

SEXUAL MISCONDUCT POLICY



Diocese of St. Cloud
July 1, 2003
(Revised 9/01/07)

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September 1, 2007

Dear Friends in Christ,

I am pleased to present to all the people of the Diocese of Saint Cloud this revised Policy on Sexual Misconduct. It is applicable to all clergy of the Diocese, and to all clergy, religious and laity who are in ministerial or volunteer positions within the Diocese of Saint Cloud.

There is nothing more precious or fragile for us than our children and young people. The scandal of the sexual abuse of minors by clergy and others has caused terrible injury and harm to children, young people, their families and to the entire Church. I again offer my apology to all those who have been deeply scarred by these terrible sins and crimes.

Our priests and people who minister in the name of the Church are also our greatest treasure. We are grateful to them; we look to them always to lead exemplary lives.

The courage of victims and survivors who have come forward in these past years, often alone and at their own risk, has helped us shape and strengthen this policy. They have also been instrumental as the United States Conference of Catholic Bishops approved the CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE in June 2002 and the Holy See ratified the ESSENTIAL NORMS FOR DIOCESAN/EPARCHIAL POLICIES DEALING WITH ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PRIESTS AND DEACONS of December 2002.

One family in our Diocese recently wrote to me about our policy: "We should always be able to turn to the Church and know that we are safe and loved."

As your bishop and shepherd of this Diocese, I pledge to you, our Catholic people, that these norms and policies will be implemented in their entirety. It is my fervent hope that this revised policy will help restore trust in the Church and will offer the necessary safeguards and protocol for all the people of the Diocese now and in the future.

In all of our parishes, schools and other institutions, we strive to do the work and ministry of Christ. May our own conduct always model that of Jesus who recognized in each person the profound dignity of being daughters and sons of God.

With kind personal regards, I remain,

Sincerely yours in Christ,

+John F. Kinney
Bishop of Saint Cloud

INTRODUCTION

The Bishop of the Diocese of St. Cloud hereby states that throughout this Diocese*, this Sexual Misconduct Policy shall be effective and enforced. The Diocese of St. Cloud regards sexual abuse, sexual exploitation and sexual harassment against all persons as sinful and a grave violation of the justice and respect that must govern human relationships. When one representing the Church does such actions, our outrage and anger is increased all the more.

The damage caused to anyone who has been a victim of sexual misconduct is devastating and long lasting. We reach out to those who suffer, especially those who have been victims of sexual misconduct and to their families. We apologize to them for the grave harm that has been inflicted upon them, and we offer them our help for the future. We will continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. The restoration of trust will continue through the implementation of our revised policy for sexual misconduct.

In accord with the *United States Conference of Catholic Bishops' Charter for the Protection of Children and Young People*, we reaffirm our commitment to provide safety and protection for children and young people in our church ministries and institutions. We pledge to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter. We commit ourselves to do all we can to heal the trauma that victims/survivors and their families are suffering and the wound that the whole Church has experienced.

*For purposes of this policy, the term *Diocese* is understood to be as defined by the *Universal Code of Canon Law*.

PURPOSE

The Sexual Misconduct Policy for the Diocese of St. Cloud is established to:

- Provide a safe and secure environment for all children, youth, vulnerable adults and elderly in the faith communities within our diocese;
- Provide a system to respond to anyone who has been a victim of sexual misconduct, their families, as well as the accused;
- Assist in evaluating a person's suitability to minister or work with children, youth, vulnerable adults or the elderly;
- Satisfy the concerns of parents and staff members with a screening process;
- Provide for the well-being of communities and the integrity of the Church; and
- Reduce the possibility of false accusations against clergy, employees and volunteers.

The policy and procedures shall be fair and responsive to the pastoral needs of the victim/survivor and their families, the community, the clergy and non-clergy personnel. The policy and procedures shall facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual misconduct.

We commit ourselves to:

- Full disclosure of pertinent information consistent with the limits of confidentiality;
- Protection of the community;
- Respect for the individual; and
- Observance of Canon law.

Applicable Law. This policy is intended to address violations of civil, criminal and Canon law. A violation of the criminal law can subject the offender to a prison sentence and/or monetary fine. It can also be the basis for a civil suit for monetary damages.

The law changes from time to time by enactment of amendments to statutes and judicial interpretations. Because of this, it is incumbent upon all personnel to familiarize themselves with such changes that may occur. It is not possible to set out all of the laws in this document, but the Vicar General will give assistance to all church personnel who have questions or seek knowledge concerning the law.

