

Special Report:

The Diocese of Austin



A plan to protect children and young people

A response to child sexual abuse

Keeping children safe

BY HELEN OSMAN
CATHOLIC SPIRIT STAFF

The Diocese of Austin's strategy to keep children safe from abuse includes two major components: a criminal record check and training in recognizing sexual abuse. Each person who is involved in any kind of ongoing activity with children in any parish, school or other diocesan organization is required to complete both of these components. This policy has been in place since Jan. 1, 2002 as part of the diocese's Policies on Ethics and Integrity in Ministry.

Criminal record

Although experts surmise that only 3 percent of child molesters have a criminal record, the diocese recognizes that other behavior that may be harmful to children can be uncovered by reviewing criminal records. The diocese uses Texas' Department of Public Safety records of arrests and convictions, as well as a national database for individuals who have lived outside of the state within the past five years. Legislation passed in the last state session now allows churches to receive state criminal records at the rate of \$1 per record for any volunteer who works

with minors. Rapsheets.com, which provides access to a national database of criminal records, charges \$16 per record.

Volunteers and employees are asked to complete an application with the diocese through a Web-based secured sys-

tems in June 2002 charged all dioceses and archdioceses to "evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors" by utilizing "the resources of law enforcement and other community agencies." (Charter for the

situations, the restriction may be defined; for example, an individual charged with driving while intoxicated may be allowed to serve in ministry with minors, but will not be allowed to transport minors.

"Each case is reviewed individually because each situation is unique," explained Bishop Gregory Aymond. "How long ago the incident happened, how well the pastor or parish staff knows the individual, if the person has undergone a spiritual conversion and other factors are taken into account. We are sensitive to the fact that everyone makes mistakes and we are all capable of conversion. But always paramount is our concern that our children be safe and carefully protected."

Authorized parish personnel have access to lists of "approved," "restricted" and "rejected" individuals through eAppsDB. The system allows personnel with the appropriate password to see an individual's name, address and status ("approved," "restricted" or "rejected") and is accessible via the Internet at any time.

As of Dec. 15, 2003, 14,578 applications have been entered into eAppsDB. There are 122 individuals who are restricted in their ministry to minors or vulnerable adults in some way. In addition, 14 individuals are unable to participate in ministry with minors or vulnerable adults, some because they are known sex offenders and others because of other serious criminal behavior.

The system is also used to record an individual's attendance at a Protecting God's Children workshop, which is the second diocesan requirement.

Protecting God's Children

Sexual abuse often leaves a person traumatized for years. Education is a critical component of the diocese's efforts to prevent abuse. Soon after Bishop Aymond's arrival in the diocese in 2000, several diocesan staff began discussing ways to strengthen the diocese's efforts in protecting children. Out of those discussions, the diocese's policies on Ethics and Integrity in Ministry and a video-based workshop on preventing sexual abuse were developed.

The workshop, Protecting God's Children, is now being used in approximately 100 dioceses and archdioceses throughout the country. It was developed in collaboration with Praesidium, Inc., a risk-management company based in Fort Worth. Through the efforts of Dr. Monica Applewhite, who serves as vice president of religious services for Praesidium and is a parishioner at St. Austin in Austin, Catholic parishes in

"I have no doubt that this program and our policies have made our parishes, schools and our society a safer environment. While we have very few allegations regarding sexual abuse, we do have many reports that there is questionable or inappropriate behavior by some people in church ministry. This is the kind of information that we need in order to better help those in ministry to be leaders of the church and to be effective in their ministry."

— Bishop Gregory Aymond

tem, eAppsDB, provided by Austin Computing Solutions, an Austin-based company owned by St. John Neumann parishioners Bill and Teresa Klepac that developed the system for the Austin Diocese in 2001. It is now being used by nine dioceses and archdioceses throughout the country, since the U.S.

Protection of Children and Young People, Article 13).

