

**§1100 SEXUAL MISCONDUCT WITH  
MINORS: POLICIES FOR  
EDUCATION, PREVENTION,  
ASSISTANCE TO VICTIMS AND  
PROCEDURES FOR  
DETERMINATION OF FITNESS FOR  
MINISTRY**

## **§1100 SEXUAL MISCONDUCT WITH MINORS: POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY**

### **Introduction**

*On June 15 1992, the Cardinal's Commission on Clerical Misconduct presented its report recommending the establishment of comprehensive policies and procedures to deal with allegations and issues related to sexual misconduct by clerics with minors. Cardinal Bernardin accepted the report in principle and authorized a canonical review and consultation with Archdiocesan advisory bodies, including the Archdiocesan Cabinet, the College of Consultors, the Presbyteral Council, and the Archdiocesan Pastoral Council. Archdiocesan seminary officials and religious order superiors whose cleric members work in the Archdiocese were consulted as well on relevant recommendations. The process of consultation disclosed overwhelming support for the recommendations of the Special Commission and constructive proposals to improve and enhance the policies and procedures completed.*

*Following completion of the consultation, Cardinal Bernardin directed that the recommendations of the Commission and consultors be translated into policies and procedures consistent with the law of the universal Church. On September 21, 1992, the Archdiocese promulgated these policies and procedures as particular law for this local Church. As a Church whose authority is spiritual and moral, the Archdiocese does not have the power of civil government to compel compliance. The success of the policies and procedures regarding clerical sexual misconduct with minors depends, to a great extent, on cooperation by people of good will.*

*On March 30, 1995, Cardinal Bernardin initiated a process to review and, if appropriate, revise these policies. The process included reconvening the Cardinal's Commission on Clerical Misconduct, self-evaluation of agencies and offices involved in the administration of these policies, consultation about their impact, and, finally, drafting amendments reflecting any recommendations the Cardinal would approve. The six sections which follow reflect these amendments. The general process for reviewing these policies is ongoing and will be undertaken in a specific form on a periodic basis.*

*These policies recognize that sexual misconduct with minors is a special problem with a profound impact on the lives of those affected. In the case of sexual misconduct with a minor by a cleric, the integrity of the priesthood and the Church itself as the servant of the people of God is damaged as well. Clerics serve by ministering to the spiritual needs of the people. When servant becomes abuser, the relationship of trust necessary for ministry is diminished for all.*

§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests

*Sexual misconduct by a cleric with a minor affects the whole Church. The solution to this problem must involve the whole Church. The following policies and procedures are the next step in the Archdiocese's continuing effort to provide for the safety of the people among whom it carries on its pastoral mission while protecting the reputation of clerics who may be subject to inaccurate or false allegations.*

**§1101 GENERAL PROVISIONS**

*Section 1101 contains general statements of policy from which specific procedural recommendations follow. Section 1101 recognizes the Archdiocese's responsibility to establish appropriate educational programs for seminarians, deacons and priests about the nature and effect of sexual misconduct with minors. Other Archdiocesan offices including the Office of Catholic Education and Catholic Charities already have in place quality programs for education and dissemination of information about family life, child abuse in general, and sexual misconduct with minors in particular. These agencies are committed to maintaining, evaluating and improving such programs.*

**§1101.1. Establishment of Policy**

**1101.1. Policy** Sexual misconduct by a cleric<sup>1</sup> with a minor<sup>2</sup> violates human dignity, ministerial commitment and the mission of the Church; therefore the Archdiocese establishes these policies and procedures to review the fitness for ministry of any cleric accused of sexual misconduct with a minor. The policies and procedures shall involve the people of the Church in a substantive role.

a) The primary purposes of these policies and procedures are the safety of children, the well being of the community, and the integrity of the Church. The policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community, and the cleric. The policies and procedures shall facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual misconduct.

b) The Archdiocese shall continue to make its policies and procedures related to sexual misconduct available in published form so that those affected can readily seek and receive the assistance which the policies provide.

<sup>1</sup> Canon law defines a "cleric" as a priest, deacon or bishop.

<sup>2</sup>The Abused and Neglected Child Reporting Act defines "child" as any person under the age of 18. For purposes of these policies and procedures, "minor" has the same meaning.

*Book II The People of God***Part I Church Personnel****§1101.2. Funding, Staff and Facilities**

**1101.2. Policy** The Archdiocese shall provide sufficient funding, staff and facilities to assure the effective implementation of the programs established by these provisions.

**§1101.3. Education of Clerics**

**1101.3. Policy** The Archdiocese shall establish appropriate programs about the nature and effect of sexual misconduct with a minor for the education of seminarians and for the continuing education of clerics.

