesan Personnel who violate it will be subject to appropriate disciplinary action.

SCOPE OF APPLICATION

This Policy applies to all Diocesan Personnel who are engaged in ministry either by canonical appointment by the bishop of the Diocese (the “**Diocesan Bishop**”), employment or as a volunteer for the Diocese or a Diocesan Institution.

CLAIM AND PASTORAL REVIEW

When a Claim of Sexual Abuse is made or suspicion of its occurrence is raised, all mandatory reporting laws shall be followed to comply with Louisiana law. The Local Ordinary (and if the Accused is a Religious, the proper Superior), Victim Assistance Coordinator (“**VAC**”), General Counsel of the Diocese, the Accused and the alleged Victim’s parents or other legal representatives (if the Victim is still a Minor or Vulnerable Adult) shall be informed of the existence of the Claim. The General Counsel of the Diocese shall report in writing all Claims to the appropriate civil authorities. In all cases in which Allegations are made against Diocesan Personnel involving a violation of the Child Protection Policy or the Code of Ethics, such as a Boundary Violation, the Independent Review Board shall also be informed.

Claims made against non-Clergy Diocesan Personnel are handled administratively by the VAC in cooperation, as appropriate, with members of law enforcement, the Accused’s institutional head and the Director of the Diocesan Office of Human Resources. When such a Claim is deemed to merit further review, the Accused’s institutional head will maintain contact with the Accused as deemed necessary or appropriate. The remaining provisions of this Policy do not apply to non-Clergy Diocesan Personnel other than members of religious institutes and seminarians.

The Local Ordinary shall then appoint in writing a Pastoral Reviewer and Case Supervisor of the Pastoral Reviewer’s selection. The work of the Pastoral Reviewer in most cases will comprise the preliminary canonical investigation called for in Canon 1717 of the *Code of Canon Law* and Article 5 of the Charter.

As agents of the Diocese, the VAC and Pastoral Reviewer will first bring to those involved in the Claim the concern of the Church and an assurance of its intent to hear and respond in appropriate ways to the alleged misconduct and its consequences. In the absence of the Local Ordinary, the VAC may initiate this process by his or her own authority upon written notification to the Local Ordinary. Both the VAC and Pastoral Reviewer are *ex officio* endowed with all necessary authority, and directed, to reach out in pastoral concern within 72 hours to persons involved in the Claim.

The VAC and Pastoral Reviewer shall receive and document all information reported by the Claimant, the Accused and any other relevant persons, assure the parties of the Church’s concern and explain to them the process which will follow this initial contact. The VAC and Pastoral Reviewer will advise each Claimant of his or her right and duty to report the Claim’s subject matter directly to civil authorities. The response of the VAC and Pastoral Reviewer shall always include an offer of counseling, spiritual assistance and other assistance as may be agreed upon by the

Claimant and the Diocese. When professional therapy begins with Victims and/or their families, the role of the VAC in relation to them ordinarily will become secondary to the role of the therapists. The response of the VAC and Pastoral Reviewer will also always include a specific offer of a meeting between or among the Diocesan Bishop, the Claimant and members of his or her family. The Case Supervisor shall encourage the involvement of appropriate legal counsel for the Diocese or relevant Diocesan Institution and recommend that the Accused retain legal counsel (and canonical counsel, if the Accused is Clergy).

Within a reasonable period of time, a Pastoral Review Team (“**PRT**”) consisting of the VAC, Pastoral Reviewer and Case Supervisor will meet to discuss the findings of the pastoral review and decide whether further investigation is warranted. Further investigation will be undertaken if any of the VAC, Pastoral Reviewer, Case Supervisor or Local Ordinary determines that reasonable grounds may exist that the Sexual Abuse occurred. Further investigation does not mean that a criminal offense has occurred or has been substantiated, only that additional action is called for to achieve an optimum resolution of the Claim. Members of the PRT are endowed with the authority to act in the name of the Diocese. Neither the Local Ordinary nor a judicial official of the Diocese may serve on the Pastoral Review Team.

A Pastoral Review Report will be developed by the PRT, which will deliver it to the Local Ordinary and a copy of it to the Independent Review Board. This Report will be produced when (1) an admission of guilt is received by the PRT, or (2) the PRT determines that the preliminary investigation is concluded or (3) reasonable grounds exist that the Sexual Abuse occurred and the Accused has been the subject of other credible claims, but is now deceased.

If the Claim moves forward, the Local Ordinary and Independent Review Board will be informed of the status of the investigation and the Accused will immediately be placed on administrative leave. Public announcements will then also be given as provided below if the Accused admits to having committed Sexual Abuse or the present assignment of the Accused allows him or her access to persons similarly-situated to the alleged Victim (e.g. other Minors or Vulnerable Adults). Once the Pastoral Review Report is issued, the preliminary canonical investigation will conclude and the PRT will be discharged from its appointment.