CARE OF THE VICTIM/SURVIVOR

The first obligation of the Church to anyone who has been a victim of sexual misconduct is for healing and reconciliation. The people of the Diocese of St. Cloud will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual, physical, psychological and emotional well-being.

Anyone wishing to bring forward a complaint is encouraged to contact an advocate who will assist those who have been victims of sexual misconduct to take whatever steps the victim/survivor feels are appropriate to resolve the issue. Advocates will have as their first duty the protection of the rights of the victim/survivor. Advocates for the abused will support and walk with the victims/survivors and their families as they move through the process, whether the misconduct was recent or occurred many years in the past. This outreach will include provisions for counseling, spiritual assistance, support groups, and other social services agreed upon by the victim/survivor, the advocate and the Bishop. A list of advocates can be obtained by contacting the Assistance Coordinator or the Vicar General.

Information shared by the accused with the advocate will be confidential, except for information about the abuse of a minor or vulnerable adult, as defined by law, or threats of violence against an individual. That information will be reported to the appropriate authorities as required by law.

Through pastoral outreach to those who have been victims of sexual misconduct and their families, the Vicar General or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share a “profound sense of solidarity and concern” (*cf. Address of John Paul II to the Cardinals of the United States, April 23, 2002*).

Because the allegations of sexual misconduct by church personnel can be expected to have profound consequences on the person’s spiritual life and relationship to the Church, spiritual, physical, psychological and emotional support will be offered.

CARE FOR THE CHRISTIAN COMMUNITY AFFECTED BY SEXUAL MISCONDUCT

The hierarchy of the Diocese will also have a special concern for parishes and other church communities served by a cleric who is accused of sexual misconduct, and pastoral outreach will be directed to faith communities in which the sexual misconduct occurred. While respecting the right of privacy of those directly involved in an allegation, every effort will be made to keep the local community informed about what is taking place. Every effort will be made to provide the means by which the local community can deal with the ensuing trauma and find consolation and healing.

The sudden absence of a cleric can result in serious misunderstanding and distortion of fact. It is essential to gather the people of the parish and inform them that an allegation has been made. The purpose of the meeting is for the community to learn of the issue from a member of the hierarchy of the Diocese and to attempt to minimize the possibility of rumor and false information. Advocates will be available should additional complaints surface as a result of the parish meeting. Expression of reactions, questions and prayer for understanding, justice, mercy, forgiveness, healing and guidance are all part of this community process. Those conducting the parish meeting will emphasize the importance of confidentiality so that no breach of privacy will occur.

DEFINITIONS

Sexual misconduct is a general term, which includes sexual abuse, sexual exploitation and sexual harassment.

Sexual misconduct with a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification.

In church law, 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 minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (*USCCB, Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6*). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO §1) 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” (CIC, c. 1321 §3; CCEO, c. 1414 §2); cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416².

We note that this policy must be in accord with civil, criminal and Canon law. Accordingly, at this time the following terms have the meanings stated:

Sexual Abuse: is subjection of a child or vulnerable adult, by any person responsible for their care, in a position of authority, or a person who has a significant relationship, to any sexual contact or act, which is a violation of the Minnesota Criminal Sexual Conduct.

Sexual Exploitation: as it applies to any formal helper/helped relationship, is any kind of sexual interaction between counselor and client whether initiated by either counselor or client, and regardless of the consent of the client.

Sexual Harassment: is unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

- i. **Quid pro quo:** occurs when the employee/client is subject to unwelcome sexual advances, and submission to them is made the basis of firing, hiring, advancement;
- ii. **Environmental:** occurs when any type of unwelcome sexual behavior creates a hostile environment.

Vulnerable Adult: is a person 18 years of age or older who because of impairment of mental or physical function or emotional status, is unable or unlikely to report abuse or neglect without assistance.

Diocese: is a portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterate, so that, adhering to its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic and apostolic Church of Christ is truly present and operative (*cf. CIC 369*).

