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# Safe Environment Policy

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*Diocese of Marquette*

*Department of Safe Environment*



*September 1, 2020*

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## SAFE ENVIRONMENT POLICY

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**ACCEPT & UNDERSTAND FORM**

IOANNES FRANCISCUS

Divina Miseratione et



Apostolicae Sedis Gratia

EPISCOPUS MARQUETTENSIS

## DECREE

### PROMULGATION OF THE SAFE ENVIRONMENT POLICY OF THE DIOCESE OF MARQUETTE

Considering the promulgation of the Apostolic Letters of Pope Francis, *As a Loving Mother* and *Vos estis lux mundi* and following an ordinary review of the Safe Environment Policy of the Diocese of Marquette it was deemed necessary to update this policy.

The proposed policy was submitted to the Congregation for the Clergy, which reviewed it and subsequently forwarded it to the Pontifical Council for Legislative Texts for further review and feedback;

The Presbyterial Council was heard and after their review of the proposed policy they gave a positive recommendation;

The Independent Review Board was consulted and after their review of the proposed policy they gave a positive recommendation;


**Therefore, in accord with canons 8 §2, 29, and 391 §1 I hereby decree and promulgate as particular law for the Diocese of Marquette the Safe Environment Policy.**

The former Safe Environment Policy is hereby repealed and abrogated in accord with canon 20 §1.

Any policy or particular law of the Diocese of Marquette that is contrary to the Safe Environment Policy is hereby repealed and abrogated in accord with canon 20 §1.

The provisions of this decree shall become effective September 1, 2020.

Given at the chancery in Marquette, Michigan this 14<sup>th</sup> day of July in the year 2020.

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Most Reverend John F. Doerfler, STD, JCL  
Bishop of Marquette

  
MaryAnn Bernier, Vice-Chancellor

## SAFE ENVIRONMENT POLICY

### I. INTRODUCTION

The Diocese of Marquette is committed to creating and providing safe and sacred places in our parishes, schools, and other institutions so that minors will be protected from any harm, especially sexual abuse. This policy is in agreement with the universal norms of the Catholic Church, namely, the *Code of Canon Law*, the Apostolic Letter of Pope John Paul II, *Sacramentorum sanctitatis tutela*, its subsequent revision *Normae de gravioribus delictis*, and the Apostolic Letters of Pope Francis, *As a Loving Mother* and *Vos estis lux mundi*. This policy is also in accord with the norms and documents of the United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, *Directives for the Implementation of Vox estis lux mundi Concerning Bishops and Their Equivalents* and *Affirming Our Episcopal Commitments*.

#### General Principles

The Diocese expects its clerics, other ministers, employees and volunteers to help protect minors and vulnerable persons by demonstrating the Church's care and love for all people, by observing the Church's teachings on sexuality and morality and by complying with this policy.

This policy shall apply to the conduct of clerics, other ministers, employees and volunteers in all parishes, schools, institutions, departments and other entities for which the Diocese of Marquette is directly responsible. When an allegation that has the semblance of truth is made against a cleric, a unique set of canonical norms (Church Law) are in effect in addition to the criminal and civil laws and the diocesan policies. The cleric may have committed a canonical delict or crime. This canonical legislation does not apply to acts of sexual abuse by lay persons or by religious who are not clerics. Nor does it apply to acts committed by someone before he became a cleric, that is, before he is ordained.

**The Diocese of Marquette will not tolerate the sexual abuse of a minor and the sexual misconduct with an adult by a cleric, other minister, employee or volunteer who is in the service of the Diocese.**

Diocesan representatives will take very seriously every allegation of sexual abuse. Any person bringing such a complaint will be treated with compassion and understanding.

The Diocese has instituted a mandatory continuing education program concerning the sexual abuse of minors. This program was implemented to help raise awareness and understanding among parents, clerics, religious, school personnel, catechists, youth ministers, staff members, and volunteers who have contact with minors as a part of their volunteer duties.

The Diocese shall also provide information to our parishes and schools to help educate minors on how to be safe and to stay safe. This is intended to enhance the ability of our young people to protect themselves and to communicate more easily when they sense any potential danger.

