

# TOWARDS HEALING

PRINCIPLES AND PROCEDURES  
IN RESPONDING TO COMPLAINTS  
OF SEXUAL ABUSE  
AGAINST PERSONNEL  
OF THE CATHOLIC CHURCH IN AUSTRALIA

December, 1996



*TONY PAUK*

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OF SEXUAL ABUSE  
AGAINST PERSONNEL  
OF THE CATHOLIC CHURCH IN AUSTRALIA**



# Australian Catholic Bishops' Conference

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## TOWARDS HEALING

### PRINCIPLES AND PROCEDURES IN RESPONDING TO COMPLAINTS OF SEXUAL ABUSE AGAINST PERSONNEL OF THE CATHOLIC CHURCH IN AUSTRALIA

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Dialogue or comments about the principles and procedures in this document are invited and should be addressed to:

#### **Executive Officer**

National Committee for Professional Standards (A Committee of the Australian Catholic Bishops' Conference and the Conference of Australian Leaders of Religious Institutes)

#### **Postal Address**

20 Montacute Road  
HECTORVILLE  
SOUTH AUSTRALIA 5073

Tel: (08) 8365 7498  
ISD 61 8 8365 7498  
Mobile: 018 481 187

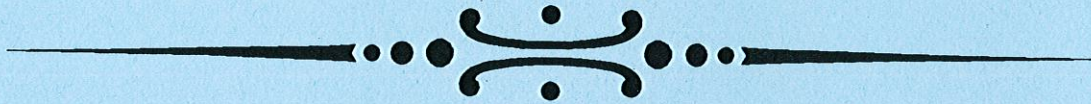
Fax: (08) 8336 4040  
ISD 61 8 8336 4040

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## INTRODUCTION

As bishops and leaders of religious institutes of the Catholic Church in Australia, we acknowledge with deep sadness and regret that a number of clergy and religious have sexually abused children, adolescents and adults who have been in their pastoral care. To these victims we offer our sincere apology.

In seeking to move towards healing, we are publishing this document of principles and procedures. The first part names the principles that must form the basis of the Church's response to complaints of sexual abuse. The second part details the procedures to be followed in particular cases.

We recognise that in itself this document is nothing more than words on paper. It will become credible only to the extent that it is actually put into effect. At the same time, it is a public document that establishes public criteria according to which the community may judge the resolve of Church leaders to address sexual abuse within the Church. If we do not follow the principles and procedures of this document, we will have failed according to our own criteria.

This document binds us *ad interim*, that is, we bind ourselves to follow the provisions of this document until a further development of it takes place.<sup>1</sup> We are not publishing it as the last word to be said on the subject. On the contrary, the publication of the document is intended as a means of seeking the comments of all interested persons in the community, so that we can continue to improve the quality of the document and that the response of the Church may truly move 'towards healing'.

We express our profound gratitude to the victims of sexual abuse who have advised us in the preparing of this document.

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<sup>1</sup> The Archdiocese of Melbourne has already implemented a set of procedures that are of similar intention to those set out in Part 2 of this document. Both sets of procedures are designed to meet the principles in Part 1. Accordingly, it is acknowledged that the procedures in Part 2 do not apply to the Archdiocese of Melbourne.



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**PART ONE:      *PRINCIPLES FOR DEALING WITH  
COMPLAINTS OF SEXUAL ABUSE***

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## **SEXUAL ABUSE**

1. Clergy and religious are in a special position of trust and authority in relation to those who are in their pastoral care, e.g. those in their parish, people seeking advice, students at a Catholic school. Any attempt to sexualise a pastoral relationship is a breach of trust, an abuse of authority and professional misconduct. Such abuse may take the form of suggestive comments, unnecessary questions or physical contact. Failure by the other person to reject such conduct does not necessarily imply meaningful consent. Even when the other person concerned is the one who seeks to sexualise the relationship, it is the professional responsibility of clergy or religious to guard the boundary against sexual contact.
2. Any form of sexual behaviour with a minor, whether child or adolescent, is always sexual abuse. It is both immoral and criminal.
3. Sexual approaches by clergy or religious to adults in their pastoral care are sexual harassment or, in more serious cases, sexual assault. They may be subject to provisions of civil or criminal law. Even when there are no grounds for criminal action, we recognise that elements of abuse of authority can be present and serious harm can be caused.