Church Personnel: includes the following categories:

- All priests, permanent deacons and transitional deacons of the diocese;
- All religious priests, deacons, and brothers working in parishes and other church institutions within the diocese;
- All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the Code of Canon Law;
- All clerics of other jurisdictions assigned for work within the diocese;
- All women religious working in parishes and other church institutions within the diocese;
- All personnel of Catholic schools within the diocese (administration, faculty, and support staff);
- All religious education directors and teachers in the parishes and schools within the diocese;
- All youth ministers in the parishes, schools and church institutions within the diocese;
- All personnel of campus ministry programs within the diocese;
- All paid personnel in the offices of the Diocesan Civil Corporation; in the parishes within the diocese; in the schools within the diocese; and the Society for the Propagation of the Faith for the Diocese of St. Cloud;
- All who volunteer for work on a significant scale in the offices and institutions noted in the previous paragraph, and with persons of special concerns as stated in the policy regarding vulnerable persons; and
- Such other personnel as designated or assigned by the bishop of the diocese.

Children/Minors: for purposes of this policy, children/minors include all persons under age eighteen (18).

REVIEW BOARD ON SEXUAL MISCONDUCT

To assist the diocesan bishop, a Diocesan Review Board has been established which will function as a confidential consultative body to the bishop in discharging his responsibilities. The Diocesan Review Board is charged with the responsibility to periodically evaluate the effectiveness of the policy in place, propose revisions as indicated, and review the processes followed.

Review Board Functions

The Review Board will ensure that the approved policy for sexual misconduct and the outlined procedures for identifying, reporting and responding to misconduct allegations is enacted and implemented within the Diocese of St. Cloud. The functions of this board will include:

- Advise the diocesan bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- Offer advice on all aspects of these cases, whether retrospectively or prospectively; and
- Review policies for dealing with sexual abuse of minors and vulnerable adults.

(cf. USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, Dec. 2002).

Review Board Composition

Established by the diocesan bishop, the Diocesan Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be laypersons that are not in the employ of the Diocesan Civil Corporation. At least one member should be a priest who is an experienced and respected pastor in the diocese; at least one member should have particular expertise in the treatment of the sexual abuse of minors; and if possible, at least one member should be an adult victim/survivor, who is not currently involved in any civil/criminal litigation. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participates in the meetings of the review board. *(cf. USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing With Allegations of Sexual Abuse of Minors by Priests or Deacons, Dec. 2002).*

Confidentiality

Members of the Review Board will sign a non-disclosure agreement to keep confidential all reports given to them, as well as their deliberations and recommendations and all other matters brought before them.

EDUCATION

Education opportunities are to be made available as part of the continuing education and training of church personnel.

To support this responsibility, the hierarchy and appropriate personnel within the diocese will from time to time arrange programs, which include knowledge or training applicable to these areas.

The following personnel must attend designated educational programs concerning sexual misconduct issues, such as methods of recognizing and preventing sexual misconduct involving children or others:

- All priests and deacons working in the diocese;
- All pastoral associates working in the diocese;
- All youth ministers working in the diocese;
- All school principals, teachers and directors of religious education;
- All volunteers working with children and vulnerable adults; and
- Other personnel in the diocese as deemed necessary by the Vicar General of the diocese.

Education efforts are outlined in the Guidelines for Ethics and Integrity in Ministry.

Other church personnel are encouraged to attend such educational programs.

BACKGROUND AND REFERENCE CHECKS

Background investigations of personnel who have regular contact with minors must be conducted. Such investigations are best conducted by a reputable professional agency, law enforcement or social service agency, if available in your area. Background investigations should include criminal history checks of the employee/volunteer and the employee/volunteer must be asked if they have ever been accused of, or investigated for, an act of abuse or harassment. References must be checked. (*cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513*); also (*cf. USCCB, Charter for the Protection of Children and Young People, Article 13, Dec. 2002*).

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information that he has been or may be a danger to children or young people. (*cf. USCCB, Charter for the Protection of Children and Young People, Article 14, Dec. 2002*).

The appropriate personnel in the diocese and every parish and school will provide each worker (paid or volunteer) with a copy of the Diocesan Sexual Misconduct Policy. Each worker is required to read the booklet and sign an acknowledgment of receipt, understanding and acceptance of this policy. A copy of the required receipt accompanies this policy. Personnel are to forward this form to their immediate supervisor, or to the head of their office/institution, or to the person hiring them. Annually, all personnel will initial this form, reaffirming their awareness and acceptance of the policy.

An informational questionnaire, a copy of which accompanies this policy, is to be completed by all the personnel listed in the Definitions Section referring to Church Personnel. Criminal background checks, Acknowledgement of Receipt of Sexual Misconduct Policy and Background Questionnaire forms shall be kept in employee or volunteer personnel files. These files are to be in a secure location. Access to these diocesan files will be limited to the Diocesan Bishop; Vicar General; pastors; principals; directors and/or supervisors; and specified designees, as related to their respective offices and areas of responsibility.