Individuals who do not have access to the Internet can submit a printed application to their parish, school or the diocese. A Spanish language application is also available in print format. The information is then entered into eAppsDB by either parish or diocesan staff. Using the Web-based system allows for confidential information, such as date of birth and Social Security number, to be "locked" and stored in encrypted files that are not accessible except to be sent electronically to DPS for review. Parish personnel do not have access to the confidential information once it is entered into eAppsDB.

Diocesan officials review the criminal records. While some other dioceses place the responsibility of reviewing criminal records (and paying for them) on the parish level, Austin officials realized that a consistency in considering which criminal behavior was of concern would be better realized with the same officials reviewing all records. The application of any individual whose record causes concern is marked "restricted" in eAppsDB and the parish is made aware of the restriction. The parish pastor, or someone he delegates (or the superintendent in the case of schools), then contacts the individual to verify the accuracy of the information and to better understand the incident or incidents. Sometimes additional information from other sources is also gathered. Based on that information, the individual's restriction may be cleared. In other



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Since 1947: a report on sexual abuse of minors in the Austin Diocese

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Last year the bishops of the United States and the Vatican approved the Charter for the Protection of Children and Young People (see page 4). The document renews the Catholic Church's commitment to protecting children from sexual abuse. It outlines ways in which dioceses can safeguard children and remove from ministry clergy or lay people who harm children. It also calls for dioceses to assist victims of past sexual abuse.

Bishop Gregory Aymond has made a strong commitment to provide funding for counseling and any other assistance that would help in healing for victims of sexual abuse by church personnel. These individuals are encouraged to contact the bishop directly at (512) 476-4888. Patricia Stankus, diocesan coordinator of Pastoral Care, is also available to receive information and provide support; she can be reached by calling (512) 476-4888.

Almost a year before the Charter, the Austin Diocese began implementing its policies on Ethics and Integrity in Ministry (see page 2 of this report). In accord with the policies, any allegations of abuse against minors are reported to law enforcement authori-

ties. The policies also require that the accused be removed from ministry while an investigation occurs. If the investigation verifies abuse, the accused is barred from returning to ministry (see sidebar below for more information on the policy procedures).

All allegations of abuse of minors are presented to the diocesan Ethics and Integrity in Ministry Review Board.

"While we cannot change the past, I do want to reach out to those who have been hurt and victimized and to offer my personal prayers and the support of our local church. I pray for victims, both in our diocese and throughout our country, daily and hope that they will know and experience the healing that God alone can give."

— Bishop Gregory Aymond

The board includes a human resources specialist, two lawyers, a psychiatrist, a psychologist, a spiritual director and a professional in sexual abuse prevention. Four board members are parents of minor children; two board members are priests. The board makes recommendations to Bishop Aymond and his staff in responding to abuse and verifies that

appropriate responses are being made.

The Charter also called for a national survey of the nature and scope of child abuse by clergy over the past 50 years "to understand the problem more fully and to enhance the effectiveness of our future response." The report of all U.S. dioceses' information will be released in February. Information provided by the Austin Diocese

been made against six priests serving in the diocese, approximately 1.5 percent of the total priest population. One of these priests was from a religious order; the other five were diocesan priests.

None of the six men serves as a priest today. Two are dead; the other four have had their faculties revoked or been laicized.

The identities of 15 minors who may have been abused by these former priests are known. Four of the known incidents occurred in the 1970s, seven in the 1980s and four in the 1990s.

Current diocesan records indicate that approximately \$384,000 has been spent on counseling, legal fees and settlements related to these cases.

The funds come from an account the diocese has established to fund liability claims through its self-insurance program and National Catholic Risk Retention's insurance program.

"While we cannot change the past, I do want to reach out to those who have been hurt and victimized and to offer my personal prayers and the support of our local church," Bishop Aymond said. "I pray for victims, both in our diocese and throughout our country, daily and hope that they will know and experience the healing that God alone can give."