## Terminology

For purposes of this policy, the following definitions apply to employees, clergy, volunteers, representatives of the Diocese of Marquette in every, parish, school, or other associated entity insofar as they are subject to the laws of the Catholic Church and the laws of the State of Michigan:

**SEXUAL ABUSE OF A MINOR:** Sexual abuse includes, but is not limited to, sexual assault, sexual intercourse, sexually explicit conduct or sexual contact with a minor, sexual exploitation of children, transportation of a minor for any sexual activity for which any person can be charged with a criminal offense, travel with the intent to engage in illicit sexual conduct with a minor, the coercion or enticement of a child, and the acquisition, possession, receipt, distribution, or production of child pornography as defined in the *Code of Canon Law* c. 1395, §2, *Normae de gravioribus delictis*, Art. 6 and Michigan State Statutes, being MCL 750.136b, 750.145a, 750.145c, 750.145d, 750.520b, 750.520c, 750.520d, 750.520e, 750.520f, and 750.520g, and Title 18, United States Code, chapters 109A, 110, and 117.

**MINOR:** “any person under the age of eighteen, or who is considered by law to be the equivalent of a minor” (*Vos estis lux mundi*, Art. 1, §2a)

**SEXUAL ABUSE OF A VULNERABLE PERSON:** any external violation of the sixth commandment with a vulnerable person

**VULNERABLE PERSON:** “any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense” (*Vos estis lux mundi*, Art. 1, §2b)

## Reporting Requirements of the State of Michigan

The Diocese of Marquette will promptly report all alleged criminal sexual misconduct by clerics, religious, employees and volunteers to the civil authorities.

In addition, Michigan Compiled Laws (MCL 722.623) provide that certain individuals are required by law to report to Michigan Department of Health and Human Services instances of suspected child abuse or neglect. The failure to report has both civil and criminal consequences under the law.

The following persons are mandated reporters under Michigan State Law:

“A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school

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administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider” (MCL 722.623)

### Legal Requirements for Reporting

Mandatory reporters who have reasonable cause to suspect child abuse or child neglect are to make an oral report immediately to the Michigan Department of Health and Human Services (MDHHS). Child abuse and neglect include physical abuse, sexual abuse, maltreatment, mental injury, physical neglect, failure to protect, improper supervision, abandonment and medical neglect.

The oral report may be made by calling 855-444-3911.

When making the oral report, the individual who had contact with the child must provide as much detail as possible about the following information:

- The child's primary caretaker, including name and address.
- Names and birth dates for all members of the household.
- Name and birth date of the alleged perpetrator(s).
- Whether the alleged perpetrator lives with the child.
- Address where the alleged abuse or neglect occurred.
- What makes the mandated reporter suspect the child is being abused or neglected.

Mandatory reporters are also required to submit a written report within 72 hours of making the oral report. The MDHHS will inform them of the required contents of the written report. A link to the form can be found in the Safe Environment section of the diocesan website.

In addition to the report to the MDHHS, all clergy and employees are to inform the Diocesan Director of Personnel that they have made a report to the MDHHS. The phone number of the Diocese of Marquette is (906) 225-1141.

### Good Faith/Not Legally Liable

Michigan law clearly states that those reporting in good faith are not held legally liable, even if the report cannot be proven. For the purpose of any civil or criminal proceeding, the good faith of any person reporting shall be presumed.

### Penalty for Failure to Report

A person who is required by law to report and who fails to do so, is civilly liable for the damages proximately caused by the failure. The person is also liable criminally for failing to report for a misdemeanor punishable by up to 93 days in jail or fine of not more than \$500.00, or both.

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### Proof not Required

The reporter does not have to prove that child abuse has occurred. Child abuse is to be reported as soon as there is reasonable cause to suspect abuse. Waiting for proof may mean further risk to the child. Proving child abuse should be left to trained investigators.

### Confidentiality

The MDHHS may not reveal the name of the reporter to the child's parents or guardians, without the consent of the reporter, or by judicial process.

### Non-Mandatory Reporters

All employees and volunteers who are not mandatory reporters and who suspect any form of child abuse or neglect must notify their supervisor. If the alleged offender is an employee of the school or parish, the supervisor must notify the Diocesan Director of Personnel as soon as possible.

## II. POLICY ON MAINTAINING SAFE ENVIRONMENTS

The Diocese of Marquette is committed to creating, providing and maintaining safe environments in all its parishes, schools, and other institutions so that all persons, especially children, and young people, will be protected as much as possible from harm, particularly sexual abuse of minors. This policy is in compliance with *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*, United States Conference of Catholic Bishops.

The Diocese expects its clerics, other ministers, employees and volunteers to help protect children, and young people by demonstrating the Church's care and love for all people and by observing the Church's teachings on sexual morality.

