

The Roman Catholic Diocese of Syracuse

Child & Youth Protection Policy



Revised September 2018



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My dear friends:

The Diocese of Syracuse believes in the dignity of all people and places a special emphasis on the safety of our children, young people, and vulnerable adults. In this policy, I invite every parishioner of the Diocese of Syracuse, and all people of good will, to join me in promoting a culture of dignity and safety.

In 2002, the United States Conference of Catholic Bishops approved the *Charter for the Protection of Children and Young People*. The *Charter* includes guidelines for reconciliation, healing, accountability, and prevention of acts of sexual abuse for implementation in every diocese of the United States.

To employ the goals expressed in the *Charter*, the Diocese of Syracuse developed the *Child and Youth Protection Policy*. This policy is intended to assist with preventing, educating, and responding to allegations of child sexual abuse. Since 2003, the Diocese of Syracuse has required all clergy, all religious, all employees, including those who have no contact with children or youth, and all volunteers whose ministry or role places them in regular contact with children, youth and vulnerable adults, to undergo training to learn to recognize the signs of abuse and what to do if abuse is reported or suspected. Over 40,000 individuals have participated in this process.

The Diocese of Syracuse remains steadfast in its commitment to safeguard children, young people and vulnerable adults and its ongoing cooperation with law enforcement. I encourage all to take every appropriate step to create and maintain a safe environment and remain vigilant in keeping the Church an institution that is safe.

Most Rev. Robert J. Cunningham
Bishop of Syracuse

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Introduction: The Purpose of this Policy and its Programs

All children, young people, and vulnerable adults have the right to be safe and protected from harm in all environments - home, school, religious institutions, neighborhoods, and communities. The Diocese of Syracuse embraces this right to safety and promotes the protection of children, young people, and vulnerable adults. It will continue to take steps to create a safe environment and to prevent the sexual abuse of children, young people, and vulnerable adults. The Diocese of Syracuse expects full cooperation with this policy.

This child and youth protection policy builds on a history of policies issued by the Diocese of Syracuse. It is responsive to our concern for children, young people, and vulnerable adults and to the guidance set forth in the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* approved by the full body of U.S. Catholic bishops at its November 2002 General Meeting, with revisions approved at its June 2005 and June 2011 General Meetings.

With renewed faith, we recommit ourselves to the goals of this policy:

- a. To provide a safe environment for each child, young person, and vulnerable adult.
- b. To reiterate and strengthen educational and screening procedures focusing on preventing child abuse by clergy, religious, employees and volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults.
- c. To address the spiritual, physical and emotional care of the abused child or the adult survivor of child abuse and the family as well as the affected Catholic community.
- d. To address the spiritual, physical and emotional care of the individual against whom the charge was made.
- e. To respect the requirements of civil and canon law.

Section 1: Education: Youth Protection Training

Principle

The Diocese of Syracuse is committed to preventing child sexual abuse before it occurs and responding when it has occurred or is alleged. By raising the awareness and understanding of abuse issues among clergy, religious, employees, and volunteers who work regularly with children, young people, and vulnerable adults under the care of the Diocese and by increasing their knowledge and ability to deal effectively with child sexual abuse issues once they arise, risks to child safety and wellbeing can be reduced. Also, by educating children and young people on how to be safe and stay safe, the Diocese seeks to enhance the ability of children and young people to protect themselves and encourage an environment that allows them to communicate any potential endangerment or abuse.

1.1 Educational Programs to be Offered

The diocese shall provide educational programs as determined by the Diocesan Safe Environment Committee that:

- a. Are intended to teach participants to prevent, recognize and appropriately report child abuse.
- b. May include seminars, workshops and meetings, online or written materials and lesson plans.
- c. Are available at the local and diocesan organizational levels.

1.2 Persons and Situations Where Attendance at the Educational Program is Required

The following diocesan personnel shall participate in an ongoing education program (approved by the Diocesan Safe Environment Committee) on child sexual abuse:

- a. All clergy, religious, and employees;
- b. All volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults; and
- c. Any other person(s) directed by the Diocesan Bishop to attend the training.

All persons required to attend the education program, as set forth above will be provided with a copy of this policy, and sign an acknowledgment of his or her receipt of this policy.

1.3 Educational Curriculum

The basic curriculum is for all clergy, religious, employees, and volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults as well as those parents and other adults who respond to our invitation to participate in safe environment training. These sessions may include, but are not limited to, the following subjects:

- a. Appropriate boundaries and established prohibitions in ministry to children, young people, and vulnerable adults.
- b. Signs and symptoms of sexual abuse in children, young people, and vulnerable adults.
- c. Laws and diocesan policies relating to child sexual abuse allegations, including reporting.
- d. Policies and procedures to prevent child sexual abuse by clergy, religious, employees, or volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults.
- e. Policies and procedures to prevent child sexual abuse on any diocesan-owned property or at diocesan-sponsored events and activities.
- f. Policies and procedures to respond to disclosure and allegations of child sexual abuse.

Clergy and religious may also receive additional education on a periodic basis.

Parents and other adults including members of the community, who are only indirectly involved in providing care, will be invited and encouraged to attend training that includes the core curriculum above and the following subjects:

- a. Conversations between parents and children, young people, and vulnerable adults regarding personal safety.
- b. Strategies for protecting children, young people, and vulnerable adults from potential sexual abuse.

Clergy, principals, and directors shall provide to children, young people, and vulnerable adults involved in the ministries of the diocese, opportunities to attend awareness and prevention sessions.

1.4 Deadlines for Completing Training

Parish and diocesan employees, including those who have no contact with children; and all volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults shall complete the appropriate preventive education programs no later than sixty (60) days following the assumption of their duties.

Clergy, principals, and directors will ensure that all those required to receive training under this policy do so within the requisite period or are removed from non-monitored contact with children, young people, or vulnerable adults until the completion of the required training program. Parishes, schools, and agencies will maintain lists of those who have completed the training requirement. The Director of the Safe Environment Program will provide written indication of completed training to all diocesan sites.

1.5 Availability of Training

Training shall be available at both local and diocesan organizational levels. All parish and diocesan employees, including those who have no contact with children; and all volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults may attend a regularly scheduled training session in the parish, diocese, religious community/institute or organization.

1.6 Educational Programs for Students in Parochial Schools, Faith Formation Programs, Youth Ministry and Camp Staffs

The Superintendent of Schools will ensure that age-appropriate abuse prevention education programs are available at both the elementary (K-6th grade) and middle/secondary (7th-12th grade) levels. Such programs shall be provided annually to children and young people in all grades of every Diocesan Catholic school. The Diocesan Director of Faith Formation will provide oversight for the Faith Formation program component to children and young people participating in Faith Formation programs.

Diocesan Catholic Charities Programs, Camp Directors, and Youth Ministers will assure that age-appropriate Youth Protection education programs will be made available to employees or volunteer staff under the age of 18.

1.7 Internal Program Records

The following records will be maintained at the Diocesan Chancery:

- a. The number of training courses offered by Safe Environment facilitators and the names of those who attended the training.
- b. The number of persons attending training courses by category.

Section 2: Applications and Background Checks

Principle

The Diocese of Syracuse recognizes that criminal history record checks are an element in ensuring the safety of children, young people, and vulnerable adults and protecting them from inappropriate actions or behaviors of others.

2.1 Completion of Clearance Requirements

Clergy, principals, or directors will ensure that all employees as well as all volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults in the parish, school or agency have submitted the appropriate Application for Employment or Volunteer Services and have submitted a completed authorization form to provide for a Criminal History Record Check. This authorization shall comply with the requirements, if any, of the Fair Credit Reporting Act (FCRA).

