

FAITH ENVIRONMENT

The Safe Environment and Sexual Abuse Policy of the Roman Catholic Diocese of Las Cruces

Preamble

The Roman Catholic Diocese of Las Cruces (henceforth, Diocese), in accordance with the teachings of the Roman Catholic Church (henceforth, Church) is committed to providing dignity, justice and respect for all of the people of God. Integral to this commitment is the creation of a **FAITH ENVIRONMENT** in which we commit to creating a safe environment for our children, young people and vulnerable populations. Our goal is to create policy and implement programs which are fully in compliance with *Charter for the Protection of Children and Young People, revised June 2005*. (hereafter *Charter*), and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, revised May 2006* (hereafter *Essential Norms*). We know that there have been a number of minors sexually abused by clergy and others in the Church. Even as we pray and work toward ensuring that sexual abuse of children and youth by Church personnel will never happen again, we also work and pray for the spiritual and emotional healing of all who have been affected by sexual and other forms of abuse, in our Catholic Church and in the world at large.

As an employer of paid personnel and a provider of services by unpaid volunteers, it is the goal of the Diocese to prevent acts of sexual misconduct and abusive behavior by its employees and volunteers. The Diocese informs its employees and volunteers of the laws concerning sexual and physical abuse, requires that all sexual and physical abuse be reported in accordance with state law, and presents ways to discourage and prevent undesirable conduct. The **FAITH ENVIRONMENT** policy of the Diocese applies to all clergy, religious, lay personnel and volunteers. The Diocese expects that all persons working or volunteering with the Church in this Diocese comply with the provisions stated in this policy.

This revision builds on and replaces the October 2004 policy of the Diocese of Las Cruces titled *SEXUAL ABUSE OF MINORS*, and continues development of sexual misconduct policy first promulgated in this diocese in 1993. A copy of this policy has been filed with the United States Conference of Catholic Bishops. Future revisions of this policy will be filed with the USCCB within three months of such modifications (*Essential Norms 2*).

I. Sexual Abuse of Minors

Sexual misconduct by personnel of the Diocese is contrary to Christian principles and is unacceptable. Sexually abusive acts will not be tolerated. In conformity with the *Essential Norms, No 8*, no one who has admitted to or established to have sexually abused a minor-whenver it occurred -will be permitted to serve the Church within the Diocese.

II. Basic Principles of Diocesan Policy

Consistent with the *Charter* and the *Essential Norms*, The Diocese seeks always to achieve the following as basic guiding principles:

- A. Our uppermost concern is to provide a safe environment for our children, youth and vulnerable populations, and respond promptly to any allegations where there is reasonable suspicion that the sexual abuse of a minor has occurred.
- B. We reach out to victims/survivors of sexual abuse and their families no matter when or where the abuse occurred and demonstrate a sincere commitment to their spiritual and emotional well-being.
- C. We cooperate fully with civil authorities by reporting all incidents of alleged sexual abuse by priests, deacons or other church employees or volunteers and assisting as possible with investigation and prosecution of such allegations.
- D. We commit to fair and just treatment of all diocesan personnel in any investigative process, beginning with the assumption that one is innocent until allegations are demonstrated to be credible.
- E. We adhere rigorously to the civil and canonical rights of all accusers and accused.
- F. We make clear to clergy and all members of the church community the standards of conduct for clergy and other persons in positions of trust with regard to children.
- G. We continue to cooperate with other churches and ecclesiastical communities, as well as other religious institutions, institutions of higher learning and others in conducting research in the area of sexual abuse (XVI).

III. Application of Policy

This policy applies to all diocesan, parish and Catholic school personnel which includes everyone engaged in the work of the diocese, including officials, employees, lay volunteers, seminarians, clergy and members of religious institutes who serve the diocese, its parishes, or Catholic schools as a volunteer or paid employee. It is the responsibility of diocesan, parish and Catholic school personnel, paid or volunteers, to be conscious of and adhere to this policy.

