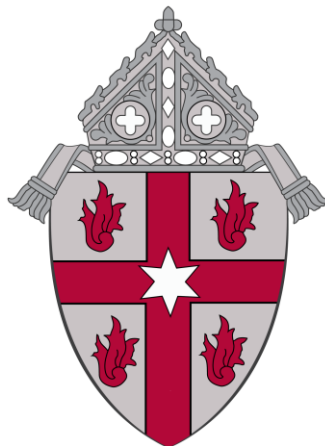


**Policy for the  
PROTECTION of  
CHILDREN, YOUNG PEOPLE, and  
VULNERABLE ADULTS  
in the Diocese of Saginaw**



Catholic Diocese of  
**SAGINAW**

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## 1.0 PREAMBLE

In 1989, the Diocese of Saginaw [Diocese] promulgated its first policy for the protection of children and young people<sup>1</sup> in order to address child sexual abuse by clergy. Throughout the years, the Diocese has provided safe environment training to adults and minors in parishes and schools as the first defense against child abuse. The efforts of protection of minors - within the Diocese of Saginaw, nationally, and internationally - have grown over the years.

In 2002, the United States Conference of Catholic Bishops (USCCB) committed the Church to deal more effectively with cases of sexual abuse of minors [identified as those below the age of 18] by clergy. In the *Charter for the Protection of Children and Young People [Charter]* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with the Allegations of Sexual Abuse of Minors by Priests or Deacons [Essential Norms]*<sup>2</sup>, the Bishops of the United States promised to reach out to those who have been sexually abused as minors by priests and deacons.

The Diocese of Saginaw follows the *Essential Norms* diligently, compassionately, and fairly. This **Policy for the Protection of Children, Young People, and Vulnerable Adults in the Diocese of Saginaw** [hereafter “Policy”] describes safe environment policies and procedures, and identifies persons responsible for implementing the Policy.

The *Charter* was revised in 2011 and further revised in 2018. In 2019, Pope Francis added protection of **vulnerable adults**, described in Michigan law as: “a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.” MCL 400.11(f)<sup>3</sup>

### 1.1 Scope of Policy

- 1.1.1. For the purposes of this Policy, vulnerable adults are included wherever minors are referenced unless otherwise noted.
- 1.1.2. In May 2019, Pope Francis promulgated *Vos estis lux mundi*, which pertains to allegations of sexual abuse of minors and vulnerable adults by bishops and other ecclesiastical superiors, or of negligence or misuse of authority in properly addressing allegations. The Diocese is updating this Policy to reflect *Vos estis*.

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<sup>1</sup> *Children* is a term which is typically understood to be those under the age of 13 and *young people* or *youth* typically describes those from the ages of 13 – 18. While these terms are used in the USCCB documents, the predominant reference is to minors, that is, those under the age of 18.

<sup>2</sup> *Essential Norms* and the *Charter* pertain to allegations of child abuse by clergy; the canonical process pertaining to clergy accused of abuse of vulnerable adults draws upon other ecclesial sources.

<sup>3</sup> While the Diocese of Saginaw follows Michigan Law’s description of vulnerable adults, *Vos estis*’ reference may be utilized as well: “any person in a state of infirmity, physical or mental deficiency or deprivation of personal liberty that, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.” (Art 1, §2)

- 1.1.3. The Bishop has appointed a **Delegate for Safe Environment** to oversee all aspects of the Policy, including education and prevention, implementation of the *Code of Conduct for Personnel Working with Children, Young People, and Vulnerable Adults* [hereafter “*Code of Conduct*”], criminal background checks, outreach to victims, and communication with the diocesan Review Board.<sup>4</sup>

## 1.2 Components of the Policy

The diocesan Policy has 3 essential components:

- 1.2.1. **Screening**, which works toward prevention of child sexual abuse. These measures include criminal background checks for all employees and for all church volunteers who have contact with minors, in addition to finger-printing for school personnel.
- 1.2.2. **Safe Environment Training**, which is comprised of educational measures to help individuals recognize and prevent abuse by teaching the signs of possible abuse, means of reporting, and the impact of sexual abuse and its many forms. Training for adults is offered throughout the Diocese and is open to all who wish to receive the training. Our schools and religious education programs have programs for minors, parents and caregivers. The *Code of Conduct* describes appropriate boundaries for clergy, all employees of the Diocese, and all parish and school volunteers.
- 1.2.3. **Outreach and Victim Assistance**, which occurs when allegations of child sexual abuse by clergy are received. This Policy provides information from the time of receiving an allegation to notification of the appropriate individuals and the involvement of the Review Board. Also, this Policy summarizes the role of the Victim Assistance Coordinator who, through Catholic Family Service, a separately incorporated professional care provider, assists and advocates for victim-survivors of sexual abuse by clergy.