Employees and volunteers who have provided all necessary clearance information and are awaiting the return of a Criminal History Record Check may be granted, in writing, provisional status by the Chair of the Safe Environment Committee, his/her designee, Diocesan Human Resources Director, or the Superintendent of Catholic Schools. Such individuals shall be appropriately monitored and not left unattended in the presence of children, young people, and vulnerable adults until clearances are received and approved by the Chair of the Safe Environment Committee or his/her designee.

2.2 Privacy Protections in Background Checks

The Chair of the Safe Environment Committee and the Director of the Safe Environment Program will review all adverse criminal background check results.

- a. The Director of the Safe Environment Program or his /her designee will supply either the appropriate clergy, principal, or director with a written list of those who have been approved to engage in employment or ministry.
- b. The Director of the Safe Environment Program or his/her designee will use the following procedure in the event of an adverse report about an individual.

- c. The screening agency, the Director of the Safe Environment Program or his/her designee will notify the individual who received an adverse report.
- d. The individual receiving an adverse report will have the opportunity to clarify his/her record in this regard using the techniques provided by the screening agency.
- e. If the adverse finding in the criminal background check is upheld, the applicant may choose to withdraw their application or they may ask that their application be reviewed consistent with the criteria set forth in Appendix F. This review will be facilitated by the Director of the Safe Environment Program, the ministry or area supervisor, and the Diocesan Assistance Coordinator with due regard for confidentiality.
- f. The Director of the Safe Environment Program shall securely and separately maintain criminal History Record Checks with access limited according to legal principles of confidentiality.
- g. All applicable state and federal laws will be enforced regarding privacy protection in criminal privacy protection in criminal history record checks.

2.3 Applicants for Employment and Volunteer Service

All applicants for employed or volunteer positions shall complete and return for review an appropriate diocesan application before any employment or acceptance for volunteer service.

The waiver permitting the background check is a standard part of the employment and volunteer applications of the diocese. Employment or acceptance is contingent upon a satisfactory Criminal History Record Check, and a background check consistent with this policy.

2.4 Persons Subject to Criminal History Check

Current employees, and those volunteers of any Diocesan parish, school, department, agency, corporation or institution whose ministry or role places them in regular contact with children, young people, or vulnerable adults, shall complete and return to the Director of the Safe Environment Program or his/her designee an authorization for a Criminal History Record Check. Also, other entities insured by the Roman Catholic Diocese of Syracuse Self-Insured Program, or other insured entity, shall complete and have returned to the Director of the Safe Environment Program his/her designee authorization for Criminal History Record Check.

2.5 Inter-diocesan reciprocity for clearance and training

Persons from other dioceses who have completed Safe Environment training and have undergone a criminal background check that is substantially similar to that required by the Diocese of Syracuse may be allowed to provide proof of same to the Director of the Safe Environment Program or his/her designee for consideration to be registered to work with children, young people, and/or vulnerable adults in the Diocese of Syracuse.

2.6 Authority of Diocesan Bishop

The Diocesan Bishop has the authority to designate additional Diocesan personnel or volunteers who shall be required to complete and return the Diocesan Application for Employment or Volunteer Services and submit to a completed Criminal History Record Check.

All employees and volunteers serve at the discretion of the Ordinary.

2.7 Updating Clearance Information

All clergy; all members of religious orders; all parish and diocesan employees, including those who have no contact with children; and all volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults will be required periodically to complete re-credentialing and return to the Chair of the Director of the Safe Environment Program, his/her designee or the Diocesan Personnel Office an updated authorization for Criminal History Record Check.

2.8 Religious ministering in the Diocese

It is the responsibility of the Vicar for Priests, Director of the Permanent Diaconate, Director of Seminarians and the Vicar for Religious to ensure that all priests, deacons, religious and seminarians in their constituencies, have completed the appropriate applications and criminal background checks before beginning their work.

2.9 Religious Communities

Superiors of religious communities proposing names of individual religious for ministry or residence in the diocese, or requesting parochial faculties, are required to state clearly, in writing, to the Vicar for Priests, the Vicar for Religious, or the Chair of the Safe Environment Committee, whichever is applicable, that there is no history which would render any such individual unsuitable to work or have contact with children, young people, or vulnerable adults. The letter from the religious superior must state in writing that he/she has reviewed both the employment record and the Criminal History Record of the individual proposed. The letter is especially pertinent in cases where an individual does not have a social security number that would enable a Criminal History Records Check.

Additionally, all such religious communities are expected to abide by applicable Diocesan policies and procedures as outlined in this policy should allegations of sexual misconduct with children, young people, or vulnerable adults be made against an individual religious while serving in a Diocesan parish, school or any other diocesan facility.

2.10 Clergy and Seminarians from Other Dioceses

Bishops of diocesan priests, deacons, and seminarians from other dioceses ministering or residing in any Diocesan parish or institution, or requesting faculties in the Diocese, are required to present written evidence of a current criminal background check satisfactory to the Diocesan Bishop or his designee. Clergy and seminarians from other dioceses and religious communities are required to adhere to the policies and procedures outlined in this document and the guidelines for transfers outlined in the *Essential Norms*.

Clergy visiting or temporarily residing in the diocese are expected to carry with them a *celebrity* from their home diocese or religious order.

2.11 Applicants for Priesthood or Permanent Diaconate in the Diocese of Syracuse

Individuals applying for the priesthood or the Permanent Diaconate, as well as priests seeking incardination, shall be required to complete the Diocesan Application for admission to training, receive psychological testing, and submit to a Criminal History Record check.

2.12 Provisional Status for Clergy or Religious

Persons who have completed background checks but are awaiting the return of the Criminal History Record Checks will be appropriately monitored and not left unattended in the presence of children, young people, or vulnerable adults until all required written reports are received and approved by the Vicar for Priests, Vicar for Religious, or the Director of the Safe Environment Program.

2.13 Waivers of Comprehensive Clearance Information

The Director of the Safe Environment Program, with the appropriate Vicar, or the Chancellor may, in writing, exempt clergy, religious, or others whose infirmity or situation is deemed by them to assure safety to children, young people, and vulnerable adults.

Section 3: Civil Reporting Requirements

Principle

The Diocese of Syracuse recognizes that the protection of children, young people, and vulnerable adults is a responsibility shared by the entire community, including the diocese, parish, parents, teachers, healthcare professionals, public safety officials, public and private social services agencies and the general public. The Diocese is committed to working with civil authorities to protect children, young people, and vulnerable adults and to report alleged incidents of abuse consistent with this policy.

3.1 Who Must Report?

Any clergy, religious, employee or volunteer, including those who do not work or volunteer with children, young people, or vulnerable adults, who has reason to believe or suspects that any child, young person, or vulnerable adult has been the victim of physical abuse, sexual abuse, sexual assault or neglect shall make a report to the appropriate civil authorities, identified in Section 3.3, and to the Diocesan Assistance Coordinator, identified in Section 4.

3.2 What Must Be Reported?

The following must be reported to civil authorities:

- a. Any suspected physical abuse, sexual abuse, sexual assault or neglect of a child, young person, or vulnerable adult shall be reported as soon as possible, regardless of where the incident occurred or by whom it was committed.
- b. Past incidents of sexual abuse that are alleged to have occurred when a victim was a minor, even if the victim is now an adult.

