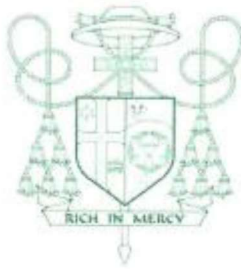


**ROMAN CATHOLIC
DIOCESE OF SALINA**

**POLICY FOR THE PROTECTION
OF CHILDREN AND YOUNG PEOPLE**

Amended and Revised 2020



Diocese of Salina

103 N. Ninth
P.O. Box 980
Salina, Kansas 67402-0980

Office of the Bishop

June 15, 2020

Dear Brothers and Sisters in Christ,

In compliance with the revised 2018 Charter for the Protection of Children and Young People, the Diocese of Salina continues to make every effort to ensure it employs the best practices in establishing safe environments throughout the Diocese.

With the assistance of the dedicated staff and volunteers in our schools and parishes across our Diocese we have developed a comprehensive Safe Environment Program. We are committed to ensuring there are structures and procedures in place to assist with preventing, educating, reporting and responding to child abuse. The amended program includes the Policy for the Protection of Children and Young People, the Code of Conduct as well as other procedures and guidelines to assist the many priests, seminarians, religious, employees and volunteers who faithfully serve our diocese in providing safe environments for children and young people. Safe Environment Training will continue to be provided through Catholic Mutual Group (CMG) and background checks will be conducted using Selection.com.

The prevention of child abuse and neglect in any form is a great responsibility upon each of us as children of God, and I encourage all to take every appropriate step to create and maintain safe environments for our children and young people.

Therefore, I, the Most Reverend Gerald L. Vincke, Bishop of Salina, hereby promulgate the revised *Safe Environment Program* for the Diocese of Salina, to become effective July 1, 2020. Notification of this promulgation is to be published to the faithful in the July 2020 Salina Diocesan News Bulletin, and the full documentation is to be made available on the Diocesan Website and in the Diocesan Policy Manual. Given this fifteenth day of June in the year of our Lord two thousand and twenty.

Sincerely yours in Christ,

+ Gerald L. Vincke

Most Reverend Gerald L. Vincke
Bishop of Salina



F. Keith D. Weber

Reverend Keith Weber
Chancellor/Ecclesiastical Notary

EXECUTIVE SUMMARY

Pope Francis issued new norms for the worldwide response to the evil of sexual abuse. These norms add to layers of response already in place in the United States including the Essential Norms and the Charter for the Protection of Children and Young People. The new norms affect the global Church and require easily accessible reporting systems; clear standards for the pastoral support of victims and their families; timeliness and thoroughness of investigations; whistleblower protection for those making allegations; and active involvement of laity.

The Diocese of Salina is committed to maintaining safe environments for children to learn, pray and grow. The Safe Environment Office supports our parishes and schools and maintains compliance of our Diocese through our **Safe Environment Program**.

The **Safe Environment Program** outlines how the Diocese of Salina has implemented the *USCCB's Charter for Protection of Children and Young People*. (A copy of the charter can be found on The Diocese of Salina website <https://salinadiocese.org/safe-environment>.) The Diocese of Salina's **Safe Environment Program** contains policies, procedures and protocols for sexual abuse prevention and response.

As part of the **Safe Environment Program**, with regard to their contact with minors, all clergy and seminarians; all employees of the diocese, schools and entities associated with the diocese; and all volunteers must complete the requirements below.

1-Complete Safe Environment On-line Training Curriculum through CMG connect. CMGConnect is a web-based platform that will assist us to ensure that all clergy, employees and volunteers who have contact with minors within our schools and parishes are trained to recognize behavior patterns of potential abusers and provide pro-active measures for preventing abuse in any context. "Safe Haven-It's Up to You" is a three-part video which provides vignettes of real-life situations to educate the viewer about methods of grooming, desensitization, bullying and neglect, all of which can lead to abuse. Each part of the video is immediately followed by a set of questions to further knowledge and understanding. This training is to be done *before* one starts ministering/being hired and must be renewed every five (5) years.

2-Pass a Criminal Background Check. The criminal background check by Selection.com is integrated through the CMG Connect portal. This check is to be done *before* one starts ministering/being hired and must be renewed every five (5) years.

3-Read and sign acknowledgement form for the Policy for the Protection of Children and Young People/ Code of Conduct. The Policy/Code of Conduct is an important part of this program as it provides clergy, employees and volunteers clear expectations of their roles, responsibilities and guidelines as to how to interact and conduct themselves when ministering to minors. Employees, volunteers and clergy will electronically acknowledge that they have read and understood the Policy and the Code of Conduct as part of their initial CMGCONNECT training and adhere to them, and then again after 5 years as they renew their training and background check. **Note-The acknowledgment form must be reviewed and signed by all employees, volunteers and clergy annually before beginning ministry, and be kept on file at the parish or school.*

As Catholics, we are all called to make sure that every child is able to feel safe in our parishes and schools. Parents and other adults, including members of the community are invited and encouraged to attend trainings. For more information about the Safe Environment Program at your parish or school contact your Priest, Principal or Safety Coordinator.

