

Diocese of Knoxville



POLICY FOR RESPONDING TO ALLEGATIONS OF SEXUAL ABUSE OF A MINOR

Introductory note: The Bishop may conduct an investigation himself or he may designate someone to represent him. For ease of reading, "The Bishop" shall mean either the Bishop himself or his designated representative.

Initial Investigation

Immediately upon becoming aware of a report of sexual misconduct the Bishop will:

1. Ensure that any allegations of sexual abuse of persons who are minors or vulnerable adults are reported to the appropriate public authorities,
2. Ensure that cooperation is given in their investigation in accord with the law of the jurisdiction in question, and
3. See that the same cooperation with the public authorities is given as to reporting even when the alleged victim is no longer a minor.

In accordance with canon law, the Bishop will appoint an individual with prior experience or training to conduct the initial part of this investigation. During the investigation, the accused is presumed innocent and all appropriate steps shall be taken to protect his reputation.

The investigation shall include (if possible) interviews of the principals involved and a written report presented to the Bishop within seventy-two hours of appointment. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation as soon as it is concluded. In situations which might ultimately involve criminal prosecution, the Diocese's investigation will be conducted in cooperation with the civil authorities.

In the event that the Bishop receives a report directly from a person admitting to sexual misconduct, the initial investigation may prove to be superfluous.

Sexual Abuse

Response team

If there is sufficient evidence to conclude that an allegation does *not* involve sexual abuse, a report of the initial investigation shall be made at the next regular meeting of the Diocesan Review Board.

If there is sufficient evidence to conclude that sexual abuse has occurred, the Bishop will:

1. Withdraw the accused from exercising the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and
2. Prohibit public participation in the Most Holy Eucharist pending the outcome of the process.
3. Make the Review Board aware of the incident,
4. Immediately appoint a response team consisting of a priest and one or more other team members, who might be drawn from the following professional backgrounds: educators, psychologists, psychiatrists, medical doctors, social workers, clergy and/or religious and lawyers or other members of the legal system. The team coordinator is the priest, unless the Bishop or his designated representative determines otherwise in a specific case.
5. Request findings and opinions from the response team as to whether there is sufficient evidence to believe that an act of sexual abuse has occurred and whether there is sufficient evidence to believe the accused committed the alleged act or acts of sexual abuse,
6. Request the recommendation of the response team within a specific period of time after appointment, but no more than ten (10) days from appointment of the team, and
7. Seek the advice of the review board on assessing the allegations.

The Bishop shall then determine the probable nature of the offense and issue a decree closing the preliminary investigation. If it is determined that an offense was committed, and the accused is a cleric, the Congregation for the Doctrine of the Faith shall be notified. If it has not already occurred, the Bishop shall see to it that diocesan legal counsel, the diocesan finance officer, and the diocesan insurance provider are also notified.

Reporting

The Bishop will also verify that all reporting requirements of state law have been complied with. Whenever possible, the Bishop will see to it that alleged victims are advised of their right to make a report to public authorities and will support this right.

Response to the victim

When sexual abuse is suspected, the victim and the victim's family often experience shock, anger and other troubling emotions. When possible, the Bishop, his representative, and/or the victim assistance coordinator will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being, seeking healing and reconciliation. Keeping in mind the duty to cooperate with civil authorities and to avoid interaction with principals if such would or might diminish the possibility of successful prosecution of criminal conduct, the initial investigator shall immediately arrange to meet with the victim or his/her parents or guardian to offer assurance of the concern of the Diocese and its commitment to hear and respond in an appropriate way to accusations, to explain the process following the initial contact and to gather information.

Additionally, if appropriate, the Bishop, his designated representative, and/or the victim assistance coordinator shall arrange with the victim and the victim's family, by mutual agreement, for counseling services to be provided by Catholic Charities of East Tennessee, Inc. or some other qualified agency, counselor, therapist or support group. The expense of such counseling may be paid for by the Diocese at the discretion of the Bishop.

We realize that the ability to respond to the alleged victim might be influenced at times by that person's wish for anonymity, by the desire of the alleged victim's family to limit access to the alleged victim or some other such circumstance.

Response to the accused

If the Bishop determines that the allegation is not substantiated, he concludes the investigation, notifies the accused and, when necessary, takes every step possible to restore his good name, should it have been harmed.

In an instance in which there is sufficient evidence to substantiate allegations of sexual abuse, the Bishop shall issue a decree according to canon law as to whether a penal process should be set in motion. When the accused is a cleric, the applicable *Essential Norms* and other canonical norms shall be followed, and specifically, when even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.

The alleged offender will be encouraged to retain the assistance of his or her own legal counsel as such will not be provided by the Diocese. Neither the Bishop nor any priest who may be involved in investigation or resolution should hear the confession of the accused or other persons who may be involved.

If the Bishop, with the advice of the Review Board, determines that sexual abuse occurred, the alleged offender's employment or volunteer status shall be terminated immediately. If the accused is a cleric, the Diocese shall see that the accused is provided with proper canonical counsel and that canonical norms are followed. As appropriate, the Bishop will seek the advice of the Review Board on fitness for ministry.


Response to the local church community

Members of a parish or other church community touched by an accusation of sexual abuse will suffer shock, anger and other troubling emotions. To assist the local community in such a situation, the Bishop will coordinate pastoral outreach, briefing sessions to address the community and education and resources for further follow-up.

Special diligence will be applied to providing information to a local church community involved in an accusation of sexual abuse. In this instance, both the right of a victim to maximum privacy and the right of the accused to a good reputation and a fair trial will be protected.

Response to the public

Only the Bishop will handle public communications. Such communications shall be forthright but subject to requirements of confidentiality, privacy, and advice of legal counsel. The right of the public to know information of a general nature is acknowledged. The right of a victim to maximum privacy should be guarded, the right of an accused to a good reputation and to a fair trial should be protected and the right of the state to initiate legal proceedings is recognized.

Promulgated By: 
Most Reverend Richard F. Stika
Bishop of Knoxville

May 15, 2013
Date

Attested By: 
Deacon Sean K. Smith
Chancellor

May 15, 2013
Date

