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***Addendum* (03/03)**
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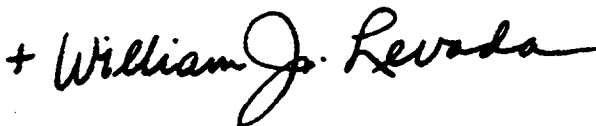
**ADDENDUM
TO
ARCHDIOCESE OF SAN FRANCISCO
POLICIES AND PROCEDURES
REGARDING CHILD ABUSE AND HARASSMENT**

P R E F A C E

On June 14, 2002, the United States Conference of Catholic Bishops approved a "Charter for the Protection of Children and Young People" and related "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Other Church Personnel". (In order to clarify certain ambiguities, and for the purpose of conforming these documents to the universal law of the Roman Catholic Church, several revisions were made by the Bishops on November 13, 2002.) As stated in the Preamble to the Essential Norms, the Charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. We stated that we would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and reputation of the individuals involved. We committed ourselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the Preamble states that the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops pledged to evaluate the background of seminary applicants as well as all Church personnel, who have responsibility for the care and supervision of children and young people.

The Charter and Norms (collectively referred to as the "Charter") are hereby incorporated into the *Archdiocese of San Francisco Policies and Procedures Regarding Child Abuse and Harassment*, dated March 2001 (the "*Policies and Procedures*"). The essential features of the Charter as applied to the Archdiocese of San Francisco are set forth as follows. In the event of a conflict between the *Policies and Procedures* on the one hand, and the Charter on the other, the Charter shall prevail.



Most Reverend William J. Levada

Dated: March 31, 2003

**UNITED STATES CONFERENCE OF CATHOLIC BISHOPS'
CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE
AS APPLIED IN THE ARCHDIOCESE OF SAN FRANCISCO**

I. TO PROMOTE HEALING AND RECONCILIATION WITH VICTIMS/SURVIVORS OF SEXUAL ABUSE¹ OF MINORS AND TO PROTECT THE FAITHFUL IN THE FUTURE

A. The Archdiocese shall maintain a Pastoral Outreach Office. The Pastoral Outreach Coordinator shall report to the Archdiocesan Director of Pastoral Ministry and shall serve as staff to the Independent Review Board (hereinafter referred to as the "Board"), identified below, for purposes of assisting the Board with its responsibility to advise on and audit established and proposed Archdiocesan policies, procedures, and programs designed to prevent and respond to the sexual abuse of minors. The responsibilities of the Pastoral Outreach Coordinator shall include:

1. Facilitate outreach to every person who has been the victim of sexual abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. The outreach will include arranging the provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Archdiocese. In cooperation with social service agencies and other churches, the Coordinator will foster and encourage support groups for victims/survivors and others affected by abuse at the Archdiocesan level and in local Parish communities. The Coordinator shall also foster outreach to victims and to their families by arranging, upon request, for the Archbishop or his representative 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 the Holy Father in his Address to the Cardinals of the United States and Bishops Conference Officers.

¹ **Sexual Abuse** [as defined in the *Charter for the Protection of Children and Young People*, © 2002, United States Conference of Catholic Bishops]:

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (c. 1395, § 2). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (c. 1395, § 2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent" (c. 1321, § 3). Cf. cc. 1322-1327. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

2. Coordinate assistance to Parish communities affected by the sexual misconduct of ordained or lay personnel of the Archdiocese, including Parish intervention teams staffed by personnel experienced in community healing.
 3. Maintain contact with the Archdiocese of San Francisco Independent Review Board, and the applicable Chancery officials, to ensure that during the course of the Board's investigation of an abuse claim appropriate spiritual and/or counseling needs are addressed.
 4. Coordinate the Archdiocese's "Safe Environment" program, which will involve cooperation with parents, civil authorities, educators, the Archdiocesan Human Resources Office, and community organizations in providing education and training for children, youth, parents, ministers, educators, administrators, and others at the Diocesan and Parish/school levels about ways to make and maintain a safe environment for children.
 5. Maintain contact with the Archdiocesan Human Resources Office, Department of Catholic Schools, Department of Pastoral Ministry, Seminary, and Catholic Charities/Catholic Youth Organization, as applicable, to assure that the policies regarding fingerprinting and background checks of personnel regularly involved with children, and adequate screening and evaluative techniques in deciding the fitness of candidates for ordination, are properly followed.
- B. The Archdiocese will permanently remove from employment or ministry any individual found to have sexually abused a minor.
- C. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information that he has been or may be a danger to children or young people. (Cf. National Conference of Catholic Bishops and Conference of Major Superiors of Men, *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, 1993.)

II. TO GUARANTEE AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

A. THE ARCHDIOCESE WILL REPORT TO AND COOPERATE WITH CIVIL AUTHORITIES.

In addition to requiring compliance with the civil laws and Archdiocesan policies regarding the reporting of the sexual abuse of minors, the Archdiocese will cooperate with the civil authorities in their investigations in accord with the law. It will also cooperate with civil authorities about reporting in cases when the victim is no longer a minor. In every instance, victims will be advised of their right to make a report directly to the civil authorities and the Archdiocese will support this right.

