

**THE CATHOLIC DIOCESE OF EVANSVILLE, INDIANA
POLICIES AND PROCEDURES REGARDING
SEXUAL MISCONDUCT WITH MINORS**

**ARTICLE 1
GENERAL PROVISIONS**

1.1. **Establishment of policy and definitions.** Sexual misconduct by Diocesan Personnel with a minor violates human dignity and the mission of the Catholic Diocese of Evansville, Indiana (“Diocese”) and of the Roman Catholic Church (the “Church”).

The term “clergy” or “cleric”, as used herein, means any bishop, priest or deacon of the Diocese under the Canons of the Church.

The term “Diocesan Personnel”, as used herein, means all ordained and non-ordained ministers, employees and volunteers who provide services, paid or unpaid, for the Diocese or any of its entities.

The term “minor,” as used herein, means any person under the age of eighteen (18) years.

The term “sexual misconduct,” as used herein, means any act which involves sexual molestation or sexual exploitation of a minor for the gratification of an adult; and includes, without limitation of the foregoing, any act that would constitute a sex-related criminal offense as set forth from time to time by the laws of the state of Indiana, or by the laws of the United States of America. Sexual molestation or sexual exploitation of a person who habitually lacks the use of reason is to be considered equivalent to a minor. Sexual misconduct includes the acquisition, possession, or distribution of pornographic images of minors under the age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology.

(a) The Bishop of this Diocese establishes these policies and procedures to assist him in determining the fitness for ministry or employment of any Diocesan Personnel accused of sexual misconduct with a minor. These policies and procedures are intended and designed to involve the people of the Church in substantive roles of review, consultation and recommendation.

(b) The primary purpose of these policies and procedures is to assure the safety of children, the well-being of the entire community, the integrity of the Diocese and the Church. The policies and procedures are intended to be fair and responsive to the pastoral needs of victims, victims’ families, the Church community and the accused. The policies and procedures are intended and designed to facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual misconduct.

(c) The Diocese shall publish these policies and procedures so that those affected can readily seek and receive the assistance afforded by them.

1.2. **Funding.** The Diocese shall provide sufficient funding and support at the Diocesan level to assure the effective implementation of these policies and procedures.

1.3 **Education of Diocesan Personnel.** The Diocese shall establish continuing education programs about the nature and effect of sexual misconduct for its Diocesan Personnel. The employing entity shall be responsible for implementing these programs at the local level.

1.4. **Review and amendment.** At least once annually, the review board established in Article 4 hereinafter, shall review these policies and procedures and make any recommendations for amendment to the Bishop. The Bishop may amend these policies and procedures at any time upon consultation with the review board. This consultation process is intended to continue after the adoption of these policies and procedures, which is expected to result in revisions and adaptations from time to time.

1.5 **Disclosure of Sexual Misconduct.** In the case of any allegation of sexual misconduct by Diocesan Personnel with a minor which is communicated to the Bishop or his delegate, the Bishop or his delegate, as the case may be, shall report such allegation forthwith to the Review Administrator, defined by Paragraph 4.4 herein, who will act in accordance with Paragraph 4.4(c) of these policies. The Bishop or his delegate shall advise the person making the accusation of his/her obligation under the law to contact the local Child Protection Services or other office responsible for investigation of such accusation.

ARTICLE 2 ASSISTANCE TO THOSE AFFECTED

2.1. **Assistance to those affected.** The Diocese shall make appropriate assistance available to all those who may be affected by sexual misconduct of Diocesan Personnel with a minor.

2.2. **Assistance to victim.** The Diocese shall designate a victim assistance coordinator and care reviewer, whose roles it shall be to assist a victim of sexual misconduct by Diocesan Personnel with a minor, the victim's family or other persons affected. Such coordinators shall identify professional and other resources available to aid in the care of a victim or other persons affected. The victim assistance coordinator shall convey the offer of the bishop or his representative to meet with the victim and/or victim's family in a spirit of pastoral concern.

2.3. **Assistance to community.** The Diocese shall endeavor to develop and maintain programs for outreach throughout the Diocesan community. The programs shall endeavor to promote education, understanding and healing.

2.4. **Assistance to clerics.** In the event of an allegation of sexual misconduct against a cleric involving a minor, the Bishop shall appoint a priest representative or representatives who shall minister to such clerics, by providing assistance, advice and support and by facilitating referrals to resource persons and other professionals. Due to the Canonical relationship of a bishop with his priests, this particular assistance shall be provided to clerics only.