## **THE VICTIMS**

4. Victims of sexual abuse can experience fear, shame, confusion and the violation of their person. They can feel guilty, blame themselves and take responsibility for what has happened. Children and adolescents can suffer distortions in the process of determining their sexual identity, and even their identity as persons. Victims can go through a long period of silence, denial and repression. Other people can refuse to believe them, reinforcing their sense of guilt and shame.
5. The intensity of the effects of sexual abuse on victims will vary. Some of the factors involved are the age and personality of the victim, the relationship with the offender, the duration and frequency of the abuse, the particular form of the abuse, the degree of force used, the threats used to compel secrecy, and the degree of violation of trust and abuse of power involved.
6. We recognise that responses to victims by the many Church authorities vary greatly. We express regret and sorrow for the hurt caused whenever the response denies, distorts or minimises complaints. Through this document we commit



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ourselves to principles and procedures that apply to all Church authorities.

## **THE OFFENDERS**

7. In most cases of sexual abuse free choices are made and many serious and sacred obligations are violated. Vulnerable persons are carefully selected as potential victims and care is taken to threaten them not to tell anyone what has happened. These very facts argue to a clear awareness by the offender of the wrong that is being done.
8. Offenders frequently present as respectable, good and caring people. They can be quite exemplary in their public life, and they can actually use this as an excuse for a private life that contradicts their public one.
9. At the same time, a number of offenders are disturbed persons and some have serious psychological problems. A significant number were themselves victims of sexual abuse in their earlier years. For many the abuse can quickly become a compulsion that leads to denial and self-deception.

## **THE RESPONSE OF THE CHURCH**

10. The Church makes a firm commitment to strive for seven things in particular: truth, humility, healing for the victims, assistance to other persons affected, an effective response to those who are accused and those who are guilty of abuse, and prevention of abuse.

### **TRUTH**

11. The Church makes a commitment to seek to know the full extent of the problem of sexual abuse and the causes of such behaviour within a community that professes the values of Jesus Christ.
12. Concealing the truth is unjust to victims, a disservice to offenders and damaging to the whole Church community.

### **HUMILITY**

13. It is very humbling for a Christian church to have to acknowledge that some of its clergy and religious have committed the offence of sexual abuse. We must recognise that humility is essential if we are to care for victims and prevent abuse in the future.



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## HEALING FOR THE VICTIMS

14. Whenever the offender is a clergyman or religious, Church authorities accept that they have a responsibility to seek to bring healing to those who have been victims of abuse.
15. A compassionate response to the victim must be the first priority in all cases of abuse. A balance must be kept between the primary concern for the needs of victims and the effort to ensure that the response is fair and just to all parties.
16. These attitudes must be present even at a time when it is not yet certain that the allegations are accurate. At the first interview complainants should be assured that, if the facts are truly as stated, abuse must be named for what it is and victims assisted to move the blame from themselves to the offender. They should be asked what needs to be done immediately to ensure that they feel safe from further abuse. They should be offered both psychological and spiritual assistance. These responses do not pass judgement on or prejudice the rights of the person accused, but they are part of the Christian response to the very possibility that the person present might be a victim of sexual abuse.
17. Whenever it is established, either by admission or by proof, that sexual abuse did in fact take place, the Church authority shall immediately enter into dialogue with victims concerning their needs and ensure they are given such assistance as is demanded by justice and compassion. Details concerning the procedures to be followed are contained in the second half of this document.

