

# DIOCESE OF JUNEAU

## **Policy Regarding the Prevention of: Sexual Abuse of Minors, Sexual Misconduct with Adults and Sexual Harassment**

### **Introduction**

Sexual abuse is a serious problem in society. While it is becoming better recognized and understood, discussed more openly and dealt with more effectively, there is need for vigilance. Recent history, especially from the late 20<sup>th</sup> century, has shown that clergy, religious and lay ministers, whether employees or volunteers, are not exempt from conduct associated with sexual misconduct. Indeed, offenders have on occasion been trusted spiritual and pastoral leaders in the Church. This problem cannot be ignored without compromising the integrity of the Church's ministers and the mission of the Church. Sexual misconduct causes serious damage to those who may be victimized by it, both directly and indirectly.

In November 1992, the bishops of the United States affirmed, "...all our actions should show our Church as a living, caring and healing Church. We pledge again our care and concern for all victims of abuse, wherever and however it occurs. We commit ourselves anew to bring the healing ministry of our Church to our people, to dialogue and pray with all who have suffered, and to foster opportunities for reconciliation" (NCCB Resolution, November 19, 1992).

In November 2002, the bishops of the United States, responding to the crisis involving the sexual abuse of children and young people by some priests and bishops, issued the *Charter for the Protection of Children and Young People*. In that document, the bishops reaffirmed the obligation of all involved with the Church to "protect young people and to prevent sexual abuse." This policy adheres to the pledge of the bishops made in the *Charter for the Protection of Children and Young People (Revised Edition)* and also adheres to the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons or Other Church Personnel*, which became effective March 1, 2003. This document also takes into account the *Code of Pastoral Conduct for Clergy, Religious, Lay Employees and Volunteers of the Diocese of Juneau*, promulgated February 14, 2003 and which remains in effect.

Aware that the majority of priests, deacons, seminarians, women and men religious, lay employees and volunteers are competent, ethical, balanced and mature; concerned that any victim of sexual abuse as a child or young person or victim of sexual misconduct or sexual harassment as an adult be respected, treated and healed; concerned for the general well-being of people in church and society; concerned that someone accused of sexual abuse be treated fairly and justly; and concerned that an offender of sexual abuse be confronted with the sin and/or crime of abuse and be brought to whatever healing is possible; the following ***Policy Regarding the Prevention of: Sexual Abuse of Minors, Sexual Misconduct with Adults and Sexual Harassment*** is adopted for the Diocese of Juneau.

This Policy is effective October 15, 2003 and replaces the former policy, which has been in effect since November 3, 2000. It applies to all priests, deacons, seminarians, women and men religious, lay men and women, employed by or utilized as volunteers by the Diocese of Juneau, its parishes and missions, institutions, offices or programs and to all clergy incardinated in a diocese other than the Diocese of Juneau who serve in any capacity in the Diocese as well as women and men religious serving in any capacity within the Diocese of Juneau.

By January 1, 2004, all those serving as priests, deacons, seminarians, all women and men religious, all lay women and men employees and all who are regularly utilized as volunteers are to sign a statement acknowledging receipt of this revised policy and their agreement to adhere to it (Appendix I for text).

Within ninety days of beginning his or her ministry or employment in the Diocese of Juneau and as a part of their orientation, each new priest, deacon, woman or man religious, lay employee or volunteer is to receive training on the nature, causes and effects of sexual abuse of minors, sexual misconduct with adults and sexual harassment and the means of effectively preventing and responding to this behavior. Included in the orientation is an introduction to and explanation of the contents of this policy. Priests, deacons, women or men religious, lay employees or volunteers who already have had training in this area must be able to document his or her training and education to demonstrate that all requisite areas have been addressed.

Refusal or failure to sign the statement is deemed reason for termination of employment and/or pastoral assignment.

The Diocesan Review Board and Presbyteral Council will review the policy at least every two years and make recommendations for modification as deemed necessary.

## Section One – Creating a Safe Environment for Minors

No minor should ever be abused by an adult and every means should be taken to ensure that it never occurs. To ensure this, the Diocese of Juneau has implemented the *Code of Conduct for Clergy, Religious, Lay Employees and Volunteers of the Diocese of Juneau*. This code establishes a standard for pastoral conduct that all pastoral ministers in the Diocese of Juneau are expected to follow.

Nonetheless, because abuse of minors sometimes does occur, even by trusted church ministers, if ever it does occur, procedures must be in place to address it swiftly and justly and also with the compassion envisioned by the Gospel. The damage caused by sexual abuse of minors is devastating and long-lasting.

**It is the policy of the Diocese of Juneau that any abuse, including sexual abuse, of minors by priests, deacons, seminarians, women or men religious or lay persons employed by or volunteering services to the parishes, institutions, offices and programs of the Diocese of Juneau is not to be tolerated. Such activity is contrary to basic Christian principles and is a violation of the ministerial relationship of trust between clerics, lay and religious pastoral ministers, employees and volunteers and those in their care. All priests, deacons, seminarians, women and men religious, lay employees and volunteers must comply with applicable state and local laws regarding incidents of actual or suspected abuse of a minor, and with the procedures outlined in this policy.**

### Description of Terms

“Adult” denotes a person 18 years of age or older.

“Minor,” “child,” or “young person” all denote a person who is under 18 years of age.

“Abuse of minors” includes any form of physical or mental form of abuse of a minor.

“Sexual abuse of minors” refers to:

- 1) any form of sexual molestation or sexual exploitation of a minor, physical or verbal, or any behavior by which an adult uses a minor as an object of sexual gratification, and thus constitutes an external, objectively grave violation of the sixth commandment;
- 2) any objectively grave matter and need not involve force, direct physical contact or a discernible harmful outcome.

“Victim,” “survivor,” or “victim/survivor” means an individual against whom an act of abuse of a minor has been performed and includes the family of such an individual.

“Supervisor” means the person to whom an individual is directly responsible, e.g., a school principal, youth minister, a pastor, the bishop.

“Clerics, lay and religious pastoral ministers, volunteers” means all those to whom this policy applies, including priests, deacons, seminarians, women and men religious, lay employees and volunteers.

## **The Prevention of Sexual Abuse of Minors**

Clerics, lay and religious pastoral ministers and volunteers need to be aware of the causes and signs of abuse of minors, the steps required to protect minors from abuse and knowledge of the procedures to follow whenever abuse is suspected or observed.

The priests, deacons and seminarians of the Diocese of Juneau, women and men religious serving in the Diocese and the women and men who are employed or utilized as volunteers have an obligation to be knowledgeable of these matters. These clerics and pastoral ministers are in positions of leadership and are perceived as trustworthy individuals. More significantly, they are responsible for the well being of minors on a daily basis. It is imperative that they abide by the provisions of this policy.