ARTICLE 3 SCREENING, FORMATION, EDUCATION AND ASSIGNMENT TO MINISTRY

3.1. **Screening and education.** The Diocese shall review and augment ongoing programs for the continuing education of its Diocesan Personnel in matters related to sexuality and sexual misconduct. Criminal history checks and, if necessary, full background checks will be done on all Diocesan Personnel.

3.2. **Certification.** All Diocesan Personnel shall be required to certify in writing that they have read the diocesan policies and procedures regarding sexual misconduct with minors. The certification will be maintained in the personnel files of such Diocesan Personnel at the local level.

3.3. **Relationship with religious communities.** The Diocese shall establish a protocol applicable to religious communities whose members maintain or seek faculties to work in the Diocese. The protocol shall state:

(a) The community will abide by Diocesan policies and procedures relating to sexual misconduct with minors.

(b) The community must provide a copy of its own policies and procedures to the Bishop.

(c) As to each candidate presented for service in the Diocese, the presenting community shall provide a written statement about such candidate's status, background, character and reputation. In the case of any incident of sexual misconduct with a minor, the presenting community shall include in the written statement a comprehensive report of the allegation and its disposition.

3.4. **Extern Clergy.** The Diocese shall review and, if necessary, revise its policies affecting extern clerics who seek or maintain faculties in the Diocese. Such policies shall require the extern cleric's proper ordinary to certify that he is unaware of anything in the extern cleric's background which would render him unsuitable to work with minors. In the case of any history of such potential extern cleric involving sexual misconduct with a minor, the extern cleric's proper ordinary shall submit to the Vicar General of this Diocese a comprehensive report of the allegation and its disposition.

3.5. **Review by Review Administrator.** If any incident of sexual misconduct with a minor is disclosed in connection with the presentation of a cleric or application of a cleric from another diocese, the Bishop, or in his absence, the Vicar General, may refer the matter to the Review Administrator, who shall then apply the standards contained in Articles 4 and 5, herein.

3.6. **Clergy Assignment review.** The Bishop shall review the names of all candidates who apply for pastoral assignment or reassignment. In each case, the Bishop shall determine whether any such candidate applying for assignment or reassignment has a proceeding pending against him before the Review Board. In the event any such proceeding is pending before the Review Board, the Bishop shall suspend any such assignment or reassignment until the Review Board has concluded its review and renders its recommendations to the Bishop pursuant to Article 4 hereof.

ARTICLE 4

REVIEW PROCESS FOR CONTINUATION OF MINISTRY OR EMPLOYMENT

4.1. **Establishment of process.** Determinations and recommendations regarding the continuation of ministry or employment of Diocesan Personnel who are the subject of an allegation of sexual misconduct with a minor or the return to ministry or employment of Diocesan Personnel who have been placed on administrative leave by reason of such an allegation shall be made to the Bishop according to Articles 4 and 5 of these Policies and Procedures.

4.2. **Compliance and cooperation.** In addressing allegations of sexual misconduct, all Diocesan Personnel are expected to cooperate with civil authorities, comply with legally established reporting requirements and otherwise conduct themselves as good citizens. In addition, all Diocesan Personnel shall comply fully with the letter and spirit of these Policies and Procedures. All Diocesan Personnel are expected to cooperate with the Diocesan review process consistent with their particular role in the Diocese. All people who may be requested to participate in the Diocesan review process are asked to do so with understanding and sensitivity for its goals.

4.3. **Review Board.** The determinations and recommendations described in Article 4.1 shall be made to the Bishop by a review board (hereinafter "Board"):

(a) **Membership.** The Board shall be comprised of at least five, but no more than seven, members appointed by the Bishop. At least a majority of the members shall be lay Catholics who are not employees of the diocese, and at least one (1) member shall be a priest of the Diocese.

(b) **Term.** Each appointed member shall serve on the Board for a term of five years or until a successor is appointed. No member shall be appointed for more than two consecutive five-year terms.

(c) **Officers.** The Board shall elect one Board member as chairperson and one Board member as vice chairperson, for two-year terms. The chairperson will

ordinarily convene and preside at meetings of the Board. The vice-chairperson will perform these functions when the chairperson is unable to do so. The chairperson and vice-chairperson shall be elected in August of pertaining year. The Board shall designate one Board member as the Board's media contact, emphasizing the need for only one person to respond to media inquiries.