## ASSISTANCE TO OTHER PERSONS AFFECTED

18. We shall also strive to assist in the psychological and spiritual healing of those persons who, as well as the victims, have been seriously affected by incidents of sexual abuse.
19. The effect on the family of the victim can be profound. Sometimes the disclosure is so terrible that the family would rather reject the victim than face the reality. Parents can feel guilty that they did not protect their child more effectively.
20. The parish, school or other community in which the abuse occurred may be deeply affected. The more popular and respected the clergyman or religious, the greater will be the shock.
21. The family and close friends of the offender may also be deeply hurt. They can find it difficult to know how to respond and how to act towards the offender.
22. All clergy and religious are affected, and the thought that other people might be looking at them as potential child abusers can be a cause of personal stress. They have had to make changes in their manner of relating to all young people and some good things have been lost in these changes.



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23. The whole Church community has been affected, for all Catholic people have been dismayed by the stories they have heard. The reputation of the whole Church has been affected and the religious faith of many has been disturbed.

### **A RESPONSE TO THOSE ACCUSED**

24. All persons are presumed innocent unless and until guilt is either admitted or proved. If clergy or religious accused of sexual abuse are asked to step aside from the office they hold while the matter is pending, it is to be clearly understood that they are on leave and that no admissions are implied by this fact alone. Unless and until guilt has been admitted or proved, those accused should not be referred to as offenders or in any way treated as offenders.

### **A RESPONSE TO THOSE GUILTY OF ABUSE**

25. If guilt has been admitted or proved, the response must be appropriate to the seriousness of what has happened. Serious offenders will not be given back the power they have abused. Those who have made the best response to treatment recognise this themselves and no longer claim a right to return to ministry.
26. We accept that the community expects of us a serious and ongoing role in seeking to ensure that offenders are held accountable for what they have done, come to a true appreciation of the enduring harm they have caused, seek professional help in overcoming their problems, and do whatever is in their power to make amends.
27. In order to carry out this responsibility, Church authorities need to have some contact with offenders and some form of influence over their conduct. In order to achieve change, they need to hold out to them something more than the prospect of unending condemnation. They need to be able to tell them that there can be forgiveness, by human beings as well as by God, and that change is possible.

### **PREVENTION**

28. We commit ourselves to making every effort to reduce the risk of abuse by clergy or religious. We continue to review the selection of candidates for priesthood and religious life and their ongoing formation. We commit ourselves to a process of community education and awareness in recognising and responding to sexual abuse.

### **COMMITMENT**

29. We commit ourselves to the principles presented in this document. We invite the whole Church to assist us in offering whatever healing is possible to victims of abuse and in preventing abuse in the future.



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**PART TWO: PROCEDURES FOR DEALING WITH COMPLAINTS OF SEXUAL ABUSE<sup>2</sup>**

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**1. NOTES**

- 1.1 This section of the document deals with procedures. It is to be implemented in the context of the previous section on principles.
- 1.2 These procedures are a revised version of the draft document published by the Australian Catholic Bishops' Conference and the Conference of Leaders of Religious Institutes in April 1992.<sup>3</sup>
- 1.3 These procedures are intended to apply to all complaints of sexual abuse by Church personnel, whether they be clerics, religious personnel, lay employees or volunteers.<sup>4</sup>
- 1.4 In applying these procedures, the penal and procedural provisions of the Code of Canon Law should be kept in mind.
- 1.5 If a complaint concerns a criminal offence, Church authorities shall not jeopardise the right of the police or other civil authorities to investigate the matter and to take appropriate action.
- 1.6 A complaint of sexual abuse raises medical, psychological, spiritual, legal and practical questions. An appropriate response will, therefore, need to be based on a team approach.

**2. DEFINITIONS**

'Accused' means the person against whom a complaint of sexual abuse is made.

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<sup>2</sup> It is noted that the Archdiocese of Melbourne has already implemented a related but different set of procedures. Accordingly the procedures in this Part do not apply to that Archdiocese.

<sup>3</sup> This document drew on various documents published in Australia, Canada and the United States of America. In particular it drew on the document, *Procedures to be Applied in Cases of Alleged Sexual Misconduct by a Priest* by Rev. Francis G. Morrissey O.M.I. (*Studia Canonica* 26(1992)39-73)

<sup>4</sup> The section on principles concentrated on clergy and religious because of the added betrayal of trust that is present in such cases, but this section wishes to ensure that procedures are in place concerning all Church personnel.