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the Austin area are featured in the two videos, "A Time to Protect God's Children" and "A Plan to Protect God's Children." The three to four hour workshop provides participants with information on how perpetrators of sexual abuse gain access to children and how they can prevent perpetrators from having access to children.

More than 18,000 volunteers and employees have attended the workshop in the Austin Diocese. Workshops are available in parishes and

schools, in English and Spanish, and are presented by trained volunteers.

Each workshop participant is asked to complete an evaluation at the end of the workshop. "More than 95 percent of the surveys are extremely positive," said Bishop Aymond. "Comments are often something like 'This should be presented to all parents,' or 'I wish I had this information a long time ago.' Although some people are initially reluctant to attend a workshop, sometimes because they

think that they are being 'punished' because of priest pedophiles, almost always they leave the workshop appreciative that they attended."

A complete copy of the diocesan

Polices on Ethics and Integrity in Ministry, a schedule of Protecting God's Children workshops and a link to eAppsDB is available at www.austindiocese.org.



To report abuse and/or neglect of a minor

The state of Texas requires anyone who suspects abuse and/or neglect of a minor to report this information to either the Texas Department of Protective and Regulatory Services (1-800-252-5400) or local law enforcement. If abuse of a minor is reported to diocesan officials, they will file a charge with local law enforcement.

In addition, diocesan policies requires that anyone who suspects abuse and/or neglect of a minor by someone involved in church ministry to report it to their pastor, principal or the diocesan vice-chancellor, Father Chris Ferrer, MF, or Bishop Aymond. Information may be given to Father Ferrer or Bishop Aymond by calling (512) 476-4888 or faxing (512) 478-5962. A "Notice of Concern" form may be used to present the information. A copy of the "Notice of Concern" is available on the diocesan Web site, www.austindiocese.org, and in the printed copy of the Policies on Ethics and Integrity in Ministry.

Once an allegation of sexual abuse of a minor is received and verified, the accused individual is asked to disengage from church work with minors until an investigation can be finished. The diocese cooperates with investigations by law enforcement agencies. Information gathered by the diocese is presented to the Ethics and Integrity in Ministry Review Board and Bishop Aymond. The board makes recommendations to Bishop Aymond regarding the case; it is comprised of volunteers from several professions, including psychologists, lawyers, and human resource and abuse prevention experts. If an allegation is found to be true and abuse did occur, the accused individual is removed from ministry. If the abuser is a priest or deacon, he will not be allowed to continue in ministry in any manner, in accord with the Charter for the Protection of Children and Young People that was approved by the Vatican in 2002. Victims are offered counseling and other support, as determined by the individual situation.

Charter for the Protection of Children and Young People

Revised Edition

The Charter for the Protection of Children and Young People was written by the U.S. bishops and approved by the Vatican in 2002.

Preamble

The Church in the United States is experiencing a crisis without precedent in our times. The sexual abuse of children and young people by some priests and bishops, and the ways in which we bishops addressed these crimes and sins, have caused enormous pain, anger, and confusion. Innocent victims and their families have suffered terribly. In the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated. As bishops, we acknowledge our mistakes and our role in that suffering, and we apologize and take responsibility for too often failing victims and our people in the past. We also take responsibility for dealing with this problem strongly, consistently, and effectively in the future. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people are enduring.

We, who have been given the responsibility of shepherding God's people, will, with God's help and in full collaboration with our people, continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. It will begin with the actions we take here in our General Assembly and at home in our dioceses/eparchies.

The damage caused by sexual abuse of minors is devastating and long-lasting. We reach out to those who suffer, but especially to the victims of sexual abuse and 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. In the light of so much suffering, healing and reconciliation are beyond human capacity alone. Only God's grace, mercy, and forgiveness can lead us forward, trusting Christ's promise: "for God all things are possible" (Mt 19:26).

The loss of trust becomes even more tragic when its consequence is a loss of the faith that we have a sacred duty to foster. We make our own the words of our Holy Father: that sexual abuse of young people is "by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God" (Address to the Cardinals of the United States and Conference Officers, April 23, 2002).