**§1101.4. Review and Amendment**

**1101.4. Policy** At least once annually the Review Board established in Section 1104 shall review these policies and procedures and make any recommendations for amendment to the Archbishop. The Archbishop may amend these policies and procedures at any time upon the recommendation of the Review Board or at his own initiative.

§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests**§1102 ASSISTANCE TO THOSE AFFECTED**

*Section 1102 recognizes the Church's pastoral responsibility to assist all those affected by sexual misconduct of clerics with minors: the victim and the victim's family, the community, and the cleric. Section 1102 establishes a Victim Assistance Minister whose duties will include the identification of pastoral and professional resources which will be made available to assist the victims of misconduct. In addition, the Church's outreach to communities affected will be organized to promote understanding and healing. Finally, the roles of Vicar for Priests as pastor to the priests of the Archdiocese and the Vicar for Deacons as pastor to the Diaconate Community are addressed.*

**§1102.1. Assistance to Those Affected**

**1102.1. Policy** The Archdiocese shall make appropriate assistance available to those who may be affected by the alleged sexual misconduct of a cleric with a minor.

**§1102.2. Assistance to Victim**

**1102.2. Policy** The Archdiocese shall designate a Victim Assistance Minister who shall minister to the victim, victim's family or other persons affected. The minister shall identify professional and other resources and make them available to aid in the care of a victim or other person.

**§1102.3. Assistance to Community**

**1102.3. Policy** The Archdiocese shall develop and maintain programs for outreach to communities affected. The programs shall promote healing and understanding.

**§1102.4. Assistance to Clergy**

**1102.4. Policy** In the case of any disclosure of sexual misconduct with a minor, the Vicar for Priests or Vicar for Deacons shall report the fact to the Professional Fitness Review Administrator. These Vicars are the representatives of the Archbishop who minister to the clergy of the Archdiocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals.

*Book II The People of God*

## Part I Church Personnel

**§1103 SCREENING FORMATION, EDUCATION & ASSIGNMENT TO MINISTRY**

*Section 1103 contains provisions confirming the Archdiocese's responsibility to screen candidates for the priesthood and enhance educational programs regarding sexuality and sexual misconduct. The Archdiocese's cooperative relationship with religious communities and clerics of other dioceses is clarified and the authority to review the fitness of clerics seeking assignment is confirmed.*

**§1103.1. Screening and Education of Clerics and Seminarians**

**1103.1. Policy** The Archdiocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual misconduct.

**Procedures**

- a) **Psychological Profile.** Consistent with applicable ethical, canonical and legal principles and as soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia or ephhebophilia. The psychological profile shall be maintained as part of the seminarian's or candidate's permanent personnel file. The profile may be updated as necessary or appropriate.
- b) **Developmental Programs.** The Archdiocesan seminaries and formation programs shall offer, as part of their formation programs, age appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teaching and priestly commitment.
- c) **Certification.** Every cleric who holds or requests faculties within the Archdiocese shall certify in writing that he has read and is familiar with the Archdiocesan policies and procedures regarding sexual misconduct with minors. The cleric's certification will be maintained in the cleric's personnel file.

**§1103.2. Relationship with Religious Communities**

**1103.2. Policy** The Archdiocese shall establish a protocol applicable to religious communities whose cleric members maintain or seek faculties to minister in the Archdiocese. The protocol shall state that the community will abide by the Archdiocesan policies and procedures relating to sexual misconduct with minors.

**§1100 Sexual Misconduct with Minors**Title III, Chapter I  
Priests**Procedures**

- a) The community must provide a copy of its own policies and procedures to the Chancellor; and
- b) The presenting community shall provide a written statement about the status background, character and reputation of each cleric presented for faculties in the Archdiocese, as provided in the model promulgated by the Conference of Major Superiors of Men. In the case of any incident of sexual misconduct with a minor, the presenting community shall submit to the Chancellor a comprehensive report of the allegation and its disposition. (See §1104)

**§1103.3. Extern Priests**

**1103.3. Policy** The Archdiocese shall maintain and periodically review its policies affecting extern priests who seek or maintain faculties in the Archdiocese. The priest's proper Ordinary shall certify whether he is aware of anything in the priest's background which would render him unsuitable to work with minors. In the case of any incident of sexual misconduct with a minor, the priest's proper Ordinary shall submit to the Chancellor a comprehensive report of the allegation and its disposition. (See Policy on Extern Priests, §1507)

**§1103.4. Deacons****§1103.4.1. Archdiocesan Deacon**

**1103.4.1. Policy** The Archdiocese shall maintain and periodically review its policies affecting Deacons who seek or maintain faculties in the Archdiocese. In the case of any incident of sexual misconduct with a minor, the Chancellor shall refer the matter to the Professional Fitness Review Administrator, who shall follow the policies and procedures established in §1100 in so far as they apply to deacons and the case under review.

