



DIOCESE of FALL RIVER

**ABUSE PREVENTION
POLICIES
&
PROCEDURES**

REVISED JULY 2010



DIOCESE OF FALL RIVER
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OFFICE OF THE BISHOP

October 20, 2009

Dear friends in Christ,

In November 2002, the United States Conference of Catholic Bishops (USCCB) made the following statement: "We pledge most solemnly to one another and to you, God's people, that we will work to our utmost for the protection of children and youth." Seven years later, this promise remains the same. With this letter, I renew my commitment and that of the entire Diocese of Fall River to uphold this pledge to protect the children and young people of our local Church.

In 1993, our Diocese established an office dedicated to this concern. The Office for Child Protection, which is part of Catholic Social Services of Fall River, holds the responsibility for ensuring the necessary safety and security for all children as they participate in church and religious activities. Among other duties, this office ensures diocesan compliance with the USCCB Dallas Charter. It conducts abuse prevention training, performs background checks for all diocesan staff and volunteers who work with our children, and provides children with personal safety training programs.

Furthermore, the Office for Child Protection also develops procedures in the case that a cleric, an employee, or a volunteer in the Church may be accused of sexual abuse or misconduct with a minor. These procedures are currently in place in the Diocese of Fall River and are intended to ensure the protection of children and young people entrusted to our care and to prevent the sexual abuse of minors within our Diocesan apostolates and agencies. The enclosed policies and procedures form part of the commitment that the Diocese of Fall River has made to protect our children.

Let us all work together to safeguard our young people and to eliminate the abuse of children in all forms. Pray for our children that the Lord may watch over and protect them. May God use us as instruments of His peace.

With my sincerest gratitude for your efforts in sharing in this vital ministry in the Church, I remain

Sincerely yours in the Lord,

Bishop of Fall River

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1. INTRODUCTION

In an ongoing commitment by the Diocese of Fall River to address the issue of sexual abuse or misconduct with a minor, the Review Board appointed by the Most Reverend Sean P. O'Malley, O.F.M., Cap. was given the task of developing policies and procedures to be followed when dealing with accusations of sexual abuse or misconduct with a minor by any employee or volunteer within Diocesan departments, agencies, apostolates, programs or institutions.

These policies were originally developed by the Diocese in 1993. This is the third revision, which includes a new Internet Safety Policy, new laws regarding mandated reporters, and an updated Massachusetts 51-A form. Under the leadership of the Most Reverend George W. Coleman, the Diocese of Fall River remains firmly committed to the protection of all members of the Diocese, and most importantly, protection of the children entrusted to our care.

The following procedures are to be followed by all entities of the Diocese of Fall River. With respect to national organizations or entities that are regulated by the Federal Government or the Commonwealth of Massachusetts, these procedures are meant to complement rather than supersede existing procedures governing the issue of sexual abuse or misconduct with a minor.

2. DEFINITIONS

The following procedures are to be used in conjunction with, and are restricted to, these guidelines and mandates.

- A. **Sexual abuse/misconduct:** Sexual abuse is an offensive act invading someone's personal sexual integrity which causes or creates a substantial risk of physical or psychological harm, a threat of harm to a minor's well-being, including but not limited to, acts of violence, coercion, threats, putting others in fear, deception, and taking advantage of positions of trust or authority for the purpose of sexual exploitation.
- B. **Minor:** Anyone under the age of 18.
- C. **Employee and/or workers under contract:** Anyone receiving compensation on a regular basis at least once a month, whether or

not considered an employee for withholding tax purposes, who may have access to children.

- D. **Volunteer**: Anyone who may have access to children and gives of his/her time for no compensation to the Diocese.
- E. **Mandated reporters**: The term, as used in M.G.L. Chapter 119 Section 51A, includes the following persons, relevant to our discussion here: nurse, public or private school teacher, including religious education teacher and teacher aide, educational administrator, principal, guidance or family counselor, day care worker, Office for Children licenser, social workers, priest, clergy member, ordained deacon (permanent or transitional), or a person employed by a church to supervise, educate, coach, train or counsel a child. Where there is a person in charge of a school or private facility, then the person in charge, or their designee, is required to report to the Massachusetts Department of Children and Families.
- F. **Non-Cleric**: Any person who is not an ordained deacon (permanent or transitional), priest or bishop.

3. THE LAW

A. MASSACHUSETTS GENERAL LAWS, CHAPTER 119, SECTION 51A

Massachusetts General Laws, Chapter 119, Section 51A requires certain individuals to report incidents of abuse and neglect of children under the age of 18 to the Massachusetts Department of Children and Families if there is reasonable cause to believe that such child is suffering serious physical and emotional injury resulting from abuse or neglect. This reasonable cause standard serves as a threshold function regarding Section 51A reporting requirements. Cases have indicated that this standard involves an element of judgment. The standard has also been interpreted to encompass “unknown or suspected” cases of child abuse or neglect. The law requires mandated reporters (see III Definitions: G) to immediately orally communicate the condition to the Massachusetts Department of Children and Families and follow up with a written report within 48 hours of the initial communication (see Appendix A). Requirements as to the content of these reports are found in the second

paragraph of Chapter 119, Section 51A. A mandated reporter's failure to make oral and written reports where required shall be fined up to \$1,000. For serious bodily injury or death, see penalties cited in the Mandated Reporters section of this document.