The Conference of Bishops has been addressing the evil of sexual abuse of minors by a priest and, at its June 1992 meeting, established five principles to be followed (cf. Ad Hoc Committee on Sexual Abuse, National Conference of Catholic Bishops, Restoring Trust, November 1994). We also need to recognize that many dioceses and eparchies did implement in a responsible and timely fashion policies and procedures that have safeguarded children and young people. Many bishops did take appropriate steps to address clergy who were guilty of sexual misconduct.

Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me, because he has anointed me to bring glad tidings to the poor. He has sent me to proclaim liberty to captives and recovery of sight to the blind, to let the oppressed go free, and to proclaim a year acceptable to the Lord. (Lk 4:18)

In Matthew 25, the Lord made this part of his commission to his apostles and disciples when he told them that whenever they showed mercy and compassion to the least ones, they showed it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). And he uttered the grave warning about anyone who would lead the little ones astray, saying that it would be better for such a person "to have a great millstone hung around his neck and to be drowned in the depths of the sea" (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to resolve this crisis, we bishops commit ourselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves 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 is experiencing. We acknowledge our need to be in dialogue with all Catholics, especially victims and parents, around this issue. By these actions, we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors.

To fulfill these goals, our dioceses/eparchies and our national conference, in a spirit of repentance and renewal, will adopt and implement policies based upon the following.

To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors

ARTICLE 1. Dioceses/eparchies will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Where such outreach is not already in place and operative, each diocese/eparchy is to develop an outreach to every person who has been the victim of sexual abuse¹ as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse should be fostered and encouraged in every diocese/eparchy and in local parish communities.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred.

ARTICLE 2. Dioceses/eparchies will have mechanisms in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies will have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel. Dioceses/eparchies will also have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members will be lay persons not in the employ of the diocese/eparchy (see norm 5 in Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2002). This board will advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. It will regularly review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases. The procedures for those making a complaint will be readily available in printed form and will be the subject of periodic public announcements.





ARTICLE 3. Dioceses/eparchies will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors

ARTICLE 4. Dioceses/eparchies will report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies 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 accord with the law of the jurisdiction in question.

Dioceses/eparchies will cooperate with public authorities about reporting in cases when the person is no longer a minor.

In every instance, dioceses/eparchies will advise victims of their right to make a report to public authorities and will support this right.

ARTICLE 5. We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.”

When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, in harmony with canon law (CIC, cc. 1717-1719; CCEO, cc. 1468-1470), will be initiated and conducted promptly and objectively. If this investigation so indicates, the diocesan/eparchial bishop will both notify the Congregation for the Doctrine of the Faith and apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., relieve the alleged offender promptly of his ministerial duties. The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon.

When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:

- Diocesan/eparchial policy will provide that for even a single act of sexual abuse (see Article 1, note *) of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants. In keeping with the stated purpose of this Charter, an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.

- In every case involving canonical penalties, the processes provided for in canon law must be observed (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest or deacon.

- Also provided for in canon law are the following: a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state or a request by the bishop for dismissal from the clerical state even without the consent of the priest or deacon (cf. *Canonical Delicts*).

- 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.

- At all times, the diocesan bishop/eparch 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 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/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

ARTICLE 6. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any

other church personnel in positions of trust who have regular contact with children and young people.

ARTICLE 7. Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors.

To Ensure the Accountability of Our Procedures

ARTICLE 8. To assist in the consistent application of these principles and to provide a vehicle of accountability and assistance to dioceses/eparchies in this matter, we authorize the establishment of an Office for Child and Youth Protection at our national headquarters. The tasks of this Office will include (1) assisting individual dioceses/eparchies in the implementation of “safe environment” programs (see Article 12 below), (2) assisting provinces and regions in the development of appropriate mechanisms to audit adherence to policies, and (3) producing an annual public report on the progress made in implementing the standards in this Charter. This public report shall include the names of those dioceses/eparchies which, in the judgment of this Office, are not in compliance with the provisions and expectations of this Charter. This Office will have staffing sufficient to fulfill its basic purpose. Staff will consist of persons who are expert in the protection of minors; they will be appointed by the General Secretary of the Conference.

