



# DIOCESE OF WINONA-ROCHESTER

Promise to Protect

Pledge to Heal

Policies, Procedures, and Protocols for

Clergy Sexual Abuse of Minors:

Prevention and Response

August 2024

## DIOCESE OF WINONA-ROCHESTER POLICIES AND PROCEDURES

### FOUNDATIONAL POLICIES

**GENERAL PRINCIPLE:** A sacred relationship exists between the Church and its members, whether they be adult or child. When sexual abuse, sexual misconduct, sexual assault, and/or sexual exploitation occurs within the context of the Church, a tragic reality is created which misrepresents the Good News to those who have been victimized. Each and every instance of sexual violation of the most vulnerable among us is a matter of the gravest concern and calls for an organized diocesan response so that healing may occur and the safety of the community can be assured.

**REPORTING ABUSE:** Reports of clergy sexual abuse of a minor can be made to the victim assistance coordinator (507-454-2270, ext. 255). Individuals should also contact directly civil authorities with reports of sexual abuse.

**ASSISTANCE:** Out of pastoral concern for the victim/survivor of clergy sexual abuse, referrals for therapy will be offered, even prior to the conclusion of any formal investigation and finding of fact. Assistance with costs of therapy will be provided by the diocese.

**REPORTING TO AUTHORITIES:** Every report of clergy sexual abuse of a minor will be taken seriously, regardless of when the alleged offense is said to have occurred. When an allegation is made against a cleric, the report will be promptly handed over to the civil authorities of the city in which the alleged offense took place, whether or not the cleric is engaged in active ministry. The diocese commits itself to cooperation with the civil authorities who are charged with handling these matters. In addition, the diocese requires clergy, diocesan, parish, and school personnel to comply with all mandatory reporting requirements established by Minnesota statutes.

**INVESTIGATIONS:** If the civil authorities cannot proceed with criminal action for any reason and the case is returned to the diocese, there will be a thorough investigation of allegations using an established process that includes the participation of the diocesan review board and an independent investigator. The provisions of CIC 1722 will be observed to place the cleric on leave from any current ministerial assignment or exercise of ministry and prohibit him from any public exercise of ministry while the investigation is underway. The investigator will take whatever steps are needed to arrive at a compilation of facts in the case. The diocese commits itself to full cooperation in this independent investigative process. The diocesan review board is charged with making recommendations to the bishop regarding the substantiation (or lack thereof) of the allegation and suitability for ministry.

**FINAL DISPOSITION:** In every case submitted to its consideration, the diocesan review board will make a recommendation to the bishop. In the case of conviction, a plea of guilty, or determination by diocesan review board that there is a preponderance of evidence that a cleric has sexually abused a minor, the bishop will exercise his episcopal authority to remove the cleric

permanently from active ministry and divest him of authority to function as a cleric in any capacity. Proper canonical procedures will be observed at all stages.

NOTE: For purposes of these policies, procedure and protocols, the offense of sexual abuse of a minor will be understood in accord with article 6 of *Normae de delictis congregationi pro doctrina fidei reservatis*.<sup>1</sup> An English translation of article 6 explains that:

The more grave delicts against morals which are reserved to the judgment of the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years or with a person who habitually has the imperfect use of reason; ignorance or error on the part of the cleric regarding the age of the minor does not constitute an extenuating or exonerating circumstance;

2° the acquisition, possession, exhibition, or distribution, for purposes of sexual gratification or profit, of pornographic images of minors under the age of eighteen years, in any manner and by any means whatsoever, by a cleric.<sup>2</sup>

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained.<sup>3</sup> Ultimately, it is the responsibility of the diocesan bishop, with the advice of the review board, to determine the gravity of the alleged act.

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<sup>1</sup> AAS 114 (2022:1): 114-122. The text of article 6 is found on page 116. Since the promulgation of the **Normae**, the Congregation for the Doctrine of the Faith (CDF) has been superseded by the Dicastery for the Doctrine of the Faith (DDF) by virtue of the promulgation of *Praedicate evangelium* (see AAS 114 [2022:4] 375-455). For the DDF specifically, see articles 69-78 of *Praedicate evangelium*. As a general rule, matters formally handed by the CDF are how handled by the DDF.

<sup>2</sup> English translation taken from

[www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20211011\\_norme-delittiriseruati-cfaith\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20211011_norme-delittiriseruati-cfaith_en.html).

<sup>3</sup> National Conference of Catholic Bishops, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*. Washington D.C.: National Conference of Catholic Bishops, 1995, pg. 6.