3.3 To Whom Should Reports Be Made?

- a. If it is believed that a child, young person, or vulnerable adult is in imminent danger, the individual should immediately contact the civil authorities by calling 911.
- b. Mandated Reporters who suspect reportable abuse of a child should contact the State Child Abuse Hotline at 1-800-635-1522, as required by law.
- c. In all other instances, to report known or suspected neglect or abuse of a minor (under the age of 18), call the New York State Hotline at 1-800-342-3720.
- d. To report known or suspected neglect or abuse of a vulnerable adult, call the Vulnerable Persons Central Registry Hotline at 1-800-373-2122.

- e. In every instance, after the civil authorities have been informed, the individual should notify the Diocesan Victim Assistance Coordinator to ensure cooperation with civil authorities and compliance with internal diocesan policies.

3.4 What Specific Information Should Be Reported?

The person making a report should provide as much information as possible. He/she should not investigate to obtain more information than is readily available. It is the responsibility of the civil authority to ascertain whether an investigation is warranted.

The following information should be reported to the extent it is known:

- a. Name, address, and age of the child.
- b. Name and address of the child's parent, guardian or caretaker.
- c. Whereabouts of the child.
- d. Nature and extent of the alleged maltreatment and any history of injury possible occurring from abuse or neglect.
- e. Name, address and whereabouts of the person or persons suspected of perpetrating the abuse or neglect, if known.
- f. Any other information, which might help to determine the cause of the suspected abuse or neglect or the identity of the person responsible.

Section 4 Diocesan Reporting Requirements to Civil Authorities

Principle

The Diocese of Syracuse believes in the dignity of all children, young people, and vulnerable adults and reasserts its condemnation of child abuse. Originating from this belief, the Diocese of Syracuse entered into a Memorandum of Understanding with the elected District Attorneys of the seven (7) counties within the geographical jurisdiction of the Diocese. The purpose of this was to create and implement a consistent policy and reporting protocol about sexual misconduct and abuse of minors by all members of the clergy and religious under the auspices of the Syracuse Diocese. A copy of the Memorandum of Understanding can be found under Appendix C.

4.1 Reporting of Sexual Abuse of Minors by Clergy and Religious

Any clergy, religious, employee or volunteer, including those who do not work or volunteer with children, young people, or vulnerable adults who has reason to believe or suspects that any child, young adult and/or vulnerable person has been the victim of physical abuse, sexual abuse, sexual assault or neglect is requested to make a report to the Diocesan Assistance Coordinator (in addition to those listed in Section 3.3). This request is so that the Diocese may fulfill its reporting obligation to civil authorities as well as coordinate its internal process and assistance to victims.

As outlined in the Memorandum of Understanding, the Diocesan response to an allegation of abuse will consist of the following:

- a. Whenever an alleged complaint is received a Diocesan official that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, regardless of the age of the incident, the complainant will be strongly urged to report the complaint immediately and directly to the appropriate District Attorney's Office.
- b. When a Diocesan official has learned or has reason to suspect that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, the Diocese will immediately refer the matter to the appropriate District Attorney's Office for investigation, regardless of the age of the allegation or whether or not the clergy member or religious is active.
- c. If the Diocese has reason to suspect that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, it will make efforts to preserve any evidence of the incident and will coordinate with the District Attorney's Office with respect to the preservation and collection of that evidence.
- d. The Diocese shall not do its independent investigation of a complaint before reporting it to the District Attorney's office, other than a preliminary inquiry to establish that there is an allegation that consists of conduct that rises to a sexual offense. If there is a question as to the criminality, the Diocese shall consult with the appropriate District Attorney's Office.

- e. The Diocese, after notifying that District Attorney's Office, will take appropriate action about that member of the clergy or religious, as warranted, including removing the individual from his or her assignment, to ensure the safety of minors. However, once the District Attorney's Office has been notified, the diocese should coordinate with the District Attorney to ensure that any criminal investigation is not compromised. To that end, the District Attorney's Office must also recognize the obligation of the diocese to take appropriate action about a member of the clergy or religious, who is under the auspices of the diocese, accused of abuse, within certain time constraints prescribed by the norms of the universal Church.

4.2 Reporting of Sexual Abuse of Minors by Lay Church Personnel

In the case of allegations against lay Church personnel (employees or volunteers), the diocese will strictly adhere to all applicable Church and civil law, including the Memorandum of Understanding, as well as to all applicable employment and workplace policies, procedures, and contracts, in the reporting, investigation and management of such allegations.

Section 5 Internal Diocesan Response to an Allegation

Principle

The Diocese of Syracuse will take necessary precautions to ensure that children, young people, and vulnerable adults are safe and protected from harm. Despite such preventative measures, allegations of suspected abuse may occur. When allegations of suspected abuse are made against any party, the Diocese will consider the rights and interest of all parties and adhere to procedures that: (1) minimize the potential for further injury, (2) maximize the potential for a speedy and just resolution and (3) remain responsive to the tenets of canon and civil laws

A. Allegations Against Lay Employees or Volunteers

5.1 Reporting and Outreach for an Allegation Against a Lay Employee or Volunteer

After the appropriate notice is given under Sections 3 and 4, the next step in the reporting procedure is to contact the Diocesan Victim Assistance Coordinator. He or she will then coordinate the Diocesan internal process and take appropriate actions. In response to an allegation of child abuse by an employee or volunteer:

- a. Civil and internal reporting requirements will be followed (see Sections 3 and 4)
- b. The Diocesan Assistance Coordinator will:
 1. Contact the alleged victim or, in the case of a child, the family of the alleged victim and offer spiritual care and support consistent with established Diocesan policy; and
 2. Function in a strictly pastoral nature without regard to the truth of any accusation or the circumstances surrounding the alleged incident.

5.2 Outreach to the Accused Lay Employee or Volunteer

After the civil authorities have been informed and consulted as provided for in Sections 3 and 4 when an allegation is made against a lay employee or volunteer, the individual against whom an allegation has been made will be informed of the following:

- a. the general nature of the allegation(s);
- b. That he/she is being placed on administrative leave pending further information, following Diocesan employment policies (this is done in consultation with the Office of Human Resources);
- c. That the Diocese will cooperate with the civil authorities in their investigation, and that he/she is expected to cooperate with the civil authorities as well;
- d. That the Diocese does not provide legal counsel to nor assist in the expense of legal counsel for individuals against whom an allegation is made;

- e. That he/she is to remain away from the school, agency, parish church, worship services or other location(s) which are the subject matter of the complaint until a resolution of the complaint is concluded; and
- f. That he/she is not to contact or attempt to contact the alleged victim or the victim's family.

The information shared with the accused shall be limited to that which is sufficient to enable him/her to respond to the allegation. Under no circumstances is information to be shared that can compromise the civil investigation of the allegation of harm.

5.3 Determination of Employment or Volunteer Status

If a lay employee or volunteer admits guilt, does not contest guilt or there is a finding of guilty in criminal court or liability in civil court:

- a. He or she will be terminated immediately.
- b. The Director of Human Resources and the Director of the Safe Environment Program will include this information as part of the employee's or volunteer's file and will take steps to ensure that the individual will not be employed by or permitted to volunteer for the Diocese of Syracuse in any capacity.

In all other circumstances, the Diocesan Bishop will consult with the pastor, principal or director to determine the most appropriate course of action, including whether or not to reinstate the employee or volunteer. In the case of a false allegation, appropriate assistance will be provided (*see* Section 8).