In the context of this policy, sexual abuse of a minor includes: contacts or interactions between a minor and an adult when the minor is being used as an object of sexual gratification for the adult. A minor is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome, as determined by the law of the State of New Mexico.

IV. Safe Environment Program

The diocesan bishop (hereafter, Bishop) shall promulgate **FAITH ENVIRONMENT** programs for adults, children and youth in accord with Catholic moral principles. Such programs may work cooperatively with civil authorities, parents and educators and other organizations as needed to provide education and training for children, youth, parents, ministers, educators, volunteers and others about ways to make and maintain a safe environment for children, young people and vulnerable populations.

The **FAITH ENVIRONMENT** program shall have three major components: Education, Screening and Standards of Conduct.

A. Education

The diocese requires all priests, deacons, and members of religious institutes ministering in the diocese, all paid lay staff in diocesan, parish school or other ministry positions, and all volunteers whose service brings them into regular contact with children, young people and vulnerable populations to attend a sexual abuse awareness workshop within six months of beginning to work within the diocese. Sexual abuse awareness workshops shall be coordinated

and attendance documented by the diocesan administrative department in association with the Offices of Elementary Catechesis and Adolescent Catechesis and the diocesan Insurance Office, all under the direction of the Office of the Chancellor. Parishes, missions, quasi-parishes, Catholic Schools, or other diocesan agencies are responsible to ensure and document that their personnel (paid or volunteer) are in compliance with this policy.

As part of the education process, the ministries office publicizes at least quarterly the diocesan procedures for reporting an allegation of sexual abuse through the diocesan newspaper, the diocesan website, and other modes and media as decided or directed.

Additionally the Offices of Elementary Catechesis, Adolescent Catechesis and the Superintendent of Catholic Schools shall work in conjunction with parishes/missions or Catholic Schools to ensure children and youth receive age appropriate sexual abuse prevention education. Parents of children and young people will be encouraged to be involved in this training and offered training themselves.

B. Screening

Thorough screening of employees and volunteers will be conducted prior to beginning ministry within the diocese. It is the responsibility of the hiring agency (parish, school, etc) to submit the appropriate background investigation request forms to the diocesan Office of Human Resources. The diocesan Office of Human Resources administers the required background investigations. The diocese shall conduct background investigations on all diocesan and parish personnel. No person shall be allowed to begin paid service within the diocese unless they have completed a background consent form. All volunteers working with minors must also complete the background consent form before beginning service. The depth of a background investigation shall be conducted in a manner appropriate to the position held by an individual. For further details concerning background investigations, see the "Background Investigation" Policy in the *Pastoral Manual*. Adequate screening and evaluative techniques are to be used in deciding the fitness of candidates for ordination.

C. Standards of Conduct

The *Charter* states that the diocese must make clear to clergy and all members of the Christian faithful "the standards of conduct for the clergy and other persons in positions of trust with regard to sexual abuse." In response to that requirement, the Diocese of Las Cruces has developed a special set of guidelines for priestly conduct which are based on John Paul II's 1992 post-synodal apostolic exhortation, *Pastores Dabo Vobis* and the United States Conference of Catholic Bishops (then the National Conference of Catholic Bishops) *Basic Plan for the Ongoing Formation of Priests* (2001). With the exception of #7 these standards apply equally to all priests and lay persons serving in the diocese:

1. All those who serve in positions of trust in the Church must at all times maintain a professional dignity that reflects Christ who he exemplifies, especially in practicing compassion and charity towards the poor and needy. All who serve must be aware of the challenges of professional boundaries, appropriate touches, verbal and non-verbal communication. While it is natural to love with the love that Jesus expressed towards men, women and children, any conduct which might lead to accusations of inappropriate behavior must be avoided.
2. The use of books, literature, TV programs, movies, videos or websites of a pornographic nature that degrade the holiness of God's creation are not appropriate for anyone serving in the name of the Church.