SCREENING

Adequate screening and evaluative techniques in deciding the fitness of candidates for ordination will be maintained by the Office of Diaconate and the Office of Vocations (*cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513*).

REPORTING ALLEGED INCIDENTS OF SEXUAL MISCONDUCT

All appropriate personnel within the diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the right of a person to make a report to public authorities will be supported.

Schools, institutions, agencies, and other organizations within the Diocese of St. Cloud have numerous daily contacts with many children. It is, therefore, imperative that all persons responsible for the care of children, particularly all staff members of parishes, schools, and agencies in the Diocese of St. Cloud, protect the rights of children and be alert to the possibility of child abuse. It is the policy in the Diocese of St. Cloud not only to fulfill the reporting law but also to cooperate fully with the investigating authorities.

Obligation to Report

Any cleric or church personnel who knows or has reason to believe that any church personnel may be guilty of sexual misconduct must comply with any applicable reporting or other requirements of state and local laws (unless to do so would violate priest/penitent relationship of the Sacrament of Reconciliation).

If the incident involves alleged abuse of a minor by church personnel (who has any direct or indirect responsibility for, a significant relationship with, or is in a position of authority to the minor) and has occurred during the past three years, a verbal report must be made within 24 hours to the Child Protection Department of the Social Services Department of the county where the alleged incident took place. A written report must be sent to social services within 72 hours, exclusive of weekends and holidays. One can also call the National Hotline for Child Abuse at 1-800-422-4453.

If the alleged abuse involves a vulnerable adult and has occurred during the past three years, a verbal report must be made within 24 hours to the designated point of entry where the alleged incident took place. A written report may be requested.

A report must be made to law enforcement if there is reason to believe that two or more children have been abused by a person not related to the children within the preceding ten (10) years.

Allegations of abuse of a minor involving church personnel who do not have any direct or indirect responsibility for, a significant relationship with, or who are not in a position of authority to the minor, should be made directly to a local law enforcement agency within the vicinity where the alleged incident took place.

If a person is unsure whether or not a situation should be reported, a local county social service child protection unit can be contacted, even anonymously, and a protection worker will help decide if reporting is necessary. A person may also contact the Assistance Coordinator or Vicar General for guidance.

Telephone numbers for county social service departments within the Diocese are listed in Appendix A.

The National Hotline for Child Abuse telephone number and designated entry points and telephone numbers for each county in the Diocese are listed in Appendix A.

If the alleged incident involves an adult who has been a victim of sexual misconduct, a report should be sent to the Vicar General.

All church personnel, as defined in this policy, must notify the Vicar General of an alleged incident of sexual misconduct. The Vicar General will notify the Bishop. If an allegation involves the Vicar General, the Bishop should be notified directly. If an allegation involves the Bishop, the Archbishop of the Diocese of St. Paul-Minneapolis should be notified.

Each reported incident will be immediately investigated, with care taken not to interfere with any civil/criminal investigation, and with a high level of Christian care, concern and confidentiality for all persons involved.

For Accusations Against A Clergy Member

- When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process. (*cf. USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, Dec. 2002*).
- The alleged offender may be requested to seek, and may be urged to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Bishop and to the accused. (*cf. USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, Dec. 2002*).
- When even a single act of sexual abuse 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 (CIC, c. 1395 §2; CCEO, c. 1453 §1); (*cf. USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, Dec. 2002*).
- 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 (*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*). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of

special circumstances, it will direct the diocesan bishop/eparch how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, canonical counsel to a priest will be supplied. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process. (cf. USCCB, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Dec. 2002).

- If the penalty of dismissal from the clerical state has not been applied (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 or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest. (cf. USCCB, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Dec. 2002).
- At all times, the diocesan bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (cf. USCCB, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Dec. 2002).
- The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon. (cf. USCCB, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Dec. 2002).
- No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province. Before a priest or deacon can be transferred for residence to another diocese or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall 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). Every bishop/eparch or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (cf. USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, Dec. 2002).

For Accusations Against All Non-Clergy Personnel

- An investigation will be made by the Vicar General or his designate in order to determine the validity of any alleged claim. The alleged offender may be relieved of all responsibilities in the diocese, parish, office or institution and placed on administrative leave pending the outcome of the internal and any outside investigation, such leave to be with or without pay or benefits as the Bishop or his designate may decide.
- Any non-clergy personnel in the Diocese of St. Cloud, parish, office, or institution who admits to, does not contest, or is found guilty of an incident of sexual misconduct is subject to immediate termination from employment and any position of responsibility with the diocese. Such individuals will not be reassigned to other functions within the diocese, parish, office or institution.