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'Church authority' includes a bishop, a leader of a religious institute and the senior administrative authority of an autonomous lay organisation, and their authorised representatives, responsible for the Church body to which the accused person is connected.

'Church body' includes a diocese, religious institute and any other juridical person, body corporate, organisation or association, including autonomous lay organisations, that are generally perceived to be part of the Catholic church.

'Church personnel' includes any cleric, member of a religious institute, employee or volunteer who is connected with a Church body.

'Civil authorities' includes members of the police service as well as officials of the government departments responsible for child protection, for the administration of laws relating to complaints of sexual harassment, for the discipline of professions and for industrial relations.

'Complainant' means the person who has alleged sexual abuse against Church personnel. In most but not all cases the complainant will also be a victim, and this is to be understood in this document unless the context suggests otherwise.

'Offender' means a person who has admitted sexual abuse or been found guilty of sexual abuse by a court of law.

'Sexual abuse' includes any form of criminal assault, sexual harassment, or other conduct of a sexual nature that is inconsistent with the public vows taken by a priest or religious, with the integrity of the relationship between a priest or religious and a person in their pastoral care, or with the duties or professional responsibilities of Church personnel.

'Victim' means the person against whom the sexual abuse was directed.

### **3. STRUCTURES AND PERSONNEL**

- 3.1 The Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes have jointly established a National Committee for Professional Standards (National Committee) to oversee the development of policy, principles and procedures in responding to complaints of sexual abuse against Church personnel.
- 3.2 The bishops and leaders of religious institutes of each province of the Catholic Church in Australia have established and shall maintain a Professional Standards Resource Group (Resource Group) in each province.<sup>5</sup>

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<sup>5</sup> There are five provinces in the Catholic Church in Australia, based on Brisbane, Sydney, Melbourne, Adelaide and Perth. The Australian Capital Territory goes with New South Wales, Tasmania with Victoria and the Northern Territory with South Australia. It is



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- 3.2.1 The Resource Group shall consist of at least one priest and one religious and a suitable number of other persons (no more than ten), both men and women, of diverse backgrounds, skilled in the areas of child protection, the social sciences, civil and Church law and industrial relations.
- 3.2.2 The Resource Group shall act as adviser to all Church bodies in the province in matters concerning professional standards, both in general and in relation to specific cases.
- 3.2.3 In addition to responding to requests for assistance, the Resource Group shall also act in a proactive manner. It shall be free to offer advice within its mandate, to any Church body in the province as it sees fit.
- 3.3 Each Resource Group shall nominate from among its members a Convenor (and deputy), who shall convene and chair meetings as required; liaise with the National Committee, other provincial Resource Groups, and individual Church bodies and their professional advisers; have an overview of all matters dealt with by the Resource Group; and be responsible for the safekeeping of all documentation connected with the Resource Group.
- 3.3.1 All Church personnel shall deal with documents in accordance with the provisions of the Code of Canon Law.<sup>6</sup>
- 3.4 Each Resource Group shall ensure that, from amongst its own members or elsewhere, suitable persons are available to fulfill the following roles:
- CONTACT PERSONS**, who shall be the usual persons to receive complaints of sexual abuse and pass them on to the appropriate Church authority. Contact Persons shall be skilled listeners, sensitive to the needs of complainants and victims.
- ASSESSORS**, who shall be responsible for assessing any aspect of the complaint.
- VICTIMS' SUPPORT PERSONS**, who shall represent the needs of the victim to the Church authority and assist, where appropriate, with the care of a victim and with communication between the victim, assessors and Church authority. The victim's support person shall not be the victim's therapist.
- ACCUSED'S SUPPORT PERSONS**, who shall represent the needs of the accused to the Church authority and assist, where appropriate, with the care of the accused and with communication between the accused, assessors and Church authority. The

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noted that although the Archdiocese of Melbourne will be represented on the Victorian Resource Group, the procedures set out in this Part need not be implemented in relation to that Archdiocese.

<sup>6</sup> Especially canon 474, which states that all documents designed to have legal effect must be signed by the authority issuing them and by a notary.