ARTICLE 9. The work of the Office for Child and Youth Protection will be assisted and monitored by a Review Board, including parents, appointed by the Conference President and reporting directly to him. The Board will approve the annual report of the implementation of this Charter in each of our dioceses/eparchies, as well as any recommendations that emerge from this review, before the report is submitted to the President of the Conference and published. To understand the problem more fully and to enhance the effectiveness of our future response, the National Review Board will commission a comprehensive study of the causes and context of the current crisis. The Board will also commission a descriptive study, with the full cooperation of our dioceses/eparchies, of the nature and scope of the problem within the Catholic Church in the United States, including such data as statistics on perpetrators and victims.

ARTICLE 10. The membership of the Ad Hoc Committee on Sexual Abuse will be reconstituted to include representation from all the episcopal regions of the country.

ARTICLE 11. The President of the Conference will inform the Holy See of this Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to address this present crisis.

To Protect the Faithful in the Future

ARTICLE 12. Dioceses/eparchies will establish “safe environment” programs. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. Dioceses/eparchies will make clear to clergy

and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse.

ARTICLE 13. Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513).

ARTICLE 14. 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. National Conference of Catholic Bishops and Conference of Major Superiors of Men, Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, 1993.)

ARTICLE 15. The Ad Hoc Committee on Sexual Abuse and the Officers of the Conference of Major Superiors of Men will meet to determine how this Charter will be conveyed and established in the communities of religious men in the United States. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates will meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

ARTICLE 17. We pledge our complete cooperation with the Apostolic Visitation of our diocesan/eparchial seminaries and religious houses of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002. Unlike the previous visitation, these new visits will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis*. We look forward to this opportunity to strengthen our priestly formation programs so that they may provide God's people with mature and holy priests. Dioceses/eparchies will develop systematic ongoing formation programs in keeping with the recent Conference document Basic Plan for the Ongoing Formation of Priests (2001) so as to assist priests in their living out of their vocation.

Conclusion

In the midst of this terrible crisis of sexual abuse of young people by priests and bishops and how it has been dealt with by bishops, many other issues have been raised. In this Charter we focus specifically on the painful issue at hand. However, in this matter, we do wish to affirm our concern especially with regard to issues related to effective consultation of the laity and the participation of God's people in decision making that affects their well-being.

We must increase our vigilance to prevent those few who might exploit the priesthood for their own immoral and criminal purposes from doing so. At the same time, we know that the sexual abuse of young people is not a problem inherent in the priesthood, nor are priests the only ones guilty of it. The vast majority of our priests are faithful in their ministry and happy in their vocation. Their people are enormously appreciative of the ministry provided by their priests. In the midst of trial, this remains a cause for rejoicing. We deeply regret that any of our decisions have obscured the good work of our priests, for which their people hold them in such respect.

It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests avail themselves of the proven ways of avoiding sin and growing in holiness of life.

By what we have begun here today and by what we have stated and agreed to,

We pledge most solemnly to one another and to you, God's people, that we will work to our utmost for the protection of children and youth.

We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.

We pledge that we will do our best to ordain to the priesthood and put into positions of trust only those who share this commitment to protecting children and youth.

We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

We make these pledges with a humbling sense of our own limitations, relying on the help of God and the support of his faithful priests and people to work with us to fulfill them.

Above all we believe, in the words of St. Paul as cited by Pope John Paul II in April 2002, that "where sin increased, grace overflowed all the more" (Rm 5:20). This is faith's message. With this faith, we are confident that we will not be conquered by evil but overcome evil with good (cf. Rm 12:21).