B. Allegations Against Clergy or Religious

5.4 Reporting and Outreach for an Allegation Against Clergy or Religious in Service to the Diocese

After the appropriate notice is given under Sections 3 and 4, the next step in the reporting procedure is to contact the Diocesan Victim Assistance Coordinator. He or she will then coordinate the Diocesan internal process and take appropriate actions. In response to an allegation of child abuse by a priest, deacon or religious under the auspices of the Diocese:

- a. Civil and internal reporting requirements will be followed (see Sections 3 and 4)
- b. The Diocesan Assistance Coordinator will:
 - 1. Contact the alleged victim or, in the case of a child, the family of the alleged victim and offer spiritual care and support consistent with established Diocesan policy; and
 - 2. Function in a strictly pastoral nature without regard to the truth of any accusation or the circumstances surrounding the alleged incident.

3. Immediately notify the Diocesan Bishop of the allegation.
4. Convene, on behalf of the Diocesan Bishop, the Review Board (see Section 6) when an allegation is made against a Diocesan priest or deacon. The Review Board does not convene when an allegation is made against a Diocesan priest or deacon who is deceased. However, the Review Board is notified of the allegation of a deceased priest or deacon on an informational basis.

5.5 Outreach to the Accused Clergy or Religious

It is intended that civil authorities shall have the first contact with the accused unless such procedure would put the alleged victim and others at risk. After civil authorities have been informed as outlined in Sections 3 and 4, the priest or deacon suspected of abuse will be:

- a. Called for an immediate meeting with the Diocesan Bishop, who will inform him or her of the allegation(s), unless, in consultation with civil authorities, it is decided otherwise;
- b. Informed that the Diocese of Syracuse will cooperate with the civil authorities in their investigation and that he/she is expected to cooperate with the civil authorities as well;
- c. Immediately placed on administrative leave if currently in ministry, to include leaving the parish, school, or diocesan property;
- d. Informed that the Diocese does not provide legal counsel to nor assist in the expense of legal counsel for individuals against whom an allegation is made;
- e. Provided with an explanation of the overall investigative process and specific Diocesan procedures for dealing with allegations of child abuse.

In response to credible allegations against a Diocesan priest or deacon, as determined by the Bishop after consultation with the Review Board (*see* Section 6), the Diocese will notify the Congregation for the Doctrine of Faith. The Congregation of the Doctrine of Faith will determine whether a church tribunal or the Congregation will adjudicate allegations.

A priest or deacon who admits guilt or eventually is found guilty following criminal proceedings will be permanently removed from ministry and not allowed to function or represent himself as a priest or deacon and may be laicized. Priests or deacons not found guilty may also be removed from ministry if the Diocesan Bishop deems it appropriate. These matters may be appealed by the Code of Canon Law.

5.6 Canon Law Investigative Steps for Diocesan Clergy

In no event shall internal investigations and processes interfere with civil investigations. All internal investigations will be undertaken in accord with the essential norms and canon law.

When an allegation of sexual abuse of a minor by a priest or deacon is received, after reporting to the civil authorities is completed (Section 4):

- a. An allegation will undergo a preliminary investigation by canon 1717 of the Code of Canon Law (1983). The Diocese shall convene the Review Board to perform its duties as outlined in Section 6.
- b. When there is sufficient notification that a sexual abuse of a minor has occurred, the Diocesan Bishop shall apply the precautionary measures mentioned in canon 1722—i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, prohibit public participation in the Most Holy Eucharist pending the outcome of the process, and notify the Congregation for the Doctrine of the Faith.
- c. If an act of child abuse by a priest or a deacon is admitted or is established at the conclusion of this process, the Diocesan Bishop will take the appropriate canonical action.

5.7 Persons Making an Allegation of Clergy Abuse

Following an allegation of child abuse, the Diocesan Assistance Coordinator shall ensure the person making the allegation is provided with:

- a. A timely response to, investigation of and resolution of the allegation of abuse under the circumstances presented;
- b. An explanation of the Diocese's overall process and specific procedures for dealing with allegations of child abuse, including its policy on reporting to civil authorities;
- c. An opportunity to provide written comments in the form of a sworn statement to the Review Board relevant to the nature of the allegations;
- d. The offering of counseling assistance to help the child/adult victim as warranted and consistent with established diocesan policy; and
- e. Information about the outcome of the investigation once it is concluded.

5.8 Accused Clergy

Following an allegation of child abuse, the Vicar General (for an allegation against clergy or religious) shall ensure the person accused is provided with:

- a. A timely response to, investigation of and resolution of the allegation of abuse;
- b. An explanation of the Diocese's overall process and specific procedures for dealing with allegations of child abuse, including its policy on reporting to civil authorities;
- c. An opportunity to provide written comments in the form of a sworn statement to the Review Board relevant to the nature of the allegations; and
- d. Information about the outcome of the investigation once it has been concluded.

Section 6 Diocesan Review Board and Safe Environment Program

Principle

The Diocese of Syracuse is dedicated to the protection of children, young people, and vulnerable adults and, in the case of an allegation of abuse, to a timely and just resolution that respects the rights of all individuals involved as well as the tenets of civil and canon law. To this end, the Diocese established and consults with bodies of expert advisors on matters related to child protection policies, procedures, monitoring and reporting, and the handling of allegations against clergy, employees, and volunteers.

6.1 Diocesan Review Board

In accordance with the *Charter for the Protection of Children and Young People*, the diocese has an established Review Board, a confidential, consultative body whose primary purpose is to assist the Diocesan Bishop in making a determination of a cleric's suitability for ministry upon receipt of an allegation of sexual abuse of a minor, young person, or vulnerable adult. The Board does not investigate the credibility of an allegation if the accused priest or religious is deceased as there is no action that can be taken regarding that cleric's suitability for continued ministry. The Review Board convenes following notification to the appropriate civil authority and after the diocese is advised that no further action will be taken by civil authorities.

The membership of the Diocesan Review Board includes:

- a. At least five persons of outstanding integrity and good judgment in full communion with the Church.
- b. A majority of laypersons who are not in the employ of the Diocese.
- c. At least one member who is an experienced and respected pastor of the Diocese.
- d. At least one member with particular expertise in the treatment of the sexual abuse of minors.
- e. Members shall serve upon written appointment by the Diocesan Bishop for five years, renewable for additional five-year terms. The Board shall meet at least annually and otherwise as needed.
- f. All matters discussed by and all information presented to the Board is maintained confidentially.

The functions of the Diocesan Review Board include:

- a. Assessing allegations of sexual abuse by minors, young people, and vulnerable adults by priests and deacons under the auspices of the diocese to advise the Diocesan Bishop on the credibility of the allegations and whether the allegations fall within the definition of sexual abuse, as defined in the Child and Youth Protection Policy.
- b. Advising the Diocesan Bishop in his determination of suitability for ministry on a case-specific basis.
- c. Evaluate the effectiveness and execution of training, criminal background screening and safe environment protocols as conducted by the diocesan Safe Environment Committee.

In every instance of an allegation of sexual abuse of a minor by a priest or deacon in ministry, the Diocesan Review Board will either:

- a. Determine that the allegation is credible and falls within the definition of sexual abuse as defined in the Child and Youth Protection Policy. The Review Board will, in that event, make a recommendation to the Bishop as to whether the person suspected of abuse will be relieved of or continued on leave from any ecclesiastical ministry or function; or
- b. Determine that the allegations either are not credible or do not meet the definition of sexual abuse as defined in the Child and Youth Protection Policy. Also, if the Diocesan Review Board nonetheless concludes that there remains reason(s) for concern, the Diocesan Bishop will determine the most appropriate course of action and the disposition of the accused.
- c. The deliberations of the Diocesan Review Board will be strictly confidential and no detailed minutes will be taken or maintained.

