

Policy and Procedures for the Protection of Minors

Diocese of Phoenix

POLICY

It is the policy of the Catholic Diocese of Phoenix that any sexual, physical or emotional abuse of minors is not acceptable and will not be tolerated.

PROCEDURES

Article 1: Policy Application

This policy applies to all diocesan personnel and volunteers as defined below:

A. Priests and Deacons (Clerics):

1. Clerics incardinated in the Diocese of Phoenix.
2. Clerics who are members of religious institutes or other forms of consecrated life and who are assigned to pastoral work in the Diocese or who are otherwise engaged in the public exercise of divine worship, and other works of the apostolate.
3. Clerics from other jurisdictions who are assigned to pastoral work in this Diocese, whether seeking incardination within the Diocese or not.
4. Retired clerics who legitimately reside within the territory of the Diocese, and are engaged in part-time or supply ministry.

B. Seminarians, Religious and Deacon Candidates:

1. All seminarians legitimately enrolled in the seminary program of the Diocese of Phoenix.
2. Those who are accepted in the permanent diaconate formation program.
3. Members of institutes of consecrated life or societies of apostolic life who are working for the Diocese of Phoenix in the Diocesan Pastoral Center, parishes, Catholic schools, Kino Institute, Catholic Cemeteries, Mount Claret Center, and all Newman Centers.

C. The Lay Faithful:

1. All paid personnel whether employed in areas of ministry or other kinds of services by the Diocese of Phoenix in the Diocesan Pastoral Center, parishes, Catholic schools, Kino Institute, Catholic Cemeteries, Mount Claret Center, and all Newman Centers.
2. All volunteers. This includes any person who enters into or offers himself/herself for service to the Diocese in the Diocesan Pastoral Center, parishes, Catholic schools, Kino Institute, Catholic Cemeteries, Mount Claret Center, and all Newman Centers of his/her own free will while performing that service.

PREVENTION & EDUCATION

Article 2: Value of a Safe Environment

The Diocese of Phoenix is committed to providing a safe environment where we value and honor every individual as created in the image and likeness of God. Ideally no minor will ever be abused; these policies are intended to ensure this ideal. The Diocese of Phoenix is dedicated to upholding a culture of safety and the protection of all of God's children from abuse.

Relationships among people are the

Dear Brothers and Sisters in Christ,

Since the implementation of the "Charter for the Protection of Children and Young People" by the Bishops of the United States, the Church has made great strides in developing policy and procedures that assist in providing safe environments for our young people.

We, in the Diocese of Phoenix, are committed to the implementation of the Charter and the accompanying Essential Norms. Through the efforts of many, we have educated tens of thousands of Catholics through various programs for adults, teens and children. We continue ongoing training programs in providing safe environments for children and young people in all our parishes, schools and institutions. All Diocesan employees and volunteers are required to be trained in our Roman Catholic Diocese of Phoenix Policy and Procedures for the Protection of Minors in order to fully live out the Christian dignity of human relationships.

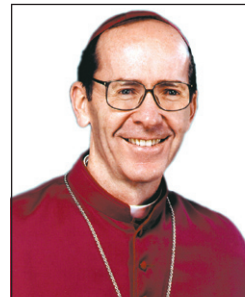
The Diocese of Phoenix has a long history of working to provide safe environments for children and young people. This current Policy is a revision and enhancement of diocesan policy begun in 1990 by a committee composed largely of lay people and revised in 1995, 1998 and 2003. Our policy is scheduled for annual review in order to make it even more effective.

I have complete confidence in all the priests, deacons, religious, lay ministers and volunteers to implement this policy. I am grateful to the numerous members of the laity who have assisted in developing and implementing our policies over the past years. In order to underline the seriousness of the Policy, I declare that this Phoenix Policy and Procedures for the Protection of Minors has the force of diocesan law and is binding on the whole Diocese of Phoenix.

Sincerely yours in Christ,



+ Thomas J. Olmsted
Bishop of Phoenix



BISHOP THOMAS J.
OLMSTED

foundation of ministry within the Catholic Church. Defining healthy boundaries and policies to maintain safe environments are not meant to undermine the importance of personal contact or the ministerial role in any way. Rather, they are meant to assist all employees and volunteers within the Diocese of Phoenix to minister safely with consistent written standards which will safeguard all minors, the well being of the community, and the integrity of the Catholic Church.

Article 3: Office of Safe Environment Training

The role of the Office of Safe Environment Training is to cultivate a culture of prevention and safety within the Diocese of Phoenix; to educate and inform about safety protocols and practices, and be a resource to parishes and schools on safe environment issues. In addition, it is the responsibility of the Safe Environment Training Office to coordinate abuse prevention programs for children and adults in accordance with the requirements set forth within the Charter for the Protection of Children and Young People.