Upon receiving such reports, the Massachusetts Department of Children and Families is required to investigate the allegations and complete its investigation within 10 calendar days, unless there is reasonable cause to believe a child's health or safety is in immediate danger. This would be considered an emergency and the Massachusetts Department of Children and Families would respond within 24 hours. If after its investigation, the Massachusetts Department of Children and Families has reasonable cause to believe that a child has been sexually assaulted or exploited in a manner referenced by criminal statutes, the District Attorney will then be notified. M.G.L. Ch. 119, Section 51A is applicable in all abuse or neglect cases, regardless of the alleged perpetrator's age, position as a cleric or non-cleric, and regardless as to whether the abuse (or neglect) is of a sexual or non-sexual nature.

MANDATED REPORTERS

Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the Commonwealth or licensed pursuant to the provisions of Chapter 28A, which provides daycare or residential services to children, or which provides the services of childcare resource and referral agencies, voucher management agencies, family daycare systems, and child care food programs, probation officer, clerk/magistrate of the district courts, parole officer, social worker, foster parent, firefighter or policeman, licenser of the office of child care services or any successor agency, school attendance officer, allied mental health and human services professional as licensed pursuant to the provisions of Section 165 of Chapter 112, drug and alcoholism counselor, psychiatrist, and clinical social worker, priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the

duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner, or a person employed by a church or religious body to supervise, educate, coach, train, or counsel a child on a regular basis, who in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the Department by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school, or facility, he shall immediately either notify the Department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person is in charge or his said agent shall then become responsible to make the report in the manner required by this section. Any such hospital personnel preparing such report, may take, or cause to be taken, photographs of the areas of trauma visible on a child who is the subject of such report without the consent of the child's parents or guardians. All such photographs or copies thereof shall be sent to the Department together with such report. Any such person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars. Any person who knowingly files a report of child abuse that is frivolous shall be punished by: (i) a fine of not more than \$2,000 for the first offense; (ii) imprisonment in a house of correction for not more than 6 months and a fine of not more than \$2,000 for the second offense: and (iii) imprisonment in a house of correction for not more than 2 ½ years and a fine of not more than \$2,000 for the third and subsequent offenses.

Any mandated reporter who has knowledge of child abuse or neglect that resulted in serious bodily injury to or death of a child and willfully fails to report such abuse or neglect shall be punished by a fine of up to \$5,000 or imprisonment in a house of correction for not more than 2 ½ years or both by such fine and imprisonment; and, upon a guilty finding or a continuance without a finding, the court shall notify any appropriate professional licensing authority of the mandated reporter's violation of this paragraph.

Further, a mandated reporter who has reasonable cause to believe that a child has died as a result of any of the conditions listed in subsection (a) shall report the death to the district attorney for the county in which the death occurred and the office of the chief medical examiner as required. Any person who fails to file a report under this subsection shall be punished by a fine of not more than \$1,000.

A mandated reporter who is professionally licensed by the Commonwealth shall complete a training to recognize and report suspected child abuse or neglect.

INFORMATION CONTAINED IN REPORTS

Said reports shall contain the names and addresses of the child and his parents or other person responsible for his care, if known; the child's age; the child's sex; the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect; the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; whatever action, if any, was taken to treat, shelter, or otherwise assist the child; the name of the person or persons making such report; and any other information which the person reporting believes might be helpful in establishing the cause of the injuries; the identity of the person or persons responsible therefore; and such other information as shall be required by the Department.

DEATH OF A CHILD

Any person required to report under this section, who has reasonable cause to believe that a child has died as a result of any of the conditions listed in said paragraph shall report said death to the Department and to the District Attorney for the county in which such death occurred and to the Medical Examiners, as required, by Section 6 of Chapter 38. Any such person who fails to make such report, shall be punished by a fine of not more than one thousand dollars.

NON-MANDATED REPORTERS AND IMMUNITY

In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is suffering from or has died as a result of

such abuse or neglect. No person so required to report shall be liable in any civil or criminal action by reason of such report. No other person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate or inflict said abuse or cause said neglect. Any person making such report, who, in the determination of the Department or the District Attorney may have perpetrated or inflicted said abuse or caused said neglect, may be liable in a civil or criminal action.

RETALIATION AGAINST REPORTERS; LIABILITY

No employer of those persons required to report pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any person who in good faith makes such a report, testifies or is about to testify in any proceeding involving child abuse or neglect. Any such employer who discharges, discriminates or retaliates against such a person shall be liable to such person for treble damages, costs and attorney's fees.

NOTICE TO MANDATED REPORTERS OF DCF'S DETERMINATION

Within sixty days of the receipt of a report by the Department, from any person required to report, the Department shall notify such person, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child, and the social services that the Department intends to provide to the child or his family.