All clerics, other ministers and employees in the Diocese of Marquette are required to:

- Complete an application form prior to hire or authorization for ministry in which they provide the Diocese with professional/personal references
- Complete the *Diocese of Marquette Safe Environment Criminal Background Check* application and receive a satisfactory report.
- Create a training account at [WWW.VIRTUS.ORG](http://WWW.VIRTUS.ORG) and complete the VIRTUS Protecting God's Children Training within 30 days of date of hire. Those employees in positions with immediate access to minors must complete the VIRTUS training prior to first day of service.
- Clergy, religious and employees must complete ongoing monthly educational bulletins in a timely manner.
- Complete the VIRTUS Protecting God's Children refresher course every five years.
- Review and observe the Safe Environment Policy of the Diocese of Marquette.

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- Sign the Acknowledgement and Agreement Form in which they acknowledge receipt of the Safe Environment Policy of the Diocese of Marquette and agree to follow and adhere to the Diocesan Code of Pastoral Conduct.

All adult volunteers who have contact with minors as part of their volunteer duties are required to:

- Complete the *Diocese of Marquette Safe Environment Criminal Background Check* application and receive a satisfactory report.
- Create a training account at [WWW.VIRTUS.ORG](http://WWW.VIRTUS.ORG) and complete the VIRTUS Protecting God's Children Training within 30 days of beginning volunteer service. Overnight chaperones and sole adult drivers and anyone with immediate access to minors must complete VIRTUS prior to volunteering.
- Complete the VIRTUS Protecting God's Children refresher course every five years.
- Review and observe the Safe Environment Policy of the Diocese of Marquette.
- Sign the Acknowledgement and Agreement Form in which they acknowledge receipt of the Safe Environment Policy of the Diocese of Marquette and agree to follow and adhere to the Diocesan Code of Pastoral Conduct.

Criminal background checks for all clergy, other ministers, employees and volunteers will be repeated every 3 years.

Offenses that disqualify a person for employment or volunteering are as follows, but not limited to:

- A felony or misdemeanor classified as an offense against the person or family or involves an offense against the person or family.  
*Examples:* Offenses against the person include, but are not limited to, murder, assault, sexual assault, domestic violence, injury to a child, and abandoning or intentionally or recklessly endangering a child.
- Offenses against the family include, but are not limited to bigamy, incest, and interference with child custody, enticing a child, and harboring a runaway child.
- A felony or misdemeanor classified as an offense against public order or indecency. *Examples:* Offenses against public order or indecency include, but are not limited to prostitution, obscenity, sexual performance by a child, possession or promotion of child pornography, and disorderly conduct.
- A felony or misdemeanor constituting a violation of any law intended to control the possession or distribution of any substance considered a controlled substance.

Arrest leading to convictions for driving while intoxicated is NOT necessarily a disqualifying offense for employment or volunteering, but it may disqualify someone from driving a school bus, church vehicle or any other vehicle on church sponsored activities or events.

Safe environment training within another diocese may be recognized if there is an approved online training record of session attendance at VIRTUS.org. If there is no approved online VIRTUS.org record from another diocese, the VIRTUS® Protecting God's Children Adult Awareness Session must be re-taken in the Diocese of Marquette.



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Failure to comply with these requirements will result in the removal of the person from employment, ministry or the denial of volunteer service within the diocese.

### Safe Environment Program for Children

The Diocesan Department of Evangelization and Education oversees implementation of the children's programs.

The program for children is to be offered through our diocesan Catholic schools and parish faith formation programs every year. The school principals are responsible for training their teachers, informing parents and guardians of the program's contents, and educating their students.

Children in Catholic schools will be trained in safe environment using *Child Lures*® Prevention. This comprehensive program trains children in several areas including personal safety, online safety, drug resistance and school climate.

Grade school and high school youths in parish faith formation programs will be trained in safe environment utilizing the *Formation in Christian Chastity* program developed by the Diocese of Arlington. This program relies heavily on parents as the primary educators of their children.

The staff of the Department of Evangelization and Education is available to train coordinators in the program process and the criteria to be used in the selection of "teachers" for the lessons.

### Definition of "Regular Contact with Minors"

Regular Contact with Minors includes all:

Volunteers and paid Church personnel (clergy, religious and lay) including those paid by stipend whether they provide services to the Diocese, parishes school, or other diocesan institution and see, work with, or are around minors in an unsupervised situation, or have the potential to be alone with minors, or in a position to observe those who are, fall under the definition of "Regular Contact with Minors".

The following classification chart shall serve as a guide to determine which positions in the organization fall under this definition.

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### Diocese of Marquette

#### Classification Table: Protecting God's Children Awareness Training and Criminal Record Check

By Ministry Group and Classification/Job Title

To be used as a guideline in conjunction with the definition of "Regular Contact with Minors".