B. INDEPENDENT REVIEW BOARD.

The Archdiocese will maintain an Independent Review Board (the "Board").

1. COMPOSITION OF INDEPENDENT REVIEW BOARD.

The Board, established by the Archbishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Board members shall be laypersons who are not in the employ of the Archdiocese. At least one member will be a priest who is an experienced and respected pastor and at least one member will have expertise in the treatment of the sexual abuse of minors. The Archdiocesan Promoter of Justice shall also participate in meetings of the Board, primarily as an observer. The members will be appointed to staggered terms of five years, which can be renewed.

2. FUNCTIONS OF THE INDEPENDENT REVIEW BOARD.

The Board will function as a confidential consultative body to the Archbishop and will advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determinations of suitability for ministry. It will regularly review Archdiocesan policies and procedures for dealing with sexual abuse of minors by way of an effective annual audit program and written report. The Board can review these matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases. The procedures for those making a complaint (set forth below) will be readily available in printed form and will be the subject of periodic public announcements.

3. PROCEDURES APPLICABLE TO THOSE MAKING A COMPLAINT OF, AND THOSE ACCUSED OF, CHILD SEXUAL ABUSE.

- a. Complaints regarding alleged child abuse, including sexual abuse, can and should be made by victims and/or their advocates directly to the appropriate county child protective services agency or local police department. The phone numbers for the protective agencies in each county are as follows:

San Francisco:	Child Protective Services	(415) 558-2650
	Police	(415) 553-0123
Marin:	Child Protective Services	(415) 499-7153
	Police - San Rafael	(415) 485-3000
San Mateo:	Child Protective Services	(650) 595-7922
	Police - City of San Mateo	(650) 377-4545
	Police - Redwood City	(650) 780-7100

For additional information or consultation, you may call:

San Francisco Child Abuse Council	(415) 668-0494
Marin Child Abuse Council	(415) 472-7164
San Mateo Child Abuse Council	(650) 327-8120

In any event, individuals serving the Archdiocese of San Francisco who fall within the definition of "mandatory child abuse reporters" must, pursuant to California law, report any reasonable suspicion of abuse. In addition, any reasonable suspicion of abuse, as defined by California law, that is brought to the attention of the applicable Chancery official by a victim, or any other person, will be reported to the civil authorities. The Archdiocese will also cooperate with the civil authorities in reporting instances of child sexual abuse that are not brought to its attention until after the child has reached adulthood.

- b. Subject to the provisions of "a." above, a person wishing to register a complaint of child sexual abuse with the Archdiocese should contact the applicable Chancery official (current names are available through the respective Archdiocesan offices listed below):
- If clergy involved, contact the Office of the Vicar for Clergy (415) 614-5611 (*Backup: Vicar for Administration (415) 614-5589*)
 - If school personnel involved, contact the Superintendent - Department of Catholic Schools (415) 614-5660 (*Backup: Associate Superintendent for Personnel and Staff Development*)
 - If non-school lay personnel involved, contact the Director of the Office of Human Resources (415) 614-5540 (*Backup: Human Resources Employment and Training Manager*)
 - If Religious Education/Youth Ministry personnel involved, contact the Director of Pastoral Ministry (415) 614-5504 (*Backup: Director of Religious Education/Youth Ministry (415) 614-5650*)
- c. The applicable Chancery official will gather the basic information and then inform the complaining party as follows:
- (1) Pursuant to the USCCB Charter and *The Archdiocese of San Francisco Policies and Procedures Regarding Child Abuse and Harassment*, the matter will be referred to the Archdiocesan Independent Review Board for a prompt and objective preliminary investigation, in harmony with canon law, and a representative of the Board (normally the "Primary Investigator") will contact him or her. The current names and expertise of the Board members will be made available.
 - (2) Appropriate psychological/spiritual counseling for persons seeking assistance in coping with abuse is available for victims through the Archdiocesan Pastoral Outreach Office: (415) 614-5506.
- d. When the preliminary investigation (i.e., the initial information gathered by the applicable Chancery official and/or any supplemental information obtained by the Board) so indicates, the alleged offender shall be relieved of any active employment or ministerial duties (i.e., be placed on "administrative leave") pending the conclusion of the investigation. Certain circumstances may warrant the immediate and permanent termination of an

employee or volunteer. If a clergyman wishes to suspend his participation in the preliminary investigation and/or any subsequent canonical tribunal process until after the conclusion of any pending investigation/trial by the civil authorities, he may do so subject to an immediate written acknowledgment that in the interim he will remain on administrative leave and will not be permitted to publicly exercise the ministry of the priesthood.