## 1.3 Letters of Good Standing/Testimonial of Suitability for Ordained Ministry

- 1.3.1. The Diocese of Saginaw provides a Letter of Good Standing/Testimonial of Suitability for Ordained Ministry [i.e. Letter] for diocesan clerics in active ministry who wish to exercise ministry outside of the Diocese of Saginaw. The Letter confirms that the cleric has received safe environment training and that there is no credible allegation of child sexual abuse against the cleric. The Letter is sent by the Office of the Chancellor to the diocese, parish, program, or school in which the cleric has requested to serve in ministry.
- 1.3.2. A Letter from the Diocese of Saginaw is effective for up to 6 months if the cleric intends an extended stay outside the Diocese of Saginaw. A Letter may be

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<sup>4</sup> The Code of Conduct replaces the *Standards of Ministerial Behavior for Those Who Work with Children and Young People*, which served from 2004 until currently as guidance for interaction with minors by diocesan, parish and school staffs and volunteers.

withdrawn by the Diocese of Saginaw by written notification to the receiving diocese, parish, program, or school.

- 1.3.3. The Diocese of Saginaw requires a Letter of Good Standing/Testimonial of Suitability for Ordained Ministry from the office of the bishop or religious superior for clerics who request to exercise ministry in the Diocese of Saginaw, even for a one-time event. The Letter must confirm that the cleric has received safe environment training and that there is no credible allegation of child sexual abuse against the cleric. If the Diocese of Saginaw parish, program, or school receives the Letter, a copy is to be forwarded to the Chancellor's Office and vice versa. The Letter must be received before the event takes place and must be dated no more than 6 months before the event.
- 1.3.4. The Diocese of Saginaw also requires a Letter of Good Standing/Endorsement of Suitability for Presentations [Endorsement] for all individuals from outside the Diocese serving as presenters in person or via webinars, leading mission appeals, retreats, formation events (including vacation Bible schools), and similar events in parishes, schools, and in diocesan programs. The Endorsement must confirm that the presenter is in good standing with the Church, has received safe environment training, and there is no credible allegation of child sexual abuse. The Endorsement is typically sent by the office of the Bishop or major superior of the religious institute in which the speaker is affiliated and must be received before the event occurs. The Endorsement may be from the Pastor of a parish in which the speaker is a member if the speaker has no diocesan or religious institute affiliation. The Endorsement must be dated no more than 6 months before the event.

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## 2.0 DEFINITIONS and SCOPE

### 2.1 DEFINITIONS

- 2.1.1 "**Contact with minors**" for purposes of this Policy is defined as in-person or virtual presence by Personnel with minor(s) for which there is a responsibility, including, but not limited to, a chaperone, catechist, hall monitor, classroom volunteer, usher, or music director.
- 2.1.2 "**Credible**" allegation, accusation or information means that, under all the circumstances known at the time of the allegation, a prudent person would conclude that it is reasonable and probable that an incident occurred. In determining an allegation to be credible, the Diocese of Saginaw is not making a definitive statement regarding the certainty of the allegation or the guilt of the accused.

- 2.1.3 "**Diocese**" encompasses the Roman Catholic Diocese of Saginaw, in accord with Canon 369 of the Code of Canon Law, and all diocesan parishes and schools.
- 2.1.4 "**Hiring Agency**" includes all diocesan, parish, and school organizations which employ staff and/or utilize volunteers who have contact with minors.
- 2.1.5 "**Personnel**" includes all persons (clergy, religious and laity) who are employed and all parish and school volunteers who have contact with minors in any diocesan organization.
- 2.1.6 "**Reasonable cause**" means a prudent estimation based on trustworthy information that an incident occurred.

## 2.2 DEFINITION OF SEXUAL ABUSE OF MINORS

**Sexual abuse of a minor** is described as sexual molestation or sexual exploitation of a minor. This includes, but is not limited to, sexual contact with the intimate parts (genital area, groin, anus, inner thighs, buttocks, or breasts) of a minor, deliberate touching of the intimate parts of a minor, requesting that the minor touch the intimate parts of the adult, exposing the intimate parts of the adult to a minor, or requesting that the minor expose his or her intimate parts.

**Sexual abuse of a minor also includes** the use, viewing, creation, or distribution of pornography or the use, viewing, creation, or distribution of pornography in the presence of a minor.