Ministry		Background Check Required	PGC Awareness Session	
			Required	Recommended
Pastoral	Bishop	X	X	
	Priest	X	X	
	Deacon	X	X	
	Non-cloistered Religious	X	X	
Parish	DRE- volunteer or paid staff	X	X	
Based Faith Form. and	Catechist – volunteer/stipend	X	X	
	Office staff	X	X	
School	Principal	X	X	
	Asst. Principal/Other Administration	X	X	
	Teacher	X	X	
	Substitute Teacher	X	X	
	Librarian/Media Center Coordinator	X	X	
	Classroom or Library Aides	X	X	
	Coach	X	X	
	Cafeteria Worker	X	X	
	Playground Aide	X	X	
	Maintenance Staff	X	X	
	Office Staff	X	X	
	Crossing Guard	X	X	
Other	Adult Choir Director	X	X	
	Youth Choir Director/Coordinator	X	X	
	Youth Choir Volunteer	X	X	
	Nursery Director/Coordinator	X	X	
	Nursery Volunteer (Adult)	X	X	
	Vacation Bible School Director/Coordinator	X	X	
	Vacation Bible School Volunteer	X	X	
	Volunteer Driver/Chaperone	X	X	
	Altar Server Program Coordinator	X	X	
	Parish Nurse	X	X	
	Usher	X*		X
	Pastoral/Finance Council Member	X*		X
Day Care	Day Care Coordinator/ Director or Paid Staff	X	X	
	Day Care Volunteers	X	X	
Parish Staff	Pastoral Associate/Coordinator	X	X	
	Business Manager	X	X	
	Office Staff	X	X	
	Safe Environment Coordinator	X	X	
	Maintenance/Housekeeping Staff	X	X	
Diocesan	All Diocesan Staff	X	X	

\* At Discretion of Pastor

### **III. DIOCESAN CODE OF PASTORAL CONDUCT FOR CLERICS, SEMINARIANS, OTHER MINISTERS, EMPLOYEES and VOLUNTEERS**

The Diocese of Marquette expects its clerics, seminarians, other ministers, employees and volunteers to conduct themselves appropriately in their relationships with the people they serve and especially with minors.

The following Diocesan Code of Pastoral Conduct provides a set of standards for conduct in pastoral situations. This Code of Conduct has been developed in compliance with the universal norms of the Catholic Church, namely, the *Code of Canon Law*, the Apostolic Letter of Pope John Paul II, *Sacramentorum sanctitatis tutela*, its subsequent revision *Normae de gravioribus delictis*, and the Apostolic Letters of Pope Francis, *As a Loving Mother* and *Vos estis lux mundi*. This policy is also in accord with the norms and documents of the United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, *Directives for the Implementation of Vox estis lux mundi Concerning Bishops and Their Equivalents* and *Affirming Our Episcopal Commitments*.

Responsibility for adherence to the Diocesan Code of Pastoral Conduct rests with the individual, but the support and observance of the Code is an important concern for all. Those who disregard this Code will be subject to remedial action by the Bishop, his representative or that person's supervisor. Corrective action may take various forms depending on the specific nature and circumstances of the offense and the extent of the harm done. For clerics this action may range from verbal warnings to removal from ministry according to the provisions of the Code of Canon Law on the matter. For lay employees this action may range from a verbal warning to discharge from employment depending on the specific nature and circumstances of the offense and the extent of the harm done according to the provisions of the Code of Canon Law on the matter.

#### **Confidentiality**

Trust is one of the cornerstones in all pastoral relations. It is important to emphasize that all employees understand they have an ethical duty not to disclose confidential information they may come upon during employment.

People are also accustomed to speaking in confidence with a cleric because of the trust they have in the clergy. To avoid breaking that trust, clerics shall continue to respect the confidentiality entrusted to them

Under no circumstances whatsoever may a bishop and priest disclose, even indirectly, information received through the confessional in accord with Canons 983 and 984 of the *Code of Canon Law*. Information disclosed to a cleric or other minister during the course of counseling or spiritual direction or in a pastoral conversation must be held in the strictest confidence and it is to be considered

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privileged information except as required to be reported to the appropriate governmental authorities under Michigan Statute §48.981.

### Conflicts of Interest

Avoid all situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

For example, conflicts of interest may arise when the independent judgment of a cleric, or other minister, while serving as a pastoral counselor or spiritual director, is impaired by: prior dealings; becoming personally involved; or becoming an advocate for one person against another. When this becomes evident, the pastoral counselor or spiritual director shall advise the parties that he/she can no longer provide pastoral services and shall refer them to another pastoral counselor or spiritual director.