*Jesus said, "Let the little children come to me,
and do not hinder them, for the kingdom of
heaven belongs to such as these."
~Matthew 19:14*

ROMAN CATHOLIC DIOCESE OF SALINA

POLICY FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

Amended and Revised 2020

[This Policy supersedes any and all previous policies. Revised 2011, 2015, 2016, 2017, 2020.]

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*If you have questions regarding any aspect of the
Safe Environment Program (policy, procedures or protocols) for the Diocese of Salina,
please contact:*

Kim Hoelting 785 827-8746 #28 - kim.hoelting@salinadiocese.org
Wendy Backes 785-827-8746 #24 - wendy.backes@salinadiocese.org

I. PREFACE

The catechism of the Catholic Church reaffirms the belief that every human life is sacred because the human person has been made in the image and likeness of God (CCC #2319). Jesus reaffirmed this in his own ministry when he upheld the dignity of those most vulnerable in society, especially children. Jesus said, “Let the little children come to me, for it is to such as these the kingdom of God belongs.” Human dignity originates in our being made in the image of God. Sexual abuse against children violates this dignity. It is both a criminal and sinful act that causes great harm to both an individual person and to the entire community of believers.

In creation, God transformed chaos into a creation where life could prosper. God’s power was shown in setting the boundaries between light and dark, water and land, and humans and animals, calling all of these good in the Book of Genesis. Within these boundaries, God’s children could thrive, relating responsibly to one another and to all of creation. Later, with Israelites, God rescued the chosen people from slavery and gave them a way for life. God’s power was shown in setting the boundaries of the law that governed behavior and made community possible. The law was considered by the people as a gift from God, a sign of God’s love and favor towards them. Obedience to the law was not a burden but a delight, a way of life that led to peace, mercy and healing.

However, we are a sinful people. We are a people who often ignore and even reject God’s covenant. We abuse others when we violate the boundaries God established to preserve life and community. This is especially true with the misuse of power and the violation of boundaries that occurs in child sexual abuse. Sexual abuse violates more than just boundaries but degrades the very image of God in another human being. Such behavior is therefore completely unacceptable and cannot be tolerated by those who follow Christ.

The mission of a Christian is to “put on Christ” (Gal. 3:27). Through Christ, we come to know God’s fullest expression of abundant life (Jn 10:10). In his life, death and resurrection, Christ made a new creation and called to himself a holy people that would nurture a place where life could thrive once again. The Church is a sign of this creation in Christ (*Lumen Gentium* I.1.) The mission of the Church is to witness to the world the new abundant life Christ offers. This also means acting with mercy and justice in challenging whatever debases the image of God in any human being.

II. HISTORY

This policy emerged within the larger history of how the Diocese of Salina has addressed the issue of child sexual abuse. Aware that the sexual abuse of minors was pervasive in American society and concerned about its presence within the Church, the Diocese of Salina put into place its first policy in the late 1980's. This policy was entitled *Diocesan Policy Regarding Alleged Cases of Child Abuse* and was officially promulgated by the Most Rev. George K. Fitzsimons, Bishop of Salina on July 1, 1989. This policy was subsequently revised and updated in October 1999.

It was mandated that all diocesan priests, religious and lay pastoral administrators sign this document indicating they had read it and agreed to comply with its mandates.

In June 2002 the United States Bishops adopted the Charter for the Protection of Minors and Young People. A copy of the Charter can be found on Safe Environment website <https://salinadiocese.org/safe-environment>. The provisions of the Charter are aimed at ensuring that there is a response to allegations, an outreach to victims and additional protective measures put into place to prevent child sexual abuse in the Church. The Diocese of Salina has incorporated the provisions and mandates of the Charter in its newest policy entitled “*Policy for the Protection of Children and Young People*” which was promulgated by Bishop George K. Fitzsimons on July 1, 2003 and as amended in 2015, 2017 and promulgated by Bishop Edward J. Weisenburger, and promulgated by Bishop Gerald L. Vincke in 2020. This policy is also in conformity with the U.S. Bishops *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002 and amended in 2011 and 2018. The following policy reflects the commitment of the Diocese of Salina to the prevention of child sexual abuse within the Church.

III. DEFINITION OF SEXUAL ABUSE

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor or other behavior by which an adult uses a minor as an object of sexual gratification. For the purpose of this policy, a minor is defined as a person up to the age of eighteen (18); in addition, a person who habitually lacks the use of reason is to be considered equivalent to a minor. For the purposes of this policy, such abuse is defined in compliance with, but not limited to Kansas state law (38-2223 as amended in 2016) (See Appendix A).