## **DIOCESE OF WINONA-ROCHESTER PROCEDURES TO IMPLEMENT THE USCCB *CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE***

Under the direction of the Bishop of Winona-Rochester, the Diocese of Winona-Rochester is committed to helping victims/survivors of clergy sexual abuse and to protecting children and young people from all abuses. We are sorry for the pain of the victims/survivors of clergy sexual abuse and we owe them far more than an apology. We acknowledge that all victims/survivors of clergy sexual abuse must be found and treated with the utmost care. We want all who have been victimized to come forward with the confidence that they will be heard and helped and that abusers will be held accountable. We are also sorry for the pain and mistrust this issue has caused so many people. The guiding principle behind all policies, procedures, and protocols must be the prudent protection of children and young people, in addition to the punishment of offenders. The policies, procedures, and protocols must also be marked by justice and contain due process for all involved.

Using the USCCB *Charter for the Protection of Children and Young People* as a guide, the Diocese commits itself to the following procedures.

### ***CHARTER ARTICLE 1***

**Dioceses/eparchies are to 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. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy.**

**Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to 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 St. John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”**

**We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.**

*Victim/Survivor outreach*

- The diocese utilizes a qualified Victim Assistance Coordinator (VAC) to receive intake reports and make referrals for counseling support to assist victims/survivors.
- The VAC is responsible to meet with and provide assistance to victims/survivors.
- Upon receipt of a report of clergy sexual abuse of a minor, the diocese immediately offers to provide counseling referrals and financial assistance for therapy for the victim/survivor and/or their family regardless of when the abuse is alleged to have occurred.
- An independent evaluator with expertise in mental health treatment reviews treatment plans to ensure that individuals receive quality therapy that meets their specific needs.
- Upon the request of a victim/survivor, the bishop and vicar general shall meet with any survivor and/or his or her chosen support person in a supervised setting, with due respect for the needs of the victim/survivor. Meetings shall be private and may involve a mutually agreed-upon facilitator who can interrupt or delay the meeting if discussion becomes overly difficult for the victim/survivor.
- Upon request of a victim/survivor, the bishop will send a personally-signed letter of apology on behalf of the diocese to any victim/survivor with a credible claim of sexual abuse.

**CHARTER ARTICLE 2**

**Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred.**

**Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form and other media in the principal languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.**

**Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to 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*, 2006). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is regularly to 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 in connection with these cases.**

*Responding to Allegations*

- Diocesan procedures for reporting abuse are available on the diocesan website. Further, parishes and schools receive information for distribution to parishioners and school

families, including bulletin announcements which must be posted no less than once a year.

- The VAC assists persons in making a report of sexual abuse and makes appropriate referrals to help restore the victim/survivor to wholeness. The VAC's primary role is to provide compassionate help to the victim/survivor of sexual abuse, but the VAC does not function as either a therapist or agent of the Church in verifying the truthfulness of the allegation(s). All reports of sexual abuse of a minor are forwarded to civil authorities; if civil authorities do not take action, processes of independent investigation and review by the diocesan review board occur such that all clerics with substantiated abuse of sexual abuse of a minor are permanently removed from ministry, in accordance with the *Charter* and in observance of proper canonical procedures.
- The VAC of the Diocese of Winona-Rochester can be reached at 507-454-2270, ext. 255.
- The safe environment coordinator for the diocese provides consultation to parish and school personnel in specific cases about how to report instances of suspected abuse of children and youth.
- The diocese provides a webpage to facilitate reports of misconduct. The webpage includes contact information for: the VAC; law enforcement; local child protective services; and the Catholic Bishop Abuse Reporting service.
- When the diocese receives a report of child sexual abuse, it will communicate such report without delay or alteration along with all related details to law enforcement in a manner consistent with applicable statutes and any other requirements or guidelines that apply under civil law. The diocese shall not conduct an internal investigation of such incidents and will not interfere in any way with law enforcement's investigation of such incidents law enforcement either concludes its investigation; closes its file without an investigation; or affirmatively authorizes the diocese in writing to proceed with its own internal investigation. In the event that the diocese learns of any effort(s) to hide or delay discovery of one or more incidents of child sexual abuse or to hinder discovery of any related fact(s), the diocese will provide a detailed report of such efforts or activity to law enforcement.
- The Diocese of Winona-Rochester maintains a diocesan review board which fulfills the following roles: cooperating with civil authorities in assessing allegations of sexual abuse of minors and those equivalent to minors; providing counsel regarding suitability for ministry; and reviewing diocesan policies to ensure that they meet or exceed the requirements of the *Charter*. The board consists of seven to ten members who are respected members of the community who provide expertise in the areas of psychology, law, and/or public policy; the board also includes an experienced pastor. Members are appointed for renewable five-year terms. The judicial vicar and vicar for clergy are invited to attend all meetings of the board.
  - Policy decisions made by the board are to be committed to writing. Communication policies will be issued by the diocesan bishop through the diocesan communications vehicles.
  - Meeting procedures
    - Meeting summaries are to be prepared following each meeting and subsequently approved by the board at the next meeting; once approved, they are to be forwarded to the bishop.