3. Those who minister to children, youth and vulnerable populations must be mindful of the need to keep professional boundaries, especially when working with youth.
4. All parish or Catholic School events involving minors must be supervised by adults who have received both a background check and the sexual abuse awareness workshop.
5. Minors are never to be alone in a church office, classroom, or other room with clergy, employees or volunteers unless clearly visible through an open door or interior window.
6. Overnight trips involving minors along with clergy or other church personnel must always include family or other adults who have been approved by the pastor or administration of the parish or diocese and have received background checks and the sexual abuse awareness workshop.
7. Priests may not have minors stay overnight at their residence unless the minor is a relative and the parents/guardians approve. The Bishop shall always be informed beforehand and consulted regarding such visitation.

In the case of a priest, infractions of the above must be reported to the Bishop, vicar general or chancellor. In the case of another person serving in the name of the Church, such an infraction must be reported to that person's supervisor or pastor.

V. Communications Policy

The Diocese shall be open and transparent in all its policies and procedures. The Diocese will always consider "respect for the privacy and the reputation of the individuals involved." The following guidelines are adopted to support this policy;

- A. The Diocese will make the policies and procedures concerning the protection of children and young people readily available to the public via its website, parishes, schools, diocesan offices and publications.
- B. The Diocese will publicize at least quarterly the name and business phone number for the Victim Assistance Coordinator (VAC) through parish bulletins and the *Agua Viva*. This information will also be available on the diocesan website and during all sexual abuse awareness workshops/trainings.
- C. The Diocese will publicize and make available training resources to all parishes and schools.
- D. The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of any agreement between the victim/survivor and the diocese.
- E. When a priest or deacon is removed from his assignment, the Diocese shall deal openly and transparently with the public, especially the parish and other church communities directly affected through pastoral outreach and other means as judged appropriate.

- F. The Diocese will notify civil authorities of suspected child abuse in keeping with New Mexico state law and cooperate with civil and criminal investigations arising from any allegations or suspicions.
- G. The Diocese will inform every alleged victim of their right to notify civil authorities and to seek legal counsel.
- H. The Diocese will deal as directly and openly as possible with members of the community and media.

VI. Pastoral Care of Victims, Family, Parish and Community

The focus of the Diocese is prevention; however, if abuse occurs, the Diocese is concerned about the care and healing of the victims, their families, the perpetrator, and the community of which they are a member. In the case of clerical sexual misconduct with minors, all members of the diocese are directly or indirectly affected and need to be given an opportunity to be involved in a healing process. Because pastors and other priests or deacons are recognized as leaders of the parish, they carry a special responsibility to set a tone of constructive and personal response to the victims and their families. Denial and defensiveness are major obstacles to the healing process. An environment in which the situation can be discussed openly and with sensitivity is of utmost importance.

So that victims and their families will receive prompt pastoral care for any allegation of abuse of a minor in the church, the Bishop has appointed a victim assistance coordinator to ensure rapid, caring and competent response. Victims or families of victims who wish to report an incident of abuse should contact the victim assistance coordinator at The Pastoral Center, 505523-7577 or via e-mail through the diocesan website.

A. Counseling

The Diocese shows a sincere commitment to the spiritual and emotional wellbeing of the victim and family. The primary concern for victims of sexual abuse is to help them move toward healing and reconciliation. The following procedures have been developed to deal with claims of sexual abuse. The person making the accusation arranges for a meeting with the victim's assistance coordinator for an interview, in person if possible. The name of the alleged victim, address, phone number, date of birth and relevant dates, facts, details and places of the alleged abuse will be noted.

The following specific policies will be observed:

1. Counseling and spiritual assistance will be provided as agreed upon by the victim and the Diocese.
2. The victim's assistance coordinator may approve psychological counseling for the person making the allegation for a period of up to three months, not to exceed ten sessions, at which time an evaluation from the psychologist, psychiatrist or other counselor is required before continued counseling is approved. The maximum period of counseling is ordinarily two years. More specifics regarding counseling procedures are provided the person making the allegation by the victim assistance coordinator at the time of approval. Ordinarily, payment for counseling by the diocese will cease if the claim is brought to litigation.
3. Psychological counseling may also be offered to family members.