Such public announcements as mentioned above will be made to the congregations of the Parish to which the Accused is currently assigned and of each Parish where an incident reported in the Claim is alleged to have occurred, if different from the current Parish. The purposes of these announcements include making the congregation aware of the existence of the Allegation and investigation, encouraging the public who have relevant first-hand knowledge to come forward, and identifying additional victims who may need pastoral care. The announcements shall include statements that no finding has been made that the Allegation is true and that the Accused is entitled to a presumption of innocence.

Accused Clergy who are placed on administrative leave may be requested to undergo an evaluation, and shall participate in any recommended treatment and meet regularly with the diocesan Director of Clergy Health while on administrative leave.

The Case Supervisor shall select and convene an Investigative Team, which shall consist of the Diocesan legal counsel and other persons as needed, although the Accused's legal counsel and any treating therapists are ineligible to serve on it. The Investigative Team shall promptly conduct an investigation of professional caliber in a pastoral manner under the oversight of the Case Supervisor.

The Case Supervisor will keep the Local Ordinary informed of the Investigative Team's progress and maintain written records of its activities, having prudent regard for the distinctions between fact, opinion and rumor. Special pastoral concern will be shown to the immediate relatives of the Accused, when applicable and as appropriate, during the investigative process. Should the Accused be a Religious, his or her major Superior shall be kept informed in writing by the Local Ordinary throughout the process and may be asked to participate in the investigation as needed.

All records of the VAC, Pastoral Reviewer and Case Supervisor which relate to the Claim shall be marked confidential and kept securely in the proper archives of the Chancery. Access to these confidential records shall be governed in accordance with Canon Law, civil law and the relevant policies of the Diocese.

The Case Supervisor shall prepare a written report of the Investigative Team and deliver it to the Local Ordinary, and copies of it to the Independent Review Board and VAC. The Case Supervisor's responsibilities shall end when either (a) a determination is made by the Diocesan Bishop that the Claim is credible, (b) a determination is made by the Diocesan Bishop that no adequate basis exists to believe that the alleged Sexual Abuse has occurred and the Accused has been returned to normal ministry duties, or (c) except as stated in the next sentence, one year has passed since the Claim was received by the Diocese with no substantial movement toward an outcome. In the latter case above, however, the Investigative Team may request the Diocesan Bishop to extend the Case Supervisor's responsibility for a specified period, not to exceed an additional six months in any event.

When a civil or criminal investigation is undertaken, or legal action is initiated, the Case Supervisor and Investigative Team may cease to have a primary role in the investigation, but shall fully cooperate with the appropriate civil authorities.

In all cases considered by the Independent Review Board, it is responsible for making a recommendation about a Claim's credibility to the Diocesan Bishop, whose decision on that issue is final.

If the Diocesan Bishop determines the Claim to be credible, the Claimant and the Accused shall promptly be notified of its outcome and an announcement concerning its resolution shall be made to the congregations of the Parish to which the Accused is currently assigned and of each Parish where an incident reported in the Claim is alleged to have occurred, if different from the current Parish. Further, a press release will be issued to the general public concerning the Claim and the outcome of its investigation in accordance with the normal procedures of the Diocese concerning public announcements. The Accused's name will be added to the Clergy Abuse List and the procedural norms of the Holy See regarding an Accused's status will also be observed.

As required by Article 5 of the Charter and the corresponding canonical norms which accompany it, a single act of Sexual Abuse of a Minor or Vulnerable Adult constitutes a non-negotiable bar to ministry, employment and volunteer service with the Diocese. In the case of Clergy, the ultimate ecclesiastical decisions regarding this mandate are reserved to the Congregation for the Doctrine of the Faith,³ but additionally the Diocesan Bishop “shall exercise his legitimate power of governance to ensure that any priest or deacon who has committed even one act of Sexual Abuse of a Minor or Vulnerable Adult shall not continue in active ministry.”

PROMULGATION OF PROCEDURES FOR REPORTING

The procedures for reporting Diocesan Personnel for inappropriate sexual behavior with a Minor or Vulnerable Adult shall be set forth on the Website of the Diocese and published annually in *The Catholic Commentator* and in each Diocesan Institution.

Except as provided in the next sentence, the written release agreement for any Claim that has resulted in a financial settlement shall not require that its contents be made confidential. However, if the Victim desires for the release to be made confidential, the release agreement shall state that it will be kept confidential at the Victim’s request and also include the reason for the request.

DEFINITIONS

The following capitalized terms used in this Policy shall have the meaning given to them below:

Abuse Reporting Process means the Diocese’s *Process for Reporting the Alleged Abuse of a Protected Individual*.