### **Education of Pastoral Ministers**

Educational sessions on sexual misconduct and related matters, including a “safe environment” program are to be an on-going part of the continuing formation of priests, deacons, women and men religious, lay employees and volunteers. Such formation is to be a part of the normal formation of all diocesan seminarians.

Recognition, prevention and reporting of abuse of a minor are to be included in school in-service programs each year and in the training program for anyone who serves in any capacity in diocesan or parish based summer camps that minister to children and young people.

### **Education of Parents and Minors**

Parents and minors play a significant role in the prevention of abuse of minors. To this end, each parish is to offer annual opportunities for education about the nature, recognition and prevention of sexual abuse of minors. Similarly, each parish is to provide age appropriate education annually to children and young people on the nature, recognition and prevention of sexual abuse (see Appendix IV).

### **Those Who Work With Minors**

Persons who serve our children and young people are valuable to our faith community. Along with parents, they contribute to the over all well-being of our young people. Only those persons who are suited, both by temperament and psychological make-up, should be chosen to work with young people. Therefore, anyone who will be having significant

contact with minors must have a sufficient assessment of his or her suitability for contact with minors.

Applicants for new hire must supply at least three references in addition to the names of any close friends or relatives that may have been provided as references. Hiring agents are to speak directly with all references provided by applicants and are to verify and examine employment history. **A background investigation is required for all individuals who will work regularly with minors and must be completed prior to working with minors.** Further, all new hires must attest that they have never been charged with sexual misconduct, sexual harassment or sexual abuse of a minor.

In light of the foregoing requirements for employment, those who recruit volunteers who will work with children and young people are to exercise due caution in selecting volunteers. **A background investigation must be accomplished for volunteers who will work with minors** and they must sign the statement indicating receipt and acceptance of this policy (see Appendix I). If there is any cause for concern with a particular volunteer, the matter should be brought to the attention of the appropriate supervisor and the volunteer should not be placed in a position involving contact with minors until the concern is satisfactorily resolved.

In the case of minors, a background investigation cannot be accomplished. Volunteers who are minors and who will work with children and other young people (e.g., summer camps), must have adult supervision.

### **Seminarians and Deacon Candidates**

Part of the process for acceptance as a seminarian or as a permanent deacon candidate in the Diocese of Juneau is a psychological evaluation. This evaluation is to include matters relating to sexuality.

The Diocese expects that each seminary will offer sufficient training with regard to celibacy and the requirements for leading a chaste and moral life. This occurs in the academic setting but more particularly in spiritual direction and pastoral formation. The Diocese will require that the seminary include this aspect of formation in its reports on seminarians.

The Diocesan Program of Formation for Permanent Deacons will offer sufficient training with regard to the necessity of leading a chaste and moral life. This occurs both in the academic setting and in spiritual direction and pastoral formation.

Both prospective seminarians and permanent deacons must agree to a background investigation at the time of their acceptance into a program of formation.

## **Priests or Deacons from Outside the Diocese of Juneau**

Before a priest or deacon not incardinated in the Diocese of Juneau will be accepted for ministry in the Diocese, a *Testimonial of Suitability for Ministry* (see Appendix VII) must be on file in the Chancery Office. It is to be signed by his bishop (or vicar) or religious superior. As part of the recommendation, and in keeping with the *Essential Norms*, his bishop or religious superior must attest that, in addition to there being no founded accusations or convictions of sexual misconduct with adults or sexual harassment, there also have been no founded accusations or convictions involving abuse of a minor.

Further, for extern priests or deacons who will be serving in the Diocese of Juneau on a permanent, quasi-permanent or long term temporary basis (from one to three months), a background investigation must be completed prior to beginning his assignment.

## **Preventive Intervention**

Any cleric, pastoral minister or volunteer who observes another cleric, lay or religious pastoral minister or volunteer behaving in a manner which may be a potential risk to a minor or who encounters a situation that poses potential risk to a minor ordinarily should bring this concern to the attention of that person or persons involved. The matter is to be reported to the proper supervisor. That supervisor is to deal with any situation of potential risk without delay. If the potential risk is not quickly resolved in a satisfactory manner, the supervisor is to take appropriate action in keeping with this policy.

## **Responding to a Violation of Sexual Abuse of a Minor**

When there is an allegation of sexual abuse of a minor, the person(s) alleging the abuse, must have recourse and the situation must be evaluated and addressed in a manner that is just, compassionate and understanding. To that end, the Diocese of Juneau has developed the following protocol. The protocol seeks truth, personal and communal healing, assessment of an accused, treatment of an offender and prevention of any further abuse by an offender. This protocol is to be published periodically in the diocesan newspaper as well as made available to parishes in an understandable and “use-friendly” format.

## **Response to an Allegation of Abuse**

The first obligation of the Church with regard to victims of sexual abuse is for healing and reconciliation. The Diocese of Juneau will reach out to victim/survivors of sexual abuse when they were minors and will attend to them compassionately and fairly. The Victim’s Assistance Coordinator will establish regular communication with the accuser/victim and make sure that his or her needs with reference to their complaint are being met. Diocesan outreach may include counseling, spiritual assistance and social services assistance as may be required. The Diocese of Juneau will provide payment for counseling when an assessment determines that abuse occurred and that it occurred while the offender was a priest, seminarian, deacon, woman or man religious, employee or volunteer of the Diocese of Juneau. Whenever possible, the offender should be the person

primarily responsible for the payment of expenses for a victim's therapy and will be encouraged to reimburse the Diocese of Juneau for any expense incurred.

A complaint that sexual abuse of a minor has occurred may be made to the Victim's Assistance Coordinator, the vicar general or the bishop.

The Diocese of Juneau will inform anyone lodging an allegation of sexual abuse that their complaint will be taken seriously. If a person is in doubt about whether or how to make a complaint, he or she has the right to communicate confidentially and anonymously with a minister of the Diocese of Juneau to describe his or her complaint and to obtain the necessary guidance. They will be informed that some degree of corroboration will be needed. It should be explained to them sensitively that the complaint will need to be submitted in written form and signed and dated in order for the Diocese formally to respond. In every case, those alleging sexual abuse as a minor will be informed that they may report the incident themselves to civil authorities.

When a complaint of sexual abuse involving a minor has been received, the bishop or his delegate will make an initial inquiry in order to determine whether or not there may be substance to the allegation.

The accused will be informed of the complaint and be given an opportunity to respond. He or she will be asked to step aside voluntarily from their duties but will retain their regular salary and benefits until an initial inquiry determines the degree of credibility.

If an accused is a seminarian, he may be requested to undergo and comply with a medical and psychological evaluation as a condition for continued diocesan sponsorship.