4. The victim assistance coordinator will offer to arrange for spiritual counseling and offer the opportunity for the victim to meet with the bishop. The bishop listens with patient concern and compassion.
5. Psychological counseling received by the person making the allegation before requesting the Diocese to provide it or before the counseling is formally approved will not be reimbursed or paid for by the diocese.
6. The Diocese does not pay for forensic evaluation or therapy for use in litigation, group therapy, hospitalizations or alternative therapies, such as massage therapy.
7. Victims of sexual abuse who are interested in the formation of victim support groups may contact the victim's assistance coordinator.
8. In no case of alleged sexual abuse of a minor will the diocese enter into a confidentiality agreement without the request of the victim.

B. Understanding the Spiritual and Family Context

The Church's response to a victim of sexual abuse requires sensitivity, fairness and justice. The accuser is to be assured that appropriate responses will result from the report of the abuse. It is not unusual for the accuser to become angry with God, questioning why God might have allowed the abuse to happen. While this sense of anger is common, and may, in fact, be part of the initial healing process, it often results in guilt, depression, and may affect the person's relationship with God and the Church.

In the case of abuse of minors, family members of victims, especially parents, but also siblings, children, and spouses may experience destructive reactions to the report of abuse of their loved ones. The families, too, require compassion and sensitivity. Guilt may be a response of the families of victims. A primary and deep seated value in families is that of protecting each other. Families may experience a sense of failure in this regard when a family member is abused. This sense of guilt and failure is often heightened in clergy sexual abuse because the family, especially the parents, may have encouraged the relationship between the victim and the abuser. Anger and lack of trust may be reactions of the families. The experience of any of these reactions could lead to isolation or leaving the faith community. Families must be made aware, however, that they are welcome and their anger or lack of trust is understood. The diocesan bishop provides spiritual counseling, either personally or through a delegated priest or other church minister to the families of the abused. The Bishop is open to meeting with victims and victim families to further the healing process.

C. Response to the parish community

Sexual abuse can affect the entire parish community. Persons who discover that their priest, deacon, principal, teacher, or staff member has sexually abused a member of the parish/school community may see the person in different ways and remember different things. These different viewpoints may lead to polarized groups, causing divisiveness within the parish community. Parishioners are to be encouraged to refrain from causing division within the parish or disregard for the process or policy of the diocese.

When a priest or deacon is removed from his assignment, the diocesan bishop prepares a letter to be read by him personally, the vicar general or another person designated by the bishop, at each Mass or other liturgy at the parish from which the priest or deacon was removed. The letter will inform the people of the action taken in compliance with diocesan policy and the manner in which the spiritual needs of the parishioners will be provided.

No statements are to be made to the media by any parish or diocesan personnel. Questions regarding the removal of a priest/deacon are ordinarily to be directed to the bishop or his designate.