- If a quorum of the board is not present at a given meeting, no recommendation will be made regarding substantiation of an allegation of suitability for ministry
- Meetings of the board are not considered public meetings, and thus no announcements of meetings or reports to the general public or media will be made unless the bishop elects to provide such information through the diocesan communication office.
- Investigation procedures
  - In overseeing an investigation, the board does not meet personally with either the party making the allegation or the accused.
  - Both parties are invited by the investigator to submit written statements directly to the board. They are also provided a written report of their respective portion of the investigation interview(s).
  - The board may direct an investigator to conduct additional interviews to clarify or complete a line of inquiry developed in a particular instance.
  - Regardless of the number of investigators used by the board, sensitivity to the parties involved calls for one and the same investigator to see through a given case from its inception to its conclusion unless insurmountable obstacles interfere.
  - As the investigation draws to its close, both parties will be notified by the investigator that a report is ready to be submitted to the board. Each party will then have ten days to submit any supplemental information to the investigator, clearly identifying what new material is being provided to help establish the truth in the matter under consideration. The review board will review the final report, direct the investigator to any new area(s) of inquiry if warranted, and arrive at a conclusion regarding the substantiation or lack thereof of the allegation and the suitability of the accused for ministry. The board will send a written report to the bishop for his decision and action. The results of the investigation, along with the recommendation of the board and decision of the bishop, should be committed to writing and sent to each of the parties to a case.
- A determination of unsuitability for active clerical ministerial and lay positions with access to minors shall be made in every instance by the bishop of the diocese of Winona-Rochester after receipt of written recommendations from two sources: the vicar general and the diocesan review board. The vicar general and the review board shall be provided with all pertinent details and information and given sufficient time to allow for both a meaningful review of such materials and the production of a suitably substantive recommendation. The written recommendations from the vicar general and review board shall be maintained indefinitely and protected from destruction and spoliation by the diocese.

### **CHARTER ARTICLE 3**

**Dioceses/eparchies are not to enter into settlements which bind the parties to confidentiality, unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement.**

### *Confidentiality Agreements*

- If some serious and substantial reason for privacy is presented by a victim/survivor, the diocese would agree to a confidentiality provision and note it in the text of the agreement.
- Victims/survivors would be informed that while the diocese would not reveal any confidential information, the individual is not bound to any confidentiality.

### **CHARTER ARTICLE 4**

**Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities with due regard for the seal of the Sacrament of Penance.**

**Diocesan/eparchial personnel are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.**

**Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.**

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

### *Reporting Allegations*

- All personnel employed by ecclesial institutions are required to be knowledgeable of Minnesota state child abuse reporting regulations and requirements. The same personnel are also to comply with all mandatory reporting requirements. If a priest receives information under the seal of the confessional, no reporting can occur, but the priest is encouraged to counsel the victim/survivor or perpetrator to contact someone outside the context of the sacrament of Penance.
- Within 24 hours of learning of either actual or alleged abuse, a verbal report must be made to law enforcement. Within 72 hours of learning of the same, a written report must be made to the appropriate civil authorities.
- All allegations of clergy sexual abuse of a minor are referred to the appropriate civil authorities, regardless of how much time has elapsed since the offense is alleged to have occurred.
- Those reporting an incident of clergy sexual abuse will be informed that all reports are communicated to civil authorities. Individuals are also encouraged to contact civil authorities directly with reports of clergy sexual abuse.
- The diocese cooperates fully with civil authorities conducting investigations.

### **CHARTER ARTICLE 5**

**We affirm the words of St. John Paul II, 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.” Pope Francis has consistently reiterated this with victims of clergy sexual abuse.

**Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (*Motu proprio Sacramentorum sanctitatis tutela*, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.**

**Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this Charter, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.**

**The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below (see notes) shall not continue in ministry.**

**A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.**

**In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the Essential Norms approved for the United States.**

#### *Investigating and Penal Process*

- The diocese is committed to respecting the rights of all involved while also observing all applicable civil law and canonical norms.
- In any case where the district attorney pursues a criminal investigation of a cleric, the diocese will remove the cleric in question from any current assignment and will prohibit him from any public exercise of ministry for the duration of the investigation, in accordance with the provisions of CIC 1722. The vicar for clergy will be the primary contact for the accused during the investigation process. At his initial meeting with the accused, the vicar for clergy will provide the accused with a written summary of the accusation, including the name of the accuser(s), unless he deems it appropriate not to include that information temporarily. The vicar for clergy will direct the accused to have no contact with the accuser or the family thereof, and the accused will sign an acknowledgement document. The vicar will maintain a checklist of each step that is taken in the investigation and will share this information with the accused, having him sign and

date a document of acknowledgement. The vicar will maintain regular contact with the accused during the investigation stage.