(d) Relationship with Bishop. The Board shall serve as the principal agent of the Bishop in making the determinations and recommendations contemplated by these policies and procedures. The Board is not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business.

(e) Compensation. The members of the Board shall receive no compensation for their services, but all members shall be reimbursed for their necessary expenses.

(f) Quorum and majority for doing business. A majority of the members of the Board shall constitute a quorum, and the concurrence of not less than a majority of the members of the Board shall be necessary to make a determination or recommendation. A member who dissents from a majority determination and/or recommendation is expected to prepare and submit a separate, written report to the Bishop for his consideration, together with the majority determination and/or recommendation.

(g) Meetings:

(1) Generally. The Board shall conduct its business at meetings, which shall be scheduled to occur as often as necessary to perform its duties. The Board ordinarily will meet in person but one or more members may attend any meeting 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 meetings, except that the Review Administrator, the Bishop or the Bishop's delegate, may communicate with Board members outside Board meetings as required by this process or as otherwise appears appropriate. Likewise, Board members shall not make independent inquiries or conduct independent investigations about any matters before the Board. All such business and matters shall be reserved by members for meetings of the Board.

(2) Attendance. The Bishop, the Bishop's delegate, other persons designated by the Bishop and the Review Administrator may attend those portions of meetings during which information is presented to the Board and the Board presents its determinations and recommendations. They may attend other portions of the meetings subject to the discretion of the Board. 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.

(3) Nature of the meetings. Board meetings shall reflect the pastoral character of this process, which is to be consultative and advisory, not adversary 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 formal rules of evidence shall not strictly apply. The Board may invite or permit the attendance of any person for the purpose of allowing such person to be heard by the Board.

(4) Right to counsel. Nothing in these policies and procedures shall be interpreted so as to abridge an individual's right to civil legal or canonical counsel. If the Board invites or permits someone to attend a meeting or a portion of a meeting, that person may appear with supportive persons in an advisory role, in the Board's discretion, which shall be exercised liberally, for whom the person must in advance of meeting request the Board's consent. The Board shall not permit the participation of counsel or other adviser unduly to delay the review process.

(5) Meetings shall be held in neutral locations, arranged and cost incurred, by the diocese. Such locations shall consider travel distances of all members and the accommodation of privacy for individual guest attendees (i.e., separate times & waiting rooms for confidential arrivals of accused and/or accuser.

(h) Powers: The Board shall have the power to:

(1) Recommend to the Bishop a candidate or candidates for the position of Review Administrator, and recommend the removal and replacement of the Review Administrator.

(2) Request that the Review Administrator take further investigative actions that are within his or her professional competence.

(3) Review matters brought to its attention by the Review Administrator and make recommendations to the Bishop, after such review, regarding the continuation of ministry or employment of any Diocesan Personnel subject to allegations of sexual misconduct with a minor and regarding the return to ministry or employment of any Diocesan Personnel following any withdrawal from a ministerial or employment assignment arising from an allegation of such misconduct.

(4) Recommend guidelines or special inquiry efforts for the inquiries of the Review Administrator, the proceedings of the Board and programs for treatment, rehabilitation and supervision of clergy consistent with these Policies and Procedures.

(5) Submit, with the assistance of the Review Administrator, an annual budget proposal to the Bishop at a time to be specified. The budget proposal shall be incorporated into the proposal for the Diocesan chancery office and must be considered as part of the Diocesan budget process. However, the budget proposal may not be reduced by any Diocesan Personnel without the knowledge and specific approval of the Bishop.

(6) Recommend to the Bishop such amendments to these policies and procedures as the Board believes circumstances require.

4.4. **Review Administrator.** The Review Administrator shall assist the Board in the performance of its duties and shall be the primary contact person for the Board with persons making allegations of sexual abuse by any Diocesan Personnel of a minor.

(a) **Qualifications.** The Review Administrator shall be a lay professional who maintains appropriate qualifications in psychology or social work and substantial knowledge in investigating and analyzing allegations of sexual abuse of minors. The Review Administrator may be, but need not be, an attorney or a clinical psychologist.