**§1103.4.2. Extern Deacon**

**1103.4.2. Policy** When a deacon relocates into the Archdiocese and requests faculties to minister, the proper Ordinary shall certify whether he is aware of anything in the deacon's background which would render him unsuitable for ministry. In the case of any incident of sexual misconduct with a minor the proper Ordinary shall be notified, and the policies and procedures in §1100 shall be followed in so far as they apply to deacons and the case under review.

*Book II The People of God*

## Part I Church Personnel

**§1103.5. Review by Professional Fitness Review Administrator****1103.5.1 Religious Communities and Clergy of Other Dioceses**

**1103.5.1. Policy** If any incident of sexual misconduct with a minor is disclosed in connection with the presentation of a religious priest or application of a cleric from another diocese, the Chancellor shall refer the matter to the Professional Fitness Review Administrator, who shall apply the standards for return to ministry contained in Sections 1104 and 1105.

**1103.5.2 Deacons**

**1103.5.2. Policy** The Professional Fitness Review Administrator shall work together with the Vicar for the Diaconate Community when a deacon is involved in any incident of sexual misconduct with a minor.

**§1103.6. Assignment Review for Priests**

**1103.6. Policy** The Chancellor and Vicar for Priests shall review assignments of priests accused of sexual misconduct with minors in light of these policies. They shall consult with the Professional Fitness Review Administrator when appropriate.

**Procedures**

- a) The Executive Secretary of the Priests' Placement Board, or an appropriate representative of that Board, shall submit to the Chancellor and Vicar for Priests the names of all candidates who apply to or are brought by the Placement Board for ministerial assignment or reassignment.
- b) The Vicar for Priests shall consult with the Priests' Placement Board about assignment of priests accused of sexual misconduct with minors.
- c) The Chancellor shall review the name or list of names and delete any individual who is the subject of a proceeding before the Review Board, including any continuing monitoring or limitation of ministry under these provisions.
- d) The Executive Secretary or representative shall return the application of any such applicant.



§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests**§1104 REVIEW PROCESS FOR CONTINUATION OF MINISTRY**

*Section 1104 establishes the process by which the fitness for ministry of a cleric accused of sexual misconduct with a minor can promptly and credibly be determined and appropriate recommendations made to the Archbishop. The Archdiocese has established a special telephone line to facilitate the receipt of information. Allegations of sexual misconduct by a cleric with a minor will initially be considered by a Professional Fitness Review Administrator who will make a recommendation to the Archbishop. A nine member Review Board, consisting of six lay persons and three clerics, will review the initial recommendation of the Professional Fitness Review Administrator as well as all subsequent issues regarding the fitness for ministry or return to ministry of the accused cleric. The Professional Fitness Review Administrator and Review Board are established as the agents of the Archbishop. The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward pastoral reconciliation and healing. In this context the safety and well being of the community is of primary concern. Another concern is protecting the reputation of clerics who may be subject to inaccurate or false accusations. The responsibility of the Professional Fitness Review Administrator to cooperate with civil officials is confirmed as is the Church's pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of government.*

**§1104.1. Establishment of Process**

**1104.1. Policy** Determinations and recommendations regarding the continuation of ministry of any cleric who is the subject of an allegation of sexual misconduct with a minor or the return to ministry of a cleric withdrawn by reason of such an allegation shall be made to the Archbishop according to the consultative and advisory process established in Sections 1104 and 1105.

**§1104.2. Compliance and Cooperation**

**1104.2. Policy** All persons associated with the Archdiocese are expected to cooperate with the civil authorities, comply with legally established reporting requirements, and otherwise conduct themselves as good citizens. In addition, all Archdiocesan clergy and all religious, employees, and volunteers working for the Archdiocese shall comply fully with the letter and spirit of this process. These personnel are expected to promptly report allegations of a cleric's sexual misconduct with a minor to the Professional Fitness Review Administrator unless prohibited by applicable Church law. Other clerics and religious working in the Archdiocese are expected to cooperate with the process consistent with their particular status within the Archdiocese. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals.