Likewise, an accused woman and man religious may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued ministry in the diocese.

An accused lay employee or volunteer may be requested to undergo and comply with a medical and psychological evaluation as a condition for continued employment or eligibility to continue providing volunteer services.

All appropriate steps must be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel (if applicable) and will be notified promptly of the results of the initial inquiry. Depending on the circumstances of the complaint, and after receiving advice from the Review Board, it may be necessary for the bishop to make the matter public and provide a press release to the media in order to demonstrate honesty and transparency in addressing an allegation.

When an allegation has been made against a priest or deacon, the bishop will meet with the accused cleric to inform him of the complaint (see section of Special Provisions Concerning Clergy). The cleric may or may not choose to respond to the complaint. The

cleric should be encouraged to step aside voluntarily from his assignment until the initial inquiry determines the degree of credibility. The accused cleric should be urged to seek both civil and canonical council. If the initial inquiry determines that there is credibility to the allegation, the cleric will be placed on administrative leave but will retain salary and benefits.

In every case, the Review Board will be informed early on of an allegation. If after an initial inquiry there is substance to an allegation, an independent investigator normally will be sought through the diocesan attorney. This investigation is to be done quickly but thoroughly. It is possible that a simultaneous criminal investigation may significantly delay a speedy investigation by the Diocese. When necessary, members of the Review Board may be delegated to carry out the duties of investigating the complaint. The Review Board is to be kept informed regularly of the progress of the investigation. At the completion of the investigation, the Review Board is to present a written report with recommendations to the bishop indicating: either that the accusations appear to be unfounded and the case should be considered closed (pending the outcome of any civil investigation); or that there is sufficient evidence that sexual abuse of a minor has occurred. The conclusions will be communicated both to the complainant and the accused.

In the case of non-clerics, when a complaint is admitted or determined to be true to a moral certainty, the lay or religious pastoral minister, employee or volunteer employment, assignment or service will be terminated and they will permanently be refused employment and/or an assignment in the Diocese of Juneau. In the case of women or men religious, the appropriate superior will be advised.

The insurance carrier for the Diocese of Juneau (currently Catholic Mutual Group) will be contacted in order to ascertain whether there is insurance coverage.

### **Response to Parishes/Institutions**

When it is apparent that an allegation of sexual abuse will become public, the bishop in conjunction with the vicar general, executive staff, diocesan attorney and the Review Board will assess how best to respond. A Crisis Management Briefing will be organized to provide clarification about the complaint and to defuse the stress of parishioners and staff likely to be affected by the allegation.

### **Diocesan Review Board**

To assist the bishop in preventing and responding to sexual misconduct by priests, deacons, seminarians, women and men religious, lay employees and volunteers, the bishop shall establish and maintain a diocesan Review Board. This Review Board shall consist of at least five members of outstanding integrity and good judgment who are appointed by the bishop for terms of five years, which may be renewed. A majority of the members of the Review Board shall consist of laypersons who are not employees of the Diocese of Juneau or any organization supervised by the bishop. At least one member of

the Review Board shall be a priest and at least one member shall have particular expertise in the treatment of the sexual abuse of minors. The Review Board shall meet at times and places designated by the bishop or addressed in its statutes. Members of the Review Board may participate electronically, if they are unable to be physically present for a meeting. When it is impractical to have a meeting of the Review Board and the bishop requires its assistance on an urgent matter, the bishop may consult each member of the Review Board individually, either in person, in writing, or electronically. The results of such consultation shall have the effect of the results of a Review Board meeting. N.B.: Caution must be exercised when considering the electronic transmittal of any sensitive and confidential information (see Review Board Statutes, Appendix VI).

There is no time limit within which a complaint of sexual misconduct may be made in order to be investigated.

The Review Board shall make recommendations concerning the fitness of persons for ministry in the Diocese of Juneau in cases in which it is consulted by the bishop.

### **Victim's Assistance Coordinator**

The bishop shall designate a Victim's Assistance Coordinator for victims of sexual abuse involving minors. The Victim's Assistance Coordinator shall be a person with competence in the care of victims of sexual abuse. The Victim's Assistance Coordinator shall provide or coordinate the pastoral care and other necessary assistance of persons who claim to have been sexually abused when they were minors by a cleric, lay or religious pastoral minister or volunteer. The Victim's Assistance Coordinator shall be available to advise the Review Board and the bishop on outreach to victims of sexual misconduct involving minors, and shall submit a report on his or her activities to the Review board at least once a year.

### **Reporting to Civil Authorities**

The bishop will ensure that every complaint against a priest, deacon, seminarian, women or men religious, lay employee or volunteer may have engaged in sexual abuse involving a minor is promptly reported to the responsible public authority, whether or not this is required under civil law. These authorities include, but are not limited to local, state and federal police and prosecutors and agencies concerned with the welfare of minors. All records of the diocesan investigation of such a complaint shall be made available to these authorities, and all ministers, employees and other representatives of the Diocese of Juneau shall fully cooperate with investigators. However, **under no circumstances may such cooperation permit a violation of the seal of sacramental confession.** In every instance, the Diocese of Juneau will advise and support a person's right to make a report to public authorities.

## **Special Provisions Concerning Clergy**

When a complaint is received that a priest or deacon has engaged in sexual abuse of a minor, the following special provisions shall apply:

- 1) The bishop will meet with the accused priest or deacon to inform him of the complaint. The priest or deacon may or may not choose to respond to the complaint. The priest or deacon will be required to step aside from his pastoral assignment but with salary and benefits until an initial inquiry determines the degree of credibility.
- 2) The accused priest or deacon will be extended the offer to undergo appropriate medical and psychological evaluation and intervention at a mutually acceptable facility.
- 3) The priest or deacon will be urged to seek both civil and canonical counsel. If necessary, the Diocese will arrange for canonical counsel for an accused priest or deacon.
- 4) If an allegation is deemed credible, the accused will be placed on administrative leave with salary and benefits and be required to reside in a location chosen by the bishop. He will be required to remove himself from his place of ministry during the time of the investigation. The bishop will meet with members of the parish and diocesan staff and then with the staff of the cleric's pastoral assignment to inform them of the determination. The bishop will then inform the general membership of the parish to which the priest or deacon is assigned. Finally, a press release will be submitted to the media but with only that information necessary since the matter will yet need to be investigated. If at all possible, the press will not be notified until after staff and parishioners have been informed. The bishop may deem it necessary to appoint a monitor who can effectively supervise the individual's daily activity. If the complaint involves criminal activity, a trained monitor will be appointed to assist in arranging and defining his day to day activities, including non-ministerial work, therapy, and living arrangements.
- 5) In every case, a priest remains the responsibility of the Diocese and will remain so until a canonical process determines otherwise.
- 6) If the finding of an investigation into an allegation determines that it is doubtful and provides little corroboration, the bishop will discuss the matter with the Review Board and the accused. Stringent efforts in these cases will be made to preserve and/or restore the reputation of the priest or deacon. Steps will be made to return the accused to active ministry (see below).
- 7) If even a single instance of sexual abuse of a minor is admitted to have occurred or is determined by the bishop to a moral certainty to have occurred

via an independent investigation, no matter when it occurred, the offending priest or deacon shall be removed permanently from ministry in accordance with canon law that pertains to this matter. If the offending priest or deacon does not voluntarily request dispensation from the obligations of holy orders and loss of the clerical state, the bishop may initiate a criminal judicial process in the diocesan Tribunal seeking the penalty of dismissal of the offending priest or deacon from the clerical state.