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accused's support person shall not be the accused's therapist.

- 3.5 The Resource Group shall draw up a list of facilitators not from its own members. FACILITATORS shall facilitate meetings between victims and Church authorities concerning what the Church body can and should do to assist the victim.
- 3.6 The Resource Group shall draw up a list of reviewers not from its own members. REVIEWERS shall, where appropriate, conduct a review of process. Before a list of reviewers is named, the Convenor shall guarantee their independence and impartiality by seeking recommendation of the list of names from the appropriate professional peak bodies.
- 3.7 The Convenor shall cause the Resource Group to establish criteria concerning when an individual member of the Resource Group may act alone or act only after consulting with other members.
- 3.8 All members of the Resource Group shall abide by the highest possible standards of professional conduct in all aspects of their work. They shall receive appropriate inservice training and support from the National Committee.

#### **4. COMPLAINTS**

- 4.1 If a complaint of sexual abuse against Church personnel comes to the notice of any member of the Church, he or she shall take contact details and immediately (and within 24 hours) refer the matter to a Contact Person.
- 4.2 Information shall be widely circulated to the public, and especially among Church counselling agencies, parishes and schools, giving the names and contact details of Contact Persons. The information shall set out as simply as possible the manner for making a complaint about sexual abuse. A national phonenumber, with the number published in every parish, shall be established by the National Committee to advise complainants concerning the availability of a local Contact Person.
- 4.3 All Church personnel shall comply with the requirements for mandatory reporting of child sexual abuse that exist in some States/Territories. The appropriate Church authority shall also be notified of any such report.
- 4.4 Anonymous complaints are to be treated prudently. An anonymous complaint cannot have the full force of one made by an identified person, but anxiety and fear may persuade some complainants not to reveal their identity immediately.
- 4.5 The person hearing the account of the complaint shall listen fully, honestly and compassionately to the person laying the complaint, both concerning the facts of the situation and its emotional, psychological and spiritual effects.
- 4.6 The Contact Person shall provide written notes of the details of the complaint in the



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form of a report to the appropriate Church authority and these notes are to be confirmed by the signature of the complainant.

- 4.7 The Contact Person shall forward the report promptly to the appropriate Church authority. If necessary, a recommendation may be made concerning any immediate action that needs to be taken in relation to the protection of vulnerable children and adults. The Contact Person shall forward a copy of the report to the Convenor of the Resource Group.

## **5. ASSESSMENT**

- 5.1 The Contact Person in receipt of a complaint shall make a recommendation to the responsible Church authority concerning whether there needs to be a formal assessment of any aspect of the matter.

- 5.2 No Church assessment shall be undertaken in such a manner as to interfere in any way with the proper processes of civil law, whether they are in progress or contemplated for the future.

- 5.3 When the complaint concerns an alleged crime, the Contact Person shall tell the complainant of the right to take the matter to the police and, if desired, provide assistance to do so. The appropriate Church authority is to be notified of any action by the Contact Person.

- 5.4 If the victim indicates an intention not to take the matter to the police, this should be recorded by the Contact Person and confirmed by the signature of the victim.

5.4.1 State or Territory law regarding the reporting of knowledge of a criminal offence must be observed.

- 5.5 The Resource Group shall liaise with civil authorities regarding the proper processes to be followed and the principles that should determine the timing and manner of Church assessments.

- 5.6 If in the course of a Church assessment, what had been thought not to be a crime is in fact revealed as an alleged crime, the Church assessment procedure shall cease immediately and the complainant told of the right to take the matter to the police. The Contact Person is to assist the complainant if requested.

## **6. ASSESSMENT PROCEDURES**

- 6.1 If the Contact Person advises that some aspect of the matter needs to be assessed, the Church authority shall appoint two assessors from those named by the Resource Group. The appointment of the assessors shall occur within twenty four hours of receipt of the Contact Person's report.