For All Accusations

- Appropriate records will be kept by the Bishop (or his designate) of each incident reported and of the investigation and the results thereof.
- Notification of the incident shall be given to insurers in accordance with the terms of applicable insurance policies.
- When accusations are made of sexual misconduct involving church personnel, contact by the appropriate staff should be promptly initiated with the individual and/or family who are reporting the allegation. An offer will be made of whatever support, concern or solace may be needed, with no comment as to the truth of any accusation. Medical, psychological and spiritual assistance will be offered in the spirit of Christian justice and charity, but legal advice must first be obtained.
- Any media contact or inquiries regarding an incident of sexual misconduct must be directed to the Diocesan Director of Communications.
- Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. (cf. USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, Dec. 2002).

Protocol Regarding Minors/Vulnerable Adults

When an allegation of sexual misconduct is received by the Vicar General concerning a minor, the following protocols will be observed:

- The Vicar General will report an allegation of sexual abuse of a person who is a minor to the civil authorities. The Vicar General will cooperate in their investigation in accord with civil law.
- The Vicar General will also notify the Assistance Coordinator, diocesan Bishop and the diocesan attorney who, in turn, will give notification of the incident to insurers in accordance with the terms of applicable insurance policies.
- The Vicar General will not enter into any confidentiality agreements and the anonymity of the individuals will be protected.
- In every instance, the Vicar General will advise the victim/survivor of their right to make a report to civil authorities and will support this right.
- All church personnel in the Diocese of St. Cloud will cooperate with civil authorities about reporting in cases when the person is no longer a minor.

THE APPEAL PROCESS

Members of the clergy who deem their rights have been violated as a result of this policy will have the right of an appeal pursuant to applicable Canon law.

Any person, other than clergy, who deems their rights have been violated as a result of this policy, will have the right of an appeal to the Diocesan Review Board.

DECLARATION

The Vicar General and the Diocesan Review Board will review this policy every two (2) years. Any changes in the content or application of this policy will take place through consultation with the Diocesan Review Board and the Diocesan Bishop.

The Diocesan Bishop, in consultation with the Diocesan Review Board, reserves the right to apply changes in content, application and implementation with or without notice.

The Diocese shall continue to make its policies and procedures related to sexual misconduct available in published form so those affected can readily seek and receive the assistance which the policies provide.

This policy is issued by the Bishop of the Diocese of St. Cloud and is effective July 1, 2003, and revised September 1, 2007.

Most Reverend John F. Kinney, D.D.
Bishop of St. Cloud

Reverend Robert Rolfes, J.C.L.
Chancellor

ACKNOWLEDGMENT OF RECEIPT

**Sexual Misconduct Policy
of the
Diocese of St. Cloud**

I hereby acknowledge that I received a copy of the Sexual Misconduct Policy for the Diocese of St. Cloud and that I have read it, understand its meaning, and agree to conduct myself in accordance with it.

Date: _____

Signed: _____

Print Name: _____

Position: _____

Background Questionnaire Concerning Sexual Abuse

All employees, applicants, volunteers, etc. will be required to execute an Authorization for Release of Information to conduct criminal background checks to the diocese, parish, school or institution.

1. Have you ever been convicted of a crime of sexual abuse, physical abuse, sexual harassment or exploitation? Yes _____ No _____
2. Has any allegation or civil or criminal complaint ever been made against you relating to sexual abuse, sexual harassment or exploitation or physical abuse?
Yes _____ No _____
3. Have you ever terminated your employment or had your employment terminated for reasons relating to allegations of sexual abuse or physical abuse committed by you, or relating to civil or criminal complaints of sexual or physical abuse committed against you? Yes _____ No _____
4. Have you ever received any medical treatment, physical or psychological, for reasons involving your physical or sexual abuse of others?
Yes _____ No _____

Date: _____

Signed: _____

Print Name: _____

Position: _____

Appendix A

The National Hotline for Child Abuse: 1-800-422-4453

The Common Entry Points and Contact Numbers for Counties in the Diocese are:

During Regular Business Hours:

Benton

Human Services
531 Dewey Street
P.O. Box 740
Foley, MN 56329
Phone: 320-968-6254
Fax: 320-968-8906