*Book II The People of God*

## Part I Church Personnel

**Procedures**

- a) Allegations that a cleric of the Archdiocese of Chicago engaged in sexual misconduct with a minor may be reported to the Archdiocese either by telephoning, writing, or by meeting in person with the Administrator.
- b) To the extent possible, the person making the report should provide the Administrator with the name of the cleric who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged misconduct, the relevant dates, times and circumstances in which the misconduct allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged misconduct.
- c) If the Administrator learns of an allegation through the media or in some other fashion, the Administrator shall make appropriate inquiries and proceed substantially in the same manner as with any other allegation.
- d) The Administrator ordinarily will not process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry. The Administrator shall report all such allegations to the Board at its next regularly scheduled meeting and the Board shall review the Administrator's action.
- e) An allegation against a cleric who has resigned from active ministry or is deceased shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether there is reasonable cause to suspect that the accused had engaged in sexual misconduct with a minor during the time he was serving as a cleric of the Archdiocese and to facilitate the outreach to those affected as contemplated by these policies. If the whereabouts of a resigned cleric against whom an accusation is made are known or can reasonably be determined, the Administrator shall contact the accused and request his response. If the whereabouts of the accused cleric are not known or if he is deceased, the Vicar for Priests or the Vicar for the Diaconate Community may take such action as he deems warranted to protect the good name and reputation of the cleric.

**§1104.3. Review Board**

**1104.3. Policy** The recommendations described in Section 1104.1 shall be made to the Archbishop by a Review Board (hereinafter "Board"):

§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests§1104.3.1. **Membership**

**1104.3.1. Policy** The Board shall be comprised of nine members appointed by the Archbishop. Six members shall be lay Catholics who are not employees of the Archdiocese, and three members shall be clerics. Three of the lay Catholics shall include a psychiatrist, a psychologist or social worker, and an attorney, and the three representatives of the Church at large shall include a parish council member, a parent, and a victim/survivor or parent of a victim/survivor of child sexual abuse.

**Procedure**

**Compensation** None of the members of the Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

§1104.3.2. **Term**

**1104.3.2. Policy** Appointments shall be for staggered terms of three years or until a successor is appointed. No member shall be appointed for more than two consecutive three year terms.

**Procedure**

Appointments shall be arranged so that the terms of one cleric, one professional, and one member of the Church at large are scheduled to expire each year.

§1104.3.3. **Officers**

**1104.3.3. Policy** The Archbishop shall designate one board member as chairperson and one board member as vice chairperson, for one year terms.

**Procedure**

The chairperson will ordinarily convene and preside at meetings of the Board in accordance with the will of the Board. The vice-chairperson will perform these functions when the chairperson is unable to do so.

§1104.3.4. **Relationship with Archbishop**

**1104.3.4. Policy** The Board shall serve as the principal agent of the Archbishop in making the determinations and recommendations contemplated by these policies and procedures. The Board is not accountable to other officials of the Archdiocese except as may be necessary for the efficient administration of its business.

*Book II The People of God*

## Part I Church Personnel

**§1104.3.5. Quorum and Majority for Doing Business**

**1104.3.5. Policy** Five members of the Board shall constitute a quorum and the concurrence of not less than five members of the Board shall be necessary to a determination or recommendation.

**§1104.3.6. Meetings**

**1104.3.6.1. Policy** The Board shall conduct its business at meetings, which shall be scheduled to occur monthly or as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. The meetings, including First Stage, Second Stage, and Supplementary Reviews, are not hearings. They are sessions at which the Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.

***Procedures***

- a) **Generally** The Board ordinarily will meet in person but may meet by telephone conference call. The members of the Board shall not discuss the business of the Board or information presented to the Board outside Board or Committee meetings, except that the Professional Fitness Review Administrator may communicate with Board members as required by this process or as otherwise appears appropriate.
- b) **Attendance** The Archbishop, the Archbishop's delegate, other persons designated by the Archbishop, and the Professional Fitness Review Administrator may attend those portions of meetings during which information is presented to the Board and the Board makes its recommendations. They may attend other portions of the meetings subject to the discretion of the Board. Other than the person making the accusation or the accused cleric, all other persons may attend meetings only upon the invitation or with the consent of the Board and subject to such limitations as the Board might require.
- c) **Committees** The Chairperson with the consent of the Review Board may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill their purpose, except that the power to make a definitive recommendation following a First Stage, Second Stage, or Supplementary Review may not be delegated to any such committee.

**1104.3.6.2 Policy** The person making an accusation and the accused cleric each have a right to meet with the board before the Second Stage Review is concluded, subject to such reasonable limitations as to time the Board may establish. For good cause they may request to meet with the Board during a Supplemental Review or other meeting and the board shall

§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests

exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

**Procedures**

When a person making an accusation or an accused cleric meets with the Board, the Board shall schedule their appearances in such a way that they not meet each other, even inadvertently, unless such contact is expressly approved by the Board.

**1104.3.6.3. Policy** Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal or canonical counsel.

**Procedures**

a) **Counsel** Any person appearing before the Board may do so with counsel or, in the Board's discretion which shall be exercised liberally, with such other adviser for whom the person may, in advance of the meeting, request the Board's consent. The Board shall not permit the participation of counsel or other adviser unduly to delay this process.