PRIVILEGED COMMUNICATION

Any privilege established by Sections 135A and 135B of Chapter 112 or by Section 20A and 20B of Chapter 233, relating to confidential communications, shall not prohibit the filing of a report pursuant to the provisions of this section or the provisions of Section 24.

Notwithstanding Section 20A of Chapter 233, a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner shall report all cases of abuse under this section, but need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a

church or religious body or accredited Christian Science practitioner to report a reasonable cause that a child is being injured as set forth in this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body of accredited Christian Science practitioner is acting in some other capacity that would otherwise make him a reporter.

1. See Care & Protection of Robert, 408 Mass. 52,556 N.E. 2d933 (1990).

B. CODE OF CONDUCT

Our children are the most precious gifts God has entrusted to our care. We acknowledge that all individuals shall be treated with respect, courtesy, dignity, patience, loyalty and integrity.

All Priests/Deacons/Religious/Employees/Volunteers of the church must strictly follow the rules in the Diocese of Fall River Code of conduct (see Appendix B) as a condition of providing services to the children and/or youth of our parish/school/Diocese).

All Priests/Deacons/Religious/Employees/Volunteers working with children and/or youth will have an investigative background check, and failure to follow any rule in the Code of Conduct will result in an inquiry from the Diocese.

4. SEXUAL ABUSE PREVENTION POLICIES & PROCEDURES FOR LAY EMPLOYEES/ VOLUNTEERS/SUBCONTRACTORS

A. MANDATES

1. Prior to being hired, each prospective Diocesan and parish employee shall complete an informational questionnaire to be filed with the Director of the local entity or the pastor, where applicable.
2. All volunteers shall complete the volunteer questionnaire. A copy shall be kept on file at the local parish or local Diocesan agency, to be inspected by the Deans at their annual visitation to the parish or by the Directors of the individual agencies of the Diocese.
3. The informational questionnaire for an employee and the volunteer questionnaire for a volunteer shall be updated as needed so that the information is current.

4. An employee/volunteer who may have unmonitored access to children shall be trained by the Office for Child Protection of Catholic Social Services. This training is mandatory and attendance shall be documented.
5. Each employee/volunteer shall be given a copy of the Diocesan procedures regarding the sexual and physical abuse of children and shall, in writing, acknowledge receipt of same.
6. The Diocesan Education Office and the Office for Child Protection of Catholic Social Services are to provide mandated, regular education for students, concerning sexual abuse.
7. The Diocesan Education Office and the Office for Child Protection are to provide mandated, regular education for religious education students, concerning sexual abuse.
8. Background checks on Criminal Offender Record Information (CORI) (see Appendix A) shall be conducted on every current Diocesan employee/volunteer/subcontractor having unmonitored access to children. A background check is also to be done on all new employees/volunteers/subcontractors prior to having unmonitored access to children. Per Massachusetts Law, every Diocesan employee shall complete a new CORI every three years, and every Diocesan volunteer shall complete a new CORI every year as a condition of providing services to the children and/or youth of our Diocese.
9. Each employee/volunteer/priest/deacon/religious will sign and strictly follow the Diocesan Code of Conduct (see Appendix B) as a condition of providing services to the children and/or youth of our (parish/school/Diocese).

B. SPECIAL CONCERNS

In the case of overnight retreats, ski trips, etc., great care is to be taken so that sexual abuse or misconduct with a minor does not occur. The following guidelines are to be followed:

1. A sufficient number of chaperones is to be used; at least one chaperone per every five students.
2. No chaperone is to sleep in a room with an individual student unless the student is a member of the chaperone's immediate family.

3. In the case of dormitory-style sleeping quarters, at least two adults are to be in each dorm.
4. Buses are the preferred choice for use during trips. If individual cars are used, there must be at least three students/passengers with each driver unless the driver is a member of the student's immediate family.

C. NOTE

Semi-official Church organizations, such as ECHO and Emmaus, because they use Church facilities, are to follow all of the above procedures.

D. SUBCONTRACTORS

Background checks on Criminal Offender Record Information (CORI) forms (see Appendix E) shall be conducted on every current Diocesan subcontractor who may have unmonitored access to children. A background check is also to be done on all new subcontractors who may have unmonitored access to children prior to having such access.

E. GENERAL PROCEDURES

1. When there is reasonable cause to believe a child under the age of 18 is suffering serious physical or emotional injury resulting from sexual abuse inflicted upon him or her by a lay employee or volunteer, the person in charge, or their designee, of such institution or facility, Diocesan Director or Department, Agency, Apostolate, Program and Institution, as well as Pastor, within the Diocese where such alleged abuse has been reported shall immediately report such allegations to the Office for Child Protection of Catholic Social Services. He or she will then notify the Moderator of the Curia and the Massachusetts Department of Children and Families. If following an initial screening by the Office for Child Protection of Catholic Social Services, it is determined that the allegation of abuse has substance, the volunteer or employee is to be suspended without pay (if applicable) pending the outcome of the final investigation.