- 2.2.1 The applicable norm in assessing an allegation of sexual abuse of a minor is whether the alleged conduct or interaction with a minor constitutes an external, objectively grave violation of the sixth commandment (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, USCCB, 1995, p. 6).
- 2.2.2 A canonical offense against the sixth commandment (c. 1395, §2) does not need to be a complete act of intercourse. To be objectively grave, an act does not need to involve force, physical contact or a discernible harmful outcome. Imputability (moral responsibility) for a canonical offense "is presumed upon external violation." (c. 1321, §3. Cf. cc 1322-27)
- 2.2.3 If there is any doubt whether a specific act constitutes an external, objectively grave violation, the writings of recognized moral theologians may be consulted and the opinions of experts may be obtained. Ultimately, it is the responsibility of the Bishop of the Diocese of Saginaw, with the advice of the Review Board, to determine if an allegation warrants further action.
- 2.2.4 State and federal laws regarding sexual abuse of minors at the time of the offense prevail.

## 2.3 OTHER OBJECTIONABLE CONDUCT

Conduct that does not constitute sexual abuse may nonetheless be offensive or create misunderstanding or embarrassment. Personnel are to avoid activities which can be misconstrued, even if intended innocently. The Diocese of Saginaw has promulgated the *Code of Conduct*, which is applicable to all Personnel.

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## 3.0 CRIMINAL BACKGROUND CHECKS

The Diocese of Saginaw values the safety of minors, vulnerable adults, clergy, employees, volunteers, and the people with whom it works and serves. Prudent measures to be taken by the Diocese include the following:

### 3.1 CRIMINAL BACKGROUND CHECKS

A criminal history background check, Internet Criminal History Access Tool (ICHAT), is required for:

- All paid parish and school Personnel including all paid Personnel who provide services to the Diocese, or any diocesan parish, school, early childhood center, or other diocesan institution.
- All volunteers who have contact with minors at the Diocese, parish, school or early childhood center, or any other diocesan institution. This includes adults who hold meetings with minors on church/school property, such as Boy/Girl Scout activities and overnight trips sponsored by schools or parishes.

High school students, ages 18-19, are not required to have criminal background checks if their participation in a youth event is solely as a student, that is, with no responsibility as an adult for supervision. If participating in an overnight trip, the student would room only with others age 18 and above, unless with family members.

#### 3.1.1 Fingerprint Background Checks

A Michigan State Police/FBI Fingerprint background check with live scan fingerprint is required for all paid school Personnel as required by the State of Michigan.

The Diocese of Saginaw requires that all volunteers who serve the schools must have a Michigan State Police/FBI Fingerprint background check with live scan fingerprint, including without limitation volunteer coaches; youth ministers; childcare volunteers. Priests, religious, and deacons assigned to a parish with a school and clergy with contact with a school must also have a Michigan State Police/FBI Fingerprint background check with live scan fingerprint. (This group has both the fingerprint check and ICHAT check.)



### **3.1.2 Minors**

Minors who volunteer to work with other minors at the Diocese, parish, school or early childhood center, or any other diocesan institution are required to have their parent/guardian complete and sign a “Minor’s Statement of Background” form.

### **3.1.3 Scope of Criminal Background Checks**

Criminal history background checks will encompass all places where the person has lived within the past seven years. Out-of-country background checks will be conducted where possible.

Criminal background checks of priests and deacons who seek and receive a ministerial assignment within the Diocese of Saginaw and of seminarians will encompass all places where the person is known to have lived and ministered from the age of eighteen.

Criminal Background searches may include:

- Michigan State Police Internet Criminal History Access Tool (ICHAT)
- Out-of-State Background Check for persons who have lived outside of Michigan within the past seven years
- Michigan State Police/FBI Background Check with Live Scan Fingerprint.

### **3.1.4 Cost**

The Diocese of Saginaw will cover the cost of the ICHAT and any background check needed to verify an applicant’s identity. The cost of additional required background checks will be covered by the requesting diocesan department, institution, agency, parish or school.

### **3.1.5 Procedure**

A criminal history background check is a condition of employment or volunteering for those individuals described above.

- As a condition of employment or request to volunteer, the applicant will be provided with the diocesan Background Check Policy and Background Check Authorization Form.
- The background check is initiated as soon as possible for employment or volunteer activity. The result of the background check will determine whether the person may be placed or retained in an employee or volunteer position.
- A Minor’s Statement of Background should be completed prior to the minor serving as a volunteer.