The Diocesan Bishops will forward all credible allegations to the Congregation for the Doctrine of the Faith, which will, in turn, refer cases to a church tribunal or retain the case and determine the future of the accused.

6.2 Safe Environment Committee

In accord with the Charter for the Protection of Children and Young People, each diocesan entity is to provide for youth protection, training, criminal background screening and safe environment protocols. In the Diocese of Syracuse, the Safe Environment Committee, and its Director have been appointed by the Diocesan Bishop to research, recommend, and implement a program by which the Diocese of Syracuse will comply with these mandates.

The Bishop has appointed officials of diocesan departments as members of this ex-officio group. The Diocesan Bishop, in consultation with the Diocesan Review Board, supervises the work of the Safe Environment Committee.

Section 7 Pastoral Care and Victim Assistance

Principle

The Diocese of Syracuse will offer pastoral care to individuals who have experienced sexual abuse by a member of the clergy in the past or present, the individual's immediate families, and the affected faith communities and will work to promote safe, healthy communities of faith.

7.1 Diocesan Assistance Coordinator

The Diocese has designated the Assistance Coordinator who receives notification of all allegations of child sexual abuse to promptly inform the alleged victim of his/her rights and obligations and to organize and direct timely and responsive pastoral care provided by the Diocese.

The Diocesan Assistance Coordinator will serve as the liaison for the alleged victim, explain Diocesan policies and reporting requirements assist the alleged victim in receiving pastoral care, and meet with the victims, their families, and the affected parish and faith communities.

7.2 Counseling Assistance for Victims and Their Families

Pastoral care is offered to persons who were minors or vulnerable adults and their families in the case of allegations of sexual abuse. The Diocesan Assistance Coordinator will facilitate assessment and reimbursement for counseling by licensed and competent counselors, who also have expertise in child sexual abuse, as mutually agreed upon by the individual receiving pastoral care or the victim's parent/guardian in the case of a minor child and the Diocese.

The reasonable cost of such assessment and counseling for the victim and, in certain cases family members, will be assumed by the Diocese provided that:

- a. A professional counselor makes an initial assessment that is acceptable to the diocese.
- b. The assessment contains recommendations for length of counseling, type of counseling, and measures of progress, prognosis, and treatment goals.
- c. The recommendations made in the assessment are by the standard of care practiced in the community.
- d. Treatment plans and goals are routinely submitted to the Victim Assistance Coordinator.
- e. Individuals are required to sign a release to facilitate communication between a provider and the Diocese.

Section 8

Diocesan Response to False Allegations

Principle

As well as recognizing the significant trauma experienced by abuse victims, the Diocese of Syracuse also recognizes the trauma and harm of false accusations. The Diocese will strive to minimize any personal or professional adverse consequences of unsupported allegations and to preserve the future ministry opportunities of persons falsely accused of child sexual abuse in accord with canon law.

8.1 Restoring the Good Name of Someone Falsely Accused

The Diocese will work with the falsely accused individual to restore his/her good name and reputation.

The Diocese will assist individuals wrongfully accused to address the consequences of accusations and to restore their effectiveness in their job duties and volunteer services.

Section 9 Diocesan Communications

Principle

The Diocese of Syracuse’s policies and procedures governing its internal and external communications should promote the development of cooperative, responsive and candid relationships. Within the confines of respect for the privacy of the individuals and policies involved, the Diocese will communicate openly with the members of the media, faith community and the general public regarding child sexual abuse and related issues.

Inquires may be directed to the Diocesan Director of Communications at 315-470-1476.

9.1 Active Communication of Child Sexual Abuse Issues

The Office of Communications will work with an affected parish, school or diocesan institution and appropriately collaborate with the media and broader diocesan community to disseminate information to increase the awareness and understanding of the prevention, identification, and treatment of child sexual abuse.

All communications shall occur within the confines of respect for the privacy and reputation of those involved, as well as any applicable canon and civil laws.

9.2 Responding to the Media

The Director of the Office of Communications is responsible for coordinating all media contacts and responses. All media inquiries made to schools, parishes, etc. should be referred to the office for guidance and coordination of relevant persons in the handling of media inquiries.

9.3 Communicating with Affected Communities

Recognizing the importance of supporting parishes and schools affected by misconduct involving minors, the director of the Office of Communications will coordinate with relevant offices and leadership to ensure parishioners and/or school families receive timely, factual and pastorally appropriate communication from the Diocese, school and/or parish.

Section 10 Internal Program Auditing

Principle:

The Diocese of Syracuse shall evaluate the effectiveness of its child protection efforts at regular intervals to determine whether it is meeting the needs of the Church, the faith community and the victims and their families effectively and responsively.

10.1 Annual Report

Each parish, school, and agency in the Diocese shall submit a letter of compliance to the Diocesan Safe Environment Committee to document their adherence to the Safe Environment requirements of the Diocese.

10.2 Review of Child Protection Policy

The Diocesan Child and Youth Protection Policy will be reviewed by the Diocesan Safe Environment Committee one year following the date of its enactment and annually after that. This review shall include (1) an assessment of the adequacy of the Diocesan reports and methods that have been implemented to measure progress and accountability and (2) recommendations for amended measures and methods of progress and accountability. The review will be presented to the Diocesan Bishop and the Diocesan Review Board. This policy may be modified from time to time by the Diocesan Bishop.

10.3 Policy Compliance

All clergy; members of religious orders; parish and diocesan employees, and volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults of the Diocese of Syracuse are expected to adhere to this policy. The Diocesan Personnel Policy shall clearly state that corrective actions will be taken and consequences will result from failure to adhere to the Child and Youth Protection Policy. Violations may result in removal from all leadership, professional and volunteer positions.

Allegations of violation of this policy will be reviewed in a manner to be determined by the Diocesan Bishop, the Chair of the Review Board, the Director of the Safe Environment Program, and the Diocesan Safe Environment Committee.

Existing personnel policies regarding Diocesan Sexual Harassment and Abuse remain in full force.

Section 11 Safe Environment Code of Conduct

This Code of Conduct establishes a set of general principles, ethical standards, and mandatory protocols for life and ministry by which that we must abide. However, this Code of Conduct does not presume to represent all situations that arise. Responsibility for adherence to this policy rests with each and it requires accountability from those who fail to abide by its terms.

It begins with our common agreement that **all** clergy, **all** religious, **all** employees, including those who have no contact with children or youth, and **all** volunteers whose ministry or role places them in regular contact with children, young people, or vulnerable adults will represent and practice the teachings of the Catholic faith in behavior, attire, and language. We must be committed to safeguarding, at all times, the well-being of those entrusted to our care by establishing and maintaining appropriate physical and emotional boundaries.

While **employed by** or **volunteering for any diocesan entity**, I am a representative of the Diocese of Syracuse, and therefore I agree to the following:

1. I will not engage a child, young person, or vulnerable adult sexually.
2. I will not possess, view or share any child pornography, including, but not limited to: printed material, photos or images by electronic conveyance, recordings, video/films, games, software, email, or social media, or other digital communication.

During my hours of **employment** or **volunteering for any diocesan entity**, I am a representative of the Diocese of Syracuse. I will maintain appropriate *boundaries* with children, young people, and vulnerable adults and therefore:

1. I will ensure my one-on-one contact with a child, young person, or vulnerable adult be conducted in a public area in the view of other qualified adults. (This does not apply to the confessional.)

* A “qualified adult” is defined as a person who is current in his/her Safe Environment training.