Article 4: Safe Environment Training Requirements

All adults serving within the Diocese of Phoenix shall:

- ▶ Be aware of signs of child abuse.
- ▶ Follow policies and take steps to protect minors.
- ▶ Abide by Arizona Statutes and written Diocesan procedures if abuse is suspected or observed.

A. The following individuals shall attend Safe Environment Training ("SET") annually:

1. All priests and deacons (Clerics)
2. All paid personnel whether employed in areas of ministry or other kinds of service by the Diocese of Phoenix, parishes, schools, Catholic Cemeteries, Mount Claret or Newman Centers.
3. Every adult volunteer serving in any capacity that focuses on minors
4. Minors enrolled in Catholic Schools and/or Diocesan Religious Education Programs

B. All other volunteers whose service does not directly involve minors shall attend a Safe Environment Training ("SET") every other year.

Article 5: Screening Employees and Volunteers

A. Records/Applications:

1. All employee applications/personnel records must be maintained in personnel files in the church, school and/or ministry office.
2. All volunteers must submit a "Volunteer Application Form" providing access to his/her personal information to assess their suitability to serve. These applications will be maintained in the church, school and/or ministry office.

B. Face to Face Interviews:

1. Shall be completed on all new volunteers who serve in programs that directly serve minors.
2. May be completed on a random selection of existing volunteers who volunteer in programs that directly serve minors.
3. May be completed on a random selection of existing volunteers who volunteer in programs that do not directly serve minors.

C. Reference Checks:

1. Shall be made on all new individuals who volunteer in programs that directly serve minors.
2. Shall be made on a random selection of existing individuals who volunteer in programs that directly serve minors.
3. Shall be made on a random selection of existing individuals who volunteer in programs that do not directly serve minors.

D. Identifying Registered Sex Offenders:

An important part of abuse prevention includes identifying registered sex offenders who may frequent the Diocesan Pastoral Center, parishes, Catholic schools, Catholic Cemeteries, Mount Claret Center and all Newman Centers. Therefore the following steps will be taken:

1. All employees and volunteers in parish, school, or ministry programs must be registered at a parish, school or ministry office and their names will be compared to the Arizona Sex Offender website on a monthly basis by the Office of Safe Environment Training.
2. All registered parishioners' names will be compared to the Arizona Sex Offender website on a monthly basis by the Office of Safe Environment Training.
3. All parents who have students registered in Catholic schools must be registered members of a parish, school, or ministry office and their names shall be compared to the Arizona Sex Offender website on a monthly basis by the Office of Safe Environment Training.

Article 6: Assuring a Safe Environment in Programs that Serve Minors

In order to provide a safe environment for minors, all programs sponsored by parishes, schools, Catholic Cemeteries, Mount Claret, or Newman Centers shall be supervised or administered by at least two adults. The following practices shall be followed:

A. Employees and volunteers shall:

1. Maintain high ethical and professional standards in their interactions of minors.
2. Establish boundaries appropriate to the ministerial relationship.
3. Know and abide by the Code of Ethics for the Diocese of Phoenix and the Policy and Procedures for the Protection of Minors.
4. Know how and to whom to report inappropriate behavior (boundary violations) and how to report abuse.
5. Act as role models of proper Catholic values; in particular, they should be examples of chastity based on their state of life.

Policy and Procedures for the Protection of Minors

Continued

- Avoid situations of extreme personal self-disclosure.
- Avoid giving personal gifts. Since gift giving can be a form of buying loyalty or silence, it should be done on a group basis. Gifts, if given, should be modest and should be given only with the knowledge of the minor's parents.

B. Program Leadership shall:

- Annually review and approve all programs for minors in schools and parishes. A list of these programs shall be maintained and shall include activities, purpose, sponsors or coordinators of the programs, meeting times and locations.
- Ensure that the volunteers are monitored and that sufficient supervision exists.
- Ensure that all volunteers are following the Safe Environment Education Requirements including application and reference check and face to face interview (as applicable).
- Know the number and whereabouts of participants.
- Maintain records of attendance.
- Know the location of emergency equipment, first aid kit, and fire extinguisher and be aware of building layout and location of emergency exits.
- Establish a plan for contacting parents/guardians in case of an emergency.
- Communicate the designated meeting place in case of an evacuation/ emergency.

C. Parent's rights include:

Parents have a right to observe programs and activities in which their children are involved. Parents who desire to participate in or have continuous, ongoing contact with their child's program shall fulfill the Safe Environment Training requirements for Diocesan employees and volunteers.