VII. The Sexual Abuse Review Board

- A. The Diocese of Las Cruces established a Sexual Abuse Review Board (Review Board) in 1992. Since this type of board provides essential advice to the Bishop, Its composition is of utmost importance. In an effort to provide the diocesan bishop with advice which has a greater degree of objectivity and expertise, the *Charter* and the *Essential Norms* have set in place a number of requirements concerning the Sexual Abuse Review Board. The composition of the Review Board then is as follows:
1. The Review Board must consist of at least five persons of outstanding integrity, good judgment and in full communion with the Church.
 2. The majority of the Review Board members are lay persons who are not in the employ of the diocese.
 3. At least one member must be an experienced and respected pastor who does not serve in the diocesan administration.
 4. At least one member should have particular expertise in the treatment of sexual abuse of minors and at least one should be the parent of a child or adolescent.
 5. All members must have the capacity for maintaining confidentiality.
- B. The Bishop, in consultation with the Bishop's Administrative Council, shall make these appointments to the Review Board for a term of five years and said terms can be renewed. Nominations for such appointments may be surfaced by the Presbyteral Council, the Diocesan Pastoral Council or other members of the faithful of the diocese. The names of members serving on the Sexual Abuse Review Board are not to be released to the public or to media, without permission of the member and the approval of the bishop. All members shall serve without compensation except that the diocese shall reimburse them for any preauthorized out-of-pocket expenses incurred in connection with the performance of their duties. The diocesan bishop has the right to remove any member at any time without cause.
- C. Available to, but not members, of the Review Board are the following: the promoter of justice; the vicar general; the chancellor; the victim assistance coordinator and the appropriate diocesan civil attorney.
- D. The Review Board shall prepare and adopt its own internal rules for the conduct of its meetings. There shall be a chairperson and vice chairperson. Minutes of Board meetings shall be taken by a Board member. Secretarial support for preparation of minutes is available through the office of the chancellor. All proceedings of the Review Board shall be documented in written minutes maintained by the chancellor. All case recommendations shall be made in writing to the bishop and will be signed by the chair of the board or by the chancellor if the chair is unavailable. The Review Board shall meet at least semi-annually to ensure compliance with this policy and review the policy on an annual basis. Additional meetings to address specific cases will be called by the chairperson and/or chancellor as needed. The diocese shall indemnify, save and hold the review board members harmless from and against any and all causes of action, costs or expenses arising

from or connected with the good faith performance of their duties. All matters reviewed by the Review Board are to be treated with the strictest confidentiality.

E. Specific Responsibilities of the Sexual Abuse Review Board

1. To advise the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry.
2. To regularly review diocesan policies for dealing with the sexual abuse of minors.
3. To offer advice on cases, whether retrospectively or prospectively; and give advice on all aspects of responses in connection with these cases.
4. To identify and facilitate development of resources for the community that will promote spiritual and psychological healing and reconciliation throughout the process. This may include the formation of a community response team to address the psychological and spiritual needs of the community.

F. The Review Board will specifically advise the bishop on whether or not the allegations appear to be credible. "It is not the responsibility of the review board to make any final determination relative to an accusation..." That responsibility belongs to the Bishop. Rather, "the principal role of the review board is to assess whether the evidence which is gathered is sufficient to support the probable nature of the allegation." The diocese recognizes that every case is unique, and therefore recommendations will vary by case. The Board always has the responsibility to ensure that the diocese takes no action which would interfere with an investigation by civil authorities, that both the canonical and civil rights of all parties are respected and that Christian compassion and justice are the foundation of any recommendations.

VIII. Investigation Procedures

The diocese recognizes that bringing forward a complaint concerning sexual abuse may be a painful process to all concerned. This can also be time consuming since the questions involved are often complex. Still, it is our intent to move as rapidly as possible while ensuring that the rights of all concerned are respected and that the investigation is thorough. The diocese recognizes that since each allegation is unique variations in investigative procedures may occur. However the Review Board is to comply with New Mexico law concerning reporting of sexual abuse of minors, as are other diocesan personnel.

A. If the accused is a lay person:

1. When an allegation of sexual abuse of a minor is made to the victim's assistance coordinator either by the minor or by a third party in the name of a minor the allegation must be reported to civil authorities and the chancellor, who, in turn, informs the Bishop and the vicar general.
2. The accused must be placed on administrative leave with pay for the duration of the investigation.
3. The chancellor in consultation with the Office of Human Resources and the parish, school or other agency involved will determine if an internal investigation is required.

4. Lay personnel and volunteers placed on administrative leave are to refrain from contact with other employees and volunteers, and from participating in or encouraging any action which may cause division or misunderstanding among parishioners and the community at large.
- B. The following investigative procedures and paragraphs 9 and 10 apply only to priests and deacons.

In the case of clerics, all investigative procedures employed by the diocese are in accordance with the *Code of Canon Law*, the *Essential Norms* and the National Conference of Catholic Bishops' 1995 document entitled *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*.