- 8) If, for whatever reason, the penalty of dismissal from the clerical state is not sought against or applied to an offending priest or deacon, he shall for the rest of his life follow a regimen of prayer and penance, the place and manner of which shall be prescribed by the Bishop in accordance with canon law. The offending priest or deacon shall not be permitted to celebrate Mass publicly, to wear clerical attire or to present himself publicly as a priest or deacon.
- 9) At all times, the bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties and to limit his exercise of priestly or diaconal ministry. The bishop must exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor shall not be allowed to continue in active ministry.
- 10) No priest or deacon incardinated in the Diocese of Juneau shall be proposed to another diocese for assignment, transfer or residence if there is anything in his background to indicate that he would be a danger to minors. Residence in another diocese may be authorized provided that the bishop sends an accurate and complete description of the priest's or deacon's circumstances and background to the bishop of the new diocese of residence. In the latter case, the bishop shall take such measures as are necessary to ensure compliance by the priest or deacon with the secular and canonical penalties that have been imposed upon him, including compliance with all applicable laws concerning the registration of sex offenders. The bishop may, in accordance with canon law, prescribe such other requirements as might be necessary to prevent the priest or deacon from presenting a danger to minors in his new place of residence.

### **Return to Active Ministry When a Complaint is Unfounded**

When a complaint is determined to be unfounded and it is determined that the priest, deacon, seminarian, woman or man religious, lay employee or volunteer did not commit sexual abuse of a minor, the bishop, in consultation with the Review Board, will determine how the accused person's good name is to be restored. Administrative leave will be terminated and every effort will be made to return the individual to ministry or employment in the Diocese of Juneau.

In the event that circumstances and publicity associated with the accusation prevent a woman or man religious or layperson from returning to effective ministry, every effort will be made to assist the person to find employment elsewhere.

If the bishop, in consultation with a priest or deacon, concludes that the circumstances or publicity associated with the accusation prevent him from effective pastoral ministry in his place of assignment, the bishop will strive to provide another assignment in the Diocese of Juneau or assist him to find a pastoral assignment in another diocese with the understanding that when the circumstances have changed, the bishop will provide him with an assignment in the Diocese of Juneau.

### **Records**

The original copy of written reports of all stages of an investigation into sexual abuse of a minor will be kept in a confidential file in the Chancery Office of the Diocese of Juneau. All other copies of such reports may be destroyed upon the death of the accused, with the Chancery retaining a summary of the reports.

## Section Two – Creating a Safe Environment for Adults

### Introduction

Sexual misconduct with an adult by a priest, deacon, seminarian, woman or man religious, lay employee or volunteer is contrary to Catholic moral teaching and seriously harmful to the life of the Church. The Church expects clerics, lay and religious pastoral ministers and volunteers to live their lives in a chaste and moral manner.

Aware that the majority of priests, deacons, seminarians, women and men religious, lay employees and volunteers are competent, ethical, balanced and mature; concerned that any victim of sexual misconduct be nurtured, treated and healed; concerned for the general well-being of church and society; and concerned that one guilty of sexual misconduct be treated justly toward whatever healing is possible; the following Policy regarding sexual misconduct involving adults is adopted for the Diocese of Juneau.

**It is the Policy of the Diocese of Juneau that sexual misconduct with adults by priests, deacons, seminarians, women or men religious, or by lay person employed by or volunteering their services to the parishes, institutions, offices and programs of the Diocese is not to be tolerated. Such activity is contrary to basic Christian principles and is a violation of the ministerial relationship of trust between clerics, lay and religious pastoral ministers, employees and volunteers and those in their care. All priests, deacons, seminarians, women and men religious, lay employees and volunteers must comply with applicable state and local laws regarding incidents of actual or suspected sexual misconduct and with the procedures outlined in this policy.**

### Terms

“Adult” means a person eighteen years of age or older

“Sexual misconduct involving adults” means sexual misconduct in the course of the performance of ministry. Such conduct is an external and objectively grave violation of the sixth commandment. It includes the following forms of behavior:

- 1) sexual intercourse and any other behavior, including language, that is intended or could reasonably be known to be highly likely to result in sexual arousal, between a priest, seminarian, deacon, woman or man religious, lay employee or volunteer and a person with whom that person has a pastoral relationship other than his or her spouse, even when both parties consent to such behavior;
- 2) any demand, request or suggestion by a priest, seminarian, deacon, woman or man religious, lay employee or volunteer to a person with whom they have a pastoral relationship that they or other persons engage in such behavior, whether or not the demand, request or suggestion is accompanied by any form of coercion.

“Offender” means an individual who has carried out an act of sexual misconduct with another adult.

“Victim” means a person who has suffered from the sexual misconduct of another.

“Supervisor” means the person to whom an individual is directly responsible, e.g., school principal for school employees and volunteers, the pastor parish staff, the bishop for priests, etc.

## **Prevention**

It is expected that the priests, deacons and seminarians of the Diocese of Juneau, the women and men religious serving here, and those lay women and men employed or regularly utilized as volunteers in the Diocese of Juneau will lead chaste lives in accordance with their state in life. Priests, unmarried deacons and religious are bound to the obligation of celibacy and/or vows of chastity. Married deacons are bound to their marriage vows. Because of their positions of leadership and trust within the diocesan community it is crucial that trust in them never be undermined.

## **Education**

Educational sessions on issues pertaining to sexual misconduct with adults are to be an on-going part of the continuing formation of priests and the formation and continuing formation of deacons, women and men religious, lay employees and volunteers.

## **Religious and Lay Persons**

Each applicant for employment in a position in the parishes, institutions and offices of the Diocese of Juneau must supply the names of at least three references including the most recent employer in addition to the names of any close friends or relatives that are provided as references. Hiring agents are to speak directly with all references provided by applicants. At the time of hiring the individual must sign the statement indicating that he or she has received and agrees to adhere to this Policy (see Appendix I for text). Also, he or she is to attest that they never have been charged with sexual misconduct, sexual harassment or sexual abuse of a minor (see Appendix IV).