D. Guidelines/Requirements for Overnight Accommodations for Programs Serving Minors

1. Leadership shall:

- Seek to assure that rooms at a retreat center or hotel/motel empty into interior halls that are lighted and secure.
- Seek hotels/motels with security officers on staff.
- House those under the age of 18 together according to gender.
- Ensure no adult rooms with a minor unless the two are related.
- Make rooming lists available to the chaperones and the hotel security officer.
- Take care to ensure a safe environment for showering, bathing and dressing. Adults and minors shall do these activities at different times and, when possible, in different locations.

2. Camp Settings

In camp settings where participants are lodging overnight in cabins, two adults are permitted to lodge in the same cabin as same-gender youth participants, and are encouraged to use the bed closest to the door and farthest away from youth participants.

E. Minors Serving In Programs

Peer leaders and minors serving other minors are an important part of service within the Diocese.

Following are standards for their service:

- Peer leaders 12-18 years old must have

attended Called to Protect for Youth, signed the Diocesan Code of Ethics, be familiar with the Policy and Procedures for the Protection of Minors and have submitted signed parental consent.

- Programs for minors shall be sponsored or administered by at least two adults.
- Must always serve with Safe Environment trained adults.
- Children under the age of 11 are not to be considered peer leaders.

REPORTING

Article 7: Applicable Laws

This policy will be implemented in accordance with Arizona Revised Statute 13-3620, and all other State statutes; canon law; federal law; as well as additional local laws and ordinances. All employees and volunteers must comply with all applicable laws regarding reporting of incidents of actual, alleged or suspected abuse and with procedures outlined in this policy. Federal statutes may contain reporting requirements applicable to Indian Reservations.

Article 8: Obligation To Report

All employees and volunteers, while acting within the scope of their service in a parish, school, or ministry, are mandated to report any abuse of minors to law enforcement and/or Child Protective Services, as specified by law.

The failure of employees and volunteers to report abuse as required by law and in this policy, will be subject to disciplinary action up to and including dismissal and could be subject to criminal penalties under state or federal law.

If a person of any age reveals abuse to a priest during confession, priest-penitent confidentiality cannot be breached (Canon 983). If a person reveals abuse to a priest outside of a confessional context, the priest shall report the allegation immediately to the appropriate civil authorities as required by law.

Article 9: Procedures When Allegations Are Received

A. When a minor reports sexual abuse to an employee or volunteer that person should:

- Talk and listen attentively to the minor.
- Avoid asking questions; leave that for the trained interviewer.
- Stay calm and keep the minor in a safe environment.
- When the minor is stable and secure with another adult, immediately report the allegations by telephone or in person, to law enforcement and/or Child Protective Services.
- Write a report and mail to appropriate law enforcement and Child Protective Services within 72 hours.
- If the accused is an employee or volunteer of the Church, after reporting to law enforcement, immediately contact the Office of Child and Youth Protection.

B. When an employee or volunteer receives a report of physical abuse from a minor, they should follow the steps above and may also ask what happened, who did it, when did it happen, and where did it happen.

C. The Diocese is committed to working in good faith with law enforcement and/or Child Protective Services. To maintain confidentiality care must be taken that further discussion of the incident does not compromise an investigation.

Article 10: Immunity for Reporters of Abuse Made in Good Faith

According to Arizona State Law, persons who make a report of abuse in good faith and without malice are entitled to immunity from any civil and criminal liability.

Article 11: Adults Reporting Allegation of Abuse as a Minor

An adult abused as a child, by clergy, an employee, or a volunteer of the Church, is encouraged to contact the Office of Child and Youth Protection (OCYP) to make a report. The Arizona reporting law does not apply; therefore, neither the adult nor the employees are mandated to report the abuse to law enforcement. The decision to file a report to law enforcement is at the discretion of that adult. If requested, the Director of the OCYP will assist the adult in making a report to law enforcement or the Maricopa County Attorney's offices.

If the reported abuse took place in another diocese, the Director of the OCYP contacts the Office of Child & Youth Protection personnel in that diocese to request assistance.

Article 12: Anonymous or Unspecified Reports of Abuse

An anonymous report or unspecified report is a report that does not provide sufficient information to ascertain the identity of the victim, of the accused, or of the accuser; or a report that does not otherwise give rise to a reasonable belief that abuse has been committed.

A person who is the subject of an anonymous or unspecified report of sexual misconduct as set forth in this section may be notified of the report at the discretion of the Moderator of the Curia consistent with the Diocese's commitment to work with law enforcement to preserve the integrity of any law enforcement investigations.