If the Massachusetts Department of Children and Families finds the allegation to be supported and subsequently the alleged perpetrator is found not guilty by a court of law, a decision shall still then be made as to whether or not the employee/volunteer

shall be reinstated. Such a decision concerning reinstatement shall be made after a consultation by the Moderator of the Curia with the head of a Diocesan Department, Agency, Apostolate, Program or Institution or the pastor.

2. If the allegation of sexual abuse involves a cleric or an employee of Catholic Social Services, then the normal investigative procedures of the Bishop's Review Board shall apply and in all such cases the Bishop's Delegate shall be the designated agent to investigate/report the allegation both to the Massachusetts Department of Children and Families and to notify the Moderator of the Curia.
3. The alleged perpetrator employee or volunteer will be notified of the allegations made against him/her, and given an opportunity to respond during the initial investigation process. Anyone affiliated with Catholic Social Services will be notified by the Bishop's Delegate.
4. The initial investigation involving non-clerics should include interviews with the accused employee or volunteer, the person making the complaint, and any witness(es). The interview will be extended to members of the alleged victim's family and with the alleged victim if permission is given by a parent or guardian to interview the minor, and it is deemed appropriate. When a young child is interviewed, it should be done by a recognized expert in this field. Interviews should be performed in person, but telephone interviews might be necessary in exceptional circumstances.
5. If after these initial interviews the allegation has been found to be initially credible, an oral report of the suspected child abuse or misconduct must then be given immediately to the Moderator of the Curia as described above in number 1.
6. The personnel file of any employee or volunteer against whom an allegation has been finally substantiated by the Massachusetts Department of Children and Families, is to be properly noted.
7. If an allegation of child sexual abuse or misconduct involves a parish employee or volunteer, the pastor should contact the family of the alleged victim and offer spiritual care and support, as his function is strictly pastoral in nature. Catholic Social Services

will be available to provide confidential counseling and/or identify other resources for assistance.

5. SEXUAL ABUSE PREVENTION POLICIES & PROCEDURES FOR PRIESTS/DEACONS/RELIGIOUS

A. POLICY

It is painful to address the issue of sexual abuse of children, especially when this abuse is inflicted by members of the clergy. This pain is caused in part by the growing realization of the long term injury sexual abuse inflicts on a child and his/her family. The distress is also due to the injury inflicted on the community that is the Church. Despite the pain, or perhaps because of it, the situation should be addressed in a pastoral yet forthright manner.

Developments in the psychological sciences underscore the real and long term injury done to the children who are abused. It is also known that certain types of abuse are of a compulsive and perhaps incurable nature.

It is appropriate, therefore, that a clear written policy be made public so that all will know how the Diocese of Fall River handles accusations of sexual misconduct by a priest/deacon/religious with a minor (under eighteen).

The procedures that follow are but a first step in a comprehensive approach to the issue of sexual abuse undertaken by the Diocese of Fall River.

By instituting these procedures in 1993, the Review Board has insured that proper personnel procedures govern accusations of sexual misconduct by all employees and volunteers of the Church. Such policies have addressed not only child abuse but also the issues of sexual harassment and sexual exploitation.

The Review Board, in consultation with the Vocation Team of the Diocese and the Office for the Permanent Diaconate, will continue to study the psychological screening currently undertaken to assess potential candidates for the priesthood and diaconate. The tests given at the various seminaries will be reviewed from the perspective of identifying, to the extent possible, potential problems in the area of sexuality. Problem candidates will be disqualified.

Another issue which has been addressed in a comprehensive fashion is the ongoing development of appropriate educational programs in the area of human sexuality incorporated into the various educational programs offered by the Church. This study has been done in consultation with the Diocesan Education Office.

The first step taken by the Bishop in addressing the overall issue of sexual misconduct was the establishment of the Review Board and the promulgation of procedures to be followed when a cleric or religious brother or sister is accused of sexual misconduct with a minor.

The Diocese commits itself to the following action:

- There will be an immediate response to all allegations of sexual misconduct by a cleric or religious brother or sister with a minor. For allegations of such conduct made by a person who is an adult at the time the allegation is received by the Diocese, the response shall be made within a reasonable period of time, not to exceed thirty (30) days.
- If an initial review reveals that the allegation is credible, the cleric or religious brother or sister will be placed on administrative leave pending further investigation. Administrative leave involves the transfer of the residence of a cleric to another residence, the private celebration of Mass, and restriction of his celebration of the Sacraments. **The alleged offender will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself or herself as a priest or religious brother or sister.** The Diocese will continue to pay the salary and benefits of a cleric while on administrative leave.
- **Any suspected case of sexual misconduct with a minor will be reported to civil authorities.**
- **Confidential counseling will be offered to the alleged victim and his/her family.**
- **No cleric against which a credible allegation of abuse has been found will be given any assignments in or by the Diocese of Fall River or be authorized to seek pastoral work outside the Diocese.**

It should be noted here that both the law of our land and the law of our Church calls for the presumption of innocence. Every allegation will be investigated seriously and fairly, and a judgment can be made only after all parties are heard and the evidence is reviewed.