**§1104.3.7. Duties**

**1104.3.7. Policy** The Board shall have the duty to:

1. recommend to the Archbishop a candidate or candidates for the position of Professional Fitness Review Administrator;
2. supervise the Professional Fitness Review Administrator;
3. review matters brought to its attention by the Professional Fitness Review Administrator and make recommendations to the Archbishop regarding the continuation of ministry of clerics subject to allegations of sexual misconduct with a minor and the return to ministry following any withdrawal from a ministerial assignment arising from an allegation of such misconduct;
4. make such other recommendations which the Board in its sole discretion determines to be appropriate to reduce the risk to children.
5. recommend guidelines for the inquiries of the Professional Fitness Review Administrator, the proceedings of the Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;
6. submit, with the assistance of the Professional Fitness Review Administrator, an annual budget proposal to the Archbishop at a time to be specified. The budget proposal shall be incorporated into the proposal for the Office of the Chancellor and

*Book II The People of God*

## Part I Church Personnel

may be considered as part of the Archdiocesan budget process. However, the budget proposal may not be reduced without the knowledge of the Archbishop; and

7. recommend to the Archbishop such amendments to these policies and procedures as the Board believes helpful.
8. cooperate with the Professional Fitness Review Administrator, the Vicar for Priests, and the Professional Conduct Administrative Committee<sup>3</sup> in developing and implementing educational programs for themselves and those participating in this process.
9. seek the advice of such experts and consultants as the Board deems necessary and appropriate.

**§1104.4. Professional Fitness Review Administrator**

**1104.4. Policy** The Professional Fitness Review Administrator (hereinafter "Administrator") shall assist the Board in the performance of its duties.

**§1104.4.1. Qualifications**

**1104.4.1. Policy** The Administrator shall be a lay Catholic professional who maintains appropriate qualifications and substantial experience in investigation and analyzing allegations of sexual abuse of children.

**§1104.4.2. Appointment and Conditions of Employment**

**1104.4.2. Policy** The Archbishop shall appoint and may remove an Administrator with the advice of the Board.

**Procedure**

The Administrator shall be compensated and evaluated according to such schedules as may be applicable to other Archdiocesan employees of comparable responsibilities and experience.

<sup>3</sup> The Professional Conduct Administrative Committee advises the Archbishop and his staff on administrative issues related to clerical sexual misconduct and other matters. The Committee also coordinates the administrative response to such matters.

§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests

## §1104.4.3. Duties

**1104.4.3. Policy** Under the supervision of the Board the Administrator shall have the duty to:

1. receive and analyze information and allegations of sexual misconduct by a cleric with a minor and the return to ministry of a cleric withdrawn from a ministerial assignment;
2. comply with all civil reporting requirements related to sexual misconduct with a minor and to cooperate with official investigations;
3. conduct such inquiries as may be appropriate for a representative of a private organization;
4. communicate in an appropriate manner with the victim or person making an allegation, the Victim Assistance Minister, the affected cleric, the Vicar for Priests, Vicar for the Deaconate Community, the Archbishop, the Board and such other persons as the Archbishop or Board may designate;
5. assist the Board by preparing and submitting reports pertaining to allegations and requests and such other information as may be appropriate;
6. monitor programs for treatment, rehabilitation or supervision of clerics and report to the Board about these programs in cooperation with the Vicar for Priests; and
7. perform such other duties as may be prescribed by the Archbishop, his delegate, or Board from time to time.

***Procedures***

The Administrator and the Vicar for Priests shall work cooperatively in the treatment, rehabilitation and monitoring of clerics. The Administrator shall be primarily responsible for the development, implementation, and operation of the program for monitoring clerics. The Administrator and Vicar for priests shall work cooperatively in the selection of professionals and institutions to evaluate, diagnose and treat clerics. The Vicar for Priests is primarily responsible for pastoral and spiritual life concerns and treatment questions that require a sensitivity to confidences.

*Book II The People of God*

## Part I Church Personnel

**§1104.5. Receipt of Information**

**1104.5. Policy** To assist the Administrator in implementing this process, the Archdiocese shall establish and publicize a separate telephone number to facilitate receipt of information. The Administrator will answer calls during business hours and an appropriate recording device shall be used at other times.