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- 6.1.1 The two assessors chosen must be, and be seen to be, independent of the Church authority, the victim and the accused.
- 6.2 At any time prior to or during the assessment, the Contact Person and the assessors may recommend to the Church authority that the accused be asked to stand aside from a particular office or from all offices held in the Church. If only one of these persons makes the recommendation, the Church authority shall seek the opinion of the others before making a decision.
- 6.2.1 If there is seen to be any risk of sexual abuse of other persons, this advice must be given and acted upon by the Church authority at the earliest possible moment.
- 6.2.2 If accused persons are asked to stand aside from any office they hold while the matter is pending, it is to be clearly understood that they are on administrative leave and that no admissions of any kind are implied by this fact alone. Accused persons who are employees shall, therefore, be on full pay while standing aside.
- 6.3 The assessors shall not seek to interview the victim without first discussing the matter with the relevant Contact Person.
- 6.3.1 If the decision is made to seek further statements from the victim, the victim shall be invited to have another person present at the interview (e.g. victim support person or legal representative).
- 6.3.2 Under no circumstances shall there be any attempt to intimidate a victim or to dissuade a victim from proceeding with a complaint.
- 6.3.3 If the complainant is not the victim, the assessors shall seek advice from the complainant, the Contact Person and the Convenor of the Resource Group regarding the wisdom and prudence of seeking to interview the victim.
- 6.3.4 No interview with a child victim will take place if there is the slightest risk that this will interfere with the proper process of civil law. No interview, either by a Contact Person or an assessor, shall be conducted with a child victim without the express written authority and in the presence of the parent or guardian. An interview with a child victim shall only be conducted by personnel who are professionally recognised as skilled practitioners in interviewing children.
- 6.4 The assessors shall inform the accused of the complaint and arrange an interview. Both assessors are to be present for interviews with the accused.
- 6.4.1 The assessors shall inform the accused that in both civil and Church law a person is presumed innocent until proven guilty.



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- 6.4.2 An accused person may be invited to admit to an offence but is not bound to do so, nor may an oath be administered (canon 1728, #2).<sup>7</sup>
- 6.5 The accused has the right to obtain independent legal advice.
- 6.5.1 This advice shall be at the accused's expense. It is not appropriate that a Church authority should indemnify a person for legal expenses relating to alleged criminal behaviour or professional misconduct.
- 6.5.2 An exception to the above rule may be necessary in the case of a member of a religious institute who has taken a vow of poverty.
- 6.6 The accused is entitled to have other persons present during any interviews (e.g. accused's support person, union official or legal representative).
- 6.6.1 Any interview with an employee shall comply with the grievance procedures (if any) of the employment contract.
- 6.6.2 Insofar as they apply, the provisions of canons 1717–1719 regarding the preliminary investigation stage of the penal process, shall be observed.
- 6.7 The assessors shall interview any other persons who could be of assistance.
- 6.8 A written account shall be made of all interviews.
- 6.9 The victim's support person and the accused's support person shall have ready access to the assessors and shall have the responsibility of keeping the victim and accused, respectively, informed of the progress of the assessment.
- 6.10 After the assessment is completed, the assessors shall provide a written report with recommendations to the Church authority. The assessors shall provide a copy of the report to the Contact Person and the Convenor of the Resource Group.
- 6.11 The Church authority shall act on the recommendations of the report as quickly as possible. The Resource Group may be called upon by the Church authority for advice on their implementation.
- 6.12 Mindful that the assessment process is a difficult and trying time for all concerned, particularly the victim and the accused, the process of assessment shall be undertaken as quickly as possible and the process shall be as transparent as possible to all concerned. The Convenor of the Resource Group shall seek to ensure that all parties adhere to this principle.
- 6.13 During the assessment, and therefore, at a time when guilt has been neither admitted

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<sup>7</sup> 'The accused person is not bound to admit to an offence, nor may the oath be administered to the accused.'



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nor proven, the issue of guilt, liability or the particular course of action that may follow assessment cannot be commented upon. Any comment regarding these issues must always be referred to the Church authority and its professional advisers.