This charter is published for the dioceses/eparchies of the United States, and we bishops commit ourselves to its immediate implementation. It is to be reviewed in two years by the Conference of Bishops with the advice of the National Review Board created in Article 9 to ensure its effectiveness in resolving the problems of sexual abuse of minors by priests.

* Article 1 Note — Sexual abuse of 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. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (CIC, c. 1395 §2, CCEO, c. 1453 §1). 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, c. 1453 §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, cc. 1322-1327, and CCEO, cc. 1413, 1415, and 1416. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (Canonical Delicts, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

The document Charter for the Protection of Children and Young People was developed by the Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its November 2002 General Meeting and has been authorized for publication by the undersigned.

Msgr. William P. Fay, General Secretary, USCCB

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Charter for the Protection of Children and Young People is available in a print edition and may be ordered by telephoning (800) 235-8722. Ask for publication number 5-540.

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Contact information

If you have questions or concerns about the Diocese of Austin's Policies on Ethics and Integrity in Ministry, please contact one of the following people:

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Ethics and Integrity in Ministry

The Diocese of Austin issued its Policies on Ethics and Integrity in Ministry on August 19, 2001. The following sections of the policies directly pertain the abuse of minors and to the reporting of such abuse. The policies in their entirety may be found at www.austindiocese.org.

VI. Prevention of Abuse: Guidelines for Working with Minors

A. Definitions

1. A minor is anyone under the age of 18. For the purposes of this policy, the term “minors” also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities.
2. Abuse is physical abuse, sexual abuse and/or emotional abuse.
3. Physical abuse is non-accidental injury that is intentionally inflicted upon a minor.
4. Sexual abuse is any contact of a sexual nature that occurs between a minor and an adult. This includes any activity which is meant to arouse or gratify the sexual desires of the adult.
5. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor’s growth, development or psychological functioning.
6. Neglect is the failure to provide for a minor’s basic needs or the failure to protect a minor from harm.

B. Standards of the Diocese as to Abuse and/or Neglect of Minors

The following standards are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families. For clarification of any policies or regarding behaviors not addressed here, contact your pastor, agency director, principal, the diocesan chancellor or the coordinator of pastoral care. (Contact information for the chancellor and coordinator of pastoral care is on page 5 of these policies.)

1. Abuse and/or neglect of minors are contrary to the teachings of the Church and are prohibited. Church personnel have a responsibility to protect minors from all forms of abuse and/or neglect. Church personnel are prohibited from:
 - a. Using, possessing, or being under the influence of alcohol or illegal drugs while in the presence of minors.
 - b. Swearing in the presence of minors.
 - c. Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
 - d. Discussing their own sexual activities with minors.
 - e. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church’s teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling.
 - f. Being nude in the presence of minors.
 - g. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
 - h. Sleeping in the same beds, sleeping bags or small tents with minors unless the adult is an immediate family member of the minor.
2. Church personnel are responsible for releasing minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians at the close of services or activities. In the event that Church personnel are uncertain of the propriety of releasing a minor, they should immediately contact their immediate supervisor before releasing the child.
3. Church personnel should report uncontrollable or unusual behavior of minors immediately to parents.
4. Ordinarily a confirmation candidate should select his or her own sponsor. If the parish assigns or assists in the selection of sponsors, they are considered volunteers and must abide by these diocesan policies.

C. Standards of the Diocese as to Offsite and/or Overnight Events

1. The following standards shall be observed when Church personnel are involved in the transportation of minors:
 - a. Church personnel are prohibited from transporting minors without written permission of their parent or guardian.
 - b. Church personnel are prohibited from unnecessary and/or

inappropriate physical contact with minors while in vehicles.

c. Minors should be transported directly to their destination. No stops should be made unless approved by the director of the program.

d. Church personnel assigned to transport minors must be at least 25 years old and have a valid driver’s license. Requests for specific exceptions must be submitted in writing to the chancellor (see page 5 of the policies for contact information).