Abuse may also include transgressions related to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. 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. A canonical offense against the six commandment of the Decalogue 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. For clerics, sexual abuse includes any offense against the Sixth Commandment of the Decalogue with a minor, as understood in the Code of Canon Law (Canon 1395). Sexual abuse also includes the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of eighteen, for the purposes of sexual gratification, by whatever means or using whatever technology. Moreover, “imputability (moral responsibility) for a canonical offense is presumed upon external violation...unless it is otherwise apparent.” (CIC, cc. 1321; 1322-27). Ultimately, it is the responsibility of the bishop, with the advice of a qualified review board, to determine the gravity of the alleged act.

Possessing, posting, downloading, or accessing child pornography is a criminal offense and all who minister on behalf of the Diocese of Salina have a legal obligation to report this behavior to civil authorities and law enforcement whenever it is discovered. The Diocese of Salina reserves the right to investigate the matter internally, following any criminal or civil investigation. Proven participation in child pornography will result in strong disciplinary action including employment or ministerial dismissal.

IV. PREVENTION AND EDUCATION

The provisions of this section of the policy are intended to prevent a minor from being sexually abused by an adult.

Everyone in the Church community has a responsibility in helping prevent child sexual abuse. We must all be aware of the causes and signs of child sexual abuse; the steps to take to protect children; and the procedures to follow if sexual abuse is suspected or observed.

- A. All church personnel and/or volunteers must be familiar with the existence of the Policy the Protection of Children and Young People and be knowledgeable of its application to them in the position in which they serve in the diocese. They will electronically acknowledge that they have read and understood the Policy and the Code of Conduct as part of their CMGCONNECT training and agree to adhere to them. Church personnel and/or volunteers includes all of the following who are serving in the Diocese of Salina: priests, deacons, religious sisters/brothers, lay pastoral administrators, parish staff members, seminarians, Catholic school teachers, parish catechists, youth ministers, parish and school volunteers including student volunteers. Those in supervisory positions should ensure that the Policy and Code of Conduct are periodically reviewed by those they supervise. ***An Acknowledgment Form must be reviewed and signed by all employees, volunteers and clergy annually before beginning ministry, and be kept on file at the parish or school. See Appendix E.***
- B. This policy will be included in the personnel handbooks used by diocesan entities; “Diocesan entities” refers to those corporate entities within the diocese that are listed in *The Official Catholic Directory* or the Diocese of Salina Directory and have the diocesan bishop as their President.
- C. “Safe Haven – It’s Up to You” (CMGCONNECT) an educational online training on the prevention of child sexual abuse will be required of persons with regard to their contact with minors. The online training will include information concerning signs and symptoms, dynamics of sexual abuse, impact of sexual abuse, intervention strategies, reporting requirements and community resources. The online training will be required for all church personnel and new parish ministers/volunteers with regard to their contact with minors.

Catholic schools and parish religious education programs will develop, monitor and incorporate sexual abuse of children prevention curricula into the educational programs for early childhood through grades 12. The curricula in these yearly refreshers will reflect current and age appropriate subject matter.

The diocese will establish “safe environment” programs. It will cooperate with parents, teachers and civil authorities to provide education and training for minors, parents, ministers, employees, volunteers, and others about ways to sustain and foster a safe environment for minors.

- D. The procedures for reporting allegations of abuse will be readily available in printed form and will be the subject of quarterly public announcements in the Parish Bulletin.

E. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment to another (arch)diocese/eparchy. Any priest or deacon who seeks faculties to work in the diocese or who seeks to reside in the diocese must present documentation from the diocese in which he is incardinated or assigned which attests to his fitness for ministry. Similar documentation must also be provided to the diocese by those priests or deacons who belong to religious institutes or congregations. In addition, vowed religious may not be received into the Diocese without a similar letter.

F. Criminal background checks will be conducted on all church employees and all volunteers with regard to their contact with minors in the diocese. These background checks will be conducted by the Chancery using a professional company that provides such services. This background check company re-screens all church personnel and/or volunteers quarterly through Search America, the largest criminal data base in the United States, as part of their ongoing commitment to the Catholic Church. The results of the background checks will be reviewed by the bishop or his designee. Individuals may request a copy of the results of their background check from the background check company itself.

G. As a part of the admission process, all potential seminarians will be required to undergo a full psychological profile, consistent with all applicable ethical, canonical and legal principles. The bishop or his designee, will review the psychological profile, background questionnaire and criminal background check prior to accepting the applicant as a seminarian for the diocese.

H. All mission priests from other countries with an assignment decreed by the bishop in the Diocese of Salina will be required to undergo the complete Diocesan protocol prior to ministering.

V. REPORTING OF SUSPECTED CHILD SEXUAL ABUSE

"It is very important that if anyone, whether you are a priest, teacher, or parent, etc., sees anything suspicious at all, please report it. Do not be afraid."