- Current church Personnel and volunteers may be screened at any time at the discretion of the Diocese. Effective August 2019, the Office of Compliance began a process of renewing criminal background checks (ICHAT). Renewal will occur at least every 5 years for active employees and for volunteers who have contact with minors.

### **3.1.6 Hiring Agency**

Requests for a criminal history background check are handled by the hiring agency and/or the agency handling volunteer applicants.<sup>5</sup>

### **3.1.7 Communication regarding Criminal Background Checks**

The Diocese will communicate to the hiring agency if there is an offense on the criminal background check. Additional information may be needed, which may include an interview of the person. The Diocese reserves the right to make a final determination regarding employment or volunteer activity.

## **3.2 DISQUALIFYING OFFENSES**

No person may serve in ministry involving minors if he or she has been convicted of any disqualifying offense, been on probation or received deferred adjudication for any disqualifying offense, or has pending criminal charges for any disqualifying offense until a determination of guilt or innocence has been made.

Disqualifying offenses include:

### **3.2.1 Offenses against a Person:**

Including, without limitation, murder, rape, abandoning or endangering a child, bigamy, incest, sexual assault and sexual exploitation of a minor, and felony assault and/or battery.

The Diocese reserves the right to include as a disqualifying offense any other offenses or conduct determined in its discretion to be inconsistent with serving minors.

### **3.2.2 Offenses or Adjudications against Public Order or Decency:**

Including, without limitation, prostitution, human trafficking, sexual performance by a child, solicitation of a minor, promotion of prostitution of a child or adult,

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<sup>5</sup> The hiring agency for all employees and/or the agency responsible for volunteers with contact with minors assures that the person has agreed to abide by the *Policy*, the *Code of Conduct*, and the Authorization Form which the applicant completes and signs.

possession, promotion, or sale of pornographic images of minors, indecent exposure, and dissemination of materials harmful to minors.

The Diocese reserves the right to include as a disqualifying offense against public order or decency any other offense or conduct determined in its discretion to be inconsistent with serving minors.

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## **4.0 SAFE ENVIRONMENT TRAINING**

Safe Environment training is mandated for all employees and those volunteers who have contact with minors, and in diocesan or parish programs for groups of vulnerable adults, such as SPRED. Safe Environment training is a condition of employment or volunteering for those individuals described below.

### **4.1 SAFE ENVIRONMENT TRAINING FOR ADULTS**

- 4.1.1 The Diocese of Saginaw promotes awareness of the warning signs of possible child sexual abuse and steps to prevent child sexual abuse.<sup>6</sup> Safe Environment training is required for all active clergy and active lay ecclesial ministers, employees, and for volunteers who have contact with minors. All individuals, especially parents and guardians, are encouraged to receive Safe Environment training, even if they do not volunteer with children and youth in parishes and schools. Individuals who do not have contact with minors do not need to have Safe Environment training or a criminal background check. Nevertheless, their behavior must be consistent with the Code of Conduct.
- 4.1.2 Safe Environment training is required for all individuals who have contact with minors, even if the contact occurs through other organizations, such as Boy or Girl Scouts, if the events occur on the property of, or are sponsored by, parishes and schools. Completed criminal background checks and acknowledgments of the Code of Conduct are also required.
- 4.1.3 The Diocese requires Safe Environment training, offered by the Diocese of Saginaw, for all employees.

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<sup>6</sup> The Diocese of Saginaw provides training that stresses the impact of abuse on victims and their families, teaches key points found in the Diocese of Saginaw Policy and Code of Conduct, describes the manner in which abuse is to be reported to law enforcement and to the Diocese, and emphasizes the protection of vulnerable adults. Links to current training schedule and related materials are found on the Diocese's Safe Environment webpage.

- 4.1.4 Individuals must complete Safe Environment retraining every 5 years to remain eligible for continued employment and/or volunteer activities that involve contact with minors.
- 4.1.5 The Diocese reserves the right to accept or decline Safe Environment training outside the Diocese of Saginaw for volunteers. Factors for this determination include the length of time since training and familiarity with an approved alternative Safe Environment training program.
- 4.1.6. All employees are required to read and successfully complete VIRTUS monthly training Bulletins<sup>7</sup>.

## 4.2 SAFE ENVIRONMENT TRAINING FOR MINORS

- 4.2.1 Safe Environment training for minors is provided through its Catholic schools, youth ministry, and faith formation programs.<sup>8</sup>
- 4.2.2 Parents or guardians who decline Safe Environment training for their child[ren] must sign an **opt-out form**.
- 4.2.3 A **compliance form** confirming that schools and parishes have provided the required Safe Environment education is due to the Compliance Office by April 20 each year.
- 4.2.4 A vulnerable adult who volunteers in a program involving minors is required to participate in Safe Environment training to the degree that he or she is likely to benefit from the training as determined by the supervisor. A vulnerable adult must be consistently accompanied by other adults in the activities and programs and may not take primary responsibility for the program.