## **Seminarians and Deacon Candidates**

(see Section One)

## **Priests or Deacons from Outside the Diocese of Juneau**

(see Section One)

## **Response to Sexual Misconduct with an Adult**

When there is an allegation of sexual misconduct with an adult, the person(s) alleging the misconduct, must have recourse and the situation must be evaluated and addressed in a manner that is just, compassionate and understanding. As with sexual abuse to minors, a protocol must be followed. The protocol seeks personal and communal healing, assessment of the accused and treatment of the offender and prevention of any further misconduct by the offender. The protocol is to be published periodically in the diocesan newspaper and is likewise to be available at every parish office in an understandable and “user-friendly” format.

### **Reporting and Response**

The first obligation of the Church with regard to victims of sexual abuse is for healing and reconciliation. The Diocese of Juneau will reach out to victim/survivors of sexual misconduct and those claiming to be victims and will attend to them compassionately and fairly. The Victim’s Assistance Coordinator will establish regular communication with the accuser/victim and make sure that his or her needs with reference to their complaint are being met. Diocesan outreach may include counseling, spiritual assistance and social services assistance as may be required. The Diocese of Juneau will provide payment for counseling when an assessment determines that abuse occurred and that it occurred when the offender was a priest, seminarian, deacon, woman or man religious, employee or volunteer of the Diocese of Juneau. Whenever possible, the offender should be the person primarily responsible for the payment of expenses for a victim’s therapy and will be encouraged to reimburse the Diocese of Juneau for any expense incurred.

A complaint that sexual misconduct has occurred may be made to the Victim’s Assistance Coordinator, the vicar general or to the bishop.

Those alleging incidents of sexual misconduct will be informed that the Diocese of Juneau will seriously investigate the allegation. If a person is in doubt about whether or how to make a complaint, he or she has the right to communicate confidentially and anonymously with a minister of the Diocese of Juneau to describe his or her complaint and to obtain the necessary guidance. They will be informed that some degree of corroboration will be needed. It should be explained to them that the complaint will need to be submitted in written form and signed and dated in order for the Diocese formally to respond.

When a complaint of sexual misconduct involving an adult has been received, the bishop or his delegate will make an initial inquiry in order to determine whether or not there is substance to the allegation.

The accused individual will be informed of the accusation and will be given every opportunity to respond. If an initial inquiry indicates that there is substance to the complaint, the accused will be relieved of his or her duties and placed on administrative leave with their regular salary and benefits until the matter is resolved.

If an accused is a seminarian, he may be requested to undergo and comply with a medical and psychological evaluation as a condition for continued diocesan sponsorship. Likewise, an accused woman and man religious may be requested to undergo and comply with such a medical and psychological evaluation as a condition for continued ministry in the diocese.

If the accused is a man or woman religious, he or she will be notified that permission to minister in the Diocese of Juneau is suspended until the matter is satisfactorily resolved. The appropriate religious superior will be notified.

An accused lay employee or volunteer may be requested to undergo and comply with a medical and psychological evaluation as a condition for continued employment or eligibility to continue providing volunteer services.

All appropriate steps will be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel (if applicable) and will be promptly notified of the results of the investigation. Depending on the circumstances of the complaint and after receiving advice from the Review Board, it may be necessary for the bishop to provide a press release to the media in order to demonstrate honesty and transparency in addressing an allegation.

When an allegation has been made against a priest or deacon, the bishop will meet with the accused cleric to inform him of the complaint (see section of Special Provisions Concerning Clergy). The cleric may or may not choose to respond to the complaint. The cleric should be encouraged to step aside voluntarily from his assignment until an initial inquiry determines the degree of credibility of the allegation. The accused cleric should be urged to seek both civil and canonical council. If the initial inquiry determines that there is credibility to the allegation, the cleric will be placed on administrative leave with salary and benefits.

The Diocese of Juneau will begin an inquiry into the allegation once an allegation has been received. If an initial inquiry determines that there is substance to the allegation, an independent investigator normally will be sought through the diocesan attorney. This investigation is to be done as quickly but as thoroughly as possible. If there is a simultaneous criminal investigation, a speedy investigation by the Diocese may be delayed. When necessary, members of the Review Board may be delegated to investigate the complaint. After appropriate and available data has been gathered through an independent investigation, they will be presented to the Review Board who will present a written report with recommendations to the bishop. The report is to indicate: either that the accusations appear to be unfounded and the case should be considered closed (pending the outcome of any civil investigation); or that there is sufficient evidence that sexual misconduct with an adult has occurred. The conclusions will be communicated both to the complainant and the accused. In every case, the Review Board will be informed early on of the allegation.

In the case of non-clerics, when a complaint is admitted or determined to be true to a moral certainty, the bishop will make a decision about his or her continuing employment or assignment. While it is unlikely that a lay or religious pastoral minister or volunteer known publicly to be guilty of sexual misconduct with an adult would be able to remain in an assignment in the diocese, the possibility exists. In making this determination, the bishop will rely on the results of any canonical penal process that may have been conducted, reports from professional evaluators, recommendations from immediate supervisors, advice of the Review Board, diocesan civil and canonical attorneys and the Presbyteral Council. The bishop may also obtain counsel from the diocesan insurance carrier. The bishop alone is authorized to make the determination about an assignment for such an individual in the Diocese of Juneau

The Diocesan Insurance officials (currently Catholic Mutual Group) will be contacted in order to ascertain whether there is insurance coverage.

### **Response to Parishes/Institutions**

When it is apparent that an allegation of sexual misconduct will become public knowledge, the bishop in conjunction with the vicar general, appropriate diocesan staff, diocesan attorney and the Review Board will assess how best to respond. A Crisis Management Briefing will be organized to provide clarification about the complaint and to defuse the distress of staff and parishioners who are most likely to be affected by the allegation.

### **Diocesan Review Board**

To assist the bishop in responding to complaints of sexual misconduct by priests, deacons, seminarians, women and men religious, lay employees and volunteers, the bishop shall utilize the Review Board. Though primarily established for the protection of children and young people, the Review Board may also be asked to provide assistance in dealing with issues of sexual misconduct with adults or harassment (see Section One and Review Board Statutes, Appendix VII).

There is no time limit within which a complaint of sexual misconduct may be made in order to be investigated.

The Review Board shall make recommendations concerning the fitness of persons for ministry in the Diocese of Juneau when consulted by the bishop.