~Bishop Vincke

1. If a child is in immediate danger dial 911.
2. Contact the Victim Assistance Coordinator 866-752-8855 #1067.
(Then, follow proper instructions given by Victim Assistance Coordinator)
3. Notify your immediate supervisor (priest or principal).
(If you have a case # from Department of Children and Families, give to immediate supervisor)
 - A. Supervisors, if recommended by the Victim Assistance Coordinator to make a report to Kansas Department of Children and Families, then follow the Victim Assistance Coordinator's instructions.
 - B. Clerics outside the confessional are canonical and moral mandatory reporters.
(vos estis article 3.1)
4. All documented reports are to be sent immediately to Chancellor/Superintendent of Catholic Schools and Human Resources.
5. Allegations of sexual abuse of a minor by church personnel will be reported by the Victim Assistance Coordinator to the independent Diocesan Lay Review Board.

**If you are in doubt, or have questions about reporting, please contact the
Victim Assistance Coordinator 866-752-8855 #1067**

**If a report is related to misconduct by a bishop or his equivalent, go to
reportbishopabuse.org or call 800-276-1562
Please also contact the
Victim Assistance Coordinator 866-752-8855 #1067**

Nothing in this policy is meant to jeopardize the seal of Sacramental Confession. The seal of Sacramental Confession is inviolable; nothing a priest hears in the Sacrament of Confession from either a perpetrator or victim may ever be revealed or reported. Kansas law (K. S. A. 60-429) recognizes the special status of penitential communication.

VI. PASTORAL RESPONSE TO AN ALLEGATION

- A. Upon receipt of a report of suspected sexual abuse of a minor, the Victim Assistance Coordinator will be notified of the allegation and all other pertinent information to assist them in their ministry. The Victim Assistance Coordinator along with other professionals who may be appointed by the bishop will contact as soon as possible the family of the child, and where appropriate the child, and make known to them the Church's sincere pastoral concern. The other professionals assisting the Victim Assistance Coordinator may include a priest, psychiatrist or other individuals who have professional experience in child abuse matters. (See Appendix B for the position description of the Victim Assistance Coordinator and the procedures the coordinator will follow.)
- B. The Victim Assistance Coordinator as well as the other professionals who may be appointed by the bishop to assist should:
 - 1. Make clear to the family of the child the deep Christian concern of the Church; that steps are being taken immediately to investigate the report and that they may wish to consult legal counsel of their choice;
 - 2. Confirm that the family is not being asked to give up legal rights against the accused or the Church; inform the family of the alleged victim of their right to make a report to civil and/or criminal authorities;
 - 3. Assist the family to ensure appropriate resources are provided to the victim and the family as agreed upon by the victim and the bishop. This may include independent medical examination, counseling, psychotherapy, spiritual assistance, support groups, and/or other social services;
 - 4. Notify the family of the child if a report has been made to DCF/Kansas Protection Report Center, unless a family member is the subject of the report;
 - 5. Assess the pastoral needs of the family;
 - 6. Make recommendations to the bishop of any actions that would help promote healing;
 - 7. Make recommendations to the bishop regarding any special needs of the affected parishes.
- C. Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. If the accusation proves to be unfounded, every reasonable step possible shall be taken to restore the good name of the person falsely accused (cf., USCCB Essential Norms, #13).
- D. The bishop or his delegate will offer to meet with the family of the child, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by Saint John Paul II in his Address to the Cardinals of the United States and Conference Officers.

VII. THE REVIEW BOARD

The Review Board is predominately a lay board composed of a variety of professionals appointed to serve by the bishop in a confidential, consultative, and advisory capacity.

A. Membership

1. The Board will be composed of regular (voting) and ex officio (nonvoting) members. There will be at least six (6) persons of outstanding integrity and good judgment in full communion with the Church appointed as regular members. Regular members will be lay persons who are not in the employ of the diocese; at least one of which should have particular expertise in the treatment of sexual abuse of minors. There may be no more than six (6) persons of outstanding integrity and good judgment in full communion with the Church appointed as ex officio members. Ex officio members will include the Victim Assistance Coordinator, the Chancellor, and a priest who is an experienced and respected pastor of the diocese. All other ex officio members may be determined by the bishop.
2. None of the members of the Review Board will receive compensation but they will be reimbursed for necessary expenses.
3. Appointed members will serve a five-year term, which can be renewed.
4. The Board is governed by the *Diocesan Review Board Mission Statement and Procedures (Rev. 07.30.2019)*. The bishop may also appoint a moderator.
5. Confidentiality: All allegation deliberations of the Review Board will remain confidential to respect the dignity of the involved persons. All Review Board members will sign a Code of Ethics Agreement. The records of the Review Board meetings and actions will be maintained confidentially by the diocese. No member of the Board shall participate in a formal meeting of the Board before signing the *Code of Ethics Agreement (Rev. 07.30.2019)*.