PASTORAL RESPONSE

Article 13: Community Response Team

A. Purpose

The church ministers to affected communities and the community at large and responds with Christian love and concern in times of trauma and crisis. Established by the Bishop, the CRT will coordinate the response of the Diocese to a parish and/or affected community. The CRT will work under the direction of the Office of Child and Youth Protection in consultation with the Moderator of the Curia.

B. Membership

A Chairperson and members of the CRT will be appointed by the Bishop and drawn from individuals in the following fields: mental health, health care, clergy, religious involved in pastoral ministry, and at least one person who either has been a victim of sexual abuse, a parent of a victim of sexual abuse, or some other person who is determined to have a unique understanding of and empathy for the needs and requirements of persons who have been the victim of sexual abuse.

- The members shall serve a three-year term and may be reappointed.
- At least two of the members shall be lay persons not employed by the Diocese.
- Alternate members may be appointed by the Bishop to ensure adequate representation when the CRT is called to meet.
- The Chairperson of the CRT will add one or more persons from the affected parish and/or community as adjunct members of the CRT.

C. Role

- To develop and carry out an action plan to provide information, facilitate healing and restore trust.
- To assist the place of ministry/employment in assessing the need to plan special liturgies such as a prayer service or a Mass for healing and reconciliation.
- To make recommendations to the parish or affected communities for dissemination of information and pastoral outreach.
- To develop a recommendation for the Bishop concerning the involvement of Church leadership in ministering to the affected community.
- To meet at least twice a year pertinent to its pastoral role.

CONSULTATIVE BOARDS

The Review Board and the Ethics in Ministry Board are two consultative boards that serve the Bishop. Members may serve on only one board at a time.

Article 14: Review Board

A. Purpose

The Review Board serves as a confidential consultative body to the Bishop regarding allegations of sexual abuse by a cleric (an ordained priest or deacon). The Review Board is not investigatory in nature, but advisory in its capacity to assist the Bishop in assessing the allegations on the basis of the facts and proofs gathered by the Auditor (the person who investigates the allegation). The Review Board must also examine any exculpatory evidence brought to its attention that might exonerate the accused cleric. It is ultimately the decision of the Bishop as to what extent and at what point in time he wishes to involve the Review Board during the preliminary investigation.

The Review Board is to meet on at least a quarterly basis. After receiving the advice of the Review Board and the conclusion by decree of the preliminary investigation, the Bishop determines whether it is probable that a delict (crime) has been committed as alleged (Canon 1718, §1).

B. Membership

Members are appointed by the Bishop and serve for a term of 5 years. The appointment may be renewed, and shall continue until a successor is appointed (Essential Norms 5). The members shall consist of:

- At least five persons of outstanding integrity and good judgment, who are in full communion with the Catholic Church, the majority of whom are lay persons not in the employ of the Diocese
- At least one experienced and respected pastor
- At least one member with particular knowledge and expertise regarding the sexual abuse of minors
- The Promoter of Justice, ex officio (non-voting member)
- Moderator of the Curia, ex-officio (non-voting member)
- Consultant, the Director of OCYP (non-voting member)

C. The Role

- To advise the Bishop in assessing allegations of the sexual abuse of minors by priests and deacons
- To assist the Bishop in determining suitability for ministry of priests and deacons

Policy and Procedures for the Protection of Minors

Continued

3. To advise the Bishop regarding all aspects of cases of sexual abuse of minors, whether past or present
4. To offer advice to the Bishop about the preliminary investigation of an allegation
5. To review diocesan policies regarding the sexual abuse of minors

The Bishop, in accord with the norms of canon law, will determine the future of a cleric accused of sexually abusing a minor. The sexual abuse of a minor is a crime in canon law.

Article 15: Ethics in Ministry Board

A. Purpose

The Ethics in Ministry Board serves as a confidential, consultative body to the Bishop, and addresses violations of the Policy and Procedures for the Protection of Minors of the Diocese of Phoenix. Those subject to the review of the Board are employees, and volunteers in the diocese. The Ethics in Ministry Board is not investigatory in nature; an investigator chosen by the Bishop examines the accusation and prepares a report for the Board.