- The accused will continue to receive necessary medical, psychological, and spiritual treatment.
- Accused clerics are informed of their canonical rights and encouraged to seek both canonical and civil representation. The vicar general will provide a list of canonical rights to the accused, who will in turn sign an acknowledgment of receipt indicating that he has read the document. The vicar general will later ensure that these rights are fully understood as the investigation proceeds. Any questions about participation in clerical events or other matters should be directed to the vicar for clergy.
- The vicar general will provide the accused with a written statement on what financial and other support will be given by the diocese. The vicar general will ensure that appropriate housing is available to the accused during the investigation.
- In every case, the diocesan review board will submit its findings and make its recommendation to the bishop. If the allegation is substantiated, the bishop will exercise his episcopal authority to permanently remove the cleric from active ministry and divest him of authority to function as a cleric in any capacity. Proper canonical procedures will be observed at all stages.
- Involuntary laicization can be sought by the bishop. He will do so in cases where there are multiple substantiated or admitted cases of sexual abuse of minors, where there is limited sense of remorse, and/or where there has been grave scandal.
- Oversight protocols and safety plans will continue to be reviewed for those clerics who have had allegations against them substantiated but who have not been formally laicized.
- The diocese will take all steps within its control to discontinue financial remuneration of any kind being paid to any cleric within its authority against whom a claim of sexual abuse or sexual misconduct has been substantiated.
- Regardless of age or infirmity of the cleric, the bishop will refer every case to the Dicastery for the Doctrine of the Faith (DDF) as required by the norms of the USCCB. The accused will be informed by the vicar for clergy when this referral has taken place. Any cleric with a substantiated case of abuse of a minor or vulnerable adult will be permanently prohibited from the exercise of ministry even if not dismissed from the clerical state by DDF processes. Clerics with even a single, substantiated incident of sexual abuse of a minor are restricted from any public ministry, including the public celebration of Mass.
- The appropriate practice for the burial of a cleric who has had allegations against him substantiated should be determined on an individual basis. Consideration should be given to the impact on the victim(s)/survivor(s) impact, as well as to the needs of the cleric's family and the common good of the Church.

### ***CHARTER ARTICLE 6***

**There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church with regard to their contact with minors.**

*Diocesan Standards for Ministerial Behavior*

- The vicar general shall make a good faith effort to obtain from each clergy member working within the diocese a signed and dated written statement affirming that the clergy member (1) has not sexually abused any minor at any time, and (2) has no knowledge of any abuse of a minor by another priest of the diocese or employee of the diocese that has not been reported to law enforcement and the diocese. The vicar general shall also make a good faith effort to obtain from any visiting priest who is given open-ended faculties to minister in the diocese or has an assignment in a parish or related diocesan entity (not including clergy visiting for a single event or over a time period of less than twenty-one (21) days) a signed and dated statement to the same effect no later than thirty (30) days after the open-ended faculties are given and/or the assignment begins. These written statements shall not require clergy to disclose knowledge of sexual abuse of minors obtained in the course of confession or in contexts wherein a person has sought religious or spiritual advice, aid, or comfort, pursuant to specific applicable statutes. Copies of all statements thus obtained will be provided in timely fashion to the diocesan review board.
- All employees and volunteers operating under diocesan auspices are prohibited from being alone (i.e. out of sight of at least one other adult) with any unrelated minor while serving as an employee or volunteer of the diocese or any related parish or school, subject to common sense exceptions, such as emergency situations; interactions with a minor that are incidental and not extended; parents transporting their children or related individuals; and employees or volunteers transporting the children of friends and neighbors. Priests are prohibited from being alone (i.e. out of sight of at least one other adult) with any unrelated minor except when the priest is hearing confessions in a confessional and except for exceptional, common sense exceptions, such as emergency situations and circumstances where interaction with a minor is incidental and brief, e.g., a priest's incidentally walking past a child in the hallway of a school when the priest and child are on their way to separate destinations.
- All clergy are prohibited from traveling alone with or taking any overnight trip alone with any unrelated minor. If a clergy member travels with any unrelated minor(s), then there must be at least one other adult present and actively supervising the minor(s) at all times. Clergy members are strictly prohibited from sleeping in the same space (e.g., room, bedroom, hotel room, tent, bed, etc.) with any unrelated minor; no exceptions to this prohibition shall apply.
- Priests, as well as all other church personnel and volunteers, are prohibited from having an unrelated child or children in their automobile unless such activity is supervised by at least one other adult throughout the activity's duration.
- The Code of Conduct is given to all clergy and church personnel and is available on the diocesan web site.
- All church personnel and all volunteers who have contact with minors or go on a retreat or field trip (even one time) are required to document that they have read, understand, and agree to abide by the Code of Conduct.