2. I understand I cannot be alone with any child(ren) or young person/people engaged in a diocesan, school, or agency activity without another qualified adult in the immediate area.
3. I will avoid being alone with a child, young person, or vulnerable adult in bathroom or shower facilities, locker rooms, or dressing rooms. Exceptions may be made in response to the health or safety of the child, young person, or vulnerable adult.
4. I will not drive a child, young person, or vulnerable adult by myself when transporting to/from diocesan related activities.

**** If you are affiliated with Catholic Charities, Faith Formation, Youth and Young Adult Ministry and Catholic Schools, refer to your supervisor for additional program-specific guidelines for the above statements (#2, #3, & #4).***

5. I will ensure that offices, classrooms, or other venues where I meet with children, young people, or vulnerable adults have visibility to a hallway or common area (i.e. a window or an open door) and are immediately accessible to other qualified adults.
6. I will not make any demeaning comments or jokes based on race, ethnicity, gender, age, sexual orientation, or physical appearance.
7. I will not use any language or discipline that ridicules, threatens, degrades, frightens, or humiliates including, but not limited to yelling, bullying, use of derogatory names, or intimidation.
8. I will not use any physical discipline, force, retaliation or correction including, but not limited to spanking, striking, shaking, pinching or slapping.
9. I will ensure that physical contact with children, young people, or vulnerable adults be public, appropriate, and non-sexual in nature.
10. I will not possess, use, or be under the influence of alcohol or illegal drugs.
11. I will not use tobacco products in the presence of children, young people, or vulnerable adults.
12. I understand that items designed as weapons or that have the appearance of weapons are strictly prohibited.
13. I will not present gifts to a child, young person or vulnerable adult that would not ordinarily be gifted to an entire group of children, young people, or vulnerable adults, excluding awards.
14. Individual gifts given to a child, young person or vulnerable adult must have prior written approval from the parent/guardian and the pastor/supervisor.
15. I will not photograph and/or film children, young people, or vulnerable adults at diocesan-related events for *personal* use or distribution.
16. I understand that all programs, groups, or activities must have prior approval of the administration of the parish, school, or agency.

Social Media

The primary purpose of social media and digital communication is to provide information related to a ministry, school or event. Note that social media/digital communication is **not confidential** and may be shared or reposted to others.

Social media/digital communication includes but is not limited to texting, email, photos or images, recordings, video/films, software, and social media apps.

1. I will not speak to or engage a child, young person or vulnerable adult in sexually explicit or suggestive language, comments or jokes including, but not limited to: printed material, photos or images by electronic conveyance, recordings, video/films, games, software, or social media, email or other digital communication.
2. I will not view or share any sexually explicit or suggestive material, including pornography, with a child, young person or vulnerable adult, including, but not limited to: printed material, photos or images by electronic conveyance, recordings, video/films, games, software, or social media, email or other digital communication.
3. Except for the delivery of ministry-related information for the program I am providing, I will not interact or communicate with unrelated children, young people, or vulnerable adults to/from a cell phone; via a telephone; or other forms of social media/digital communications.
4. My supervisor/pastor and the parent/guardian of the minor must be copied on all correspondence, including social media/digital communication.
5. I will not use messaging apps with children, young people, or vulnerable adults due to the inability to retain a record of communication.
6. I will not communicate with minors outside of the hours of 8am – 9pm except in the event of an emergency or the need to communicate time-sensitive materials.
7. I will not allow a child, young adult, or vulnerable adult use my personal electronic devices or to gain access to my personal social media or email accounts.

Reporting

I will ***immediately*** report any illegal activity by any individual (clergy, religious, diocesan/parish/agency employee or diocesan/parish/agency volunteer) to the appropriate local civil authority.

I will ***immediately*** report concerning, suspicious or unethical behavior(s) or communications by clergy, religious, diocesan/parish/agency employees or diocesan/parish/agency volunteers that is contrary to this Code of Conduct to my pastor/supervisor and the diocesan Office of Safe Environment at 315.470.1421 or at safeenvironment@syrdio.org.

I will cooperate with civil or diocesan investigations of an alleged incident.

Section 12 Reporting an Alleged Incident

While working or volunteering as a representative of the Diocese of Syracuse, it is your moral responsibility to protect children, young people, and vulnerable adults from physical abuse, sexual abuse, sexual assault, or neglect. The expectation is that you will report any disclosure or suspicion of physical abuse, sexual abuse, sexual assault, or neglect to the appropriate civil authorities.

If there is an immediate danger, call 911.

To report known or suspected neglect or abuse of a minor (under age 18), call the New York State Child Abuse Hotline: 1.800.342.3720.

To report known or suspected neglect or abuse of a *vulnerable adult*, call the Vulnerable Persons Central Register Hotline: 1.855.373.2122.

If 911 and/or the Child Abuse/Vulnerable Adult hotline has been called regarding present or past sexual abuse or sexual assault allegedly by any clergy, religious, diocesan/parish employee or volunteer, contact the Diocesan Victim Assistance Coordinator at 315.470.1465 who will initiate diocesan procedures.

How to Respond to a Disclosure

Listen

Listening is more important than talking.

Respond calmly; do not panic. Most disclosures are not emergencies.

Be patient; give your full attention to allowing them time to tell you what happened.

Do not interrupt or voice any opinions.

Response

Reassure them that it was right to tell you what happened. Say: "I am glad you told me" or "It was very brave of you to tell."

Do not promise to keep it secret. Do not make promises.

Explain that for them to be safe you will need to share their story with someone who can help. "I am going to talk to someone who can help us."

Report

The following general information is needed to begin an investigation.

**Do not ask for additional information other than what is listed below.*

- Who is the alleged victim (name, address, age, parent/guardian contact information)?
- Who is the alleged offender?
- What is the abusive or neglectful act?
 - Details are not necessary; only basic information of the abusive/neglectful act is needed.
- When did the abuse happen?
 - If this information is nonspecific or unavailable, call anyway.
- Where did the abuse happen?
 - If this information is nonspecific or unavailable, call anyway.

Other

You do not need to be 100% sure that abuse or neglect has occurred; you only need reasonable suspicion.

Keep confidential notes about the contacts and all verbal/written correspondence that transpired.

Do not confront the alleged offender.

Do not inform the parent(s)/guardian. It may jeopardize the investigation or may put the child, young person, or vulnerable adult at risk.

If assistance is needed in reporting to the authorities, speak to the pastor, supervisor or the Victim Assistance Coordinator at 315.470.1465. However, you do not need permission to make a report.

Section 13 Mandated Training Categories and Participants

Categories of those in ministry to children, young people, and vulnerable adults, mandated to take part in training:

Clergy: Bishops, priests, deacons, and seminarians.

Members of Religious Communities involved in parishes, schools, or agencies under the auspices of the diocese.

All Employees of the diocese or its parishes, departments or agencies.

Catholic Schools: Teachers and aides, principals, support staff, athletic personnel, maintenance/custodial staff and volunteers.

Catholic Charities: Staff and volunteers who serve youth, including professional counselors, and child or youth program leaders.

Athletic Personnel: School and parish, including athletic directors, cheerleading coaches, team coaches, team assistant coaches, and those who officially travel with teams and volunteers.

Parish Staff and Volunteers: Rectory staffs, parish secretaries, custodial, and maintenance personnel. Specialized Ministers who provide Faith Formation, Sacrament programs, liturgical and music ministries that involve youth. Also to be included are regular chaperones, those who provide transportation for youth, special events personnel, and food service personnel who have regular contact with children, young people, and vulnerable adults.