The following steps are employed in diocesan investigative procedures:

1. Any allegation of the sexual abuse of a minor by a priest or deacon must be reported to civil authorities and the chancellor, who in turn, informs the Bishop, the vicar general; promoter of justice and judicial vicar.
2. If the alleged victim is no longer a minor, the chancellor informs the alleged victim of their right to notify civil authorities and retain counsel.
3. If a criminal investigation has been initiated, any diocesan investigation shall not interfere with the criminal investigation.
4. The vicar general, chancellor, and judicial vicar provide administrative support and guidance to the auditor.
5. As long as it does not interfere with a criminal investigation or endanger a minor or anyone else, the vicar general notifies the alleged perpetrator of the allegations, suggests that he obtain the services of both a civil/criminal attorney and a canon lawyer; and admonishes him that anything he says to diocesan investigators and/or the Bishop is not privileged information.
6. At any time the Bishop judges that circumstances so warrant and upon consultation with the promoter of justice, he may place the cleric on administrative leave in accord with canon 1722.
7. When the Bishop determines that a preliminary investigation is appropriate, he appoints an auditor. In most cases the auditor will be the victim assistance coordinator.
8. Care is taken so that the good reputation of neither the accuser nor the accused is endangered.
9. The investigation seeks to determine whether or not it is probable (credible) that the sexual abuse of a minor occurred.
10. The investigation seeks to differentiate facts from rumor, suspicion, opinion, and the personal propensities of the accused or even his past behavior.
11. The background of all witnesses, alleged victims and the alleged perpetrator is examined.
12. Wherever possible, in-person interviews are conducted.

13. When necessary telephone interviews are conducted.
14. Summaries of testimonies are reviewed and signed by alleged victims and witnesses when possible.
15. If police, court, other diocesan or religious congregation's records are available, they should be obtained.
16. The alleged offender may be requested to seek, and may be urged to comply with, appropriate medical or psychological evaluations at a facility mutually acceptable to the accused and the diocese.
17. The accused may at the request of the Review Board be provided an opportunity to respond to accusations.
18. A summary of all the information gathered shall be made available to the Review Board, at least one week prior to the meeting at which the case is to be considered if possible.
19. Review Board shall provide the diocesan bishop with its analysis of the evidence obtained during the preliminary investigation and render an opinion as to the probability that an act of sexual abuse of a minor occurred.
20. The Bishop determines the probable nature of the allegation and issues a decree closing the investigation.
21. The Bishop or his delegate notifies the alleged perpetrator and alleged victim of the outcome of the investigation.
22. An accused priest or deacon will be encouraged to retain civil and canonical counsel. When necessary the diocese will provide canonical counsel to diocesan priests.
23. The priest or deacon may at any time request a dispensation from the obligations of the clerical state.

The Bishop may at his sole discretion request that the Holy See grant dispensation for the clerical state for any priest or deacon who has had a credible charge of sexual abuse of a minor made against him. In making this decision the Bishop will take into account if the priest/deacon is of advanced age or in poor health.

IX. Permanent Removal from Ministry

Where sexual abuse of a minor by a priest, deacon or other diocesan personnel is admitted, not contested, or is established after an appropriate investigation in accord with canon law, particularly the *Essential Norms*, the following will pertain: For even a single act of sexual abuse of a minor the offending priest, deacon or other diocesan personnel will be permanently removed from ministry or service to the diocese.

Diocesan priests who have been found to have sexually abused minors shall not be transferred to serve in other dioceses. Additionally if a priest wishes to reside in another diocese the Bishop of that diocese shall be notified in writing. The Diocese complies fully with the *Essential Norms* regarding the steps to be followed in the notification of the Congregation for the Doctrine of the Faith and the conducting of a penal trial, if necessary.

X. Pastoral Care for the Accused

The sexual abuser may be a very complex person who may have a background of kindness, gentleness and an ability to relate very positively to others. When evidence warrants, the accused will be offered a medical and psychological evaluation unless legal constraints prohibit such an evaluation. While on administrative leave, a priest/deacon accused of sexual abuse of a minor may not engage in public ministry, wear the Roman collar, administer the sacraments or perform any of the usual duties of priests and deacons who enjoy the ministerial faculties of the Diocese. Clergy on administrative leave are to refrain from contact with parishioners, and from participating in or encouraging any action which may cause division or misunderstanding among parishioners and the community. While on administrative leave he will continue to receive compensation from the same source(s) as when in active ministry unless in the opinion of the bishop this places an undue financial burden on a parish or other source of revenue in which case other arrangements will be made.