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## 5.0 ALLEGATIONS OF SEXUAL ABUSE of MINORS

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<sup>7</sup> Employees are not required to complete bulletins prior to January 1, 2023, although all are encouraged to do so.

<sup>8</sup> The Diocese is developing, for various age and grade levels, a safe environment curriculum in Catholic schools, youth ministry, and faith formation programs. The Bishop will periodically approve Safe Environment training material for minors. The Bishop may permit use of other Safe Environment training materials in order to evaluate alternate programs' effectiveness.

The diocesan response to any allegation of sexual misconduct by clergy, lay employees, volunteers, or others authorized to act on behalf of the Church will be based on the Gospel values of justice, dignity, compassion, and charity. Care is to be taken that all persons will be ministered to in a manner that responds to their rights and needs.

## **5.1 OBLIGATION TO REPORT SUSPECTED SEXUAL ABUSE**

All Personnel of the Diocese, including, but not limited to, mandated reporters, who have actual knowledge of, or who have reasonable cause to suspect abuse or neglect of a minor, must immediately report that information to the appropriate civil authorities. Nonetheless, "...it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason." [Can. 983 §1]

- 5.1.1 Personnel must comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities.
- 5.1.2 In addition to following the laws of the State of Michigan, a report of possible sexual abuse of minors by clergy must be made to the Victim Assistance Coordinator. The Victim Assistance Coordinator shall notify the diocesan attorney and the Delegate for Safe Environment of any report of sexual abuse of minors by clergy.
- 5.1.3 The diocesan attorney shall also report all allegations of sexual abuse of a minor by clergy to appropriate civil authorities.
- 5.1.4 The Diocese will report sexual abuse of current minors to civil authorities even if the victim and/or others have already reported or intend to report to civil authorities.
- 5.1.5 The Diocese will report all clergy abuse of minors, even if the victim is no longer a minor, the victim would prefer to not have the allegation reported to law enforcement, the clergy member is deceased, and/or the cleric is/was a member of another diocese or religious institute.
- 5.1.6 If the allegation of abuse, neglect, or misconduct involves the Bishop (current, emeritus, or deceased) or other ecclesiastical superior (such as a major religious superior) or if there is a complaint of neglect or disregard in handling an allegation, the Victim Assistance Coordinator and the Delegate for Safe Environment will follow the practices established by the USCCB in compliance with *Vos estis* and report to civil authorities in a timely manner, if applicable.
- 5.1.7 The Victim Assistance Coordinator is to encourage victim-survivors to directly report the allegation to civil authorities and is to assist them in reporting to the degree wanted by each victim-survivor. [Further responsibilities of the Victim Assistance Coordinator are described in Section 10.]

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## **6.0 INVESTIGATION and INTERIM PROTECTIVE MEASURES**

Each reported incident of sexual abuse of a minor by clergy will be promptly investigated and reviewed by the diocesan Review Board. Care will be taken not to interfere with any criminal investigation. If an allegation is under investigation by civil authorities, the diocesan investigation will be suspended until civil authorities authorize the Diocese to proceed.

### **6.1 DIOCESAN REVIEW BOARD**

The Diocese will maintain a Review Board that will function as a confidential consultative body to the Bishop of the Diocese of Saginaw. The diocesan Review Board functions include:

- 6.1.1 Review diocesan policies and procedures regarding prevention of, and addressing allegations of, sexual abuse of minors and vulnerable adults.
- 6.1.2 Advise on investigations of allegations of sexual abuse of minors by clergy. While the Review Board does not directly conduct an investigation or meet with victims or accused clergy, the Review Board will be provided with all relevant information and reports relative to an investigation.
- 6.1.3 Assess the credibility of allegations of sexual abuse of minors for the purpose of the Bishop's determination of suitability of a cleric for ministry and for the purpose of placing names of credibly accused clergy on a public list on the diocesan website.
- 6.1.4 Evaluate the credibility of allegations of boundary violations by clergy against minors, which may be interpreted as inappropriate or grooming behavior.
- 6.1.5 Evaluate misconduct and abuse of a ministerial relationship by clergy against minors and vulnerable adults.