- All clergy and volunteers of the diocese are prohibited from using social media to directly contact any unrelated minor; similarly, all clergy and volunteers of the diocese are prohibited from calling or text messaging any unrelated minor.

### **CHARTER ARTICLE 7**

**Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by sexual abuse of a minor.**

#### *Commitment to Transparency*

- A statement urging those with knowledge of the sexual abuse of a minor to contact law enforcement and make a report of the abuse will be published in *The Courier* (the diocesan newspaper) according to the following parameters: no less than four times annually through the year 2026, and once per year throughout the year 2031.
- The diocese will deal as openly as possible with the media and those parishes or institutions involved in a report of child sexual abuse. The diocesan director of communications, (or in his/her absence, the safe environment program manager) shall be the diocesan media spokesperson and media contact. Parishes will receive assistance in dealing with the issues of sexual abuse of minors by priests and deacons or members of a religious community. In the event that schools or religious education programs are involved in a claim of child sexual abuse, assistance will be provided by the director of Catholic schools.
- The diocese shall routinely and consistently encourage in writing each of its parishes and schools to maintain all programs and efforts necessary to prevent child sexual abuse and to train all clergy and laypersons within each parish and school to identify signs of child sexual abuse. The diocese will also provide all forms of financial and logistical support reasonably necessary for its parishes and schools to accomplish these goals. In connection with the foregoing efforts, the diocese will provide a copy of these child protection protocols to each of its schools and parishes annually along with a letter urging thorough and consistent compliance with the same. In addition, the diocese will periodically (at least twice per year) send each of its parishes and schools affirmative, written statements encouraging the reporting of abuse to: (i) the parents or guardians of children alleging credible abuse, (ii) police and prosecuting authorities, (iii) the diocese, and (iv) the diocesan review board.
- The diocese will send written statements to each of its parishes and schools, at least annually, stating that survivors of child sexual abuse are neither at fault for their abuse nor enemies of the Church but are instead God's children and valued members of the flock who deserve the Catholic's community's empathy, care, and protection.
- Public disclosure of (i) substantiated claims of sexual abuse of minors by clergy and (ii) those facing pending credible claims under investigation shall be ongoing. The disclosures will be updated when a claim is determined to be substantiated, whether from the review of clergy files by outside experts or otherwise. In every such case, the diocese will add the name of the clergy member to the disclosure section of its website. The diocese will also disclose the names of clergy deemed unsuitable for ministry under

circumstances that arise, in whole or in part, out of accusations or risk of sexual abuse of a minor. Public disclosures shall be made as soon as reasonably practicable but, in any event, no later than forty-five (45) days after a claim has been determined to be substantiated. The Diocese will also share this information with the public by issuing and posting a press release on its website.

- At the conclusion of the canonical process for determination of clerical status of a cleric with a substantiated claim of sexual abuse of a minor, documents pertaining to the accusation of sexual abuse of a minor and the diocese's response to the claim will be made accessible to the public.
- Photos and any visible honors (such as a plaque honoring a cleric individually or the naming of a building or hall in that cleric's honor) shall be removed from public display for each priest with a substantiated claim of sexual abuse of a minor. Photos of such priests may only be displayed if that photo or the words accompanying it clearly indicate that the priest had a substantiated claim of sexual abuse of a minor asserted against him.

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Articles 8, 9, 10, & 11 are being implemented by the USCCB with the full endorsement and cooperation of the diocesan bishop of the Diocese of Winona-Rochester.

#### ***CHARTER ARTICLE 8***

**The Committee on the Protection of Children and Young People is a standing committee of the United States Conference of Catholic Bishops. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.**

**The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Secretariat of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.**

#### ***CHARTER ARTICLE 9***

**The Secretariat of Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee on the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of "safe environment" programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.**

**The Secretariat is to produce an annual public report on the progress made in implementing and maintaining the standards in this *Charter*. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee on the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the Charter. The audit method refers to the process and techniques used to**

determine compliance with the Charter. The audit scope relates to the focus, parameters, and time period for the matters to be examined during an individual audit.