Catechetical Leaders: All levels from Pre-K to high school, including the programs of Sacrament preparation for First Penance, First Eucharist, and Confirmation. Special programs staff (i.e., Vacation Bible Study) and Faith Formation support staff are to be included.

Youth Ministry Programs: Youth Ministers (advisors, directors, and coordinators), staff who serve youth, personnel and volunteers supporting the Catholic Youth Organization (CYO) and other parish youth programs. Volunteer and professional leaders in any youth program sponsored by a parish.

Child Care Providers: All individuals involved in directly providing before or after school programs, daycare, childcare for parish events including nurseries offered during Mass.

Summer Youth Program Workers: Camp staff members and the staff volunteers of summer parish youth programs.

APPENDIX A: DEFINITIONS

Following are definitions used for this policy.

Accused

A person charged with or alleged to have committed an act of sexual abuse or a serious violation of this policy.

Administrative leave

Relieving an accused individual of his/her assigned duties pending further notice from the Diocesan Bishop.

Adult

A person who is 18 years of age or older.

Background Check

The verification of information provided on Application for Employment or Volunteer Service including verification of references, interview, and Criminal Records Check.

Celebret

A letter from a Roman Catholic bishop or religious superior testifying that the bearer is a member of the clergy in good standing and asking that he be permitted to celebrate mass in dioceses other than his own.

Chair of the Safe Environment Committee

That individual annual designated by the Diocesan Bishop to oversee the Safe Environment Program and Safe Environment Committee.

Child

Any person under the age of eighteen (18).¹

¹ A vulnerable individual over the age of seventeen (17) is also covered by this policy when such a person is unable or unlikely to report abuse without assistance because of impairment of physical or mental function or emotional status.

Child Abuse

Consists of any of the following:

- a. *Sexual abuse* includes any act or interaction whether it involves genital or physical contact, with or without consent which involves sexual contact, molestation or sexual exploitation of a child by a parent or any other person who has permanent or temporary care or custody or responsibility for supervision of a child,² whether physical injuries are sustained or not, to include:
 1. The intentional touching of the genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks of a child or of a perpetrator by a child for purposes of sexual arousal or gratification.
 2. Rape, sexual intercourse (vaginal or anal), oral/genital, oral/anal contact.
 3. The intentional touching and/or displaying of one's genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks in the presence and view of a child for purposes of sexual arousal or gratification.
 4. Permitting, causing, encouraging or assisting in the depiction of or posing for viewing by any person, either in person or by way of graphic means including digital or photographic image of the partially or fully unclothed body of a child, displaying intimate parts, in motion or not in motion, alone or with other persons, or the depiction of a child in apparent observation of sex acts by others in the child's presence.
 5. Displaying or distributing to a child any picture, photograph, book, pamphlet, digital image, moving or magazine the cover or content of which is principally made of descriptions or depictions of sex acts or contact, or which consists of pictures of nude or partially denuded figures posed or presented in a manner which the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest.
- b. *Physical abuse* includes any act which:
 1. Willfully causes or inflicts physical injury on a child or
 2. Willfully causes mental injury or psychological injury to a child by intentionally engendering fear of physical injury to that child.
 3. It is the policy of the Diocese of Syracuse that corporal punishment of a child is prohibited in all entities under the auspices of the Diocese of Syracuse.

² Includes all covered persons or any adult who has been given responsibility for temporary care or supervision of a child. The passing of responsibility may be by a parent, guardian or authorized person, regardless of duration, for a church or school related activity

4. Physical abuse does not include the appropriate physical restraint of a child who is attempting to injure another person or him/herself, or the appropriate physical direction of a child away from danger or the minimum restraint necessary to place a child in “time out” or other appropriate limitation of movement to promote the child’s regaining of safety and emotional control.

c. *Neglect* includes:

1. Abandonment of a child by a parent, custodian or guardian.
2. Lack of care by not providing appropriate and necessary food, shelter, clothing and education.
3. Not providing care or control in respect to physical or emotional health: the refusal or inability to discharge parental or custodial obligations; and expressions of intention by parent, guardian or institution to discontinue care.

Covered Persons

All clergy, religious, employees, and all volunteers of the diocese whose ministry or role places them in regular contact with children, young people, or vulnerable adults.

Credible Accusation

An allegation that, based upon the facts of the case, meets one or more of the following thresholds:

- a. Natural, reasonable, plausible and probable,
- b. Corroborated with other evidence or another source, or
- c. Acknowledged/admitted to by the accused.

In making this determination, consideration should be given to the trustworthiness of the source.

Criminal History Record Check

The providing of social security number, name, birthdate, and all recent addresses will be used to provide information on the existence of criminal arrest record.

Diocese

As used in this document indicates the diocesan office or office designated by the Diocesan Bishop.

Exempt Status

Priests, deacons, religious, lay volunteers and visitors to the Diocese of Syracuse who have temporary assignments and perform duties that are of limited duration and scope in both time and exposure to children, young people and vulnerable adults as approved by the Chair of the Safe Environment Committee.

Lay Volunteer

A person who provides without compensation an ongoing service or activity that is officially recognized as such by the Diocese of Syracuse and/or Diocesan personnel.

Mandated Reporters

Persons who under current state statute are obligated to report certain incidents of child sexual abuse, physical abuse, and neglect.

Minor

See Child.

Permanent or Temporary Care or Custody or Responsibility for Supervision of a Child

The passing of responsibility for temporary care or supervision of a child may be given by a parent, guardian or authorized person, regardless of duration, for a church or school-related activity.

Provisional Status

Employees and volunteers pending a complete review of background checks and Criminal History Record Checks can obtain “provisional status” from the Diocesan Safe Environment Committee.

Substantial contact

Contact with children in which the duration and scope in both time and exposure to children are neither trivial nor limited and may occur on a routine and/or ongoing basis. Substantial contact does not include persons who have an isolated or infrequent interaction with a child or children that are supervised/monitored by an authorized person. Any covered persons performing service or work in a school are considered to have substantial contact.

Volunteer

A person who provides without compensation an ongoing service or activity that is officially sanctioned by the Diocese of Syracuse and/or Diocesan personnel.

Vulnerable Adult

A person over the age of seventeen (17) who is unable or unlikely to report abuse without assistance because of impairment of physical or mental function or emotional status.

Young People

Young people are defined as persons ages 12-18 in junior high or high school.

APPENDIX B: PERSONS TO WHOM REPORTS ARE TO BE MADE

District Attorneys in the Diocese of Syracuse by County

BROOME COUNTY

Broome County District Attorney
George Harvey Justice Building, 4th Floor
45 Hawley Street P.O. Box 1766
Binghamton, New York 13902
Phone: (607) 778-2423
Fax: (607) 778-8870

CHENANGO COUNTY

Chenango County District Attorney
The Eaton Center
26 Conkey Avenue
Box 126, 2nd Floor
Norwich, New York 13815
Phone: (607) 337-1745
Fax: (607) 337-1746

CORTLAND COUNTY

Cortland County District Attorney
Cortland County Courthouse
46 Greenbush Street, Room 101
Cortland, New York 13045
Phone: (607) 753-5008

MADISON COUNTY

Madison County District Attorney
Veteran's Memorial Building
P.O. Box 578
Wampsville, New York 13163
Phone: (315) 366-2236
Fax: (315) 366-2503

ONEIDA COUNTY

Oneida County District Attorney
235 Elizabeth Street
Utica, New York 13501
Phone: (315) 798-5766
Fax: (315) 798-5582