### **6.2 MEMBERSHIP AND MEETINGS OF REVIEW BOARD**

The diocesan Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church and who have relevant skills and experience, which may include psychology, social work, rights of minors, law

enforcement, civil law, canon law, education, personnel administration, and pastoral care. The Review Board may have up to 2 additional members, who, while meeting all other qualifications, are not required to be Catholic. The majority of the members will be lay persons who are not in the employ of the Diocese. At least one member will be a priest who is an experienced and respected pastor of the Diocese of Saginaw. At least one member should have experience treating or assisting individuals who have been sexually abused as minors. Members shall be appointed by the Bishop.

- 6.2.1 Each member will typically be appointed for a term of five years, with terms which may be staggered to ensure continuity of membership, beginning July 1, which may be renewed.
- 6.2.2 The members of the Review Board shall choose a chair and may choose a vice-chair, each serving 2-year terms, which may be renewed. They will assist the Delegate for Safe Environment and the diocesan attorney in planning an agenda for each meeting. If the terms of appointment to the Review Board would otherwise end before the completion of service as chair or vice-chair, the terms as Review Board members may be extended to be concurrent with completion of service as chair or vice-chair.
- 6.2.3 The Review Board will meet at least 3 times per year and may meet more often as needed. A member may participate by telephone or video-conferencing if able to participate in a confidential setting. The Delegate for Safe Environment, the Victim Assistance Coordinator (when relevant to discussions pertaining to allegations), an investigator (if there is a current investigation), the Promoter of Justice, the attorney representing the Diocese of Saginaw, and a member of the diocesan Communications Office may also attend Review Board meetings. An additional guest, such as a presenter from the diocesan Child and Youth Protection office, may be invited solely for the purpose of assisting the Review Board to fulfill its responsibilities.
- 6.2.4 All matters before the Review Board are confidential, with the goal of advising the Bishop of the Diocese of Saginaw.
- 6.2.5 Any public communication regarding the diocesan Safe Environment Program/Policy or allegations of sexual abuse of minors by clergy will be made by the Bishop, his Delegate, or the diocesan Communications Office.

### **6.3 INVESTIGATION OF ALLEGATIONS**

Each investigation of incardinated clergy (those clergy, living or deceased, affiliated with the Diocese of Saginaw) will be conducted with a high level of Christian care and concern for the alleged victim, the family of the alleged victim, the person reporting the incident, and the accused cleric.

- 6.3.1 The Bishop shall select a qualified individual who will lead a preliminary investigation to determine whether the allegation of sexual abuse is credible.
- 6.3.2 Independent professional investigators shall be utilized.

- 6.3.3 If requested, an advocate with canonical education and experience may be appointed to assist the accused cleric or the cleric may select canonical representation. In addition, the accused cleric may retain a civil attorney for criminal or civil proceedings. In all instances, the accused cleric is responsible for all expenses.
- 6.3.4 The Diocese may provide clergy accused of misconduct with therapeutic and/or counseling assistance.
- 6.3.5 If the allegation involves the use, viewing, creation or distribution of pornography in violation of this policy on an electronic device(s) owned by the Diocese, the electronic device shall be provided to the civil authorities.
- 6.3.6 The investigator will provide a written report to the Bishop and Delegate for Safe Environment, which will be shared, in full, with the Review Board.
- 6.3.7 The Review Board will review the findings of the investigation and may request clarification or additional information. Upon completion of its review, the Review Board chair will provide a written, concise statement of the Review Board's opinion of credibility to the Bishop.
- 6.3.8 If the allegation is deemed credible, the accused cleric, in accordance with canon law, will be relieved of all responsibilities in the diocese, parish, office or institution, and remain on administrative leave pending the outcome of further civil and/or canonical investigation. According to the Diocese of Saginaw policy, the requirement of sustenance will be met, but this may not include full salary and benefits.
- 6.3.9 If, after an investigation, it is determined that an allegation is not credible, all possible steps will be taken to restore the good name of the person accused.
- 6.3.10 Upon completion of the investigation, the decision of the Bishop shall be communicated, typically by the Bishop himself, to the victim or the victim's representative, and to the accused cleric.

#### **6.4 CLERGY OF THE SAGINAW DIOCESE**

If the accused cleric is a priest or deacon incardinated in the Diocese of Saginaw, the victim's allegation, the investigative report, all pertinent information, and Review Board's opinion of credibility shall be referred to the Bishop of the Diocese of Saginaw in accordance with canon law and subject to the provisions of Canon 1722.

#### **6.5 CLERGY OF ANOTHER DIOCESE, MEMBERS OF RELIGIOUS ORDERS and SOCIETIES OF APOSTOLIC LIFE**

If the accused cleric is a priest or deacon incardinated in another diocese or a member of a religious order, institute or society of apostolic life, the Delegate for Safe Environment shall contact the cleric's Bishop or ecclesiastical superior, referring the matter for action and investigation.