Douglas

Social Services
809 Elm Street
P.O. Box 3001
Alexandria, MN 56308
Phone: 320-762-2302
Fax: 320-762-3833

Grant

Social Service Department
28 Central Street
P.O. Box 1006
Elbow Lake, MN 56531
Phone: 218-685-4417
Fax: 218-685-4978

Isanti

Family Services
553 18th Ave SW
Cambridge, MN 55008
Phone: 763-689-1711
Fax: 763-689-9877

Kanabec

Family Service Department
P.O. Box 180
Mora, MN 55051
Phone: 320-679-6350
Fax: 320-679-6351

After Hours, Weekends, Holidays:

Sheriff's Office
P.O. Box 159
581 Highway 23 Northeast
Foley, MN 56329
Phone: 320-968-7201
Fax: 320-968-6885

Sheriff
216 7th Ave. West
Alexandria, MN 56308
Phone: 320-762-8151

Sheriff
10 - 2nd Street N.E.
Elbow Lake, MN 56531
Phone: 218-685-5303

Sheriff
509 S.W. 18th Ave.
Cambridge, MN 55008
Phone: 763-689-2141

Sheriff's Office
31 N. Elm
Mora, MN 55051
Phone: 320-679-2141

Mille Lacs

Family Service and Welfare Department
635 - 2nd Street S.E.
Milaca, MN 56353
Phone: 320-983-8306
Fax: 320-983-8306

Law Enforcement
640 - 3rd St. S.E.
Milaca, MN 56353
Phone: 320-983-8250
Fax: 320-983-8270

Morrison

Social Services
213 First Avenue S.E.
Little Falls, MN 56345
Phone: 320-632-2591
Fax: 320-632-0225

Public Safety Office
213 - 1st Avenue S.E.
Little Falls, MN 56345
Phone: 320-632-9233
Fax: 320-632-0179
TDD: 320-632-0180

Otter Tail

Social Service Department
505 S. Court Street
Fergus Falls, MN 56537
Phone: 218-739-4491
Fax: 218-739-2909

Otter Tail Sheriff's Office
121 W. Junius Ave.
Fergus Falls, MN 56537
Phone: 218-736-5421

Pope

Family Service Department
130 Minnesota Ave. E.
Glenwood, MN 56334
Phone: 320-634-5750
Fax: 320-634-0164

Law Enforcement
130 Minnesota Ave E.
Glenwood, MN 56334
Phone: 320-634-5411

Sherburne

Social Services
13880 Highway 10
Elk River, MN 55330
Phone: 763-241-2970
Fax: 763-241-2698

Public Safety Office
Government Center
13880 Highway 10
Elk River, MN 55330
Phone: 763-241-2500
Fax: 763-441-7303

Stearns

Social Services Center
705 Courthouse Square
P.O. Box 1107
St. Cloud, MN 56302
Phone: 320-656-6000
Fax: 320-237-4031

Public Safety Office
807 Courthouse Square
P.O. Box 217
St. Cloud, MN 56301
Phone: 320-251-4240
Fax: 320-259-3963
TDD: 320-251-4240

Stevens

Human Services Department
400 Colorado Ave.
P.O. Box 530-HS
Morris, MN 56267
Phone: 320-589-7400
Fax: 320-589-3972

Sheriff's Office
400 Colorado Ave.
Morris, MN 56267
Phone: 320-589-2141

Todd

Social Services
Courthouse Annex
212 - 2nd Ave. S
Long Prairie, MN 56347
Phone: 320-732-4500
Fax: 320-732-4540

Public Safety Office
115 Third Street South
Long Prairie, MN 56347
Phone: 320-732-2157
Fax: 320-732-3867

Traverse

Social Services Department
203 - 8th Ave. N.
P.O. Box 46
Wheaton, MN 56296
Phone: 320-563-8255
Fax: 320-563-4230

Sheriff's Office
702 - 2nd Ave. N.
Wheaton, MN 56296
Phone: 320-563-4244

Wadena

Social Services Department
124 - 1st Street S.E.
Wadena, MN 56482
Phone: 218-631-7605
Fax: 218-631-7616

Sheriff's Office
Court House
Wadena, MN 56482
Phone: 218-631-7600

Wilkin

Family Service Agency
300 - 5th Street S.
P.O. Box 369
Breckenridge, MN 56520
Phone: 218-643-8561
Fax: 218-643-2230

Law Enforcement
227 - 6th St. N.
Breckenridge, MN 56520
Phone: 218-643-5506