### Ethical or Professional Misconduct

Clerics, seminarians, other ministers and employees have a responsibility for maintaining the highest ethical and professional standards. They also have a duty to report breaches of this Code of Pastoral Conduct whether by themselves or by others. When uncertainty exists regarding a situation or course of conduct that violates this Diocesan Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with professionals who are knowledgeable about ethical issues.

When there is an indication of questionable action by a priest, deacon, seminarian, other minister and employee, immediately notify the Diocesan Victim's Assistance Coordinator or the person's immediate supervisor.

When there is an indication of questionable action by a bishop, notify the Archbishop. When there is an indication of questionable action by an archbishop, notify the senior suffragan bishop.

### Pastoral Counseling Standards

Clerics and others who provide pastoral counseling and spiritual direction must maintain appropriate boundaries and adhere to the following rules:

1. Never step beyond your competence in pastoral counseling situations; limit the number of pastoral counseling sessions to three or fewer. Refer clients to other professionals when appropriate.
2. Assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all situations involving pastoral counseling and spiritual direction. Sexual intimacies with persons being counseled or directed, including forced physical contact and inappropriate sexual comments, are absolutely forbidden and result in the immediate loss of employment or removal from ministry, according to the provisions of the *Code of Canon Law* on the matter.

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3. Avoid physical contact of any kind that could be misconstrued. Sessions must be conducted in appropriate settings at appropriate times, not in private living quarters and not in places or at times that would tend to cause confusion about the nature of the relationship to the person(s) being counseled or directed.

### Witness to Chastity

Bishops, Priests and those deacons who are committed to a celibate lifestyle are called to be an example of celibate chastity in all their relationships at all times. Deacons and employees who are married are called to be examples of marital chastity at all times. Employees who are single or widowed are called to be examples of chastity in the single life.

No cleric, seminarian, other minister or employee shall, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

No cleric, seminarian, other minister or employee shall exploit another person for sexual purposes including possession or use of pornography.

Sexual harassment by a cleric, seminarian, other minister or employee is absolutely forbidden and is subject to disciplinary action, according to the provisions of the *Code of Canon Law* on the matter.

Sexual harassment is defined as harassment of a sexual nature, directed toward a person of either gender, consisting of unwelcome sexual advances or references, or requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions. Sexual harassment can include, but is not limited to, improper physical contact, lewd or sexually suggestive comments, off-color language, leering, jokes of a sexual nature, slurs, and display, transmission, or known possession of sexually explicit material.

Bishops who engage in sexual misconduct are subject to the disciplinary action of the Holy See.

In addition to the universal norms concerning the sexual abuse of minors and vulnerable persons, priests and deacons who commit an external offense against the sixth commandment with an employee or with a person under their pastoral care are to be punished with a just penalty, according to the provisions of the *Code of Canon Law* on the matter. A person under the pastoral care of a priest or deacon is to be understood as a parishioner of the parish where the priest or deacon is assigned, or a person belonging to the institution or association where the priest or deacon is assigned as a chaplain, or a person who has received at least one session of spiritual direction or pastoral counseling within five years prior to the offense. A parishioner is understood as any Catholic living within the geographical boundaries of the parish or a Catholic who has registered as a member of the parish.

Clerics, seminarians, other ministers and employees are to review, be familiar with and committed to the contents of the diocesan Safe Environment Policy.

## Conduct with Minors

When working with minors, always maintain an open and trustworthy relationship. The following rules will apply.

1. Be aware of your own and others' vulnerability when working alone with minors. Use a team approach to managing youth activities. Always strive to have a second adult present.
2. An adult must not engage in games or other sport activities with one minor, unless a second adult is present.
3. At least one, preferably two adults must be present when a group of minors engage in organized games or sports activities.
4. Always avoid being alone with a minor person in a residence, sleeping facility, locker room, dressing facility, vehicle or other closed room or isolated area.
5. Youth group trips must have a minimum of two (2) adult chaperones. Larger groups must have at least one (1) adult chaperone for every ten minors. Groups including minors with special needs may require additional chaperones.
6. While on youth trips, the adults must maintain a professional stature and socialize appropriately with minors.
7. One (1) adult may never engage in an overnight trip with a minor or minors.
8. Adults must take care to avoid the risk of a minor's developing a dependency on them in place of the minor's parent/guardian, becoming a father and/or mother figure to the minor.
9. The sacristy door must always be open when minors are present within the sacristy.
10. Comments of a sexual nature must not be made to any minor except in the context of classroom catechesis or otherwise legitimate questions from the minor.
11. Profanity, cursing and vulgar humor must never be used.
12. Physical contact with minors can be misconstrued and is to be avoided unless it is public, appropriate and non-sexual.
13. If inappropriate personal or physical attraction develops between an adult (a cleric, an employee, or volunteer) and a minor, the adult is responsible for maintaining clear professional boundaries.
14. In meeting and or pastoral counseling situations involving a minor, excluding the Sacrament of Reconciliation, the presence or proximity of another adult is required. However, in those situations where the presence of another adult is not usual or practical (e.g., music lessons, disciplinary meeting with an administrator, etc.) another adult must be informed that the meeting will be taking place and the doorway must be left open.
15. Minors unaccompanied by parents or legal guardians must never be allowed in the residential portion of a rectory nor allowed to stay overnight in the rectory or the priest's or bishop's private residence.
16. Minors are permitted to work in a school or parish facility only when there are at least two adults present in the building.