(b) **Appointment and conditions of engagement.** The Bishop shall appoint and may remove a Review Administrator with or without the advice of the Board. The Review Administrator shall be compensated as an independent contractor according to such schedules as may be agreed upon between the Review Administrator and the Bishop, with the advice of the Board.

(c) **Duties.** Under the supervision of the Board, the Review Administrator shall have the following duties:

(1) Receive and analyze information regarding allegations of sexual misconduct by any Diocesan Personnel with a minor and regarding the return to ministry or employment of any Diocesan Personnel who have been placed on administrative leave from assignment for any reason related to such alleged sexual abuse.

(2) Comply with all civil law reporting requirements related to sexual misconduct with a minor and to cooperate fully with official investigations into such allegations.

(3) Conduct such inquiries as may be appropriate regarding allegations of sexual misconduct by Diocesan Personnel with a minor.

(4) Communicate in an appropriate manner with the victim or person making an allegation, the victim assistance coordinator, the accused, the accused's representative, the Bishop, the Board and such other persons as the Bishop or Board may designate.

(5) Assist the Board by preparing and submitting reports regarding allegations of sexual misconduct by Diocesan Personnel with a minor and regarding such other matters as may be appropriate for attention and action by the Board.

(6) Maintain regular contact with the Bishop or his delegate on the process for treatment, rehabilitation or supervision of clerics and report to the Board about these programs.

(7) Perform such other duties as may be prescribed by the Bishop or Board from time to time.

4.5. **Publication of Telephone Number.** To assist the Board and the Review Administrator in implementing the review process, the Diocese shall publicize a telephone number to facilitate receipt of information. A record of all such calls shall be maintained.

4.6. **Confidentiality and disclosure of information.** Information generated in connection with the review process set forth in Article 4 above shall be maintained in a confidential manner and may only be disclosed in accordance with this section:

(a) The Review Administrator shall be the custodian of all information developed in Article 4 and shall develop an appropriate record-keeping system to ensure accountability for and security of the information. Upon the resignation or other termination of the Review Administrator, all such records shall be delivered by the Review Administrator to the Chairperson of the Review Board.

(b) The Review Administrator shall maintain all such information in a confidential fashion and may not disclose such information except as follows:

(1) The Review Administrator shall provide any accused Diocesan Personnel with information sufficient to enable that person to respond to the allegation and, if necessary, to defend himself/herself before the Review Board.

(2) The Review Administrator shall provide the person making the allegation and the accused with appropriate and timely information about the Board's determinations and recommendations and the Bishop's actions, if any.

(3) The Review Administrator shall provide access to all information accumulated by the Review Administrator to the Board, the Bishop, the Bishop's delegate and other persons the Bishop may designate.

(4) The Review Administrator shall provide access to all information accumulated by the Review Administrator to the competent superior in connection with allegations about a member of a religious community of another diocese.

(5) The Review Administrator shall disclose such information accumulated by the Review Administrator as may be required by law, or by enforceable legal process.

(c) The Review Board shall select one of its members to act as spokesperson. All media inquiries regarding matters considered by the Board shall be directed to the acting spokesperson or such other persons as the Bishop or the Vicar General shall from time to time designate.

4.7. **Initiating an allegation.** Allegations that any Diocesan Personnel engaged in sexual misconduct with a minor must be reported to the local Child Protection Services and should be reported to the Diocese either by communication directly to the Bishop or, in his absence, the Vicar

General of the Diocese, or the Bishop's other delegate. The Bishop, Vicar General or Bishop's other delegate shall notify the Review Administrator who shall contact the victim forthwith.

(a) To the extent possible, the person making the report should provide to the local Child Protection Services and to the Review Administrator the name of the person 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 specific 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.

(b) If the Review Administrator learns of an allegation in some fashion other than a direct report, the Review Administrator shall make appropriate inquiries and proceed substantially in the same manner as would be followed regarding any other allegation.

(c) The Review Administrator ordinarily will not process anonymous allegations, allegations by persons who will not consent to the use of their names by the Review Administrator, or allegations that do not contain enough information to permit reasonable inquiry but shall comply with all civil law reporting requirements related to sexual misconduct with a minor. The Review Administrator shall report all such allegations to the Board at its next regularly scheduled meeting, and the Board shall review the Review Administrator's action with respect thereto.

(d) If the Review Administrator receives an allegation against deceased Diocesan Personnel, the Review Administrator shall process the allegation according to the procedures above. The Review Administrator shall provide a summary report of any such allegations to the Board at its next regularly scheduled meeting, and the Board shall review the Review Administrator's action with respect thereto.