### **Victim's Assistance Coordinator**

The Victim's Assistance Coordinator shall be available to provide pastoral care and provide other necessary assistance to victims of sexual misconduct. He or she may also advise the Review Board and the bishop of the needs of victims of sexual misconduct involving adults and shall include this in the annual report to the Review Board.

## **Reporting to Civil Authorities**

The bishop will ensure that any complaint that a priest, deacon, seminarian, women or men religious, lay employee or volunteer may have engaged in sexual misconduct involving an adult and which appears to be a breach of criminal law, is promptly reported to the responsible public authority. All clerics, lay and religious pastoral ministers and employees are required to report knowledge of criminal sexual misconduct. Any other person may report these incidents. In the case of sexual misconduct with adults, these authorities generally include only local or state police and prosecutors. All records of the diocesan investigation of such a criminal complaint shall be made available to these authorities, and all ministers and other representatives of the Diocese of Juneau shall fully cooperate with investigators. **However, under no circumstances may such cooperation permit a violation of the seal of sacramental confession.** In every instance, the Diocese of Juneau will advise and support a person's right to make a report to public authorities.

## **Special Provisions Concerning Clergy**

When a complaint is received that a priest or deacon has engaged in sexual misconduct with an adult, the following special provisions shall apply:

- 1) The bishop will meet with the accused priest or deacon to inform him of the complaint. The priest or deacon may or may not choose to respond to the complaint. The matter of stepping aside voluntarily from his pastoral assignment until an initial inquiry determines the credibility of the allegation should be discussed and encouraged. In any case, a speedy initial inquiry will be made. If the initial inquiry determines that there is credibility to the accusation, the priest or deacon will be placed on administrative leave with salary and benefits.
- 2) The accused priest or deacon will be extended the offer to undergo appropriate medical and psychological evaluation and intervention at a mutually acceptable facility.
- 3) The priest or deacon will be urged to seek both civil and canonical counsel. If necessary, the Diocese will arrange for canonical counsel for an accused priest or deacon.
- 4) The accused cleric may be required to reside in a location chosen by the bishop. The bishop will meet with members of the parish and diocesan staff and then with the staff of his pastoral assignment to inform them of the determination. The bishop will then inform the general membership of the parish to which the priest or deacon is assigned. Information will be submitted to the press but with only that information necessary. The Diocese may deem it necessary to appoint a monitor who can effectively supervise the individual's daily activity. If the complaint involves criminal activity, a trained monitor will be appointed to assist in arranging and defining his day to day activities, including non-ministerial work, therapy, and living arrangements.

- 5) In every case, a priest remains the responsibility of the Diocese and will remain so until such a time that a canonical procedure determines the outcome.
- 6) If an investigation determines that an allegation is doubtful and there is little corroborating evidence, the bishop will discuss the matter with the Review Board and the accused. Even in a situation where an accusation is proved untrue, it may still be necessary to make the matter public in order to assure honesty and transparency. Stringent efforts in these cases will be made to preserve and/or restore the reputation of the priest or deacon.
- 7) If the accused admits that he has engaged in sexual misconduct or he is found by the bishop to a moral certainty to have engaged in sexual misconduct, the bishop shall seriously consider a penal process as outlined in canon law.
- 8) In those cases where priests and deacons accused of misconduct are not incardinated in the Diocese of Juneau, full cooperation with the cleric's bishop or religious superior and the Diocese of Juneau in any related proceedings is expected.
- 9) When sexual misconduct is admitted or has been established, the bishop will determine a course of action based on the evaluations of professionals, including diagnosis and prognosis, and the advice of the Review Board, Presbyteral Council, Diocesan insurance carrier and the Diocesan attorney. Until advised by experts, the Review Board, the Presbyteral Council, the Diocesan insurance carrier and Diocesan attorney, the deacon or priest is prohibited from any public ministry.
- 10) At all times, the bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties and to limit his exercise of priestly or diaconal ministry. The bishop must exercise this power of governance to ensure that any priest or deacon who is a danger never be allowed to minister in the Diocese of Juneau.
- 11) No priest or deacon incardinated in the Diocese of Juneau who has committed sexual misconduct shall be proposed to another diocese for assignment, transfer or residence without there being an accurate and complete description of the priest's or deacon's circumstances and background to the bishop of the new diocese of residence. In the latter case, the bishop of the Diocese of Juneau shall take such measures as are necessary to ensure compliance by the priest or deacon with the secular and canonical penalties that may have been imposed upon him. The bishop may, in accordance with canon law, prescribe such other requirements as might be necessary to prevent the priest or deacon from presenting a danger of sexual misconduct in his new place of residence.

### **Return to Active Ministry When a Complaint is Unfounded**

When it is determined that the priest, deacon, seminarian, woman or man religious, lay employee or volunteer did not commit sexual misconduct with an adult, the bishop, in consultation with the Review Board, will determine how the accused person's good name is to be restored. Administrative leave will be terminated and every effort will be made to return the individual to ministry or employment in the Diocese of Juneau.

In the event that circumstances and publicity associated with the accusation prevent a woman or man religious or layperson from returning to effective ministry, every effort will be made to assist the person to find employment elsewhere.

If a priest or deacon concludes that the circumstances or publicity associated with the accusation prevent him from effective pastoral ministry in his place of assignment, the bishop will strive to provide another assignment in the Diocese of Juneau or assist him or her to find a pastoral assignment in another diocese with the understanding that when the circumstances have changed, the bishop will provide him with an assignment in the Diocese of Juneau.

### **Records**

The original copy of written reports of all stages of an investigation into sexual misconduct with adults will be kept in a confidential file in the Chancery Office. All other copies of such reports may be destroyed upon the death of the one accused, with the Chancery retaining a summary of the reports.

## Section Three – Sexual Harassment

### Introduction

All who work or minister in the Diocese of Juneau should expect to be treated with dignity and respect. Thus, sexual harassment will not be tolerated. Any harassment on the part of a cleric, lay or religious pastoral minister or volunteer is an abuse of his or her position, pastoral role and responsibility.

**It is the Policy of the Diocese of Juneau that sexual harassment by priests, deacons, seminarians, women or men religious, or by lay persons employed by or volunteering services to the parishes, institutions, offices and programs of the Diocese is not to be tolerated. Such activity is contrary to basic Christian principles and is a violation of the ministerial relationship of trust between clerics, lay and religious pastoral ministers, employees and volunteers and those they serve. All clerics, lay and religious pastoral ministers and employees and volunteers must comply with the procedures outlined in this policy.**

### Description

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- 1) submission to the conduct is explicitly or implicitly made a term or condition of employment;
- 2) submission to or rejection of the conduct is used as the basis for an employment decision;
- 3) the conduct has the effect of unreasonably interfering with the work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment encompasses but is not limited to: derogatory sexual comments, sexually oriented jokes, requests for sexual favors, sexual advances or touching, or display of sexually offensive materials.