Accused means Diocesan Personnel accused of Sexual Abuse of a Minor or Vulnerable Adult.

Adult means a person eighteen years of age or older.

Allegation means a Claim which is not patently absurd.

Boundary Violation means a violation by Diocesan Personnel of the Child Protection Policy or its Code of Ethics that does not meet the legal definition of Sexual Abuse.

Canon Law means the corpus of ecclesiastical laws that govern the Catholic Church.

Case Supervisor means a person of the Pastoral Reviewer’s choice who is appointed in writing by the Local Ordinary to serve as the case supervisor of a specific case involving a Claim.

The Case Supervisor must be a person professionally trained to gather needed information from all relevant sources, and as the leader of the investigation of a Claim, shall secure such legal, psychological, canonical and other professional advice as necessary, and may expend such funds or engage the services of such persons as necessary, to fulfill his or her official responsibilities and those of the Investigative Team. The Case Supervisor shall be understood always to act on behalf of the Church and in the best interests of all concerned and shall serve as a member of the Pastoral Review Team, write the final report of the Investigative Team, present it to the Local Ordinary

³ Cf. Pastor bonus, art. 52, in AAS 89 (1988), p. 874, and Sacramentorum sanctitatis tutela, AAS 93 (2001), pp. 737-739

and deliver copies of it to the VAC and Independent Review Board. Neither the Local Ordinary nor a judicial official of the Diocese may be appointed as a Case Supervisor.

Charter means the United States Conference of Catholic Bishops' *Charter for the Protection of Children and Young People*.

Child/Children or **Minor/Minors** means a person/persons younger than eighteen years of age.

Child Pornography means any representation of a Minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of Minors for primarily sexual purposes.⁴

Child Protection Policy means the Diocese's *Office of Child and Youth Protection Policy and Procedure Manual*.

Church, Diocese or **Diocesan** means the Roman Catholic Church of the Diocese of Baton Rouge.

Claim means an assertion that an act of Sexual Abuse of a Minor or Vulnerable Adult has been committed by Diocesan Personnel.

Claimant means (i) a person who has reported having been the subject of Sexual Abuse, or (ii) the legal guardian of a Minor or Vulnerable Adult who has made a Claim on behalf of such person or (iii) a person other than the foregoing who has been reported by another person as having been the subject of Sexual Abuse.

Clergy means bishops, priests and deacons who are ordained to administer the rites of the Church.

Clergy Abuse List means the list of Accused published by the Diocese who have been credibly-accused (as therein defined) of having committed Sexual Abuse.

Code of Ethics means the Diocese's *Code of Ethics and Behavior for Adults who Minister with Minors and Vulnerable Adults in the Diocese of Baton Rouge*.

Diocese or **Diocesan** (See Church.)

Diocesan Bishop means the bishop to whom the care of the Diocese is entrusted, and who thereby has all ordinary, proper and immediate power required for the exercise of his pastoral function, except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority.

Diocesan Institution means all Church parishes and other canonical juridical persons whose ecclesiastical superior is the Diocesan Bishop; all other civil corporations having the Diocesan Bishop as their presiding officer; and all schools, programs, agencies and organizations sponsored by those canonical or civil entities.

Diocesan Personnel means all persons who are employed by, under contract with or volunteer in the Diocese or any Diocesan Institution and who are one of the following:

⁴ "Motu proprio" of the Supreme Pontiff Francis "Vos estis lux mundi", Title I, Article I, § 2(c) (promulgated 1 June, 2019).

Clergy (i.e. bishops, priests and deacons) who are either incardinated in the Diocese or granted authority (i.e. faculties) by Canon Law or the Diocesan Bishop to exercise ministry in it;

Members of religious institutes, including all Religious women and men assigned to ministry in the Diocese or a Diocesan Institution;

Seminarians assigned to pastoral work or seeking incardination in the Diocese and those men enrolled in the Diocese's Permanent Diaconate Formation Program;

Paid Diocesan Personnel, whether employed in areas of ministry or other kinds of services by the Diocese or a Diocesan Institution;

Volunteers 18 years of age or older who, without promise or expectation of monetary compensation, perform a service on a regular basis in a Diocesan Institution as authorized by the canonical supervisor.

Independent Review Board or IRB means a panel of individuals from various professions relevant to its responsibilities who are appointed by the Diocesan Bishop to act as a consultative body regarding allegations of Sexual Abuse of Minors and Vulnerable Adults by Diocesan Personnel. The IRB assists the Diocesan Bishop by assessing such Allegations, advising him on whether they appear to be credible, making recommendations as to the fitness of an Accused to continue in ministry while his or her case is pending and evaluating Diocesan policies and procedures for dealing with such Allegations. The IRB may act retrospectively and prospectively on these matters and give advice on all aspects of responses required in connection with such cases.