## **6.6 RECORDS**

- 6.6.1 The Delegate for Safe Environment will maintain a record of all allegations of sexual abuse reported or referred to the Diocese, the final investigative report, and the Review Board's opinion of credibility [unless the complaint is initially determined unfounded or implausible]. All records shall be confidential, with access limited to the Bishop of the Diocese of Saginaw, other diocesan officials designated by the Bishop, and other experts as designated by the Bishop.
- 6.6.2 The Diocese of Saginaw will fully cooperate with law enforcement and will share copies of its records if requested by law enforcement.

## **6.7 COMMUNICATION POLICY**

- 6.7.1. The current Policy will be posted on the diocesan website. This Policy and accompanying procedures will be periodically reviewed and revised as necessary.
- 6.7.2. If an allegation of sexual abuse of a minor is received by the Diocese regarding one of its clerics, the Diocese will notify the public of the allegation and that an investigation is underway, unless requested by law enforcement not to do so. The existence of the allegation, the name of the accused offender, and the accused's ministerial status will be posted on the diocesan website. No further information will typically be provided by the Diocese until the investigation is complete.
- 6.7.3. If an allegation of sexual abuse of a minor is determined to be credible, the Bishop will publish an announcement on the website, and the notification will be sent to each priest in the Diocese.
- 6.7.4. The Diocese of Saginaw places on its website a "Names of Clergy Accused of Sexual Abuse of a Minor" ["Names"], which includes all known clergy who have been credibly accused of sexual abuse of a minor and who have served in the Diocese of Saginaw. Any such credibility determination is not a definitive statement by the Diocese regarding the certainty of the allegation or guilt of the accused.

The Names include clergy who are currently on administrative leave related to allegations, clergy who have admitted to the allegations, and clergy with allegations deemed credible.

- 6.7.4.1 The Diocese of Saginaw will maintain on its website Names of credibly accused clergy who served in ministry in the Diocese and whose own diocese or religious institute determined that there has been a credible accusation, even if there is no allegation of abuse within the Diocese of Saginaw; location(s) and dates of service in the Diocese are included.
- 6.7.4.2 In addition, if a credible allegation of child sexual abuse is known to have occurred within the Diocese of Saginaw by a member of the clergy,

even if the member did not serve in ministry within the Diocese, the name of the cleric is added.

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## **7.0 CANONICAL PROCEEDINGS**

When an act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with the law, the offending priest or deacon will be removed permanently from ecclesiastical ministry.

### **7.1 CANONICAL PROCEEDINGS**

Under the Code of Canon Law, following a preliminary investigation and consultation with the Review Board, if the Bishop concludes that an allegation of sexual abuse of a minor by a cleric is credible, he must refer the matter to the Dicastery for the Doctrine of the Faith [hereafter, “Dicastery”] for further action.

In every case involving canonical penalties, canon law processes must be observed, and the various provisions of canon law must be considered.<sup>9</sup> In rare instances, the Dicastery assumes direct responsibility for the case. In most instances, the Dicastery instructs the Bishop regarding further steps.

The cleric remains suspended from ministerial activities during the time that the Dicastery reviews the information and the canonical proceedings are completed. The offender is subject to penalties, up to dismissal from the clerical state, in canonical proceedings.

### **7.2 WAIVER OF CANONICAL PERIOD OF LIMITATIONS**

If an offense would otherwise be time-barred, the Bishop will petition the Dicastery for the Doctrine of the Faith for a dispensation from the canonical period of limitations, while indicating appropriate pastoral reasons rendering it necessary to do so.

### **7.3 SANCTION IN LIEU OF DISMISSAL FROM MINISTRY**

If the priest or deacon has either admitted to an allegation or the allegation been found credible after the canonical process and if the penalty of dismissal from the clerical state has not been applied, the offender shall be directed to lead a life of prayer and penance and agree to a place of residence designated by the Bishop. He will not be permitted to

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<sup>9</sup> cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; *Letter from the Congregation for the Doctrine of the Faith*, May 18, 2001; Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, rev. 5/21/2010.

celebrate Mass publicly or to administer the sacraments, and will be instructed not to wear clerical garb and not to present himself publicly as a cleric.

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## **8.0 AUTHORITY OF THE BISHOP TO TAKE ADMINISTRATIVE ACTION**

### **8.1 "SINGLE INCIDENT" POLICY**

Because sexual abuse of a minor is a crime, for the sake of the protection of minors and vulnerable adults, and in observance of the provisions of canon law, the Bishop will exercise his power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor will not continue in active ministry.