### Prevention

Education on the nature of sexual harassment is to be included on those occasions when information on sexual misconduct is presented and discussed in the Diocese of Juneau. Likewise, safe environments, free from sexual harassment, are to be maintained at all times, following the *Code of Pastoral Conduct*.

## **Response to Sexual Harassment**

Clergy, lay and religious pastoral ministers and volunteers who consider themselves to be victims of sexual harassment or who are offended by sexual jokes, comments or other conduct in the workplace are immediately to report the behavior to their appropriate supervisor or the pastor. If the situation warrants, the report may be made directly to the vicar general or to the bishop.

When a complaint of sexual harassment has been received, the bishop or his delegate will make an inquiry to determine whether or not there is credibility to the complaint. If need be, an independent investigation will be sought.

The welfare of the victim is of primary concern. To that end, the Victim's Assistance Coordinator will be available to assist the individual cope with and transition through the experience. This may include a referral to professional counseling. When counseling is warranted, the Diocese of Juneau will provide for such counseling when the offender is a priest, deacon, seminarian, woman or man religious, employee or volunteer of the Diocese of Juneau at the time it is determined that harassment occurred. Whenever possible, an offender (or an offender's religious community, in the case of a woman or man religious) should be primarily responsible for the payment of expenses for the victim's counseling and will be encouraged to reimburse the Diocese of Juneau for any expenses incurred.

If deemed necessary and advisable, a Crisis Management Briefing will be provided to the place of the offender's ministry.

If a complaint is established to be true to a moral certainty or is admitted, the following protocol will be followed:

Should an initial inquiry or investigation verify the complaint, it will be important to assess whether or not there has been a pattern of harassment. If the inquiry or investigation shows that there was harassment but that it is a first offense and is not particularly egregious, an oral warning may suffice. However, if it is determined that a pattern of harassment exists, a written report should be made. The written report, submitted by the appropriate supervisor, should outline the complaint being made and make note that warning was given. A copy of the written report is to be placed in the offender's personnel file and a copy supplied to the Chancery Office. The offender will be notified that any further verified offenses will result in suspension of their ministry in the Diocese of Juneau and/or termination of his or her employment. For a woman or man religious, the fact of a written warning will be supplied to his or her appropriate religious superior. A written report should note that another offense will result in the person being denied permission to remain in ministry in the Diocese of Juneau and/or employment. If the harassment is deemed particularly egregious, the offender will be suspended from ministry and/or terminated from employment.

When the accused is a seminarian, the report is to be made to the bishop. If the seminarian is at the seminary, seminary officials will be requested to conduct an appropriate investigation. If the seminarian is on assignment in the Diocese of Juneau, the vicar general or the bishop will investigate the complaint. If the complaint is verified, the seminarian may be required to obtain professional counseling as a condition for continued diocesan sponsorship. Any further offenses will result in the termination of diocesan sponsorship.

If the accused is a priest or deacon, the complaint is to be made to the vicar general or the bishop. If the complaint is established to a moral certainty or admitted, the bishop will personally warn the cleric, outlining the possible outcome of any further offenses. If, after an inquiry or investigation, it is established or admitted that a pattern of harassment exists, the bishop may threaten suspension from the exercise of ordained ministry and may require therapy. If the offender is a religious, the appropriate religious superior will be notified. A repeat offense, after having been warned, will result in a suspension from ministry in the Diocese of Juneau.

### **Return to Active Ministry/Employment**

In the Diocese of Juneau, only with the permission of the bishop may: a lay employee or volunteer, who has been terminated for sexual harassment, be re-employed; a woman or man religious or a priest or deacon from another diocese return to ministry; a seminarian who has lost diocesan sponsorship be re-accepted. These may occur only if there is an affirmative evaluation from a professional counselor indicating that the causes that led to the harassment have been properly addressed, that no further danger of harassment exists and that there is a positive recommendation from the supervisor and the Review Board.

Appendix I

**Statement of Receipt and Agreement**

By signing this statement, I hereby acknowledge receipt of the Diocese of Juneau **Policy Regarding Prevention of: Sexual Abuse of Minors, Misconduct with Adults and Sexual Harassment**, revised and promulgated October 15, 2003. I acknowledge that I have been provided time and opportunity to read the policy and to seek clarifications.

By signing this statement, I agree to adhere to all the provisions contained in it. I understand that this agreement is required for me to serve in any capacity of ministry, or to be employed by or volunteer on a regular basis for the Diocese of Juneau, its parishes, institutions, offices or programs.

For those already employed within the Diocese of Juneau or involved in volunteer service at the date of implementation of this policy, acknowledgment of receipt is to occur by January 1, 2004.

I understand that failure to comply with this policy subjects me to the responses outlined in the policy and may include termination of employment or service.

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Signature

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Date

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Printed Name

## Appendix II

### **Policy on Background Investigations**

Article 13 of the *Charter for the Protection of Children and Young People (Revised Edition)*, notes: “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 techniques in deciding the fitness of candidates for ordination (cf. NCCB, *Program of Priestly Formation*, 1993, no. 513).”

**As of October 15, 2003, all personnel, either employed or utilized as volunteers, who have regular contact with minors in the performance of their duties, must undergo an background investigation before they are employed, permitted to volunteer or are transferred into the Diocese of Juneau.** If, for some reason, this does not occur prior to employment or the beginning of a volunteer service, this search is to be requested before the end of thirty (30) days of employment or volunteer service. For those either employed or involved in volunteer service already at the implementation of this policy, a background investigation is to be completed prior to January 1, 2004.

Pastors, administrators, principals and heads of offices are to assure that this background investigation is done.

*(Background investigations are not required of those who serve solely in liturgical roles such as ushers and readers, or volunteer their services solely to clean the church, etc. Likewise, background investigations cannot be accomplished for persons under 18 years of age.)*

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+ Edward J. Burns  
Bishop of Juneau

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Date

Revised 11/6/09

Appendix III

**Pre-Employment Inquiry Release  
Diocese of Juneau**

In connection with my assignment, employment or volunteer service in the Diocese of Juneau, I understand that investigative background inquiries are to be made on me. This may include investigation of criminal convictions, motor vehicle history, educational verification and other reports. These reports will include information as to my character, work habits, performance and experience along with reasons for any termination of past employment from previous employers. Further, I understand that the Diocese of Juneau will be requesting information from various local, state, federal or other agencies that maintain records concerning my past activities relating to driving, criminal, civil or other history.