- e. The Board's Primary Investigator (who shall be accountable directly to the Board and who shall serve as an *ex officio* member of the Board) will provide the Board with his/her initial findings of fact. Following any further investigation directed by the Board members, the Board will present a written report to the Archbishop advising him as to whether there is sufficient evidence that sexual abuse of a minor has occurred. (Even if the Board determines that the evidence is insufficient, it may nevertheless provide the Archbishop with its advice concerning the cleric's suitability for ministry.)
- f. The Archbishop or the applicable Chancery official or delegate will share the finding of the Board and the Archbishop's determination concerning the preliminary investigation and any further action (e.g., pursuit of a canonical trial, declaration of a psychological impediment to ministry, etc.) that will be taken, with the alleged victim and perpetrator. If an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the accused.
- g. When sexual abuse by a priest or a deacon is admitted, or is uncontested, or is established after an appropriate process in accord with canon law², the following will pertain:
 - (1) The Archbishop or his delegate will inform the clergyman in writing that the Charter (which provides that for even a single act of sexual abuse of a minor -- past, present or future -- the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants) applies to him.
 - (2) The clergyman will then be given the opportunity to choose, pursuant to the Charter, one of the following options:
 - (a) Request, in writing, voluntary dispensation from the obligations of holy orders and loss of the clerical state.
 - (b) If the penalty of involuntary dismissal from the clerical state will not be applied (e.g., for reasons of advanced age or infirmity), the individual will be offered the opportunity to lead a life of prayer and penance. He will be informed, in writing, that he will not be

² At all times, the diocesan bishop/eparch has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime in all jurisdictions of the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest. He will be informed, and will acknowledge in writing, that any failure to abide by these proscriptions will be grounds for public declaration of the violation and imposition of immediate penalties.

- C. The Archdiocese adheres to a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Archdiocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting Parish communities directly affected by ministerial misconduct involving minors.
- D. The Archdiocese will not enter into confidentiality agreements relating to the settlement of child sex abuse claims except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

III. **SEXUAL BOUNDARY GUIDELINES: A CODE OF ETHICS FOR THOSE INVOLVED IN THE MINISTRY OF THE CATHOLIC CHURCH**

[As set forth in National Federation for Catholic Youth Ministry Website 2001, citing Richard M. Gula, S.S., *Ethics in Pastoral Ministry*, Paulist Press, 1995, pp. 149-151]

- We have a responsibility to witness in all relationships the chastity appropriate to our state in life, whether celibate, married, or single.
- We must avoid any covert or overt sexual behaviors with those for whom we have a professional responsibility. This includes covert or overt seductive speech or gestures as well as physical contact that sexually abuses, exploits, or harasses another person.
- We are to provide a safe place for young people where they can be assured that sexual boundaries will not be violated.
- We should be aware of our own and another's vulnerability in regard to sexuality, especially when working alone with another.
- We bear the greater burden of responsibility for maintaining sexual boundaries in a pastoral relationship, for we hold greater power.
- We must not initiate sexual behavior, and must refuse it even when another invites or consents to it.
- We must give preference to the perspective and judgment of those who are vulnerable and dependent on us in order to determine whether touching would be an appropriate expression of pastoral care.
- We must show prudent discretion before touching another person, since we cannot control how physical touch will be received. That is, we are to take into account

how age, gender, race, ethnic background, emotional condition, prior experience, and present life situation all affect how our touching may be received and interpreted.

- We should become familiar with the dynamics of transference and counter transference, which can make us vulnerable to violating sexual boundaries.
- We strive for greater self-awareness in order to recognize the sexual dynamics at work for us in pastoral relationships and to heed the warning signs in our lives, which indicate when we are approaching boundary violations.
- We should satisfy our needs for affection, intimacy, attraction, and affirmation outside the pastoral relationship.
- We should seek supervision or other professional help to remain focused on our professional responsibilities and to hold firm to the sexual boundaries of the pastoral relationship.
- We must report clear violations of sexual conduct to the appropriate ecclesial and civil authorities [as referenced in *Archdiocese of San Francisco Policies and Procedures Regarding Child Abuse and Sex Harassment*], and then do what we can to see that justice is done for the victim, the offender, and the community from which the victim and minister come.
- We must intervene when there is evidence of the abuse of children, the elderly, or the disabled. When it is necessary to avert a serious threat of harm to another, justice requires that we make a reasonable attempt to elicit voluntary disclosure, but if disclosure is not made and permission to disclose is not granted, then we should inform only those who need to know and tell them only what they need to know in order to avert harm

THE ARCHDIOCESE OF SAN FRANCISCO

Acknowledgement of Receipt

of

**Addendum To Archdiocese of San Francisco
Policies and Procedures Regarding
Child Abuse and Harassment**

I hereby acknowledge that I have received a copy of *Addendum to Archdiocese of San Francisco Policies and Procedures Regarding Child Abuse and Harassment* (03/03), and I agree to follow the policies and procedures outlined therein during my employment/ministry with the Archdiocese of San Francisco.

(Date)

(Signature)

(Location: Parish/School)

(Please Print Name)

NOTE TO SITE SUPERVISOR

If the person signing the Acknowledgment form is a paid employee, then send signed original to Archdiocesan Human Resources Office and retain a copy at your site.

If the person is a regular volunteer, then the form does not need to be sent to the Human Resources Office, and site should retain original.