Investigative Team means the group of individuals appointed by the Case Supervisor to conduct an investigation of professional caliber of a Claim and to provide pastoral care to the people involved in the Claim.

Local Ordinary means, apart from the Roman Pontiff, the Diocesan Bishop and all who, even for a time only, are set over the Diocese in accordance with Canon 368, and the Vicar General who has general ordinary executive power.

Minor/Minors (See Child/Children.)

Parish means a certain community of Christ's faithful stably established within the Diocese whose pastoral care, under the authority of the Diocesan Bishop, is entrusted to a Parish priest as its proper pastor.

Pastoral Reviewer means the person appointed in writing by the Local Ordinary, in consultation with the VAC as necessary or appropriate, to serve in that capacity. The Pastoral Reviewer should enjoy the complete confidence of the Local Ordinary and must undergo prior orientation, training and continued updating in the areas of Sexual Abuse, crisis intervention, appropriate criminal law and Canon Law, completely understand and support this Policy and be committed to complete availability on short notice to undertake a pastoral review.

The Pastoral Reviewer shall serve as a member of the Pastoral Review Team and is *ex officio* endowed with all necessary authority to reach out pastorally with the VAC, within 72 hours of the receipt by the Diocese of a Claim, to the persons involved in the Claim.

Pastoral Review Team or **PRT** means a group of individuals consisting of the VAC, Pastoral Reviewer and Case Supervisor. This group shall not include the Local Ordinary or a judicial official of the Diocese. The members of the PRT work together in their respective roles to produce the Pastoral Review Report. Its work in most cases will comprise the preliminary canonical investigation called for in Canon 1717 of the *Code of Canon Law* and Article 5 of the Charter.

Pastoral Review Report means an account of the pastoral review process which is developed and written by the PRT, including all actions, interviews and interventions regarding a Claim.

Policy means this *Policy Regarding Sexual Abuse of Minors and Vulnerable Adults by Diocesan Personnel*, which shall direct the official Diocesan response and subsequent action as advised or recommended to Claims received by it pertaining to Sexual Abuse. The Policy seeks to respect the various roles necessarily involved in such investigations and programs of care. Evaluative and therapeutic roles, in particular, are kept distinct to better serve the individuals they assist and society.

The Policy establishes a decision-making process intended to be prompt, reasonable and fair to all persons involved, and helps to ensure that action is taken only when indicated by established fact or circumstantial prudence. It is specifically designed to comply with Canon Law, criminal law and civil law.

The Policy shall be observed when a Claim is made or a suspicion is raised that Sexual Abuse may have been committed by Diocesan Personnel.

Religious means a member of an institute of consecrated life or society of apostolic life.

Sexual Abuse means the involvement of a Child or Vulnerable Adult in any sexual act with Diocesan Personnel, or the aiding or toleration by Diocesan Personnel of a Child's or Vulnerable Adult's involvement in any of the following⁵:

- (a) The sexual exploitation of the Child or Vulnerable Adult;
- (b) The involvement of the Child or Vulnerable Adult in any sexual act with Diocesan Personnel or any other person, or the aiding or toleration by Diocesan Personnel of the Child's or Vulnerable Adult's involvement in any of the following:
 - Any sexual act with another person,
 - One or more pornographic displays, or
 - Any sexual activity constituting a crime under Louisiana law; or
- (c) Possession of Child Pornography by Diocesan Personnel.

Superior means the head of a religious order, congregation, province or individual house.

⁵ Cf. Louisiana Children's Code Article 603 (2)(c).

Victim means a person who has suffered Sexual Abuse that was committed by Diocesan Personnel.

Victim Assistance Coordinator or **VAC** means the person canonically appointed by the Diocesan Bishop and charged with the responsibility, and who has the training and experience, to coordinate assistance for the immediate care of persons who claim to have been the Victim of Sexual Abuse by Diocesan Personnel. The VAC is *ex officio* endowed with all necessary authority to reach out with pastoral care to all persons involved in an allegation of Sexual Abuse and is a member of the Pastoral Review Team.

The VAC is the person officially appointed to respond in the name of the Diocese to those claiming to be Victims of Sexual Abuse and shall not be superseded. The VAC may associate others with him or her in this work if necessary or deemed advisable by the VAC.

Vulnerable Adult means a person who is in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits such person's ability to understand, want or resist the offense.⁶

Website means the website of the Diocese located online at <https://www.diobr.org>.

⁶ “Motu proprio” of the Supreme Pontiff Francis “Vos estis lux mundi”, Title I, Article I, § 2(b) (promulgated 1 June, 2019).