2. Church personnel are prohibited from having minors stay at their residence.

3. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

D. Standards of the Diocese as to Physical Contact with Minors

1. Church personnel are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.

2. Appropriate affection between Church personnel and minors is important for a child’s development. It also constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for most Church sponsored and affiliated programs:

- Hugs.
- Pats on the shoulder or back.
- Hand-shakes.
- “High-fives” and hand slapping.
- Verbal praise.
- Touching hands, faces, shoulders and arms of minors.
- Arms around shoulders.
- Holding hands while walking with small children.
- Sitting beside small children.
- Kneeling or bending down for hugs with small children.
- Holding hands during prayer.
- Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).

3. Some forms of 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 in Church sponsored and affiliated programs:

- Inappropriate or lengthy embraces.
- Kisses on the mouth.
- Holding minors over four years old on the lap.
- Touching buttocks, chests or genital areas.
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms.
- Being in bed with a minor.
- Touching knees or legs of minors.
- Wrestling with minors.
- Tickling minors.
- Piggyback rides.
- Any type of massage given by minor to adult.
- Any type of massage given by adult to minor.
- Any form of unwanted affection.
- Compliments that relate to physique or body development.

E. Standards of the Diocese as to Screening of Church Personnel who Work with Minors

1. Without exception, all applicants for Church personnel positions that will involve working with minors must complete the following:

a. A standard application that includes a release of information to conduct criminal background checks (See Appendix A). Applicants shall also be required to read, agree to and sign a Code of Ethics for Church personnel (See Appendix B).

b. A criminal records check for the State of Texas and/or any other state where the applicant has resided during the past five years shall be conducted prior to employment, ministry, or volun-

teer work.

2. For employees and volunteers who have worked in the parish or school for two years or more, the application and criminal records check will complete their screening process.

3. Additional screening procedures, such as reference checks and face-to-face interviews, are recommended for new applicants and existing employees and volunteers who have held their positions for less than two years.

4. Before being placed in a volunteer position that involves work with or ministry to minors, volunteers should be registered members of the parish for at least six months. After consultation with the chancellor, exceptions may be made by the pastor or principal.

5. Church personnel who transfer from one parish or school within the Diocese to another parish or school within the Diocese may request that their Church personnel application be transferred to the new parish or school. The six-month wait will not apply to these transfers.

6. Church personnel and volunteers shall undergo criminal records checks every three years so long as they remain in the position, ministry, or service.

F. Standards of the Diocese as to Training for Church Personnel who Work with Minors

1. Church personnel shall review the Policies on Ethics and Integrity in Ministry and agree to comply with the diocesan Code of Ethics (See Appendix B).

2. Church personnel who work with minors must participate in training that addresses their role in protecting minors in the Diocese.

G. Standards of the Diocese as to Supervision of Programs that Involve Minors

1. Parents have a right to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church shall fulfill the requirements of the volunteer application process as stated in this Section.

2. Programs for minors shall be sponsored or administered by at least two adults.

3. Church personnel under the age of 21 shall work under the direction of an adult supervisor.

4. Church personnel in leadership roles shall be aware of all programs for minors that are sponsored by their parish or school. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall examine these programs and consider whether they have adequate supervision.

5. All new programs for minors must be approved in writing by the pastor and/or principal.

VII. Reporting of Incidents, Allegations and/or Concerns

A. Reporting of Immoral Conduct, Harassment or Exploitation

1. Church personnel shall report violations of the Policies on Ethics and Integrity in Ministry.

2. If there is an indication of illegal actions by Church personnel, Church personnel shall notify the police or other civil authorities immediately. After contacting civil authorities, Church personnel shall notify the Diocese. Contact information is on page 5 of these policies.