## **7. OUTCOMES RELATING TO THE COMPLAINANT AND/OR VICTIM**

- 7.1 Following the completion of the assessment process, one of the assessors shall meet with the complainant and express the findings of the assessment.
- 7.2 In the event of proven guilt, whether through admission of the offender or through a finding of a civil court or through a Church assessment, the Church authority and the victim shall mutually agree on a Facilitator from the approved panel.
- 7.2.1 The Facilitator shall arrange and moderate a meeting between the victim and Church authority (or delegate with power to make binding decisions). Both the victim and Church authority may have one other person present with them.
- 7.2.2 The Facilitator shall seek to know the ongoing needs of the victim and the response of the Church authority to these needs.
- 7.2.3 The Facilitator shall also seek to know the needs of the victim's family and of the community in whose midst the abuse occurred.
- 7.2.4 The Facilitator shall seek to identify any outstanding issues where the victim is not satisfied with the response received and shall explore with both parties the best means of confronting such issues.
- 7.2.5 The Facilitator shall draw up a record of any agreement reached and of any outstanding areas of disagreement. A copy of this shall be forwarded to the Convenor of the Resource Group and, in doing so, the Facilitator may make any appropriate comments on the reasons for disagreement.
- 7.2.6 The Church authority shall bear all ordinary and reasonable expenses of the process of facilitation.
- 7.3 If the victim remains of the view that the response of the Church authority is unsatisfactory, the Facilitator shall inform the victim of access to a review of process.

## **8. A REVIEW OF PROCESS**

- 8.1 A review of process is available for complainants who are not satisfied with decisions taken by the relevant Church authority in relation to any aspect of the complaint.



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- 8.2 The review of process is an independent evaluation, not only of whether the procedures set out in this document have been properly observed, but also of whether the principles established in the first part of the document have been adhered to.
- 8.3 A complainant who is dissatisfied with the decisions of a Church authority may request in writing from the Convenor of the Resource Group a review of process.
- 8.4 If the request is accepted, the Convenor shall appoint one of the Reviewers named by the Resource Group.
- 8.4.1 If the request is to be denied, the Convenor must first consult the other members of the Resource Group.
- 8.4.2 If the victim objects to the Reviewer named, the matter shall be considered by the whole Resource Group who shall nominate another Reviewer.
- 8.4.3 The Convenor shall inform the Church authority that a review of process has been requested and approved.
- 8.5 The Reviewer shall determine the procedures for the conduct of the review.
- 8.5.1 The Reviewer shall have authority to interview all Church personnel concerned and will have access to all relevant documentation.
- 8.5.2 The Reviewer shall conduct the review expeditiously and certainly within three calendar months, unless the Convenor provides for a further extension of time.
- 8.6 At the end of the review, the Reviewer shall provide a written report with recommendations to the Convenor of the Resource Group.
- 8.7 The Convenor shall provide a copy of the report to the complainant and the Church authority. As soon as convenient, the Convenor (or delegate if appropriate) shall discuss with all parties the implementation of the recommendations.
- 8.8 The Church authority shall bear all ordinary and reasonable expenses of the review of process.

## **9. OUTCOMES RELATED TO THE ACCUSED**

- 9.1 If the complaint is not resolved, either through the processes of civil law or through a Church assessment, the Church authority must decide whether it is appropriate for the accused to continue in ministry or return to ministry while the doubt remains.