ONONDAGA COUNTY

Onondaga County District Attorney
County of Onondaga County Criminal Courthouse, 4th Floor
505 South State Street
Syracuse, New York 13202
Phone: (315) 435-2470
Fax: (315) 435-3969

OSWEGO COUNTY

Oswego County District Attorney
Public Safety Center
39 Churchill Road
Oswego, New York 13126
Phone: (315) 349-3200
Fax: (315) 349-3212

APPENDIX C: MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT ATTORNEYS AND DIOCESE OF SYRACUSE

MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT ATTORNEY AND THE DIOCESE OF SYRACUSE RELATING TO THE REPORTING OF SEXUAL MISCONDUCT OF MINORS BY CLERGY AND RELIGIOUS

I. Introduction

- a.** This Memorandum of Understanding is a working agreement between the Roman Catholic Diocese of Syracuse and the elected District Attorneys of the seven (7) counties within the geographical jurisdiction of the Syracuse Diocese. The purpose of this document is to create and implement a consistent policy and reporting protocol with regard to sexual misconduct and abuse of minors by all members of the clergy and religious under the auspices of the Syracuse Diocese. The undersigned, hereby understand and agree to all terms and conditions contained in this document.

II. Terms and Conditions of Understanding

A. Sexual abuse of a minor is a crime. The age of consent in the State of New York is 17 years of age. Minors under the age of 17 cannot give consent. Whenever a complaint is received by a Diocesan official that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, regardless of the age of the incident, the complainant will be strongly urged to report the complaint immediately and directly to the appropriate District Attorney's Office.

B. When a Diocesan official has learned or has reason to suspect that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, the Diocese will immediately refer the matter to the appropriate District Attorney's Office for investigation, regardless of the age of the allegation or whether or not the clergy member or religious is active.

C. If the Diocese has reason to suspect that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor; it will make efforts to preserve any evidence of the incident and will coordinate with the District Attorney's Office with respect to the preservation and collection of that evidence.

D. The Diocese shall not do its own independent investigation of a complaint prior to reporting it to the District Attorney's office, other than a preliminary

inquiry to establish that there is an allegation that consists of conduct that rises to a sexual offense. If there is a question as to the criminality, the Diocese shall consult with the appropriate District Attorney's Office.

E. The Diocese, after notifying that District Attorney's Office, will take appropriate action with regard to that member of the clergy or religious, as warranted, including removing the individual from his or her assignment, to ensure the safety of minors. However, once the District Attorney's Office has been notified, the diocese should coordinate with the District Attorney to ensure that any criminal investigation is not compromised. To that end, the District Attorney's Office must also recognize the obligation of the diocese to take appropriate action with regard to a member of the clergy or religious, who is under the auspices of the diocese, accused of abuse, within certain time constraints prescribed by the norms of the universal Church.

**APPENDIX D: REPORT OF SUSPECTED ALLEGED CHILD SEXUAL ABUSE
TO DIOCESAN ASSISTANCE COORDINATOR**

You may submit a Report of Suspected Child Abuse in any of the following ways:

Mail the completed report in an envelope marked “confidential,” to

Roman Catholic Diocese of Syracuse
Diocesan Assistance Coordinator
240 E. Onondaga Street
Syracuse, New York 13202

Fax the report to:

(315) 478-4619

E-mail the report to assistancecoordinator@syrdio.org

A copy of the report form is located at Appendix E. To find an electronic copy of the report; please go to www.syrdio.org

Note: Please do not delay in submitting this report even if you cannot fully answer all questions. Additional information can be subsequently provided.

Any questions, please contact the Diocesan Assistance Coordinator at (315) 470-1465.

APPENDIX E: REPORT OF SUSPECTED CHILD ABUSE

Complaint of Abuse to the Diocese of Syracuse

What is your name, address and telephone number?

Name: _____

Address: _____

Phone: _____

What is your relationship to the person whom you believe to be the victim of abuse?

- Self
- Parent
- Grandparent
- Other relative
- Friend
- Other (Please specify: _____)

Tell us about the person whom you believe to be the victim of abuse:

Name: _____

Address: _____

Phone: _____

Age: _____ Date of Birth: _____

School: _____ (If applicable)

Parish: _____ (If applicable)

Tell us about the person whom you believe to be responsible for the abuse:

Name: _____

Position/Title: _____

Parish: _____ (If applicable)

Address: _____

Phone: _____

Tell us the date(s) of the incident(s) (approximate, if necessary):

Tell us the location of the incident(s) (approximate, if necessary):

Please describe the incident(s):

How do you know about this?

The Diocese of Syracuse will directly report this complaint to the appropriate District Attorney's Office. You have the right and are encouraged, to report this incident to the civil authorities, including the appropriate police agency and/or office of the District Attorney.

Have you reported this incident to any investigator or civil authority?

If so, to whom?

Is there any other information that you would like to provide? For example, would you like to meet with a representative of the Diocese to provide information that you would prefer not to provide in writing? If so, please provide any such request(s) or additional information here:

_____ Date: _____
(Your Signature)

(Print Name)

Please submit this form to Diocesan Victim Assistance Coordinator, Roman Catholic Diocese of Syracuse, 240 East Onondaga Street, Syracuse, New York 13202. You may call directly at (315) 470-1465 or e-mail: assistancecoordinator@syrдио.org. Thank you for providing this report. You will be contacted shortly by a representative of the Diocese of Syracuse.

APPENDIX F: PROCEDURAL QUESTIONS TO BE USED FOR ADVERSE FINDINGS IN A CRIMINAL BACKGROUND CHECK

As relates to the working with or supervising children, young people, and vulnerable adults.

- What are the specific duties and responsibilities (of the employment) sought by the applicant?
- What effect will the criminal offense for which the person was convicted to have on his/her ability to perform the duties of the applied position?
- The length of time that has elapsed since the conviction?
- What was the age of the person at the time of the offense?
- What, if any, information is produced by the person or on his/her behalf regarding his/her rehabilitation and good conduct?
- How does the information provided affect the employer's interest in protecting the safety and welfare of specific people or the general public and in protecting property?
- The recommendation of the Diocesan Safe Environment Committee

APPENDIX G: A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General.

Appendix H: HELPFUL WEBSITES

www.syrdio.org	Diocese of Syracuse
www.ocfs.state.ny.us	New York State Office of Children & Family Services
www.usccb.org	United States Conference of Catholic Bishops
www.gobroomecounty.com/da	Broome County District Attorney
www.co.chenango.ny.us/district-attorney	Chenango County District Attorney
www.cortland-co.org/239/district-attorneys-office	Cortland County District Attorney
www.madisoncounty.ny.gov/259/District-Attorney	Madison County District Attorney
www.ocgov.net/distatty	Oneida County District Attorney
www.ongovda.net/section/meet_the_da/	Onondaga County District Attorney
www.oswegocounty.com/da.shtml	Oswego County District Attorney

APPENDIX I: ACKNOWLEDGEMENTS

The Diocese of Syracuse expresses its gratitude to all those individuals who aided in the development and implementation of this *Child and Youth Protection Policy*.

The gratitude of the diocese is also given to the Archdiocese of Washington, DC and to the Diocesan Safe Environment Committee for their assistance and wisdom.

Roman Catholic Diocese of Syracuse
240 E. Onondaga St.
Syracuse, NY 13202
315.472.7203
www.syrdio.org

Office of Safe Environment
315.470.1421
safeenvironment@syrdio.org

Office of Victim Assistance
315.470.1465
assistancecoordinator@syrdio.org