**§1104.6. Confidentiality and Disclosure of Information**

**1104.6. Policy** Information generated in connection with the process set forth in Sections 1104.4 and 1104.5 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

*Procedures*

- a) The Administrator is the custodian of all information described in Sections 1104.4 and 1104.5 and shall develop an appropriate record keeping system to ensure accountability for and security of the information.
- b) The Administrator shall maintain the information in a confidential fashion and may not disclose such information except as follows:
  1. the Administrator shall provide the accused cleric with information sufficient to enable the cleric to respond to the allegation;
  2. the Administrator shall provide the person making the allegation and the accused cleric with appropriate and timely information about the Board's determinations and recommendations and the Archbishop's actions;
  3. the Administrator shall provide access to all information to the Board, the Archbishop, the Archbishop's delegate and other persons the Archbishop may designate;
  4. the Administrator shall provide access to all information to the competent superior in connection with allegations about a member of a religious community or another diocese; and
  5. the Administrator shall disclose such information as may be required by law.



§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests§1104.7. **Preliminary Action and Inquiry by the Administrator**

**1104.7.1. Policy** Upon receipt of the allegation, the Administrator promptly shall comply with all civil reporting requirements related to sexual misconduct with a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about reporting such allegations to public authorities.

**Procedures**

a) The Administrator shall obtain information regarding the cleric's file or background, make appropriate inquiries about the allegation, and prepare a report of all available information for presentation to the Board either orally or in writing at the First Stage Review meeting. The Administrator shall reduce an oral report to writing as soon as practical after the First Stage Review meeting and make copies of this report available to the Board, the Archbishop, his delegate, and such other persons that the Archbishop may designate.

**1104.7.2. Policy** Ordinarily, the Administrator shall also promptly do the following:

1. report the allegation to the Victim Assistance Minister;
2. report the allegation to the Archbishop, his delegate and other persons the Archbishop may designate;
3. inform the cleric and request his response;
4. determine whether the safety of children requires the immediate withdrawal of the cleric from his ministerial assignment and promptly communicate a recommendation to the Archbishop.

**Procedures**

- a) In making such determinations and recommendations, the Administrator may consult with the Archbishop, his delegate, and persons designated by the Archbishop.
- b) The Administrator must schedule and give effective notice of a First Stage Review meeting of the Board.

§1104.8. **First Stage Review**

**1104.8. Policy** Ordinarily, the Board shall meet within approximately three to five days after an allegation is made to conduct a First Stage Review. The Board or the Administrator may delay scheduling the First Stage Review for a good reason.

*Book II The People of God*

## Part I Church Personnel

**§1104.8.1. Questions for Review**

**1104.8.1. Policy** At the meeting, the Board shall determine: (1) whether the Administrator's original determination and recommendation about withdrawal of the cleric from his ministerial assignment adequately provides for the safety of children; (2) whether the other preliminary actions taken by the Administrator were appropriate; and (3) what further action should be taken with respect to the allegation.

**Procedure**

The Board shall consider the Administrator's report, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

**§1104.8.2. Determination and Recommendations**

**1104.8.2. Policy** The Board shall determine whether there is reasonable cause to suspect that the accused cleric engaged in sexual misconduct with a minor, and on the basis of this determination shall make recommendations to the Archbishop about the following:

1. if the cleric has already been withdrawn from ministry pending inquiry, whether such withdrawal should continue; if the withdrawal should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
2. if the cleric has not been withdrawn from ministry, whether he should be withdrawn, whether he should continue in his assignment and, if so, whether any restrictions should be imposed upon him;
3. whether the preliminary actions taken by the Administrator were appropriate and whether further action by the Administrator is required;
4. whether the file may be closed at this stage of the proceedings or held open pending action by public bodies, further inquiry by the Administrator, or further action by the Board; and
5. if the cleric's conduct does not constitute sexual misconduct with a minor but is otherwise inappropriate, whether further action is warranted and suggestions as to such action.

**§1100 Sexual Misconduct with Minors**Title III, Chapter I  
Priests**§1104.9. Additional Inquiry and Action by Administrator Following the First Stage Review**

**1104.9. Policy** After the First Stage Review the Administrator shall conduct such additional inquiry as the Administrator believes appropriate or as may be directed by the Board, including interviews of witnesses, review of documents including documents reflecting action taken by public bodies, and a request for the psychiatric evaluation of the accused cleric.

**Procedures**

The Administrator shall prepare one or more written reports of these inquiries for the Board. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available.

**§1104.10. Second Stage Review**

**1104.10. Policy** A Second Stage Review shall ordinarily be initiated and scheduled to occur no earlier than thirty and no later than one hundred twenty days after completion of the First Stage Review. The Board may delay scheduling the Second Stage Review for a good reason, such as to await the completion of action by public bodies.

**§1104.10.1. Questions for Review**

**1104.10.1. Policy** At the Second Stage Review the Board shall determine: (1) whether prior determinations as to ministry by the cleric should be altered; and (2) what further action, if any, should be taken with respect to the allegation.

**Procedures**

The Board shall consider the Administrator's reports, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

**§1104.10.2. Initiation**

**1104.10.2. Policy** The Second Stage Review may be initiated by a cleric who was withdrawn from ministry or returned to ministry on a restricted basis if he seeks to change his ministry status, or by the Board in any matter it deems appropriate.