4.8. Preliminary action and inquiry by the Review Administrator.

(a) Upon receipt of an allegation of sexual misconduct by any Diocesan Personnel with a minor, the Review Administrator promptly shall comply with all civil law reporting requirements related to sexual misconduct with a minor. The Review Administrator shall also provide the person making the allegation with a written statement containing information about reporting such allegations to public authorities.

(b) The Review Administrator also shall promptly:

(1) Report the allegation to the Bishop, his delegate and other persons the Bishop may designate who shall then inform the accused and request his/her response. Following initial contact, the accused shall receive a condensed written version of the accusation and written outline of the preliminary actions of Review Administrator and ensuing procedures of the Review Board as pertains to the accusation. (i.e., copy of Article 4.8 through 4.12)

(2) Investigate whether the safety of others, particularly a minor or minors, or the quality of the allegation requires immediate

administrative leave of the accused from his or her ministerial or employment assignment and promptly communicate a recommendation to the Bishop; in making this recommendation, the Review Administrator may consult with the Bishop, his delegate, or other persons designated by the Bishop.

(3) Schedule and give effective notice to the Board of a first-stage review meeting to occur no later than approximately twenty (20) days after the allegation is received.

(c) Before the first-stage review meeting of the Board, the Review Administrator shall review the accused's personnel file, make all appropriate inquiries about the allegation including, without limitation, conducting a personal interview with the person or persons making the allegation, and prepare a report of all available information for presentation to the Board, at the first-stage review meeting.

The Review Administrator shall reduce to writing any oral report made to the Board as soon as practical after the first-stage review meeting. The Review Administrator shall provide copies of this written report at the earliest opportunity to the Board, the Bishop, his delegate, the accused and such other persons that the Bishop may designate.

4.9. First-stage review. The Board shall meet no later than approximately twenty (20) days after an allegation is made to conduct a first-stage review.

(a) Questions for review. At the meeting for first-stage review, the Board shall determine: (1) whether the Review Administrator's original recommendation regarding possible administrative leave of the accused from his/her ministerial or employment assignment, or the modification of such assignment, adequately provides for the safety of others, particularly minors; (2) whether other preliminary actions taken by the Bishop or his delegate were appropriate; and (3) what further action, if any, should be taken with respect to the allegation.

(b) Information to be considered. At the meeting for first-stage review, the Board shall consider the Review Administrator's report, information provided by the accused, the Bishop's delegate or other persons identified by the Bishop and any other available information which the Board believes to be helpful. In this process, no formal rules of evidence shall apply; but the members of the Board may take such rules into consideration to the extent each member deems appropriate.

(c) Determination and recommendations. At the meeting for first-stage review, the Board shall determine whether there is reasonable cause to believe that the accused engaged in sexual misconduct with a minor, and on the basis of this determination shall make recommendations to the Bishop about the following:

(1) If the accused has already been placed on administrative leave from ministry or employment pending inquiry, whether such administrative leave should continue; or if the administrative leave should not continue, whether any restrictions should be imposed on the accused as conditions to returning to ministry or employment.

(2) If the accused has not been placed on administrative leave from ministry or employment, whether he/she should be placed on administrative leave, or whether he/she should continue in his/her assignment, and, if so, whether any restrictions should be imposed upon him/her as conditions to his/her continuation in ministry or employment.

(3) Whether the preliminary investigative actions taken by the Review Administrator were sufficient and appropriate, and whether further action by the Review Administrator is required.

(4) Whether the file should be closed at that stage of the proceedings or held open pending action by civil authorities, further inquiry by the Review Administrator or possible further action by the Board.

(5) If the accused's conduct does not constitute sexual misconduct with a minor but is otherwise inappropriate, whether further action is warranted and, if so, the formulation of suggestions as to such further action.

(d) Presumption of innocence and false accusations. The Review Administrator and the Board shall recognize and consider the possibility of false accusations or unsubstantiated claims. Neither the Review Administrator nor the Board shall hesitate to issue an opinion so describing any such allegation where circumstances warrant such action. Diocesan personnel accused of sexual misconduct are to be accorded the presumption of innocence during the course of review, and all appropriate steps are to be taken to protect the reputation of the accused.