As a member of the Conference staff, the Executive Director of the Secretariat is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee on the Protection of Children and Young People and the National Review Board with regular reports of the Secretariat's activities.

#### ***CHARTER ARTICLE 10***

The whole Church, at both the diocesan/eparchial and national levels, must be engaged in maintaining safe environments in the Church for children and young people.

The Committee on the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Secretariat of Child and Youth Protection on the implementation of this Charter in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.

The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines developed by the Board in consultation with the Committee on the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

The Board will offer its advice as it collaborates with the Committee on the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. For example, the Board will continue to monitor the recommendations derived from the Causes and Context study. The Board and Committee on the Protection of Children and Young People will meet jointly every year.

The Board will review the work of the Secretariat of Child and Youth Protection and make recommendations to the Executive Director. It will assist the Executive Director in the development of resources for dioceses.

#### ***CHARTER ARTICLE 11***

The President of the Conference is to inform the Holy See of this revised Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the Charter.

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**CHARTER ARTICLE 12**

**Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for minors, parents, ministers, employees, volunteers, and others about ways to sustain and foster a safe environment for minors. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons with regard to their contact with minors.**

*Safe Environment Programs*

- The safe environment program manager oversees the implementation of a safe environment program in all parishes and schools. All clergy, paid personnel, and volunteers who have contact with minors must undergo mandatory safe environment education and awareness training to recognize the dynamics of both childhood sexual abuse and other forms of abuse, along with reporting responsibilities. A grade level abuse prevention and personal safety curriculum for kindergarten through twelfth grade is required to be taught each year in all Catholic Schools and religious education programs. The authorized curriculum for the grade level program is provided by the diocesan safe environment program manager.
- The diocese follows a same environment certification program that includes education and awareness training on identifying grooming behavior, recognizing signs of abuse or neglect in children or youth, and the mandatory reporting of abuse and neglect. If significant changes are made to the diocese's training materials, updated training will be provided to all diocesan employees within a reasonable time after these changes are adopted. The diocese will provide to the diocesan review board on an annual basis a copy of all training materials currently in use.
- All priests and deacons, as well as diocesan, parish and school staff, and all volunteers who have contact with minors are required to obtain and keep current their safe environment certification. Renewal of the safe environment certification for all clergy, employees and all volunteers who have contact with children is required every five years. Failure to comply with this policy shall be grounds for discipline including, but not limited to, termination of the employee or volunteer from the diocese or diocesan-related entity. All education materials are available to the entire faith community and are available in both English and Spanish.
- Religious education directors and youth ministry directors are included in programs to ensure they are as informed as school principals with regard to recognizing child sexual abuse and other forms of abuse.
- All clergy and school personnel must complete the monthly VIRTUS bulletins made known to them via e-mail.
- Each parish/school shall maintain a database of all staff and volunteers with the dates of: each person's criminal background check; the acceptance of the terms of the Code of Conduct; and participation in a Protecting God's Children training.

- All mandated reporters, as defined in applicable statutes, at the diocese shall receive specific training regarding reporting obligations every five (5) years and within thirty (30) days of retention if newly hired. The diocese will provide a copy of all mandatory reporter training materials currently in use to the Diocesan Review Board annually.
- While working with children and young adults, volunteers under the age of 18 should be paired with an adult or another teen and be regularly supervised by an adult. Volunteers aged 16 to 17 who wish to complete the safe environment online training are required to have parental permission.
- Contractors or personnel provided by public school districts cannot be required to complete Protecting God’s Children training. However, such contractors or personnel are required to complete criminal background checks in the event the contractors or personnel will have contact with children attending the school. Proof of the background check shall be submitted by the contractor or the employees working in facilities where children or youth are present.
- The diocese shall continue to provide the following: information to parishes and schools regarding the prevention of abuse; training to identify signs of abuse; statements that the abused are not at fault; encouragement to those who are abused to report the abuse to the proper authorities.

### **CHARTER ARTICLE 13**

**The diocesan/eparchial bishop is to evaluate the background of all incardinated priests and deacons. When a priest or deacon, not incardinated in the diocese/eparchy, is to engage in ministry in the diocese/eparchy, regardless of the length of time, the evaluation of his background may be satisfied through a written attestation of suitability for ministry supplied by his proper ordinary/major superior to the diocese/eparchy. Dioceses/eparchies are to evaluate the background of all their respective diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. Each diocese/eparchy is to determine the application/renewal of background checks according to local practice. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (see USCCB, *Program of Priestly Formation* [Fifth Edition], 2006, no. 39<sup>4</sup> and the *National Directory for the Formation, Ministry and Life of Permanent Deacons in the United States*, n.178 j).**

#### *Visiting Clergy and Background Checks*

- Whenever clergy from another diocese/eparchy or religious community wishes to engage in ministry or reside in the diocese, the proper authority of the visiting cleric will submit a letter of suitability confirming that the cleric has not violated the *Charter* and has nothing in his background or service that might raise questions about his fitness for ministry; such a letter is to be provided before any assignment is given or ministry undertaken within the diocese. In the case that the cleric’s history includes any allegation or indication of sexual impropriety, the diocesan review board shall be consulted prior to the acceptance of the cleric in the diocese.