B. Membership

Members are appointed by the Bishop and serve for a term of 3 years. The appointment may be renewed, and shall continue until a successor is appointed. The members shall consist of:

1. At least five persons of outstanding integrity and good judgment, who are in full communion with the Catholic Church, the majority of whom are lay persons not in the employ of the Diocese
2. At least one experienced and respected pastor
3. At least one member with particular knowledge and expertise in mental health
4. At least one member with expertise in human resources issues
5. Diocesan officials on an ad hoc basis as determined by the Bishop or his delegate

C. The Role

1. To advise officials in assessing allegations of the sexual abuse of minors by lay employees or volunteers
2. To assist officials in determining suitability for ministry of lay employees or volunteers
3. To advise officials regarding all aspects of cases of sexual abuse of minors by a lay employee or volunteer, whether past or present
4. To offer advice to officials about the investigation of an allegation
5. To review diocesan policies regarding the sexual abuse of minors

Article 16: Canonical Procedures Regarding Alleged Sexual Misconduct by a Cleric with a Minor

A. An allegation of sexual misconduct by a cleric with a minor is brought to the Office of Child and Youth Protection (OCYP); the Director of the OCYP reports a credible allegation of a minor to the civil authorities, and to the Bishop and the Moderator of the Curia. The Bishop may decide to initiate an inquiry in accord with canon law, in a manner that does not interfere with any investigation conducted by civil authorities.

B. If the Bishop determines the accusation is credible, a decree is issued to begin a preliminary investigation (Canon 1717).

1. The Bishop may take one or more of

the following precautionary measures to protect the rights of all involved, and to avoid scandal to the faithful (Canon 381, §1; 129ff) (Essential Norms 9). He may require the cleric:

- a. To refrain from contact with persons under the age of 18
 - b. To refrain from contact with persons having lodged the complaint, with members of their families, and to refrain in any way from obstructing the preliminary investigation itself
 - c. To reside in a place specified by the Bishop
 - d. To refrain from public celebration of the sacraments and public exercise of ecclesiastical office
2. After the decree opening the preliminary investigation, the Bishop appoints an Auditor (investigator) to conduct the investigation (Canon 1428).
 3. The Auditor makes a preliminary progress report to the Bishop. The Bishop decides the disposition of the case; either
 - a. The Auditor's report is sent to the Review Board, or
 - b. The Bishop issues a decree concluding the preliminary investigation due to lack of evidence. The accused then works with the Vicar of Priests regarding future planning.

C. The Review Board studies the reports sent to it by the Bishop and makes a recommendation to him regarding:

1. The credibility of the accusation
2. The credibility of the accuser
3. The credibility of the witnesses
4. The next steps regarding the accused

D. The Bishop receives the recommendation of the Review Board and determines whether or not it is probable that a delict has been committed as alleged (Canon 1718, §1).

E. The Bishop issues a decree that the investigation has been concluded; the same decree states that one of the following 3 steps will be taken:

1. A decree with a referral to the Congregation for the Doctrine of the Faith (CDF)
 - a. The Bishop issues a decree placing the cleric on "administrative leave" by decree after consultation with the Promoter of Justice.
 - b. The Bishop issues a mandate to the Promoter of Justice to prepare acts, or evidence, of the case.
 - c. The Bishop writes his own opinion on the case for the CDF to determine if a delict was committed.

1) If the Bishop has made the determination that there is sufficient evidence that the sexual abuse of a minor has occurred, the provisions of Canon 1722, or "administrative leave," are to be put in place. The provisions of Canon 1722 may be applied only after the preliminary investigation is completed and the matter is ready to be referred to the Congregation for the Doctrine of the Faith.

- 2.) The Promoter of Justice is to be consulted, and the accused is to be cited in writing. The citation is to inform the cleric of the accusation and the proofs which have been gathered, and to provide the cleric the opportunity to respond. Placing the accused on "administrative leave" is not a statement of presumed guilt, but is intended to protect all parties involved.
- d. After reviewing the case, the CDF directs

the Bishop on how to proceed.

2. A decree with no referral to the CDF, stating that the allegations lodged against the cleric have been found to be manifestly false, i.e. there is not enough evidence to show that sexual abuse took place.
3. A decree from the Bishop stating that administrative remedies will be issued for inappropriate conduct.
 - a. When inappropriate conduct has taken place, it may not be possible to establish the probability that a crime was committed; therefore, a criminal trial may not be warranted. The Bishop can make use of an administrative act, a "remedy," to best protect the community, yet protect the rights of the cleric (Canon 88; Essential Norms 9). The Code of Canon Law allows for the following actions:
 - 1) The Bishop may request that the cleric freely resign from office (Canons 187-189).
 - 2) If the accused is truly not suitable for an office, the Bishop may remove the cleric from office observing the required canonical procedures (Canons 192-195; 1740-1747).
 - 3) Delegated faculties may be administratively removed (Canons 391, §1; 142, §1); faculties granted by the law may be removed or restricted by the competent authority.
 - 4) Circumstances in a particular case may constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present, and may also forbid the priest to celebrate the Eucharist publicly and to administer the sacraments (Canon 906).
 - 5) The Bishop may dispense the cleric from wearing clerical attire (Canons 85-88; 284).
 - b. Such administrative actions are to be issued through written decrees. Any such actions are for the good of the Church and for the cleric. A cleric may also take recourse against such administrative acts in accord with canon law (Canon 1734).