(e) Recommendations by the Review Board with the Review Administrator present will be forwarded immediately to the Bishop by verbal contact from the Review Board Chairman. The Bishop is to notify the accused of the Review Board's recommendation. Upon completion of the hearing, the Review Administrator is to report the Review Board's recommendation to the victim. Written form of the recommendations will be sent to each of the accused and accuser. A written copy of Review Board recommendations will be sent to the Bishop as soon as possible.

4.10 Action where guilt determined. Any Diocesan Personnel who, at or after the first-stage review, admits to, does not contest, or is determined by the Board, and confirmed by the Bishop, to be guilty of an incident of sexual misconduct following an investigation under this policy shall be immediately removed from his/her assignment.

(a) A cleric placed on administrative leave pursuant to this Section 4.10 shall receive diagnostic evaluation, if required, at the expense of the Diocese. The cleric shall provide the Bishop, or his designee, with an authorization for the release of diagnostic information to carry out the purposes of these Policies and Procedures. This release is limited to the purposes of these Policies and Procedures and shall not be deemed a waiver of any statutory privilege of confidentiality.

(b) A cleric placed on administrative leave pursuant to this Section 4.10 may be required to undergo such treatment as is determined necessary by the Bishop. When the cleric has completed such treatment, he may be required to take part in an appropriate supervised aftercare program approved by the Bishop, having received the recommendations of the treatment center or professional.

4.11. Additional inquiry and action by Review Administrator following the first-stage review. After the first-stage review, the Review Administrator shall conduct such additional inquiry as the Review 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 review of the results of diagnostic evaluation of the accused. The Review Administrator shall prepare one or more written reports of these inquiries for the Board and the Bishop. These reports should include descriptions of actions taken by the Review Administrator, such additional inquiry as may be required and identification of information that was not available to the Review Administrator at the time of the first-stage meeting and why any such information was not available.

4.12. Second-stage review. There shall be a second-stage review which, to the extent reasonably possible, shall be initiated and scheduled to occur no earlier than 30 and no later than 120 days after completion of the first-stage review. The Board may delay scheduling the second-stage review for any good cause.

(a) Questions for review. At the second-stage review, the Board shall determine: (1) whether prior actions regarding the continued ministry or employment by the accused should be altered; and (2) what further action, if any, should be taken with respect to the allegation.

(b) Initiation. The second-stage review may be initiated by an accused person who was removed from assignment or returned to assignment on a restricted basis if he/she seeks to change his assignment status, or by the Board in any matter it deems appropriate.

(c) Information to be considered. The Board shall consider the Review Administrator's reports, information provided by the accused, the Bishop's delegate or other persons identified by the Review Administrator, and any other available information which the Board believes to be helpful.

(d) Determinations and recommendations. At the second-stage review, the Board shall determine whether it is reasonable to return the accused person to his/her assignment, or in the case of a cleric retain him in ministry, in view of all the facts and circumstances, giving appropriate consideration to the safety of others and the Canonical rights of the cleric. At the conclusion of the second-stage review, the Board shall make appropriate recommendations to the Bishop regarding:

(1) If the accused has already been placed on administrative leave from assignment pending inquiry, whether such administrative leave should continue; if it should not continue, whether any restrictions should be imposed upon the accused as conditions to returning to assignment.

(2) If the accused has been placed on administrative leave and should remain on administrative leave, whether any additional restrictions should be imposed on the accused.

- (3) Whether the file should be closed.
- (4) Whether the file should be held open and, if so, for what reason or reasons.
- (5) If the accused's conduct does not constitute sexual abuse of a minor but is determined to be otherwise inappropriate, whether further action appears necessary and, if so, suggestions as to possible action.
- (6) Such other matters as the Board deems appropriate.

(e) Recommendations by the Review Board with the Review Administrator present will be forwarded immediately to the Bishop by verbal contact from the Review Board Chairman. The Bishop is to notify the accused of the Review Board's recommendation. Upon completion of the hearing, the Review Administrator is to report the Review Board's recommendation to the victim. Written form of the recommendations will be sent to each of the accused and accuser. A written copy of Review Board recommendations will be sent to the Bishop as soon as possible.

4.13. **Supplementary reviews.** The Board may conduct such supplementary reviews as may be necessary to discharge its duties:

(a) Questions for review. The Board may consider any new information about a determination or recommendation made in connection with a prior review, exercise its responsibility as described in Article 4 or oversee the work of the Review Administrator, or any other matter within its responsibility.