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17. In rare, emergency situations, to provide for the health and well-being of the minor, take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. Use a team approach to manage emergency situations.
18. The illegal possession and/or illegal use of drugs, other intoxicating drugs and/or alcohol is strictly prohibited. Never use alcohol when working with minors.
19. Minors must never be provided with alcohol, illegal and other intoxicating drugs, sexually provocative materials, pornography or any illegal materials.
20. Taking photos of minors while they are unclothed, or undressing is prohibited by law.

## IV. SEXUAL ABUSE OF MINORS AND VULNERABLE PERSONS BY A CLERIC

Clerics occupy important places of service in our Church. They do so with extraordinary generosity and care. Unfortunately, sometimes an individual cleric may seriously overstep boundaries and misuse his position and power. The norms of church law govern procedures for addressing allegations of sexual abuse of minors and vulnerable persons. As the Essential Norms state: “When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.” Bishops who sexually abuse a minor or vulnerable person are subject to the disciplinary action of the Holy See.

### Prevention

In order to prevent such misconduct, the Diocese will use the following measures to screen both candidates for Ordination and priests or deacons who offer their service to the Diocese.

#### **Candidates for Ordination:**

All candidates for priesthood or permanent diaconate will have a criminal background check and will be screened through psychological evaluation, interviews and references in an attempt to determine whether there is any history of sexual abuse of minors either as a victim or a perpetrator.

#### **Clerics New to the Diocese:**

Whenever a priest or deacon from a religious community or another diocese requests a transfer to the Diocese of Marquette, a criminal background check will be made to determine whether there is any history of sexual abuse. A letter of reference will also be required from his bishop or religious superior with full disclosure of any known history of allegations of sexual abuse, sexual abuse, especially with minors. If the cleric is from a foreign country, a criminal background check will be conducted if possible. When a new bishop is assigned to the Diocese of Marquette, a criminal background check will be made.

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### **Continuing Education:**

Clerics will continue to participate in mandatory sexual abuse prevention training. The Diocese will offer workshops to help clerics learn how to maintain boundaries and avoid any kind of sexual misconduct. These workshops will include information about the requirements for reporting sexual misconduct.

### **Reporting Sexual Abuse of Minors and Vulnerable Persons by a Cleric**

The sexual abuse of a minor or a vulnerable person by a cleric causes pain and suffering. Both justice and compassion call the Church to respond to the harm done.

The Diocese urges anyone with the personal knowledge of the sexual abuse of a minor or vulnerable person by a bishop to report it to the civil authorities and to the appropriate archbishop or senior suffragan bishop in the case of misconduct by the archbishop. Sexual abuse by the Bishop of Marquette is reported to the Archbishop of Detroit. Such reports may be made directly to the office of the archbishop or through the national third-party reporting network established by the United States Conference of Catholic Bishops.

The Diocese urges anyone with personal knowledge of the sexual abuse of a minor or vulnerable person by a priest or deacon, and who is not bound by legal or professional confidentiality, to report such conduct to the civil authorities and to the Diocese.

Once a complaint of sexual abuse of a minor or vulnerable person has been brought to the Diocese, an authorized representative of the Diocese shall make every effort to move the process along in a timely, sensitive and professional manner. The process works best when the person bringing the complaint has the support of a knowledgeable relative or friend. That person may also want to engage the assistance of a civil attorney or an expert in Church law (Canon lawyer).

### **How to Bring a Complaint**

To report an incident of the sexual abuse of a minor or vulnerable person to the civil authorities follow the reporting requirements of the State of Michigan as noted on page 3, and contact the Office of the Michigan Attorney General at (844) 324-3374 or send an email to: [aginvestigations@michigan.gov](mailto:aginvestigations@michigan.gov)

To report an incident of the sexual abuse of a minor or vulnerable person by a bishop see the diocesan website for the contact information of the Office of the Archbishop of Detroit and the contact information of the national third-party reporting network established by the United States Conference of Catholic Bishops. This contact information will also appear in *The UP Catholic* at least quarterly.