B. Board Duties

1. The Review Board will receive information about each case from the bishop or those he has delegated to gather information.
2. The Review Board will:
 - a. Determine whether this policy on sexual abuse was followed.
 - b. Advise the bishop in his assessment of the allegation of sexual abuse of minors, and at the bishop's discretion, they may also be asked to review other cases that do not involve acts of abuse committed against minors. The Review Board will classify cases as:
 - ***Substantiated*** - Investigation is complete and the allegation has been deemed credible/true based upon the evidence gathered through the investigation
 - ***Unsubstantiated*** - Investigation is complete and the allegation has been deemed not credible/false based upon the evidence gathered through the investigation.

- ***Unable to be proven*** - *The diocese/eparchy was unable to complete the investigation due to lack of information.*
 - ***Investigation ongoing*** - *The diocese/eparchy has started an investigation but has not yet completed it and has not yet determined credibility.*
- c. Advise the bishop in his determination of suitability for ministry.
 - d. Advise on all aspects of the case, whether retrospectively or prospectively.
 - e. Make other recommendations determined to be appropriate and helpful.
3. The Board will meet annually to review this policy and/or update on the Safe Environment Program. A report of recommendation will be given to the bishop for his consideration.
 4. Board members are to remain current on ongoing developments with regards to child sexual abuse, its prevention and its impact on the Church.

VIII. ALLEGATION PROCEDURE FOR PRIESTS AND DEACONS

- A. The diocese may provide the mechanisms for internal investigation (CIC, canons 1717-1719) and resolution (CIC, canons 1720-1728) of allegations against priests or deacons in harmony with canon law and civil law. All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The internal investigation will not compromise the State's investigation and may follow it. The preliminary investigation will include the following steps:
 1. The bishop and the members of the Diocesan Review Board will receive notice of the existence of an allegation. The diocesan attorney will be contacted and consulted with respect to the preliminary inquiry or investigation.
 2. The bishop will assign the case to the Vicar General, Chancellor or another delegate to conduct the preliminary inquiry.
 3. The purpose of the preliminary inquiry is to provide an initial assessment of the credibility of the allegation. The preliminary inquiry is not to delay compliance with the mandatory reporting laws regarding child sexual abuse but to coexist with the mandatory reporting laws. As soon as the Review Board receives the report of the preliminary inquiry they will convene and review the findings.
 4. The Review Board will advise the bishop based upon the assessment of the preliminary inquiry. (See VII. B. Board Duties). The Review Board will provide notice of its assessment to the alleged victim.
 5. If the bishop concludes that an instance of sexual abuse of a minor is substantiated, the alleged offender will be relieved of his ministry. This is a temporary administrative measure, pending full investigation and resolution of the case.

6. Regardless of whether the alleged offender has been convicted in a criminal court or by civil authorities of a sexually oriented offense, an allegation may nevertheless be substantiated after an independent investigation by the diocese.
- B. The accused will be encouraged to retain the assistance of civil and canonical counsel.
 - C. When any cleric of the diocese admits to, does not contest, or is found guilty by a court of law or is found by the bishop, after consultation with the Diocesan Review Board, to have committed an incident of sexual abuse of a minor, the bishop shall apply the measures prescribed by canon law and the Essential Norms decreed by the United States Conference of Catholic Bishops, which have been granted recognition by the Holy See, for diocesan policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.
 - D. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and to the accused (without prejudice to Canon 220), so long as this does not interfere with the investigation by civil authorities.
 - E. At all times, the bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. The bishop 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. The bishop may exercise his executive power of governance to take one or more of the following administrative actions:
 1. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189).
 2. Should the accused decline to resign and should the bishop judge the accused to be truly not suitable (CIC, c. 149 §1) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747).
 3. For a cleric who holds no office in the diocese, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764).
 4. The bishop may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
 5. The bishop may also dispense (CIC, cc. 85-88) the cleric from the obligation of wearing clerical attire (CIC, c. 284) and may urge that he not do so, for the good of the Church and for his own good.

6. These administrative actions shall be taken in writing and by means of decrees (CIC, cc 47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff).
- F. The priest or deacon may at any time request a dispensation from the obligations of the clerical state.
- G. In exceptional cases, the bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.
- H. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese will supply canonical counsel to a priest or deacon. The provisions of CIC, Canon 1722 shall be implemented during the pendency of the penal process.
- I. A cleric, if it appears advisable either for the protection of society or for his own welfare, may be encouraged to seek counseling, join support groups, or enter into a program of therapy which is mutually acceptable to the diocese and the cleric. Cost of such treatment will be negotiated between the cleric and the diocese. No cleric may be required to undergo professional treatment which includes coercion or intrusion into the sanctity of conscience. The requirements of Church law for sustenance are to be observed (Canons 281, 274, and 1350).

IX. MEDIA REPRESENTATIVE

The bishop or his designee, will be the Media Representative with respect to these policies and procedures and any incidents covered by them. The Media Representative may advise the news media of the substance of these policies and any incident subject to these policies. However, the rights of the accused must be respected. The Media Representative should make it clear to the news media that the primary concern of the Church is a pastoral concern for all –victims and their families and the accused – and that any incidental harm to the Church as an institution is of secondary consideration.