(b) Initiation. A supplementary review may be initiated by a majority of the Board, the Review Administrator, the Bishop or the Bishop's delegate. In addition, affected Diocesan Personnel, 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. Such application shall include a statement of the question or point for review, the applicant's position with respect to the matter and any supporting explanation or information.

(c) Information to be considered. In determining the merits of an application for review, the Board may consider the application for review, the Review Administrator's prior reports, information provided by the Bishop, the Bishop's delegate or other persons identified by the Bishop and any other available information which the Board believes helpful.

(d) Determinations and recommendations. After a supplementary review, the Board may make such determinations and recommendations as it deems appropriate.

ARTICLE 5
PERMANENT REMOVAL/RETURN TO MINISTRY OR EMPLOYMENT

5.1. **Power of Bishop.** The Bishop shall at all times retain the power and authority to remove permanently or not to remove any cleric from ministry, and the power to modify or place conditions upon the ministry of any cleric, subject to the restrictions and provisions of the Code of Canon Law. If warranted by the investigation of the facts, the Bishop shall terminate the canonical assignment and suspend the faculties of the abuser if he is a cleric.

5.2. **Return to ministry.** Any cleric who was placed on administrative leave from ministry in accordance with Article 4 may not return to ministry except in accordance with the provisions of Articles 4 or 5.

5.3. **Removal of Non-Ordained Diocesan Personnel.** If warranted by the investigation of the facts, the Bishop shall direct the immediate supervisor of any non-ordained Diocesan Personnel to terminate his/her ministry or employment.

ARTICLE 6
CLERGY PERSONNEL RECORDS

6.1. **Personnel record-keeping.** The Diocese shall establish and maintain a unified personnel record-keeping system to enable the Bishop and other responsible persons to consider the complete record of a cleric in the making of ministerial assignments. The record of each cleric shall be maintained throughout the period of the cleric's career. The Vicar General shall develop guidelines for the administration of the unified personnel record-keeping system consistent with the law and sound personnel records management. For the purposes enunciated in these policies and procedures, the records shall include records of formation, the record and disposition of any proceedings of the Board and any other information suggesting a propensity for sexual misconduct with minors.

6.2. **Transfer of information.** As soon as practicable following the effective date of these provisions, at the direction of the Bishop, the Chancellor of the Diocese shall make available for incorporation into the personnel record-keeping system such records as may be allowed by law. The Chancellor, at the direction of the Bishop, may remove or redact from such record any information, record, note, memoranda or other document which was obtained, received or given under promise, perception or expectation of confidentiality.

6.3. **Confidentiality of records.** All records received, obtained and maintained pursuant to this article shall be kept confidential. Security for all such records shall be provided by the Chancellor and an appropriate file system established. Information contained in a cleric's personnel records may be disclosed by the Chancellor upon authorization by the Bishop in the following instances:

(a) Upon request of the Personnel Board of the Diocese for consideration by the Board in making assignments.

(b) Upon request of the Review Administrator as contemplated in Articles 4 and 5 of these policies and procedures.

(c) Upon request of the cleric subject to conditions and limitations set forth in any applicable Diocesan policies and guidelines.

(d) All such disclosures shall be made in a manner consistent with applicable civil law and sound personnel records management.

**ARTICLE 7
NON-ORDAINED PERSONNEL RECORDS**

7.1 **Personnel record-keeping.** The employing Diocesan entity shall maintain a personnel record-keeping system consistent with the law and sound personnel records management.

7.2 **Confidentiality of records.** All records maintained pursuant to this Article shall be kept confidential. Any disclosures from such records shall be made in a manner consistent with applicable civil law and sound personnel records management.

ADOPTED EFFECTIVE IMMEDIATELY

DATE: August 20, 2003
REVISED: October 27, 2005
REVISED: June 28, 2012
REVISED: April 5, 2017

+ Charles C. Thompson

Charles C. Thompson, D.D., JCL
Bishop of Evansville

[Handwritten Signature]

Chancellor

DIOCESE OF EVANSVILLE REVIEW BOARD:

[Handwritten Signature]

Shawn Eickhoff

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Rev. David Nunning

[Handwritten Signature]

James Schroeder

[Handwritten Signature]

Julie Bassler

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Lisa Provost

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Thomas Wedding