I authorize, without reservation, any party or agency contacted by the Diocese of Juneau or its parishes, institutions or agencies, to furnish the above-mentioned information. To aid in the proper identification of my files or records, I understand that the following information is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Printed Name

11/6/09

Appendix IV

**Policy on the Education of Children and Young People on Sexual Abuse**

An important element in the prevention of sexual abuse of children and young people is education. The ability of children themselves to recognize and respond to potentially inappropriate behavior by an adult is key to preventing sexual abuse. Likewise, being informed on how to report suspicious behavior by an adult can be an important step in preventing a perpetrator from causing harm to them as well as other children or young people.

As of October 15, 2003, it is the policy of the Diocese of Juneau that each parish in the Diocese of Juneau is to offer age appropriate education annually on the nature, recognition and prevention of sexual abuse to children and young people who are in parish or diocesan programs. The pastor or administrator is to assure that this education is provided.

I refuse permission for my child \_\_\_\_\_  
to participate in the sessions on the education of children and young people on the recognition and prevention of sexual abuse that will be held at the parish and accept responsibility for that training myself.

\_\_\_\_\_  
Signature of parent or guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of parent or guardian

11/6/09

Appendix V

**Statement Concerning Sexual Conduct**

Please check and initial one of the boxes.

I hereby attest:

- that I have never been accused or charged of sexual misconduct with a person with whom I have had a pastoral relationship; and that I have never been charged with or discharged from employment or from a volunteer position on the grounds of child abuse, sexual misconduct, sexual harassment or related offenses; or
  
- that I have been accused or been so charged or discharged and attach an explanation of all attendant circumstances and shall authorize the Diocese of Juneau to obtain access to all relevant public and private records.

I understand that any misrepresentations or omissions concerning these matters may disqualify my application or result in my immediate dismissal from any assignment I may receive as a minister in the Diocese of Juneau.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

11/6/09

## Appendix VI

### **Diocesan Review Board Statutes (Revised 10/15/03)**

#### I. MEMBERSHIP:

The Review Board functions as a confidential consultative body to advise the bishop. It will consist of up to ten (10) individuals selected and invited to serve by the bishop. They are to be persons of outstanding integrity and good judgment. Five (5) members must be in full communion and good standing with the Catholic Church and at least six (6) must be lay persons who are not employed by the Diocese of Juneau or any organization supervised by the bishop.

Members of the Review Board may participate in meetings electronically, if they are unable to be physically present for meetings. When it is impractical to have a meeting of the Review Board and the bishop requires its assistance on an urgent matter, the bishop may consult with each member of the Review board individually, either in person, in writing or electronically and the results of such consultation shall have the effect of the results of a Review Board meeting. Notes of each conversation are to be shared with all members of the Review Board.

Other members may include persons with particular areas of expertise who are not Catholic. One member is to be a priest who is an experienced and respected pastor of the Diocese. One member is to have particular expertise in the area of treatment of sexual abuse of minors. The role of this member with this particular expertise is to guide, direct and educate the Review Board in areas of concern and assist them with a better understanding of those who have been sexually abused as minors and their abusers so that they can make sound and educated decisions and recommendations. The Promoter of Justice, while not a member of the Review Board, may participate in meetings of the Review Board as may the Victim Assistance Coordinator, also not a member but who is responsible for the immediate pastoral care of those who allege they have been sexually abused as a minor by a cleric.

#### II. MEETINGS:

The Review Board will schedule at least three (3) annual meetings normally to be held in January, May and September. These meetings may be moved to an early or later date. Additional meetings may be convened in order to address a specific concern.

Whenever possible, the Review Board will attempt to reach consensus on issues. When consensus appears unlikely, the chair may request a vote by the members in order to determine the majority opinion.

Minutes of meetings are to be marked confidential and stored in a secure file in the diocesan offices.

All work and deliberations of the Review Board are to remain confidential, even after a particular issue has been resolved.

Because of the seriousness of the matter, a quorum of the Review Board will be (7) members.

The Review Board can meet in the absence of the bishop if the chair or other Review Board members deem it necessary. On those occasions when the Review Board is deliberating over their recommendation for a particular case, the bishop is to absent himself from the meeting.

Meetings normally will be held at the diocesan offices.

### III. RESPONSIBILITIES:

The Review Board will assess allegations of sexual abuse of minors, sexual misconduct with adults and sexual harassment and provide recommendations to the bishop;

The Review Board will review diocesan policies for dealing with sexual abuse of minors, sexual misconduct with adults and sexual harassment;

The Review Board will offer advice on all aspects of matters covered by this policy, retrospectively or prospectively.

### IV. ROLES:

The Review Board will have a chair, vice-chair, a recording secretary and a spokesperson chosen by members of the Review Board annually. Term of office is for one year.

The chair will lead the meeting, the vice-chair substituting in case of the absence of the chair. The recording secretary will take accurate minutes of the meeting.

The chair will ask the bishop to make out an agenda for each meeting with input from members of the Review Board.

The chair and the bishop will be in regular communication in order to determine the need for meetings.

The Review Board will make recommendations in writing to the bishop based on discussions, investigations and findings. The bishop will then act on this information and his own knowledge of the issue or case as he deems appropriate.

Appendix VII

***Testimonial of Suitability for Ministry  
in the Diocese of Juneau***

The Reverend \_\_\_\_\_, a priest of the Diocese of \_\_\_\_\_, has applied for an assignment to minister in the Diocese of Juneau. I have carefully reviewed our personnel files and all other records which we maintain, and I have consulted with those who have served with him in the ministries assigned under our authority. Based on these inquiries, and on my own personal knowledge, I hereby certify that he is a priest in good standing of our Diocese; that he has never been suspended or otherwise canonically disciplined; that no criminal charges have ever been brought against him; that he has never behaved in such a way as to indicate that he might engage in sexual behavior inconsistent with celibacy, or that he might deal with minors in an inappropriate manner, or that he might be suffering from alcoholism or any other form of substance abuse; that he has no mental, moral, emotional, or physical condition, to my knowledge, that might have a serious adverse effect on his performance as a minister; and that he has never been involved in any incident, to my knowledge, that might have such an effect.

If it is not possible for me to certify to any of the items set forth above, I offer on a separate page an explanation and the reasons that I nevertheless believe demonstrate his suitability to minister in the Diocese of Juneau.

Based on my inquiries and on my personal knowledge, he is a person of excellent character and reputation, and is fully qualified to serve as a priest in an effective and suitable manner in the Diocese of Juneau. I hereby grant him permission to exercise priestly ministry in the Diocese of Juneau for a period of \_\_\_\_\_ years beginning \_\_\_\_\_ with the understanding that such ministry is temporary, and not undertaken for the purpose of seeking incardination in the Diocese of Juneau.

Date: \_\_\_\_\_

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Most Reverend \*  
Bishop of \*