The procedures do not detail the processes that are found in the Canon Law of the Church. In order to appreciate the rights and obligations of the clergy in a more complete manner, reference needs to be made to the procedural and penal laws of the Church.

These procedures are to be reviewed and perhaps revised on at least an annual basis. Comments and suggestions for improvement are always welcome.

REVIEW BOARD

1. A Review Board shall be established by the Bishop to serve as an advisory body in general matters concerning the issue of sexual misconduct and to serve as a monitoring and advisory board when a specific accusation of sexual misconduct by a cleric or religious brother or sister with a minor is made. The Board will have no less than 7, but no more than 10 members, at the Bishop's discretion. The members shall, at a minimum, include:

- An appropriately credentialed mental health worker who has expertise in matters concerning child abuse;
- A civil lawyer;
- A canon lawyer;
- A priest with a pastoral/parochial assignment;
- An adult survivor of child sexual abuse;
- A parent of a victim of sexual abuse; and
- A lay person.

The members of the Review Board are appointed by the Bishop, for a term of five years, which can be renewed. The Review Board is composed of men and women, lay and clergy, who have (or gain) expertise in the area of child abuse. It is anticipated that the members of the Review Board will have staggered terms in order to assure continuity. This body is to serve in an advisory capacity to the Bishop with reference to policies for Diocesan agencies and apostolates. Among other things, the Review Board shall assist these agencies in the development and/or refinement of personnel policies for all Diocesan employees regarding sexual abuse, the development of appropriate continuing education programs for clergy and laity, etc. Among the tasks the Bishop shall give to the Review Board is to work with the Vocation Team of the Diocese and the Office for the Permanent Diaconate to establish a system to review the psychological screenings given to potential candidates for the diaconate or priesthood. Moreover, a protocol has been developed to screen clerical personnel

from outside the Diocese before an assignment is given or confirmed by the Bishop to minister within the Diocese of Fall River. Finally, the Board will consult with the Bishop's Representative for Religious to assure that appropriate procedures are in place to deal with accusations of women religious and non-ordained men religious concerning sexual misconduct with minors.

2. The Bishop shall appoint a Delegate from among the members of the Review Board to serve as his representative in cases involving an accusation of sexual misconduct by a cleric or religious brother or sister with a minor. The Delegate will chair the Review Board. The Bishop is free to appoint a substitute Delegate as circumstances warrant.

The Bishop's Delegate represents him in these matters. This person may be any member of the Review Team. For various reasons a substitute or alternate Delegate may be named to assume the role. It could be that the Delegate is not available at the time or that a particular case may call for a certain type of person being named by the Bishop, e.g. a woman rather than a man, someone who speaks a foreign language, etc.

B. PROCEDURES

1. Upon receipt of an allegation of sexual misconduct with a minor by a cleric or religious brother or sister, the Delegate (or a substitute Delegate) shall conduct a preliminary investigation and shall file a report with the Massachusetts Department of Children and Families, if required. This initial review is expected to be completed within twenty-four (24) to seventy-two (72) hours of receipt of an allegation involving a victim who is a minor. For allegations by adults who were minors at the time of the alleged act(s), the initial review is to be completed within two weeks of the allegation's receipt. If the cleric or religious brother or sister is a member of a religious order, his religious superior is to be notified and made part of the subsequent steps in the process, with due regard for the requirements of canon law.

The procedures call for immediate action when an allegation is received by the Bishop. The intent of this point is that the investigation be done without delay. It is recognized, of course, that the accused is innocent until proven guilty. This does not preclude, however, swift action in response to any and all accusations of this nature. Finally, this point calls attention to the

fact that Church law requires the involvement of a religious superior when the accused is a member of a religious order.

2. The initial review will ordinarily include interviews with the accused cleric or religious brother or sister, the person making the complaint, and any witnesses. The review may include interviews with members of the alleged victim's family and the alleged victim himself/herself (with a parent or guardian's consent if with a minor) and it is judged appropriate to do so.

The Delegate, and in certain limited circumstances, another individual, at the Delegate's direction, is to talk to the key people involved and as many others as he/she feels are warranted. The intent of the initial review is to clarify the nature of the claim. Ordinarily, the interviews should be done in person, but some circumstances may warrant a telephone interview with some individuals. When a small child is interviewed, this is to be done only by a person with recognized expertise in this specialized field.

3. The accused cleric or religious brother or sister is to be advised of his/her right to retain independent legal and canonical counsel. He/she shall also be provided with a list of approved clerics or religious brothers or sisters appointed by the Bishop from which to choose a "support advocate," but not for the purposes of either actively participating in the proceedings or rendering civil or canonical law advice.

It is important that the cleric or religious brother or sister be aware of his/her rights under the laws of church and state from the beginning of the process.

The cleric or religious brother or sister is to be advised of his/her legal right to seek the advice of his/her own counsel and that of a canon lawyer so that his/her rights may be protected.

