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# DIOCESE *of* GAYLORD

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## POLICY FOR THE PROTECTION OF MINORS AND OF VULNERABLE ADULTS AS OF JULY 1, 2021

### **Preface**

The Diocese of Gaylord *Policy For The Protection of Children* was established in January 2003, in response to the United States Conference of Catholic Bishops approval of two (2) documents: (1) *The Charter for the Protection of Children and Young People* (June 2002, revised in 2005, 2011, and 2018) (“the Charter”); and (2) *The Essential Norms for Diocesan/ Eparchial Polices Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (December 2002, revised in 2006) (the “Essential Norms”). The Charter and the Essential Norms address the crisis in the Church in the United States regarding the sexual abuse of minors by some clergy and church personnel.

In compliance with its obligations under the Charter and the Essential Norms, the Diocese has developed policies in the areas of prevention, reporting, outreach, and accountability when resolving issues involving alleged sexual abuse of minors and vulnerable adults. The Diocese’s policy also recognizes, incorporates and implements the requirements and procedures of applicable state and local laws regarding the protection of minors and vulnerable adults.

### **Applicability**

This application of this Policy includes, but is not limited to, clergy, religious men and women, employees and volunteers of the Diocese who are accused of sexual abuse of minors and vulnerable adults.

The Policy sets forth procedures and obligations for the handling of such allegations of sexual abuse, the prevention of further abuse, the healing of those who have been injured, and the restoration of a sense of trust among the faithful and the larger community. “Safe Environment” training and screening practices and the policies within the Diocese of Gaylord play a major role in its pledge to heal and its promise to protect victims. The “Safe Environment” standards are published separately.

Bishops, Cardinals, Patriarchs or Legates are to be held accountable under the authority of *Motu Proprio Vos estis lux mundi* (“You are the light of the world”). In 2019, the Holy Father issued Norms which address sexual abuse of minors and vulnerable persons, sexual acts compelled through the abuse of authority and interference with investigations into such crimes. The provisions of *Vos Estis Lux Mundi* and contact information for reporting to appropriate law enforcement and *Catholic Bishop Abuse Reporting Service* (CBAR) shall be provided on the Diocesan website and are supplemental to this Policy.

## **Obligation to Report**

### ***Child Abuse and Neglect Reporting***

Any cleric, religious, employee, school counselor, teacher, administrator or other person acting with the authority of the Church of the Diocese of Gaylord who has reasonable cause to suspect child abuse or neglect of a minor shall comply with State reporting requirements, specifically the Michigan Child Protection Law, MCL 722.263, except for those communications that are canonically privileged. Notification by a staff member to the person in charge of a church, school or other diocesan entity does not relieve the staff member of said church, school or entity of the obligation to report under the Michigan Child Protection Law.

All individuals suspecting child abuse, whether they are mandated reporters or not, must immediately contact the Michigan Department of Health and Human Services by telephone (855.444.3911) or online at [https://www.michigan.gov/mdhhs/0,5885,7-339-73971\\_7119---00.html](https://www.michigan.gov/mdhhs/0,5885,7-339-73971_7119---00.html). The Michigan Attorney General's office has also established a special telephone number for people to share information that may be helpful in the ongoing investigation of sexual misconduct. The Michigan Department of Attorney General tip line is (844.324.3374). The Diocese shall post clear instructions on its website with the appropriate contact information to allow any and all individuals who suspect child abuse to make reports to civil authorities and to the Diocesan Victim Assistance Coordinator.

Also, except as provided for by Canon 1548 §2, whenever a cleric or religious has notice of, or well-founded motives to believe that, sexual abuse or sexual misconduct has been committed by someone other than a Bishop, Cardinal or Legate, that cleric or religious is obliged to report promptly this fact to the local Ordinary (Bishop, Vicar General or Episcopal Vicar) where the events are said to have occurred. The report shall include as many particulars as possible to ensure an accurate assessment of the facts. While not required, any other person can submit such a report by any appropriate means.

### ***Victim Assistance Coordinator***

In addition to the legal reporting requirements adopted herein, the Diocese of Gaylord will maintain a Victim Assistance Coordinator to receive reports of sexual abuse concerning any cleric, religious, employee, or other person acting with the authority of the Church of the Diocese.

The Victim Assistance Coordinator shall be a person who possesses a clinical counseling-based proficiency in understanding the dynamics of sexual abuse. The person shall also understand the laws and Diocesan policies to serve victims of sexual abuse.

The Victim Assistance Coordinator's key responsibility is to listen to and take reports of sexual abuse that are made to the Diocese and help coordinate counseling, both emotional and spiritual, for the victim's well-being and recovery, as may be required by the specific case. The Victim Assistance

Coordinator of the Diocese must be promptly notified of any contacts or communications from possible victims concerning allegations so an immediate response can be made to them.

The Victim Assistance Coordinator will immediately notify the Bishop and Diocesan Attorney of any allegation received and assist in the coordination of a meeting between the victim and Bishop along with counseling as may be required.

### ***Report to the Authorities***

A report to the authorities must be made promptly by the Diocesan Attorney of allegations of sexual abuse of a minor or of a vulnerable adult received by the Diocese, whether occurring in the past or present, even those that do not pose an immediate risk or endangerment to a minor or to a vulnerable adult. The Victim Assistance Coordinator will inform the alleged victim that this report is being made, and always encourage the victim to contact law enforcement themselves.