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<sup>4</sup> Since the 2018 version of the *Charter*, a sixth edition of the *Program of Priestly Formation (PPF)* has been issued. While not identical, the text of *PPF*<sup>5</sup> 39 is largely the same as that of *PPF*<sup>6</sup> 56.



- All church and school personnel undergo criminal background checks as a condition of their employment at a parish or school of their engagement in special ministry. Such checks are to occur on a regular five-year cycle.
  - Diocesan clergy have background checks conducted prior to ordination and on a five-year cycle thereafter.
  - All volunteers who have contact are required to submit to a background check as part of the safe environment certification process and on a regular five-year cycle thereafter.
  - In the event that an individual has a criminal conviction of a felony or an offense defined as a crime pursuant to Minnesota Statute § 624.712, subd.5, he or she will be disqualified from serving as an employee or volunteer for the diocese.
  - Background checks are also required prior to acceptance into a formation program conducted within the diocese, whether at Immaculate Heart of Mary Seminary or in the diocesan permanent diaconate formation program; acceptance into such programs also requires in-depth personal interviews and psychological assessments to insure suitability for aspirants to Orders.

#### **CHARTER ARTICLE 14**

**Transfers of all priests and deacons who have committed an act of sexual abuse against a minor for residence, including retirement, shall be in accord with Norm 12 of the Essential Norms (see *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, adopted by the USCCB, the Conference of Major Superiors of Men [CMSM], the Leadership Conference of Women Religious [LCWR], and the Council of Major Superiors of Women Religious [CMSWR] in 1993).**

#### *Clerics with Allegations against Them*

- The diocese shall not recommend or otherwise place any member of the clergy into a position in active ministry if such person (i) has a credible claim of sexual abuse pending against him; (ii) had a previous, credible claim of sexual abuse or misconduct asserted against him; or (iii) is otherwise reasonably unsuitable for active ministry due to accusations of or acts of sexual misconduct of any kind, including but not limited to the pursuing of or engaging in any form of sexual or sexualizing activity with a minor.
- The diocese shall not recommend or otherwise place any layperson and shall direct its clergy not to recommend or otherwise place any layperson into any position or role that provides such layperson with access to minors if such layperson: (i) has a credible claim of sexual abuse pending against him or her; (ii) had a previous, credible claim of sexual abuse or misconduct asserted against him or her; or (iii) is otherwise reasonably unsuitable for the position at issue due to accusations of sexual misconduct of any kind, including but not limited to the pursuing of, or engaging in any form of sexual or sexualizing activity with a minor.
- The diocese shall disclose any accusation of sexual abuse of a minor to any diocese, Catholic entity or secular employer who inquires about the existence of any accusation of sexual abuse of a minor with regard to a past or present diocesan clergy member to the extent that communication is allowed by federal and state law. The diocese shall also disclose the status or resolution of that claim as reflected in its records as allowed by

federal and state law. This policy does not apply to ministerial assignments within the diocese.

- To the maximum extent permitted by applicable federal and state civil law, and notwithstanding any provision of canon law to the contrary, the diocese shall disclose any and all accusations of sexual abuse of a minor involving members of its clergy or former members of its clergy to any potential employer who inquires about the existence of such accusations. The diocese shall also disclose the status or resolution of any and all related claims as reflected in its records to the maximum extent permitted by federal and state civil law. This policy does not apply to ministerial assignments within the diocese.
- Should the diocese receive a priest or deacon from outside its jurisdiction who has been accused of or has admitted to having committed an act of sexual abuse of a minor, all necessary information regarding said past act of sexual abuse of a minor will be obtained.
  - Before such a diocesan/eparchial priest or deacon can be transferred for residence to the Diocese of Winona-Rochester, his diocesan/eparchial bishop shall forward in a confidential manner to the bishop of Winona-Rochester any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.
  - If the cleric is a member of an institute or a society, the major superior shall share with the bishop of Winona-Rochester all information concerning any act of sexual abuse of a minor and any other information indicating that the cleric in question has been or may be a danger to children or young people, while respecting the limitations of confidentiality provided by canon and civil law.
  - Such disclosures will assist the bishop in ensuring that suitable safeguards are in place for the protection of children and young people should he accept the cleric for residence in the diocese.
  - In the case that such a cleric may be transferred from the Diocese of Winona-Rochester for residence in another territory, the bishop of Winona-Rochester will share all pertinent information with the competent authority of the territory in question, following the same procedures and for the same purpose enunciated above.
  - This communication will be done with due recognition of the legitimate authority of the bishop(s)/eparch(s); of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