*Book II The People of God*

## Part I Church Personnel

**§1104.10.3. Determinations and Recommendations**

**1104.10.3. Policy** The Board shall determine whether it is reasonable to return the cleric to ministry or keep the cleric in ministry in view of all the facts and circumstances, giving appropriate consideration to the safety of children and the rights of the cleric. The Board shall make appropriate recommendations to the Archbishop about the following.

1. if the cleric has already been withdrawn from ministry pending inquiry, whether such withdrawal should continue; if it should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
2. if the cleric has not been withdrawn from ministry, whether he should remain and, if so, whether any restrictions should be imposed on him;
3. whether the file should be closed at this stage of the proceedings;
4. whether the file should be held open for some reason;
5. if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears desirable and suggestions as to possible action; and
6. such other matters as the Board deems appropriate.

**§1104.11. Supplementary Reviews**

**1104.11. Policy** The Board may conduct such Supplementary Reviews as may be necessary to discharge its duties.

**1104.11.1. Questions for Review**

**1104.11.1. Policy** The Board may consider new information about a determination or recommendation made in connection with a prior review, exercise its responsibility as described in Sections 1104 and 1105, or oversee the work of the Administrator, the victim assistance program, the supervision and therapy program for affected clerics or any other matter within its responsibility.

**Procedure**

The Board may consider the application for review, the Administrator's reports, information provided by the Archbishop, the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

**§1100 *Sexual Misconduct with Minors***Title III, Chapter I  
Priests**§1104.11.2. Initiation**

**1104.11.2. Policy** A Supplementary Review may be initiated by the Board, the Administrator, the Archbishop, or the Archbishop's delegate. In addition, an affected cleric, a person who made an allegation, a victim or the family of a victim may apply to the Board in writing for such a review and shall include in the application a statement of the question or point for review, the applicant's position with respect to the matter, and any supporting explanation or information.

**§1104.11.3. Determinations and Recommendations**

**1104.11.3. Policy** The Board may make the same kinds of determinations and recommendations as in a Second Stage Review and make such other determinations and recommendations as it deems appropriate.

*Book II The People of God*

## Part I Church Personnel

**§1105 RETURN TO MINISTRY**

*Section 1105 establishes conditions for the return to ministry of a cleric withdrawn as the result of an allegation of sexual misconduct with a minor. Section 1105 recognizes that such a cleric may never return to parish ministry or ministry that includes access to minors. A stringent program for treatment, aftercare, and monitoring prior to the consideration of the return of a cleric to limited ministry, as well as consultation with those who may be affected by such a return, is established to afford hope to those clerics who seek to continue their service to the Church. Section 1105 recognizes that some clerics may never be able to return to any type of ministry.*

**§1105.1. Return to Ministry**

**1105.1. Policy** Any cleric who was withdrawn from ministry in accordance with Section 1104 may not return to ministry except in accordance with the provisions of Sections 1104 and 1105.

**§1105.2. Clerics Withdrawn from Ministry Pending Inquiry**

**1105.2. Policy** No cleric withdrawn from a ministerial assignment pending inquiry and not returned to ministry after a First Stage Review, ordinarily may be returned to a ministerial assignment unless he undergoes such psychiatric evaluations and treatment as may be required pursuant to these policies and makes the results of the evaluations and treatment available to the Board, the Administrator, the Archbishop and persons designated by the Archbishop.

**Procedures**

The intent of this policy is to make available all information that the Review Board determines to be relevant relating to evaluation and treatment and this includes consultation with those conducting the evaluation or treatment.

**§1105.3. Other Clerics Withdrawn from Ministry**

**1105.3.1. Policy** A cleric who was withdrawn from ministry and whom the Board did not recommend should return to ministry after a Second Stage or Supplementary Review or who did not request such a review may not return to ministry except in accordance with the following policy:

**1105.3.2. Policy** Such a cleric shall never return to parish ministry or a ministry that includes access to minors.

§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests

**1105.3.3. Policy** Such a cleric may return to restricted ministry that does not include access to minors provided that:

1. he has expressed a desire to return to such ministry and the Archbishop has permitted him to apply to the Review Board for its positive recommendation that he do so;
2. he has undergone a treatment program designated by the Archdiocese and acceptable to the Review board, of no less than two years duration, and the prognosis of those responsible for his treatment is positive;
3. he has successfully undertaken a supervised aftercare program designated by the Archdiocese and acceptable to the Review Board, and the prognosis of those responsible for his treatment continues to be positive;
4. he has not engaged in any further sexual misconduct and is otherwise fit for ministry;
5. the Review Board in a Supplementary Review has reviewed written and oral reports of his treatment, aftercare, conduct, and such other information it deems necessary and proper, and on the basis of this review, has determined that the cleric is ready for such an assignment;
6. the Review Board has requested the Vicar for priests to explore and propose to the Board an appropriate restricted ministerial assignment;
7. the Review Board has determined that the ministerial assignment proposed by the Vicar for Priests is appropriate, and has asked that the Vicar for Priests, in cooperation with the Fitness Review Administrator, the Victim Assistance Minister and the Professional Conduct Administrative Committee, conduct suitable consultations about the proposed assignment with those who may be affected by the assignment;
8. the Review Board has determined that the results of the consultations are acceptable to it; and
9. on the basis of all the foregoing, the Review Board has positively recommended that the cleric be assigned to the proposed restricted ministry, upon such conditions the Review Board deems appropriate, and the Archbishop has accepted this positive recommendation.

**Procedures**

- a) A cleric who is returned to restricted ministry must sign a written agreement with the Archdiocese. The agreement must include such provisions as to his restrictions, residence,

*Book II The People of God*

## Part I Church Personnel

therapy, supervision and other matters as may be recommended by his therapists or the Board, or required by the Archbishop. The cleric's compliance with the terms of the agreement and overall performance will be monitored from time to time by the Administrator. The Administrator will present written reports of the monitoring to the Board at least annually. Either the Board, the Archbishop or cleric may initiate a Supplementary Review of the situation in accordance with the procedures in Section 1104.

b) If a priest described in Section 1105.2 does not express a desire to attempt to return to restricted ministry, or if the Archdiocese does not permit him to attempt to do so, he may either live in a supervised setting designated by the Archdiocese or resign from active ministry as a priest and petition for laicization. The Archdiocese ordinarily will offer such resigned clerics an opportunity for continuing therapy as part of an appropriate severance program. If the priest does not express a desire to return to restricted ministry or to live in such a supervised setting, the Archdiocese may pursue appropriate courses of action permitted under the Code of Canon law.

**1105.3.4 Policy** A cleric's failure to comply with the agreement he has signed prior to return to restricted ministry or any of the relevant conditions or restrictions imposed shall be the basis for the initiation of a Supplementary Review which may result in his removal from ministry/or such other action as the Review Board deems appropriate.

**1105.3.5 Policy** No cleric who has returned to restricted ministry may be transferred to another restricted ministry except with the positive recommendation of the Review Board which shall have considered those factors enumerated in Policy 1105.3.3.



§1100 *Sexual Misconduct with Minors*Title III, Chapter I  
Priests**§1106 PRIEST PERSONNEL RECORDS**

*Section 1106 requires the establishment of unified priest personnel record keeping system to enable those responsible for ministerial assignments to consider the full record of a priest. Under the unified system, the record of a priest will commence upon his entry into seminary training and continue to be maintained throughout his career.*

**§1106.1. Priest Personnel Record Keeping**

**1106.1. Policy** The Archdiocese shall establish and maintain a unified priest personnel record keeping system to enable the Archbishop and other responsible persons to consider the full record of a priest in the making of ministerial assignments. The record of each priest shall commence upon entering seminary training and continue to be maintained throughout the career of the priest. See §700 *Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies*.

**Procedures**

The Chancellor shall develop guidelines for the administration of the unified priest personnel record keeping system consistent with law and sound personnel records management. For the purposes enunciated in these policies and procedures, the record shall include records of formational assessment, psychological evaluation, the record and disposition of any proceedings of the Review Board and any other information suggesting a propensity for sexual misconduct with minors.

**§1106.2. Transfer of Information**

**1106.2. Policy** The rector of Mundelein Seminary and the Vicar for Priests shall make available to the Chancellor for incorporation into the priest personnel record keeping system such records in their respective possession as may be allowed by law.

**Procedures**

They may remove or redact from the records they make available any record, note, memoranda or other document which reflects information obtained, received or given under promise, perception or expectation of confidentiality before December 8, 1995.

*Book II The People of God***Part I Church Personnel****§1106.3. Confidentiality of Records**

**1106.3. Policy** All records maintained pursuant to this Section shall be confidential. Information contained in a priest's personnel record may be disclosed by the Chancellor to the Archbishop and in the following instances:

1. upon request of the Priests' Placement Board for consideration by the Board in making assignments;
2. upon request of the Administrator as contemplated in Sections 1104 and 1105 of these policies and procedures;
3. upon request of a priest subject to conditions and limitations set forth in applicable policies and procedures; and
4. all such disclosures shall be made in a manner consistent with applicable law and sound personnel records management.

***Procedure***

Secure provision for the records shall be provided by the Chancellor and an appropriate file system established.