Article 17: Discipline for Violation of the Diocese of Phoenix Policy and Procedures for the Protection of Minors

Employees, volunteers, and clerics are bound to abide by the Diocese of Phoenix Policy and Procedures for the Protection of Minors. A proven violation of the Policy and Procedures for the Protection of Minors by an employee or a volunteer of the Diocese of Phoenix is subject to consequences, which may include termination from one's position and restrictions on future service to the Diocese.

Laypersons holding an ecclesiastical office are subject to the rights and obligations provided by canon law, and can only be removed from a position through legitimate means. A person aggrieved by the reasons for removal from ecclesiastical office may make hierarchical recourse to the one who issues the decree (Canons 145; 184; 1732-1739).

Article 18: Unfounded Allegations

When an accusation is unfounded, the following steps may be taken to restore the person's good name.

- A. Public celebration of return
- B. Press release, including publication in *The Catholic Sun*
- C. Publication of decree closing the preliminary investigation
- D. Offer the person the right to return to

employment or volunteer service

APPENDIX I

Historical Background

CATHOLIC DIOCESE OF PHOENIX: POLICY ON SEXUAL MISCONDUCT

Approved and Promulgated by
Most Reverend Thomas J. O'Brien
Bishop of Phoenix
November 1995
Revised, September, 1998
Revised, October 2003

In 1990, the Catholic Diocese of Phoenix implemented written policies entitled, "Allegations of Abuse of Minors..." with respect to clergy, employees and volunteers. Phoenix was one of the first diocese in the country to have such a policy for priests, deacons, school personnel, employees and volunteers.

In December 1993, The Most Reverend Thomas J. O'Brien, Bishop of the Catholic Diocese of Phoenix, announced publicly that he was forming a special Commission to review all of the diocesan policies which related to sexual abuse of minors and to frame one policy which addressed sexual misconduct by all personnel of the Church. The Commission adopted the following as its mission "formulate a policy addressing the role of the Church of Phoenix in: espousing the moral values of the Church; preventing sexual abuse and other forms of sexual misconduct, through a program of education and advocacy; and responding effectively to allegations or instances of sexual misconduct by clergy, religious and other ministers, employees and volunteers of the Church. In this effort, the Commission is to balance the rights of the victim and those of the accused while taking into account the interests of the public, state and the Church.

The twenty-two member Commission met on a regular basis over a fourteen month period and on February 21, 1995 recommended the policy to the Bishop. The Commission was made up of laity, religious and clergy from throughout the Diocese representing various professionals, including law enforcement, behavioral sciences, clergy, business and victim representatives. A revision of this policy was completed in 1998.

In 2003, the most recent revision was completed in order to implement the "Essential Norms" and "The Charter for the Protection of Children and Young People" which was approved by the United States Conference of Catholic Bishops. The Office of Child & Youth Protection (OCYP) was created to assist in the implementation of the Essential Norms and the Charter. Since then, the policy has been reviewed on a yearly basis.

APPENDIX II

Directory of Terms

ADMINISTRATIVE ACT: the Bishop may act in the best interest of the Church, while remaining within the confines of canon law; certain actions, most especially those that may negatively impact ones position within the Diocese, require that action be taken in writing, and transmitted to the effected party. A party has a right to recourse consistent with canon law regarding the act of the Bishop.

AUDITOR: the person appointed by the Bishop or a judge to gather evidence in a case concerning the public good, i.e. criminal or marriage cases.

CHARTER FOR THE PROTECTION OF CHILDREN

Policy and Procedures for the Protection of Minors

Continued

AND YOUNG PEOPLE AND ESSENTIAL NORMS FOR DIOCESAN/EPARCHIAL POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS: In June 2002, the United States Conference of Catholic Bishops created a document stating their commitment to ensure that the sexual abuse of minors would not happen again. The Charter provides a framework for the Essential Norms, a set of guidelines created for dioceses in the United States to complement canon law regarding any sexual abuse of minors by a cleric.

CODE OF CANON LAW: body of universal laws that govern the Latin Rite of the Catholic Church.

CONGREGATION FOR THE DOCTRINE OF THE FAITH (CDF): dicastery (office) of the Holy Catholic Church that addresses matters of the faith, but has also directed a bishop on how to proceed with grave delicts, including cases of sexual abuse of a minor.

DECREE: decision of a Bishop made in writing in virtue of his executive, judicial or legislative power.

DELICT: a criminal act in the Church, subject to canonical action.