XI. Reinstatement of Personnel When Allegations are Unfounded

When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest, deacon or other accused person.

XII. Responsibilities of All Diocesan and Parish Personnel

Specifically, all diocesan, parish and school personnel are required to: Report all allegations of sexual abuse of a minor in a timely fashion to the civil authorities in accordance with New Mexico State law. In New Mexico, as in all other states, abuse or neglect of any person under the age of eighteen, constitutes a crime. New Mexico also has a specific statute which requires that child abuse or neglect be reported to authorities and provides that failure to report child abuse or neglect is itself a criminal offense. The reporting statute (N.M.S.A. 32-4-3) states: "Every person who knows or has reasonable suspicion that a child is an abused or neglected child will report the matter immediately to: (1) a local law enforcement agency; (2) the department office in the county where the child resides; (3) tribal law enforcement or social services agencies for any child residing in Indian country." A separate New Mexico statute provides that a person reporting an instance of alleged child abuse or neglect or participating in a judicial proceeding brought as a result of such a report "is presumed to be acting in good faith and shall be immune from liability, civil or criminal unless the person acted in bad faith or with malicious purpose." (N.M.S.A. 32A-4-5, (1978))

When an adult makes an allegation that he/she was abused as a child by clergy or other church employee or volunteer, diocesan, parish or school personnel shall refer the person immediately to the chancellor's office and the employee/volunteer should contact the chancellor's office immediately. No person or position is exempt from the responsibility to report allegations to the chancellor's office. Failure to report allegations of sexual abuse by diocesan and parish personnel may result in disciplinary action up to and including removal from employment and/or ministry within the diocese.

All paid diocesan, parish and school personnel and volunteers whose services brings them into contact with minors shall participate in a diocesan sponsored sexual abuse workshop and other "safe environment" programs, as directed. Attendance at sexual abuse workshops or training for other dioceses or employers does not satisfy this requirement. Failure to participate in such a program, within the first six months of beginning employment or volunteering, may lead to suspension or termination of employment or volunteering.

XIII. Specific Responsibilities of Certain Diocesan Personnel

The Bishop is ultimately responsible for the timely disposition of all cases of sexual abuse of minors. However, in an effort to provide for the most effective means of ensuring a safe environment program as well as promoting the rights of both alleged victims and alleged perpetrators, the diocesan bishop hereby delegates particular responsibilities to the director of the Office of Insurance, the director of the Human Resources Office, the chancellor, the vicar general, and the Review Board.

A. Specific Responsibilities of the Director of the Office of Insurance

Unless directed otherwise by the chancellor, the director of insurance oversees the diocese's Sexual Abuse Awareness Workshops. In that capacity, the director of insurance assumes the following responsibilities:

1. Schedule and publicize child abuse/sexual misconduct workshops for all paid employees and volunteers as designated by this policy;
2. Provides verification for parishes as to participation in the workshops
3. Issues certificates to participants when necessary.
4. Notifies the third party administrator of insurance when informed of allegations.

B. Specific Responsibilities of the Director of Elementary and Adolescent Catechesis and the Superintendent of Catholic Schools

1. Identify and make available to parish catechetical leaders and youth ministry leaders and school administrators age appropriate programs for children and youth.
2. Identify and make available to parishes/schools programs for parents.
3. Ensure that parish/school children are appropriately trained in safe environment

C. Specific Responsibilities of the Director of the Office of Human Resources

The director of the office of Human Resources coordinates background investigations on individuals wishing to serve in this diocese. In this capacity the director: Receives requests from employers within the diocese;

1. Provides notifications in accordance with the "Background Investigation" policy in the *Pastoral Manual*; and
2. Manages the database file for background checks.