### **8.2 POSSIBLE ADMINISTRATIVE MEASURES**

The Bishop may exercise his executive power of governance to take one or more of the following administrative actions relating to a priest or deacon (cc. 381, 129ff):

- 8.2.1 He may request that the accused freely resign from any currently held ecclesiastical office (cc. 187-189).
- 8.2.2 If the accused declines to resign, and if the Bishop judges the accused to be truly not suitable (c. 149, §1) at the time for holding an office previously freely conferred (c. 157), then he may remove that person from office, observing the required canonical procedures (cc. 192-195, 1740-1747).
- 8.2.3 For a cleric who holds no office in the Diocese, any previously delegated faculties [i.e. ministerial permissions] may be administratively removed (c. 391, §1 and/or 142, §1) or restricted by the Bishop (e.g., c. 764).
- 8.2.4 The Bishop may also judge that circumstances surrounding a particular case constitute reasonable cause for a priest to be allowed to celebrate the Eucharist with no member of the faithful present (c. 906). For the good of the Church and for the priest's own good, the Bishop may urge the priest to celebrate the Eucharist only under such circumstances and not to administer the sacraments.

Any of these administrative actions will be taken in writing and by means of decrees (cc. 47-58) so that the affected cleric is afforded the opportunity of recourse against them in accord with canon law (cc. 1734 ff).

### **8.3 LOSS OF THE CLERICAL STATE**

A 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, even without the consent of the priest or deacon.

## **9.0 RESTRICTIONS ON TRANSFERS BETWEEN DIOCESES**

### **9.1 TRANSFERS FROM THE DIOCESE**

No priest or deacon who has been credibly accused of sexual abuse of a minor may be temporarily or permanently transferred (released or incardinated) for ministerial assignment to another diocese/eparchy or religious province. If a priest or deacon of the Diocese of Saginaw leading a life of prayer and penance proposes to move to another diocese/eparchy or religious province, the Bishop will forward to the local bishop/eparch and religious ordinary (if applicable) the proposed place of residence and information concerning any act of sexual abuse of a minor.

### **9.2 TRANSFERS INTO THE DIOCESE**

Before the Bishop of the Diocese of Saginaw accepts a priest or deacon from outside his jurisdiction for the purposes of ministry, the Bishop will seek information regarding the cleric's suitability for ministry, including any allegations of child sexual abuse. Any cleric who has been credibly accused of sexual abuse of a minor will not be accepted for ministry in the Diocese of Saginaw.

## **10. OUTREACH TO VICTIMS AND AFFECTED PARISHES**

### **10.1 ASSISTANCE TO VICTIM-SURVIVORS**

The Diocese of Saginaw is committed to support victim-survivors in the spirit of concern which the Holy Father has personally expressed and encouraged. The Diocese is committed to providing victim-survivors with appropriate professional assistance.

10.1.1 If permitted by law enforcement, the Bishop will typically offer to meet with and address the needs of survivors in coordination with the Victim Assistance Coordinator or the Delegate for Safe Environment. The Bishop will not publicize meetings with victim-survivors nor use such meetings to make statements regarding the credibility of an accusation.

10.1.2 The Victim Assistance Coordinator will be notified of all allegations of sexual abuse against a minor involving clergy. The Victim Assistance Coordinator will inform the alleged victim of services and procedures.

10.1.3 Contact by the Victim Assistance Coordinator with the alleged victim-survivor and family will be promptly initiated, unless otherwise instructed by law enforcement, the victim-survivor, or representative. Every effort will be made to offer access to available medical care, mental health services, support groups or other social services and spiritual guidance in the spirit of Christian justice and charity to the extent determined appropriate for the situation presented.

10.1.4 The Diocese will cooperate with local social service agencies and other churches in promoting support groups for victim-survivors and others affected by abuse.

## **10.2 CONFIDENTIALITY AGREEMENTS**

The Diocese will not enter into confidentiality agreements regarding allegations of sexual abuse of minors by clergy.

## **10.3 ASSISTANCE OF PARISHES and SCHOOLS**

The Bishop or his representative will take steps to assist and support parish and school communities directly affected by alleged ministerial misconduct involving minors. This outreach may be accomplished with the assistance of Catholic Family Service and may include a parish and/or school meeting at the affected parish(es)/school(s), an offer of counseling to members of the affected community, an explanation of the response process, or a notification to the affected community of the action taken in response to the allegation.

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