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- 9.1.1 Whenever a risk of abuse to others is feared, or there is likely to be scandal, an accused who is an employee shall be suspended on full pay and a volunteer shall be required to step aside.
- 9.1.2 In the same circumstances, clerics or religious shall take administrative leave, in accordance with the principles of canon 1722,<sup>8</sup> until the matter is resolved. They shall be provided with a suitable place to live and some useful activity. They shall not engage in any public ministry during this time.
- 9.1.3 These actions do not involve a penalty and do not imply guilt.
- 9.2 If Church authorities are satisfied that an accused is guilty of sexual abuse, they shall take such action as the situation and the seriousness of the offence demand. In relation to serious offences: in the case of an employee, this will mean a process of dismissal from employment; in the case of a volunteer, it will involve a prohibition from being involved in any activity associated with a Church body; in the case of a cleric or religious, it means that they will never be given back the power they have abused, and it can include a request that the person concerned apply to return to the lay state, or even the commencement of a canonical penal process in accordance with canons 1717-1731.
- 9.2.1 If a cleric or religious has admitted to or been convicted of sexual abuse, the Church authority shall, in person or through a nominated representative, meet with the offender to discuss honestly and openly the offender's future options. The offender may wish to be accompanied by a support person and/or legal representative. The discussion shall take into account the seriousness of the offence and all relevant circumstances. It is unfair to hold out to an offender any hope of a return to ministry when it is clear that this will not be possible.
- 9.2.2 The Church authority shall require the offender to address the issue of restitution to the victim and to the Church community.
- 9.3 If a police investigation and/or a Church assessment make it clear that the accused was not guilty of the alleged offence, the Church authority shall take whatever steps are necessary to vindicate the reputation of the accused.
- 9.3.1 In the case of paid employees relevant industrial relations law will be observed.

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<sup>8</sup> 'At any stage of the process, in order to prevent scandal, protect the freedom of the witnesses and safeguard the course of justice, the Ordinary can, after consulting the promotor of justice and summoning the accused person to appear, prohibit the accused from the exercise of the sacred ministry or of some ecclesiastical office and position, or impose or forbid residence in a certain place or territory, or even prohibit public participation in the blessed Eucharist. If, however, the reason ceases, all these restrictions are to be revoked; they cease by virtue of the law itself as soon as the penal process ceases'.



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- 9.4 The Church authority shall inform the Convenor of the Resource Group of all steps taken in relation to an offender.

## **10. PREVENTIVE STRATEGIES**

- 10.1 Each Church authority shall ensure that all Church personnel are made aware of the seriousness of sexual abuse. They should be warned of behaviour that is inappropriate or which might be misunderstood as involving improper sexual behaviour.
- 10.2 Whenever a Church authority is concerned about the behaviour of any person connected to that Church body, this fact should be brought to the attention of that person and appropriate steps taken to determine whether the behaviour is the symptom of a deeper problem requiring attention.
- 10.3 Church personnel who feel that they might be in danger of committing sexual abuse shall be offered opportunities to seek both spiritual and psychological assistance before the problem becomes unmanageable and they offend. Names of suitable therapists and treatment programs should be made available.
- 10.4 Whenever a cleric or religious makes a request to transfer from one diocese or institute to another, or to carry out a ministry or apostolate in another diocese or institute, the appropriate Church authority shall ask for a written statement from the priest or religious that there are no known circumstances that could lead to a complaint of sexual abuse.
- 10.4.1 In these same circumstances the Church authority shall request from the Church authority in the diocese or institute where the cleric or religious previously lived and worked, a statement in writing that such authority is not aware of any circumstances that could lead to a complaint of sexual abuse.
- 10.5 Before candidates are accepted into a seminary or religious institute, they must be asked to state in writing that they are not aware of any circumstances that could lead to a complaint of sexual abuse against them.
- 10.6 While due process must be observed, any incident of proven sexual abuse must lead to the dismissal of a seminarian from a seminary or a candidate from an institute's program of formation.
- 10.7 Church bodies, especially those involved in providing care for children, shall have in place procedures, consistent with good industrial relations practice, for obtaining police checks, for checking references and verifying the suitability of persons for employment or for participation as volunteers.
- 10.8 Church authorities shall be honest and frank in references and shall not act in a way



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which would allow an offender to obtain employment in circumstances where others might be at risk.

## **11. CONCLUDING STATEMENTS**

- 11.1 All Church authorities shall take the necessary steps to conduct such in-service programs for Church personnel as may be necessary to inform them of the principles and procedures set down in this document.
- 11.2 While the distribution of this document is unrestricted, the publication of the document, its implementation, and all matters of interpretation are reserved to the National Committee for Professional Standards.
- 11.3 Sexual abuse of both children and adults by Church personnel has done great harm to individuals and to the whole Church. Despite this, it can become an opportunity to create a better Church, on the strict condition that the response given by the leaders and all the members of the Church is humble, honest and thoroughly Christian.