To report an incident of sexual abuse of a minor or vulnerable person by a priest or deacon to the diocese, call or write the Diocesan Victim's Assistance Coordinator(s). The name(s) and contact information of the Diocesan Victim's Assistance Coordinator(s) appear in *The UP Catholic* at least quarterly and may be



## SAFE ENVIRONMENT POLICY

obtained by consulting the diocesan website ([www.dioceseofmarquette.org/victimsassistance](http://www.dioceseofmarquette.org/victimsassistance)) or calling the diocese at (906) 225-1141.

All allegations brought to the diocese will be reported to the proper civil authorities.

### The Diocese Shall Take Every Complaint Seriously

The Diocese will respond promptly and seriously to every complaint of sexual abuse of a minor or vulnerable person by a priest, deacon or other cleric.

Under all circumstances, the Diocese reaffirms its commitment to work with the proper civil authorities with regard to all criminal sexual misconduct. In addition to compliance with the law, the Diocese directs all personnel, even those who are not mandated reporters, to report their knowledge or belief of the sexual abuse of minors and vulnerable persons to their supervisor or director.

Clerics are required to report actual or suspected sexual abuse of a minor. Furthermore, clergy are required to report cases where they have reasonable cause to believe, based on either observation or information received, that a member of the clergy has abused a minor or threatened to abuse a minor. However, given the nature of the seal of confession even recognized by civil law, a priest may not share any information received in the Sacrament of Penance.

When the Diocese receives an allegation that a priest or deacon has engaged in sexual abuse of a minor or a vulnerable person, it will immediately report the allegation to the civil authorities. The Diocese will offer the alleged victim pastoral assistance and/or counseling that may be required.

After the civil authorities have completed their investigation and any subsequent legal proceedings, the Diocese will begin an investigation and follow the procedures of Church law. The Diocese will also use every reasonable means to investigate any allegation of sexual abuse of a minor or vulnerable person by a cleric since it may be necessary to take disciplinary action even if a crime is not proven by civil authorities.

During the diocesan investigation, the rights of all those who are involved, including both the person making the allegation and the person accused of misconduct, will be protected.

An important part of the diocesan investigatory procedure is to make a judgment regarding the continuation of ministry or return to ministry for a priest or deacon who was accused of sexual misconduct. The Diocesan Bishop, in accord with the *Charter for the Protection of Children and Young People* and the Essential Norms, relies on advice from the Independent Review Board. All allegations regarding the clergy sexual abuse of a minor and vulnerable persons are to be brought to the Independent Review Board. The Board consists of members of outstanding integrity and good judgment – a pastor, and lay persons with expertise in health care, social work, psychology, law enforcement and experts in civil law.

## SAFE ENVIRONMENT POLICY

### The Board is to:

1. Review and make recommendations regarding the continuation in ministry of clergy who have allegedly sexually abused minors and vulnerable persons.
2. Review and make recommendations regarding the return to ministry of priests and deacons following their removal from active ministry when allegations are found to be unsubstantiated.
3. Review and make recommendations concerning changes to existing policies or the adoption of new sexual misconduct policies.

The Independent Review Board must meet at least once annually. Additional meetings are scheduled if necessary for the Board to conduct its work.

If a priest or deacon is found guilty of the sexual abuse of a minor or vulnerable person, he will be permanently removed from public ministry. If an allegation is found to be unsubstantiated, efforts will be made to restore the priest's or deacon's good name.

### Response to Parishes Experiencing the Pain Due to the Sexual Abuse of Minors by Clergy

When a cleric engages in sexual abuse of minors or vulnerable persons, people are harmed, and many are affected. This is true not only of those directly involved in the misconduct, but also of parish members where the cleric currently serves or has served in the past. The Diocese shall respond, guided by three important principles:

**First**, the Diocese acknowledges that one of the most important elements in healing is to inform the parish about what happened as completely and accurately as possible. Information helps dispel the atmosphere of distrust that may be fed by rumor, by the sudden departure of a cleric assigned to the parish, or by the impression that a "cover-up" is being imposed. Information that is provided also helps others to come forward and assures that appropriate steps will be taken so that the faith community can truly move forward.

While committed to disclosure and transparency, communications may be limited because of the need to respect the privacy of the person victimized and his/her family, as well as the need to protect the rights of the person accused.