ECCLESIASTICAL OFFICE: stable positions in the Church exercised for a spiritual purpose. At the diocesan level, these offices include the diocesan bishop, vicar general, judicial vicar, episcopal vicar, chancellor, finance officer, promoter of justice, judge, auditor, notary, and dean. At the parish level, these offices include the pastor and the parochial vicar.

EMOTIONAL ABUSE: parent, guardian or custodian demonstrates behavior which is likely to have the effect of terror, rejection, isolation, humiliation or debasement of a child. Child is exhibiting severe anxiety, depression, withdrawal or untoward aggressive behavior which could be due to serious emotional damage by a parent, guardian, or custodian which can only be diagnosed by a medical doctor or psychologist.

ESSENTIAL NORMS: a document created by the United States Conference of Catholic Bishops. This document ensures that each diocese and eparchy will have policies and procedures in place to respond promptly to all allegations of sexual abuse of minors by diocesan and religious priests or deacons.

FACULTIES: permissions granted to a cleric to serve the People of God, such as permission to witness a marriage, act as confessor, or to administer confirmation.

MINOR: one who has not reached full legal age (18 years old).

OFFICE OF CHILD & YOUTH PROTECTION (OCYP): created to assist the Diocese of Phoenix with the implementation of the Policy & Procedures for the Protection of Children & Youth in accord with the Charter for the Protection of Children & Young People and The Essential Norms. The Director of the OCYP receives allegations of sexual misconduct with minors, coordinates pastoral outreach to affected individuals and communities, assists in the continued development and training of all employees and volunteers, and maintains responsibility for the ongoing administration of the OCYP.

PHYSICAL ABUSE: impairment of a minor's physical condition and includes any of the following: skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, health or welfare, burns, fracture of an bone, subdural hematoma, soft tissue swelling, injury to any organ, and any physical condition which imperils.

PRELIMINARY INVESTIGATION: the investigation required by canon law. Once initiated through

a decree, this process is used to gather evidence and to make the determination as to whether initiating a trial is necessary. The preliminary investigation must be brought to a conclusion through a decree, and either lead to exoneration, administrative action, or a trial.

PROMOTER OF JUSTICE: The promoter of justice functions as the prosecutor of a penal case (Canon 1430). Like a plaintiff in a contentious case, the promoter brings the action, educes evidence, argues the case, and appeals if necessary. The promoter's duty is to seek justice, and his/her concern is the public good. The promoter is not to prosecute if he/she decides there is no basis for the prosecution. The Promoter of Justice is to be consulted prior to the citation of the accused regarding the placing of the accused on "administrative leave." The Promoter of Justice attends Review Board meetings and offers canonical advice; however has no voice in the Review Board's determinations and recommendations.

SEXUAL ABUSE: intentionally or knowingly engaging in sexual contact or conduct with a minor who is under the age of eighteen years of age. Abuse shall include inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest, or child prostitution as detailed in the Arizona Revised Statutes.

APPENDIX III

Interactions & Behaviors

The lists provided below are not intended to be exhaustive.

APPROPRIATE INTERACTIONS: Appropriate affection between Church employees/volunteers and minors constitutes a positive part of Church life, ministry, and healthy child development.

Depending on the circumstances, the following forms of interaction are customarily (but not always) regarded as appropriate.

Appropriate Physical Interactions

- ▶ Side hugs
- ▶ Shoulder-to-shoulder or "temple" hugs
- ▶ Handshakes
- ▶ "High-fives" and hand slapping
- ▶ Pats on the head or back when culturally appropriate
- ▶ Touching hands, shoulders, or arm around shoulders
- ▶ Holding hands (with smaller children in escorting situations)
- ▶ Holding hands during prayer

Appropriate Behavior

- ▶ Consistently abiding by the Code of Ethics and the Policy for the Protection of Minors.
- ▶ Providing a Safe Environment where the dignity of every individual is ensured.
- ▶ Knowing how and to whom to report inappropriate behavior.
- ▶ Maintaining a professional relationship when dealing with minors, avoiding emotional attachment and/or vulnerable situations.
- ▶ Maintaining an awareness of the powerful attraction of minors to adults in positions of authority and trust. If a personal or physical dependency begins to develop, the minor is to be referred to another qualified adult.
- ▶ Recognizing if pastoral care of a minor requires more than one appointment, parents must be notified.