3. Actions of Church personnel that may constitute immoral conduct, harassment or exploitation, shall be reported to one of the following:

- a. The pastor of the parish;
- b. The principal of the school;
- c. The chancellor (Contact information is on page 5 of these policies);
- d. Bishop Gregory Aymond (Contact information is on page 5 of these policies); or
- e. Submit an anonymous, specific and verifiable letter to Bishop Gregory Aymond at P.O. Box 13327, Austin, TX 78711.

4. If there are questions about the applicability of these policies, consult the chancellor or the coordinator of Pastoral Care. Contact information is on page 5 of these policies.

5. If infractions of diocesan policy are confirmed, Church personnel will be subject to disciplinary action up to and including termination. Disciplinary action will follow procedures outlined in Section VIII of these policies.

B. Reporting of Suspicious or Inappropriate Behaviors with Minors

1. If Church personnel observe any suspicious or inappropriate behaviors with minors on the part of other Church personnel, they shall immediately report their observations.

2. Inappropriate behaviors or policy violations that relate to interactions with minors shall be reported to one of the following:

- a. The pastor of the parish;
- b. The principal of the school;
- c. The chancellor (Contact information is on page 5 of these policies);
- d. Bishop Gregory Aymond (Contact information is on page 5 of these policies); or
- e. Submit an anonymous, specific and verifiable letter to Bishop Gregory Aymond at P.O. Box 13327, Austin, TX 78711.

3. If there are questions about the applicability of these policies, consult the chancellor or the coordinator of Pastoral Care. Contact information is on page 5 of these policies.

4. When suspicious or inappropriate behaviors are reported to a pastor or a principal, he or she shall gather additional information about the nature of the concern and contact the chancellor for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix D) shall be completed and sent to the chancellor.

5. If at any point in gathering information about suspicious or inappropriate behavior, a concern arises that there is a possibility of abuse, police and/or civil authorities shall be contacted and a report filed. See Section VII.C. below for additional procedures in the event that there is a suspicion of abuse of minors.

6. If at any point policy violations with minors are confirmed, Church personnel shall be subject to disciplinary action up to and including termination. Disciplinary action will follow procedures outlined in Section VIII of these policies.

C. Reporting Abuse of Minors

1. In accordance with Texas law, any citizen who has cause to believe a minor may have been or is being abused, as defined by Texas Family Code, is required to report his or her suspicions to the Texas Department of Protective and Regulatory Services and/or local civil authorities (police). Child Protective Services maintains a 24-hour child abuse hotline at 1-800-252-5400. The Notice of Concern form (See Appendix D) shall be used to maintain documentation of the report.

2. In addition to reporting to the Texas Department of Protective and Regulatory Services and/or civil authorities, Church personnel shall report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Diocese. Reports of suspected or known abuse may be made confidentially (unless otherwise required to be disclosed by canon law) to any of the following:

- a. The pastor of the parish;
- b. The principal of the school;
- c. The chancellor (Contact information is on page 5 of these policies);
- d. Bishop Gregory Aymond (Contact information is on page 5 of these policies); or
- e. Submit an anonymous, specific and verifiable letter to Bishop Gregory Aymond at P.O. Box 13327, Austin, TX 78711.

3. The Diocese will cooperate fully with investigations by all civil authorities.

4. During investigations by civil authorities or the Diocese, the Church personnel who is the subject of the investigation will be temporarily removed from Church responsibilities and duties.

5. Diocesan investigations will be documented. Documentation of diocesan investigations will be stored in the personnel file of the Church personnel who is the subject of the investigation and in the Chancery.

6. If an infraction of these policies with regard to the abuse of a minor is confirmed, Church personnel will be subject to termination in accordance with Section VIII.B.4. In cases where abuse of a minor is alleged against a cleric, the provisions of universal and particular ecclesiastical law and the Supplemental Norms for Clergy will govern the preliminary investigation and any subsequent actions or processes.

7. If abuse of a minor is confirmed through a diocesan investigation, the Texas Department of Protective and Regulatory Services and/or the police shall be re-contacted and a follow-up report will be submitted, if requested.