4. Upon receipt of an allegation, the Delegate shall notify the Review Board which shall meet within forty-eight (48) hours of the completion of the initial review, when the alleged victim is a minor, and within a reasonable period of time upon completion of the initial review, when the alleged victim is no longer a minor. If the alleged victim is presently a minor, the Delegate shall immediately notify the proper civil authorities, as required under State Law.

The Board oversees all the steps of the procedure dealing with the accusation. It is the intent of this point that the Board is convened without delay. The Board reviews the results of the initial investigation conducted by the Delegate and advises the Bishop regarding the need for additional action. The Review Board receives periodic reports from the Delegate and offers its advice to the Bishop until the case is concluded. Substitutes and additions to the team may be made by the Bishop as needed. The alleged victim and his/her parent or guardian shall use their best efforts to convey all necessary information regarding the alleged incident to the Delegate, in a timely manner. A recommendation by the Board to the Bishop should be made no later than six weeks from the date of the Delegate's initial receipt of the allegation, when the alleged victim is a minor, or three months when the alleged victim is no longer a minor.

6. PHYSICAL ABUSE PREVENTION POLICY & PROCEDURES FOR EMPLOYEES/VOLUNTEERS AND PRIESTS/DEACONS/RELIGIOUS

A. POLICY

As part of the Diocese of Fall River's continuing efforts to ensure the safety of children, the following policy regarding physical discipline/contact with children has been implemented for all employees/volunteers/subcontractors/priests/deacons/religious.

Physical abuse defined by Massachusetts General Laws, Chapter 119, section 51A and the Massachusetts Department of Children and Families includes:

The non-accidental act of a caretaker upon a child under the age of eighteen which causes harm or the substantial risk of harm to a child's health or welfare.

It is against the policy of the Diocese of Fall River for **any** employee or **any** volunteer to physically abuse a minor.

B. PROCEDURES

The following guidelines have been established for the filing and investigation of complaints within the Diocese of Fall River when an employee/volunteer/subcontractor or priest/deacon/religious of the Diocese is accused of physical abuse with a minor.

FILING A COMPLAINT:

If a child has been a victim of physical abuse at the hands of an employee or volunteer in the Diocese of Fall River, you are mandated by Diocesan policy to notify the Office of Child Protection for the Diocese of Fall River at Catholic Social Services who will notify the Massachusetts Department of Children and Families and the Moderator of the Curia.

Upon receipt of such notification, the allegation will be thoroughly investigated. The investigation for the Diocese will include: 1) meeting(s) with the alleged victim (with permission given by a parent or guardian); 2) interview(s) with the accused employee or volunteer; 3) discussion with the person filing the complaint; and, 4) interviews with any witness(es).

Any individual associated with the Diocese found to have violated the law will be subject to appropriate disciplinary action ranging from a written warning to termination. The personnel file of any employee or volunteer against whom an allegation has been supported by the Massachusetts Department of Children and Families is to be properly noted including offense(s) and action(s) taken.

7. SEXUAL HARASSMENT PREVENTION POLICY AND PROCEDURES FOR EMPLOYEES/VOLUNTEERS AND PRIESTS/DEACONS/RELIGIOUS

A. POLICY

The Diocese of Fall River affirms its commitment to maintain an environment free of harassment based on race, color, religious creed, national origin, age, sex, sexual orientation, ancestry, disability, or veteran's status. The Diocese expects all employees/volunteers/priests/deacons/religious to conduct themselves in a professional manner with concern and respect for their fellow employees, volunteers, colleagues, parishioners, and children in the Diocese.

Any harassment will not be tolerated. Harassment includes unsolicited remarks, gestures, or physical contact. The display or circulation of written and electronic materials or pictures derogatory to either gender, or to racial, ethnic, religion, age, sexual orientation, ancestry, disability or veteran's group is also considered harassment.

SEXUAL HARASSMENT

Sexual harassment defined by the Massachusetts Commission Against Discrimination is:

“Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions: (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.”

It is against the policy of the Diocese of Fall River for **any** employee or **any** volunteer to sexually harass another employee, volunteer, or student. Such behavior is expressly forbidden by federal and state law. Such conduct constitutes unlawful sexual discrimination under Title VII of the Civil Rights Act of 1964, Section 703.

Given the nature of this type of discrimination, the Diocese recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. The Diocese, therefore, will make every effort to protect the confidentiality of all parties involved.

Any individual associated with the Diocese found to have violated these laws will be subject to appropriate disciplinary action, ranging from a written warning to termination.

The Diocese views sexual harassment as a serious offense requiring a firm but sensitive response. Any individual who believes he/she has been the subject of sexual harassment by any employee or volunteer of the Diocese should report the alleged act to their immediate supervisor.

B. PROCEDURES

The following guidelines have been established for the filing, investigation and resolution of complaints when an employee/volunteer/priest/deacon/religious is accused of harassment in the Diocese of Fall River:

FILING A COMPLAINT: If you believe you have been a victim of harassment, you are encouraged to notify your immediate supervisor. In the event that the complaint would be against your immediate supervisor, you are encouraged to notify the next person in the chain of command –

the person to whom your supervisor reports. This notification will not reflect in any way on the complainant, nor will it affect the complainant's employment. To the extent possible, the notification will be handled in a manner sensitive to the confidentiality needs of all the individuals involved. The following options are provided to facilitate resolution of complaints.