***CHARTER ARTICLE 15. To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee on the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to 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.***

### *Religious Communities*

- The major superior of any religious order cleric serving in the diocese is to provide a document attesting to that cleric's fitness for ministry.
- A copy of a religious community's policy on response to sexual abuse must be on file with the diocese prior to its members engaging in ministry within the diocese.
- The superior of each religious community must provide the diocese with written documentation of any allegations that may have been made against individual members seeking to serve within the diocese, along with attestation that no credible allegations exist against any individual seeking to minister within the diocese. The diocese reserves the right to ban any individual of a religious community who seeks to minister within the diocese.
- If the diocese receives a report of allegations of sexual abuse by any member of a religious community ministering within the diocese, the diocese will immediately report the incident to the district attorney and/or law enforcement and inform the religious superior.
- The bishop will continue regular meetings with major superiors of communities whose members reside and minister within the diocese.

***CHARTER 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.***

### *Research*

- The diocese pledges its continued cooperation with valid, scientific research such as institutional research, medical research, research conducted by colleges/universities, and research endorsed by the USCCB

***CHARTER ARTICLE 17. We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly and diaconal formation and their ongoing formation. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores dabo vobis, no. 50*, the *Program of Priestly Formation*, and the *Basic Plan for the Ongoing Formation of Priests*, as well as similar, appropriate programs for deacons based upon the criteria found in the *National Directory for the Formation, Ministry and Life of Permanent Deacons in the United States*. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.***

### *Initial and Ongoing Formation*

- Prior to admission to a program for initial formation for orders, an applicant must demonstrate his aptness for admission.

- He must provide a completed application form and letters of recommendation testifying to his character.
- He must authorize a criminal background check; should the background check reveal any instances of sexual offenses, he will be precluded from acceptance to a program of formation.
- He must also undergo a psychological evaluation by a licensed psychologist; should the evaluation manifest tendencies or behaviors that are sufficiently severe, whether criminal or non-criminal, the applicant will not be accepted. Thus, “any evidence of criminal or compulsive sexual activity or an inclination toward such activity disqualifies the applicant from admission” (*PPF*<sup>6</sup> 74).
- Once admitted to initial formation, he will receive safe environment training (if not already completed) and be expected to complete monthly VIRTUS® bulletins. Additionally, education and training on chastity, boundaries, prevention of abuse, and sexual integrity are included in the initial formation programs conducted within the diocese.
- Upon ordination, ongoing formation for clerics will continue to include education and training on chastity, boundaries, prevention of abuse, and sexual integrity.

### **Additional Policies**

#### *Use of diocesan computers and electronic devices, the screening of electronic devices, and the retention of documents and electronically stored information*

- The diocese shall maintain a record of electronic devices (e.g., computers, laptops, tablets, etc.) that are diocesan property and entrusted to the use of clergy, employees, or adult volunteers.
- When the diocese has reasonable cause to believe that a cleric, a diocesan employee, or volunteer has violated policies relating to electronic devices or their usage in a manner that involves sexual misconduct with a minor, the diocese shall secure the electronic device for evidentiary value.
- If the diocese learns of the existence of a computer or other electronic communications device that may have relevance to or possible evidentiary value in a law enforcement investigation of clergy sexual abuse of a minor, the safe environment director shall promptly notify the appropriate law enforcement agency having jurisdiction.
- The diocese shall develop a written policy regarding the handling of evidence, including computers or electronic devices, that relates to any internal diocesan safe environment investigation.
- The diocese will not destroy clergy files.
- Files are allowed to be maintained electronically.

#### *Whistleblower policy*

- The diocese subscribes to a whistleblower policy concerning the reporting of abuse, a copy of which is submitted to the diocesan review board annually for review and updating if necessary.

## Acknowledgment of receipt

I hereby acknowledge that I have read The Policies & Procedures Regarding Sexual Abuse of Minors by Priests, Deacons and Other Church Personnel (pp. 1 – 19), understand its meaning, and agree to conduct myself in accordance with these policies. I also acknowledge that I am fully aware of the consequences of any non-compliance. I further understand that this acknowledgment will be filed at the parish or institution in which I serve.

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Parish/Institution: \_\_\_\_\_

Pastor/Supervisor: \_\_\_\_\_