[Given the universal norms *Sacramentorum sanctitatis tutela (SST)* were revised May 21, 2010, which led to a revision of the U.S. Bishops' *Charter for the Protection of Children and Young People* on June 16, 2011, it became necessary that our *Diocesan Policy for the Protection of Children and Young People* also be revised to include the changes. Our policy was revised June 2011 to reflect the changes in the universal norms and again in June 2015. The U.S. Bishops' adopted further revisions to the *Charter for the Protection of Children and Young People* at the June 2018 Plenary Assembly and the *Diocesan Policy* revisions were made July 2020. The USCCB issued further revisions to the *Charter for the Protection of Children and Young People* in June 2018, our policy was revised in June 2020.

Appendix A

The Following is K.S.A. 38-2223 (as amended July 1, 2016)

38-2223. Reporting of certain abuse or neglect of children; persons reporting; reports, made to whom; penalties; immunity from liability.

A. Persons making reports.

1. When any of the following persons have reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (B) and (C);
 - a. The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;
 - b. the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;
 - c. teachers, school administrators or other employees of an educational institution which the child is attending, and persons licensed by the secretary of health and environment to provide childcare services or the employees of persons so licensed at the place where the childcare services are being provided to the child;
 - d. firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2019 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2019 Supp. 23-3502, and amendments thereto; and
 - e. any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.
2. In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

B. Form of report.

1. The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

2. When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

Reports made pursuant to this section shall be made to the secretary, except as follows:

1. When the Kansas Department for Children and Families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 2019 Supp. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.
2. Reports of child abuse or neglect occurring in an institution operated by the Kansas Department of Corrections shall be made to the attorney general or the secretary of corrections. Reports of child abuse or neglect occurring in an institution operated by the Kansas Department for Aging and Disability Services shall be made to the appropriate law enforcement agency. All other reports of child abuse or neglect by persons employed by the Kansas Department for Aging and Disability Services or the Kansas Department for Children and Families, or of children of persons employed by either department, shall be made to the appropriate law enforcement agency.

C. *Death of child.*

Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

D. *Violations.*

1. Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.
2. Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.
3. Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

E. *Immunity from liability.*

Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

History: L. 2006, ch. 200, § 18; L. 2011, ch. 44, § 1; L. 2012, ch. 162, § 64; L. 2014, ch. 115, § 61; L. 2016, ch. 53, § 1; July 1.

Any questions regarding this law should be directed to the Vicar General, Chancellor or Diocesan Attorney.

Appendix B

Victim Assistance Coordinator (VAC)

I. POSITION SUMMARY

The goal of the VAC is to assist with the process of reporting and promote healing and reconciliation with victims/survivors of child sexual abuse.

II. CLASSIFICATION: Contracted Service

III. ACCOUNTABLE TO: Bishop, Human Resources and Safe Environment Program Coordinator

IV. MAJOR DUTIES AND RESPONSIBILITIES

1. Provide outreach, counseling, resources, and a pastoral response to the alleged victim and family, immediately and ongoing.
2. Promote the well-being of alleged victims who contact the diocese.
3. Assist the alleged victim in making the complaint to the diocese.
4. Report all allegations to law enforcement officials.
5. Accompany the alleged victims if requested, to any meetings that are necessary.
6. Assist the bishop and diocesan review board in responding to allegations of child sexual abuse by clergy or other church personnel.
7. Answer questions.

V. QUALIFICATIONS

1. Knowledge of the Catholic Faith.
2. A Bachelor's Degree in Social Work, Sociology, Psychology, or a closely related field. A minimum of two years' experience in counseling, social work, or crisis intervention.
3. Background check.
4. Not an employee of the diocese.
5. Excellent interpersonal and group communication skills.
6. Ability to maintain confidentiality in all areas of responsibility as required.
7. Sincere commitment to spiritual, mental, and emotional well-being of others, especially victims.

VII. PROCEDURE

- A. When an allegation is received directly by the Victim Assistance Coordinator from an alleged victim, the coordinator will:
 1. Inform the alleged victim of the limits of confidentiality and civil authority reporting requirements.
 2. In every instance, advise the alleged victim of his/her right to make a report to civil authorities.

3. In all cases of alleged sexual abuse of a minor, regardless of when it was alleged to have occurred, inform the alleged victim that the case will be reported immediately to the proper authorities.
4. Victim Assistance Coordinator will make the allegation known to the bishop, Human Resources and Chancellor/ Superintendent of Catholic Schools
5. Provide counseling and pastoral outreach and presence to the alleged victim, family and others deemed appropriate, with permission of the victim.