INFORMAL RESOLUTION: Anyone who believes they have been a victim of harassment may choose a process known as “informal resolution.”

Informal resolution is: 1) when a complainant attempts to resolve the problem through direct discussion with the offending individual, or 2) when the complainant seeks resolution through the assistance of the complainant's supervisor and does not want to formally notify the Diocese.

FORMAL RESOLUTION: When an individual wishes to formally notify the Diocese of harassment, he/she should submit the notification in writing to the individual's immediate supervisor. The complaint will identify the alleged perpetrator, the date(s) of the offense(s), the location, and the nature of the harassment. The complainant will be asked to verify the accuracy of the statement, and to date and sign the complaint.

INVESTIGATION: Upon receipt of formal notification, the allegations of harassment will be thoroughly investigated by the immediate supervisor. This investigation will include: 1) meeting with the complainant to discuss the allegations; 2) meeting with the accused; and 3) discussion with witnesses on behalf of both the complainant and the alleged offender. This discussion will take place if consent of the complainant and/or the alleged perpetrator is provided.

All information obtained throughout the course of the investigation is confidential. Information will be shared with the proper authorities.

RESOLUTION: Based on the information gathered during the investigation, the supervisor in consultation with his/her Director, will make a determination if the policy on harassment has been violated. If it is determined that the policy has been violated, appropriate disciplinary action will be taken.

8. COMPUTER AND INTERNET SAFETY POLICY & PROCEDURES FOR EMPLOYEES/VOLUNTEERS AND PRIESTS/DEACONS/RELIGIOUS

A. POLICY

The Diocese of Fall River believes in the resource value of a computer system and the Internet and recognizes their potential to support and enrich the mission of the Diocese. Our goal in providing computer systems and Internet access for employees and volunteers is to promote resource sharing, innovation, and a communication that is consistent with our mission and policies. Use of the computer system and the Internet is a privilege and access involves responsibility. The Diocese of Fall River cannot prevent the availability of inappropriate material on the Internet. Use of the system and Internet is subject to this acceptable use agreement and the rules, regulations and policies of the Diocese of Fall River.

B. PROCEDURES

All diocesan employees and volunteers will adhere to the mission and values of the Church and the Diocese of Fall River by accessing and sharing only appropriate, legal information on the Internet. All those using diocesan computers for any reason will refrain from using, accessing, or sharing any offensive language, nudity, or sexual or pornographic materials.

All those using diocesan computers or Internet services will maintain appropriate boundaries with those to whom they are ministering. This includes professional-client and teacher-student relationships. An example would be therapists refraining from creating personal relationships with clients and sending emails of a personal or sexual nature to clients' homes. Another example would be teachers or coaches remembering to use only diocesan or clean screen names and not including any jokes or comments that could be construed as sexual in nature.

All diocesan employees and volunteers are to be aware that none of their computer or Internet use is assumed to be private and is subject to monitoring by the Diocese of Fall River. Employees and volunteers are expected to review and abide by any additional policies or procedures that are site-specific to the individual's particular ministry within the Diocese.

**Diocese of Fall River
CODE OF CONDUCT**

Our Children are the most precious gifts God has entrusted to our care. As a Priest/Deacon/Religious/Employee/Volunteer of the church, I acknowledge that all individuals shall be treated with respect, courtesy, dignity, patience, loyalty and integrity. I promise to strictly follow rules in this Code of Conduct as a condition of my providing services to the children and/or youth of our parish/school/diocese.

1. Situations in which an individual is alone with an unrelated minor are to be avoided. However, if a one-to-one meeting with an unrelated minor needs to occur, it should be held in a public or visible area such as an office with an interior window or an office with the door open.
2. As professionals it is inappropriate for us to give expensive gifts to (or receive expensive gifts from) minors who receive services from us. While it is difficult to define the term "expensive," for this purpose it is defined as a gift not to exceed \$50.00.
3. Minors are never to be disciplined corporally or corrected with abusive or other inappropriate language.
4. It is understood that alcohol and tobacco products are regulated and defined by age limits as established by the Commonwealth of Massachusetts. Employees, volunteers, priests, deacons, and religious are expected to enforce these regulations and never purchase or provide alcohol and tobacco products for those who are underage.
5. Illegal drugs shall never be distributed to or purchased for minors in the care of a priest, religious, deacon, volunteer, or employee of the Diocese of Fall River.
6. Prescription drugs shall never be distributed to a person whose name is not on the prescription.
7. No one will abuse alcohol when engaged in professional activities representing the Diocese of Fall River.
8. As professionals, we should always provide a safe environment, which ensures that sexual boundaries will not be violated.
9. Never touch a minor in a sexual or other inappropriate manner.
10. It is illegal to engage in any form of sexual behavior with a minor.
11. Professionals in a supervisory capacity should be mindful of their responsibilities to the youth that they serve, and at no time shall their role be used to coerce an individual to engage in any sexual behavior.
12. Always report any suspected abuse to Catholic Social Services at 508-674-4681 and other appropriate designated staff.