**Second**, the Diocese acknowledges that the healing of a parish is a multi-disciplinary challenge. Neither diocesan representatives nor a parish representative can respond to all the concerns and problems that arise in the aftermath of clergy sexual abuse of minors and vulnerable persons. As a result, the Diocese will provide a team of professionals to help foster healing in those parishes affected.

**Third**, the Diocese acknowledges that parishes undergo a complex process of grieving. When people learn that a respected leader has been accused, there may be a reluctance to believe that the report

## SAFE ENVIRONMENT POLICY

could be true, a reflection of the longstanding belief that in our country an accused person is innocent until proven guilty. This attitude can also create a burden on those who, often after a long struggle, have found the courage to bring forth important information. Denial is usually followed by other well-known steps in grieving a loss, including depression and significant anger against the accused, the accuser(s), the Diocese, and the whole Catholic Church. Only after time passes and the appropriate steps are taken can a parish truly move forward in its mission

### **V. SEXUAL ABUSE OF MINORS AND VULNERABLE PERSONS BY AN EMPLOYEE OR VOLUNTEER**

#### **Reporting Sexual Abuse of a Minor or Vulnerable Person**

Lay employees and volunteers are subject to civil law as well as to the principles and policies in this document that pertain to them. The Diocese urges anyone with personal knowledge of the sexual abuse of a minor or vulnerable person by any person providing service to the Church, and who is not bound by legal or professional confidentiality, to report such conduct to the civil authorities and to the Diocesan Victim's Assistance Coordinator.

The person reporting will be advised to report the incident to the civil authorities and when necessary, of the legal obligation to do so. The Diocesan Assistance Coordinator will offer to help in making provisions for the immediate pastoral and spiritual care of the person who was allegedly abused. This care may include professional counseling. Since a person is presumed innocent until proven guilty, the rights of the accused as well as those of the complainant must be protected to the fullest extent possible.

Reporting an incident of sexual abuse to the Diocese may be done in person with the assistance of a family member, friends or an attorney, by letter or by phone. Letters should be marked Personal and Confidential and indicate how and when the person reporting can be contacted for further information.

To report to the Diocese an incident of sexual abuse of a minor or vulnerable adult by an employee or volunteer call or write the Diocesan Victim's Assistance Coordinator(s). The name(s) and contact information of the Diocesan Victim's Assistance Coordinator(s) appear in *The UP Catholic* at least quarterly and may be obtained by consulting the diocesan website ([www.dioceseofmarquette.org/victimassistance](http://www.dioceseofmarquette.org/victimassistance)) or calling the diocese at (906) 225-1141.

All allegations brought to the diocese will be reported to the proper civil authorities.

## Responding to Reports of Sexual Abuse of a Minor or Vulnerable Person by an Employee

If an employee is accused of sexual abuse of a minor the process is conducted by the Diocesan Director of Personnel and may be assisted by the Diocesan Victim Assistance Coordinator.

### VI. CONCLUSION

Sexual abuse of minors and vulnerable persons is complex as well as terribly harmful. No simple or uniform methodology can provide an effective response because each instance has unique aspects that require adaptation. However, experience demonstrates it is possible for individuals and communities to heal from the effects of sexual abuse. This is not easily or quickly accomplished. Effective counseling, support groups and spiritual direction are tools which are often required for this healing.

The Diocese is committed to doing all that it can to:

- Promote safe, healthy communities of faith.
- Intervene effectively when there is sexual abuse.
- Respond fairly and compassionately to those harmed by sexual abuse.

We do this because of our faith in Jesus Christ and His call to us to act justly and compassionately.

The Diocese will continue to refine its response to sexual abuse of minors and vulnerable persons. Careful reflection on experience, and continued study by ourselves and others will contribute to an even better response.



Diocese  
Of  
Marquette

## **2019 Safe Environment Policy** **Accept & Understand Form**

**Please place this signed form in the employee or volunteer personnel file.**

I, \_\_\_\_\_, have read and understand the Diocese of Marquette Safe Environment Policy.

\_\_\_\_\_ A paper or electronic copy of the Safe Environment Policy has been given to me, *and / or*

\_\_\_\_\_ A copy of the Safe Environment Policy is posted where I can reference it.

By signing below, I agree that as a term of my employment or service as a volunteer, I will abide by the policy.

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

\_\_\_\_\_  
Role

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please place this signed form in the employee or volunteer personnel file.**

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CUT HERE

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

\_\_\_\_\_  
Role

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please give this portion of the form to the employee or volunteer for their records.**



**Diocese of Marquette**

**1004 Harbor Hills Dr.**

**Marquette Michigan 49855**

**(906) 225-1141**

**[www.dioceseofmarquette.org](http://www.dioceseofmarquette.org)**