VICTIM ASSISTANCE COORDINATOR CONTACT INFORMATION:

If you have any questions or concerns, or need to report allegations of child sexual abuse please contact the Victim Assistance Coordinator in one of the following ways

Confidential Diocesan Abuse Hotline

866-752-8855 #1067

Website:

www.reportandprotect.com

Confidential Email:

reportabuse@salinadiocese.org

Confidential Mailing Address:

Maria Cheney, LSCSW

PO Box 2984

Salina, KS 67402

The Victim Assistance Coordinator will contact the survivor by phone or email to arrange for an interview by phone or in person. The survivor will be asked to provide his/her name, date of birth, current address, phone number, name of perpetrator, years of abuse and a brief description of the nature of the abuse. General information which does not include the name of the survivor may also be shared with law enforcement officials.

If you have any questions, please contact the Victim Assistance Coordinator:

Hotline: 866-752-8855 #1067

Website: www.reportandprotect.com

Email: reportabuse@salinadiocese.org

Appendix C

Guidelines for Reporting Suspected Abuse

Any Questions?

Contact Victim Assistance Coordinator 866-752-8855 #1067

What to do if you suspect abuse or neglect of a child in Kansas.

If a child is in immediate danger call 911.

Kansas Department for Children and Families Child Abuse Hotline: 800-922-5330

KBI Hotline: 800-572-7463

What to do if you suspect abuse or neglect by church or school personnel.

After making a report to the proper civil authorities, please make a report to the diocese in **one** of these three ways:

Go to- www.reportandprotect.com

Call- 866-752-8855 #1067

Email - reportabuse@salinadiocese.org

A person may also report allegations of child sexual abuse to the Diocesan Assistance Coordinator by writing Maria Cheney, LSCSW at PO Box 2984 Salina, KS 67402.

What to do if you were a victim of sexual abuse by a member the clergy in the past.

KBI Hotline: 800-572-7463

Email - ClergyAbuse@kbi.ks.gov.

The KBI asks victims to report all incidents of abuse, no matter how long ago they occurred, and even if they were previously reported to law enforcement, or the church. The Diocese of Salina is fully cooperating with all investigations.

What to do if you suspect abuse by a Bishop or Religious Superior currently or in the past.

Website: www.reportbishopabuse.org

Toll Free Hotline: 800-276-1562

If you have any other kind of complaint about a bishop - such as parish assignments, church closings, homily contents, etc. - please address those directly to your diocesan or eparchial bishop.

Appendix D

Code of Conduct

The Diocese of Salina has established this Code of Conduct for clergy, employees, educators and volunteers of the Church with regard to their contact with minors, to foster and maintain an atmosphere of trust and safety in its ministry to all minors. Diocesan personnel have a responsibility to provide a safe environment and actively protect minors from all forms of abuse and are expected to maintain the highest standards of professional, ministerial and moral behavior. This includes:

- Maintaining proper supervision at all times. Ordinarily, this means having two qualified adults present (must be at least 25 years of age and trained- have Safe Environment Training and valid Background Check)
- Must refrain from disclosing confidential or damaging information that affects the student.
- Must refrain from allowing minors to be primary supervisors over other minors. There must be present two trained adults (at least 25 years of age) whenever older youth/teenagers are ministering to younger children
- Maintaining proper accommodations, female and male leadership, and ratios of adults to minors for parish/school events and field trips
 - *See *Guidelines for Field Trips/Events* for more detailed information (see section IV-Q in Program)
- Make reasonable effort to protect the student from conditions detrimental to learning, health or safety, including helping with medical emergencies
- Maintain professional relationships with students both inside and outside the classroom, always in areas that are accessible and visible, one on one contact with a minor should always occur in a public place
- Must refrain from soliciting, encouraging, participating or initiating inappropriate written, verbal, electronic, physical, sexual or romantic relationship with students
 - *See *Guidelines for Social Media and Other Communications* for more detailed information (see section IV-P in Program)
- Maintain your “group” at all times, no minor or adults should leave the group for unauthorized excursions
- Must refrain from driving alone with a minor
 - *See *Guidelines for Transportation of Minors* for more detailed information (see section IV-O in Program)

Appropriate conduct includes, but is not limited to the following:

- Keeping in confidence information about students that has been obtained in the course of professional service
- Creating, supporting and maintaining a challenging learning environment for all students
- Advocating for fair and equitable opportunities for all children
- Nurturing the intellectual, spiritual, physical, emotional, social and civic potential of all students
- Embodying for students the characteristics of honesty, diplomacy, tact and fairness
- Fulfilling all mandatory reporting requirements for child abuse. Contact Victim Assistance Coordinator and inform Pastor, Principal or appropriate supervisor, this includes fully cooperating in any investigation that may occur into allegation of child sexual abuse
 - If a child is in danger call 911. Any person who has reason to believe that a child is being abused or neglected can make a confidential report to the Kansas Department for Children and Families Protection Report Center. The state provides a toll-free child abuse hotline. They may also call the Kansas Bureau of Investigation Hotline
 - Kansas Department for Children and Families Child Abuse Hotline 800- 922-5330
 - KBI Hotline 800- 572-7463
 - If there is suspected abuse by church or school personnel, a report must be made to the diocese, please use the website, hotline or email to report issues.
 - www.reportandprotect.com
 - 866-752-8855 #1067
 - reportabuse@salinadiocese.org
 - If you suspect abuse by a Bishop or Religious Superior currently or in the past, please use the website or hotline to report issues.
 - www.reportbishopabuse.org
 - Hotline: 800-276-1562
- Fulfilling the roles of mentor and advocate for students in a professional relationship. A professional relationship is one where the educator maintains a position of teacher/student authority while expressing concern, empathy and encouragement for students