I understand that as a priest/deacon/religious/volunteer/employee working with children and/or youth, an investigative background check will be made on me. I understand that failure to follow any rule in the Code of Conduct will result in an inquiry from the Diocese.

Priest/Deacon/Religious/Volunteer/Employee Signature

Date

Priest/Deacon/Religious/Volunteer/Employee Printed Name

Date

Name of School/Parish

Town



Report of Child(ren) Alleged to be Suffering from Serious Physical or Emotional Injury by Abuse or Neglect



Massachusetts law requires an individual who is a mandated reporter to immediately report any allegation of serious physical or emotional injury resulting from abuse and/or neglect to the Department of Children and Families by:

1. Immediately reporting by oral communication; and
 2. Completing and sending this written report to the appropriate Department of Children and Families office within 48 hours of making the oral report.
- For more information about requirements for mandated reporters and filing a report of alleged abuse and/or neglect please see **A Guide for Mandated Reporters** available on the DCF website at www.mass.gov/dcf.

Please complete all sections of this form. If some data are uncertain or unknown, please signify by placing a question mark ("??") after the entry.

U CHILDREN REPORTED

Name	Current Location / Address	Sex	Age or Date of Birth
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	

U PARENT OR GUARDIAN 1

Name			
First	Last	Middle	
Address			
Street & Number	City / Town	State	Zip Code
Phone #		Age / Date of Birth	
Primary Language Spoken (if known)		Ethnicity (if known)	

U PARENT OR GUARDIAN 2

Name			
First	Last	Middle	
Address			
Street & Number	City / Town	State	Zip Code
Phone #		Age / Date of Birth	
Primary Language Spoken (if known)		Ethnicity (if known)	

U REPORTER / REPORT

Report Date	<input type="checkbox"/> Mandatory Report	<input type="checkbox"/> Voluntary Report
Reporter's Name		
First	Middle	Last
(If the reporter represents an institution, school or facility, please indicate)		
Reporter's Address		
Street & Number	City / Town	State
Phone #	Relationship to the Child	

Has reporter informed caretaker of report? Yes No

APPENDIX C

What is the nature and extent of injury, abuse, maltreatment or neglect? Please list any prior evidence of same and/or other worries regarding danger to the child(ren). (Please cite the source of this information if not observed firsthand.)

If known, please provide the name(s) and contact information of the person(s) responsible for the injury, abuse, maltreatment or neglect and/or any other information that you think might be helpful in establishing the cause of the injury, abuse, maltreatment or neglect:

What are the circumstances under which the reporter became aware of the injury, abuse, maltreatment or neglect? Please include information on dates and timeframes for when the injury, abuse, maltreatment or neglect occurred. Pedikit# (if applicable):

What action has been taken thus far to treat, shelter or otherwise assist the child(ren) to deal with the situation?

If report involved alleged domestic violence, please list any information that will help DCF make safe contact with the family (e.g., work schedule, place of employment, daily routines for the adult victim):

Please provide any information about the family's strengths and capacities that you think will be helpful to DCF in ensuring the child's safety and supporting the family to address the abuse and/or neglect concerns:

Signature of Reporter:

NOTES

**MASSACHUSETTS DEPARTMENT OF CHILDREN AND FAMILIES
CITY AND TOWN DIRECTORY**

To file a report of abuse/neglect with the Massachusetts Department of Children and Families, you must contact the area office that services the city/town in which the child currently resides and speak with an intake worker or screener from that office. If you need to call after 5:00 p.m., you may call the Child-At-Risk Hotline at 1-800-792-5200.

ATTLEBORO/TAUNTON/NORWOOD AREA OFFICE: 508-821-7000

The following cities/town report to this area office:

Attleboro	Mansfield	Raynham
Berkley	No. Attleboro	Rehoboth
Dighton	Norton	Taunton

FALL RIVER AREA OFFICE: 508-821-7000

The following cities/towns report to this area office:

Assonet	Seekonk	Swansea
Fall River	Somerset	Westport
Freetown		

NEW BEDFORD AREA OFFICE: 508-910-1000

The following cities/town report to this area office:

Acushnet	Marion	No. Dartmouth
Dartmouth	Mattapoissett	So. Dartmouth
Fairhaven	New Bedford	Wareham

CAPE & ISLANDS AREA OFFICE: 508-790-3006

The following cities/town report to this area office:

Barnstable	Edgartown	Osterville
Bourne	Falmouth	Provincetown
Buzzards Bay	Gay Head	Sandwich
Centerville	Hyannis	Yarmouth
Chatham	Mashpee	Vineyard Haven
Cotuit	Nantucket	Harwich
Dennis	Orleans	West Tisbury
Eastham	Oak Bluffs	Woods Hole

PLYMOUTH AREA OFFICE: 508-732-6200

The following cities/town report to this area office:

Gosnold	Pocasset
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BROCKTON AREA OFFICE: 508-894-3700

The following cities/town report to this area office:

Easton