Appropriate Verbal Interactions

- ▶ Positive reinforcement
- ▶ Appropriate jokes

- ▶ Encouragement
- ▶ Verbal Praise

INAPPROPRIATE INTERACTIONS: Some forms of behavior and physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used:

Inappropriate Physical Interactions

- ▶ Any form of affection that is unwanted by the child
- ▶ Showing affection in isolated areas
- ▶ Physical contact insisted on or requested by the adult
- ▶ Inappropriate or lengthy embraces; Full frontal hugs
- ▶ Kisses on the mouth
- ▶ Touching knees or legs
- ▶ Touching buttocks, chest or genital areas; Wrestling
- ▶ Piggyback rides
- ▶ Tickling
- ▶ Tackle football
- ▶ Touch, pull, push or strike a child in anger
- ▶ Allowing a child to cling to a staff person's leg
- ▶ Any type of massage given by minor to adult
- ▶ Any type of massage given by adult to minor

Inappropriate Behavior

- ▶ Giving personal e-mail, phone number or pager number to a minor.
- ▶ Being alone with a minor(s), without another responsible adult present, in any closed areas that are inappropriate while working in the scope of ministry program. Including but not limited to: a vehicle, restaurant, residence, sleeping facility, locker room, rest room facility, hot-tub or pool.
- ▶ Allowing minors to have, or assist minors in gaining, access to alcohol, drugs, pornographic material, or any illegal substance.
- ▶ Allowing minors to have, or assist minors in gaining, access to inappropriate websites, movie audiotapes, DVDs, or compact discs.

Inappropriate Verbal Interactions

- ▶ Name calling
- ▶ Cursing
- ▶ Telling off-color or sexual jokes
- ▶ Shaming
- ▶ Belittling
- ▶ Compliments that relate to physique or body development
- ▶ Telling secrets, asking children to keep secrets
- ▶ Using harsh language that may frighten, threaten or humiliate a minor
- ▶ Racial insults or ethnic slurs or making derogatory remarks about the child or his/her family
- ▶ Discussing sexual encounters with minor, or in any way involving children in the personal problems or issues of adults

APPENDIX IV

Code of Ethics

It is the policy of the Catholic Diocese of Phoenix that any sexual, physical, emotional abuse of a minor is not acceptable and will not be tolerated.

Employees and volunteers while working in their scope of ministry shall:

- § Abide by the Diocese of Phoenix Policy and Procedures for the Protection of Minors
- § Exhibit the highest Christian ethical

standards and personal integrity

§ Conduct themselves in a manner that is consistent with the discipline, norms, and teachings of the Catholic Church

§ Provide a professional environment that is free from all forms of abuse including intimidation and, harassment

§ Accept personal responsibility to protect all minors and adults from all forms of abuse

§ Report concerns about boundary violations or other questionable behaviors and circumstances with the program supervisor, pastor or principal

§ Report promptly, in accordance with the law of the State of Arizona and policies of the Diocese of Phoenix, any suspected abuse or neglect of a minor

§ Call the Office of Youth and Child Protection for clarification when in doubt of policy or procedure

Employees and volunteers while working in their scope of ministry shall not:

- ▶ Abuse a minor
- ▶ Take advantage of supervisory and/or authoritative relationship, or any relationship of trust for their own benefit

Because it is impossible to compile a comprehensive list of specific acts constituting misconduct, employees and volunteers must use common sense, guided by the principles set forth above, to direct their behavior and to abide by the current Diocese of Phoenix Policy and Procedures for the Protection of Minors.

By signing this I am stating that I have received a copy of this Code of Ethics, I have read it, and understand it, and I agree to abide by it. I have also read and understand the current Diocese of Phoenix Policy and Procedures for the Protection of Minors and will abide by it as it helps me observe this Code of Ethics.

A violation of this Code of Ethics can result in disciplinary action up to and including removal from serving in programs and/or termination of employment.

For a copy of this form: www.diocese.phoenix.org/ocyp/index.html.

APPENDIX V

Minor Abuse Reporting Form

As per Arizona Revised Statute 13-1360: After a call is made to the Police or Child Protective Services to report suspected abuse a written statement must be submitted within seventy-two (72) hours. Completing this form fulfills the written requirement for mandatory reporting.

As required by the law the report shall contain:

1. The names and addresses of the minor and his/her parents or person or persons having custody of such minor, if know.
2. The minor's age and the nature and extent of his injuries or physical neglect; including evidence of previous injuries or physical neglect.
3. Any other information that such person believes might be helpful in establishing the cause of the physical injury or physical neglect.

If the alleged abuse of the minor was a result of a member of the clergy, employee or volunteer of the Catholic Church, contact the Office of Child & Youth Protection at (602) 354-2396 and provide a copy of this report via fax (602) 354-2469.

For a copy of this form: www.diocese.phoenix.org/ocyp/index.html.

APPENDIX VI

Volunteer Application Form

For a copy of this form: www.diocese.phoenix.org/ocyp/index.html.