- Providing professional education services in a nondiscriminatory manner
- Maintaining a professional relationship with parents of students and establish appropriate communication related to the welfare of their children

Inappropriate conduct includes, but is not limited to the following:

- Sharing confidential information concerning student academic and disciplinary records, health and medical information, family status/income and assessment/testing results unless disclosure is required or permitted by law
- Failure to provide appropriate supervision of students and reasonable disciplinary actions. Using discipline that frightens or degrades any minor, striking or touching a student as a means of discipline
- Engaging in harassing behavior on the basis of race, gender, national origin, religion or disability
- Furnishing tobacco, alcohol or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs
- Giving or receiving expensive or excessive gifts without the permission of a parent/priest/principal
- Using profanity in presence of minors
- Committing any act of child abuse (including striking, spanking, shaking or slapping a minor)
- Committing any act of cruelty to children or any act of child endangerment
- Committing or soliciting any unlawful sexual act (including touching a minor in a sexual way or other inappropriate manner and engaging in any pornographic or sexually explicit, profane or otherwise inappropriate materials or provide, or display sexually explicit or offensive material to minors). Verbal and nonverbal sexual behavior, including sexual gestures with any minor is inappropriate

RESPONSIBILITIES TO DIOCESE:

- Adhere to conditions of contractual obligations with professional practice
- Fulfill reporting requirements honestly and accurately
- Appropriately use funds, personnel, property and equipment committed to his or her charge
- Must refrain from falsifying any documents related to the employment process
- Conduct school/parish business through established procedures

Appropriate conduct includes, but is not limited to the following:

- Maximizing the positive effect of school/parish funds through judicious use of said funds
- Modeling for students and colleagues the responsible use of public property
- Ensuring that school/parish policies or procedures are not impacted by gifts or gratuities from any person or organization

Inappropriate conduct includes, but is not limited to the following:

- Revealing confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law
- Harming others by knowingly making false statements about a colleague at the school or parish
- Being on school/parish premises or at a school/parish-related activity involving students while documented as being under the influence of, possessing or consuming alcoholic beverages. A school/parish related activity includes, but is not limited to, any activity that is sponsored by a school/parish any activity designed to enhance the school/parish curriculum such as club trips, etc. which involve students
- Falsifying, misrepresenting, omitting or erroneously reporting information submitted to local, state, federal, and/or other governmental agencies
- Using school/parish property without the approval of the proper governing board
- Submitting fraudulent requests for reimbursement of expenses or for pay

- Falsifying, misrepresenting, omitting or erroneously reporting reasons for absences or leave
- Tutoring students assigned to the educator for remuneration unless approved by the local school board
- Falsifying records or directing or coercing others to do so

RESPONSIBILITIES TO MINISTRY:

Appropriate conduct includes, but is not limited to the following:

- Encouraging and supporting colleagues in developing and maintaining high standards
- Ensuring that institutional privileges are not used for personal gain
- Maintaining diligently the security of standardized test supplies and resources
- Follow mandatory reporting requirements

Inappropriate conduct includes, but is not limited to the following:

- Harassment of colleagues
- Inappropriate language on school/parish grounds or any school/parish-related activity
- Accepting gifts or favors or offering gratuities that impair professional judgment or to obtain special advantage
- Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items and violating local school board or state directions for the use of tests
- Being under the influence of, possessing, using or consuming illegal or unauthorized drugs
- Falsifying, misrepresenting, omitting or erroneously reporting employment history, professional qualification, criminal history, licensure/re-licensure
- A plea of guilty, nolo contendere or having been otherwise found guilty of: any crime punishable as a felony; any crime involving a minor; any crime involving a theft; any crime involving drug related conduct; any crime defined in any section of article 36 of chapter 21 of the Kansas statutes annotated; or any attempt as defined by K.S.A. 21-3301 and amendments thereto, to commit any crime specified in this subsection.

In all entities of the Diocese of Salina, we shall all work in the best interest of those we minister to. The responsibilities outlined in this Diocesan Code of Conduct are the minimum standards. The diocesan office, along with individual schools and parishes may have stricter requirements they must adhere to. If you have any questions related to the Code of Conduct, please see your immediate supervisor or the Safe Environment Office for further guidance.