The Chancellor, Diocesan Attorney and the Victim Assistance Coordinator will cooperate with public authorities about reporting all such cases including those that occurred when the alleged victim is no longer a minor and when the alleged clergy or other offender is no longer an active volunteer or staff member. This cooperation is demonstrated by a written report that will be sent by the Diocesan Attorney to the appropriate County Prosecuting Attorney and State Attorney General's office. Per internal protocols, the Diocese will cooperate with law enforcement if they pursue an investigation of the past allegation and will not interfere in the investigation.

### **Pastoral Outreach to Victims and Others**

As circumstances permit, and with due regard for law enforcement investigations, the Victim Assistance Coordinator, Chancellor/Safe Environment Coordinator or Bishop's designee will collaborate with parishes and schools to provide pastoral outreach to victims and others, and shall offer pastoral assistance to the alleged victim, family members and those affected by the circumstances.

Pastors, school administrators, program directors and lay leaders shall also take appropriate and responsible action for the protection of minors and vulnerable adults.

### **Internal Investigation of Allegations Involving Clergy and Other Employees or Volunteers**

When an allegation of sexual abuse or misconduct with a minor or with a vulnerable adult by a cleric is received, an investigation of the accused offender shall be initiated in accordance with Canon 1722 and certain precautionary measures may be invoked that shall comply with Article 5 of the Charter and Articles 6 and 8 of the Essential Norms. This investigation will not begin until civil authorities have completed their investigation/legal proceedings or given permission to the Diocese to begin its investigation.

### ***Investigation***

At the appropriate time, the Bishop may proceed with an investigation by appointing an investigator to interview the victim, the accused, and others. The investigator will prepare a written report that will be presented to the Review Board for its consideration.

### ***Diocesan Review Board***

The Bishop shall appoint and maintain a Review Board to review and respond to allegations regarding sexual abuse of minors and of vulnerable adults. The Review Board shall consist of at least five (5) and no more than ten (10) members who are in full communion with the Roman Catholic Church. The Review Board shall receive the facts and information sufficient to discuss the allegations of sexual abuse or grave misconduct by a priest or deacon in order to provide appropriate consultation to the Bishop, in compliance with Article 2 of the Charter and Articles 8 and 9 of the Essential Norms. The Review Board Mission Statement and Procedures shall be published on the Diocesan website and are incorporated into this Policy.

### ***Alleged Offender***

With due regard for law enforcement investigations the Diocese shall inform the accused of his right to legal counsel, both civil and canonical. The Diocese shall encourage the alleged offender to obtain such counsel in compliance with Article 5 of the Charter and Article 11 of the Essential Norms.

### ***Ministry Suspension***

When admission of and/or credible evidence of risk exists demonstrating that sexual abuse or grave misconduct with a minor or with a vulnerable adult may have occurred as alleged, the alleged offender shall be immediately relieved of pastoral ministry in the Diocese and prohibited from presenting or identifying himself as a priest or wearing a clerical clothing or collar, pending the outcome of any law enforcement investigation and/or canonical process, in compliance with Article 5 of the Charter and Articles 6 and 8 of the Essential Norms.

### ***Ministry Revoked***

When sexual abuse or grave misconduct concerning a minor or a vulnerable adult by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, certain consequences or actions provided for in canon law will be applied in compliance with Article 5 of the Charter and Article 8 of the Essential Norms.

### ***Evaluations***

The alleged offender may be asked to cooperate in medical and psychological evaluations by competent professionals or at a facility mutually acceptable to the Bishop and the alleged offender.

The alleged offender will also be asked to provide a medical release so that the Bishop can assess ministry suitability in consultation with his staff, and/or the Diocesan Review Board (and/or the Ministerial Conduct Board).

### **Legal Counsel**

Notification of the allegation or incident shall also be given to legal counsel and liability insurers for the Diocese in accordance with the terms of applicable insurance policies.

### **Communication**

The Chancellor or designee shall serve as spokesperson for the Diocese when an inquiry is made by the media or by the general public.

### **Documentation**

The Chancellor shall maintain the notes, memoranda, or other written documentation of allegations of sexual abuse or grave misconduct by clergy, the subsequent investigation and the actions in a secure area in the Chancery. Access to these documents shall be strictly limited to the Bishop, the Chancellor, the Vicar for Clergy and those to whom the Bishop grants access.

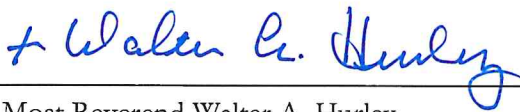
### **Rights/Reputations**

Due regard is to be given to the protection of the rights and the reputations of all parties involved in these procedures.

### **Deceased Clergy Allegations**

The process for an accused cleric that is deceased is: (1) to report the allegations to law enforcement authorities; (2) to undertake a fact-finding investigation with due regard for law enforcement investigations (which includes a review of personnel file and assignments); (3) to review the matter with the Review Board; and (4) to offer pastoral counseling support to the alleged victim.

APPROVED BY:



The Most Reverend Walter A. Hurley,  
Apostolic Administrator of the Diocese of Gaylord

Date: July 1, 2021