D. Specific Responsibilities of the Victim Assistance Coordinator

The Bishop shall designate a competent person to coordinate assistance for the immediate pastoral care of persons reporting to have been abused as minors by clergy or other church personnel. This designee shall be called the Victim Assistance Coordinator (VAC). Normally the chancellor serves as the victim assistance coordinator or contact person for victims of sexual abuse. The victim assistance coordinator's name, work address and telephone number will be made public through the diocesan web page, during safe environment training, through our local parishes and other avenues.

1. Receive and document initial allegations of sexual abuse of a minor by a priest, deacon or other employee or volunteer of the diocese.
2. Notify the Bishop, vicar general and Insurance Department immediately of the allegation.
3. Notify public authorities as required of any allegation regarding a person who is still a minor.
4. Notify appropriate diocesan civil counsel.
5. Coordinate any necessary investigation with the vicar general, judicial vicar, and promoter of justice.
6. Ensure that appropriate pastoral care is provided to the alleged victim. In all cases the VAC will advise victims of their right to make a report to public authorities, and to retain legal counsel. The VAC will ensure that the diocese supports these rights.
7. In collaboration with the vicar general provide pastoral care to the accused.
8. Maintain all files associated with cases of alleged sexual abuse.
9. Convene the Review Board at least semi-annually and within 15 days or as soon as possible following an allegation.
10. Act as the point of contact and ensure the cooperation of the diocese with civil authorities investigating allegations involving church personnel.

E. Specific Responsibilities of the Vicar General

The vicar general acts as the Bishop's representative to any priest, deacon or parish or diocesan employee accused of sexual abuse of minors. In the case of a lay person, the vicar general may delegate this responsibility, in writing, with the knowledge of the diocesan bishop and the chancellor, to another appropriate person in the diocesan curia. In his role as the diocesan bishop's representative to the accused, the vicar general has the following responsibilities:

1. To notify the priest, deacon or lay employee/volunteer accused of sexual abuse.
2. To advise the accused of the need to obtain civil and canonical counsel;
3. To recommend the accused not make any statement to any diocesan official, including the bishop, civil official or the media without first seeking legal advice;

4. To ensure that appropriate pastoral care is provided to accused clergy
5. To provide “clear and well publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other diocesan and parish personnel in positions of trust who have regular contact with children and young people.”

F. Specific Responsibilities of the Diocesan Bishop

Responsibilities which belong to the Bishop alone:

1. Provide for the initiation of the preliminary investigation, when an allegation of sexual abuse of a minor surfaces. This investigation is normally conducted by an auditor appointed by the bishop, in collaboration with the chancellor and vicar general.
2. After having cited the accused and consulted with the tribunal vicar, place a cleric accused of sexual abuse of minors on administrative leave if such a measure is needed in order to prevent scandal, provide a safe environment for minors and other members of the Christian faithful, protect the freedom of witnesses and to guard the course of justice.
3. In consultation with the Bishop’s Administrative Council (BAC) appoint members of the Review Board.
4. Consult with the Review Board in cases involving allegations of sexual abuse of a minor by diocesan personnel. In accordance with canon 127 §1, 2°, the diocesan bishop does not act contrary to the advice given by the Sexual Abuse Review Board, especially if unanimous, without a reason which is overriding in his judgment.
5. Decide whether or not there is the probability that a cleric has committed the delict of the sexual abuse of a minor.
6. Decree, in writing, any administrative action which he deems appropriate, at the conclusion of the preliminary investigation and after hearing the advice of the Review Board.
7. Notify the cleric of the outcome of any administrative process
8. Where there is the probability that a cleric has committed the delict of sexual abuse of a minor, transmit to the Congregation of the Doctrine of the Faith the outcome of the preliminary investigation and his *votum* (opinion) when appropriate.
9. Provide for the holding of a penal trial when necessary.
10. Provide spiritual counseling, either personally or through a delegated priest or other church minister, to families of the abused.



The Diocese of Las Cruces is firmly committed to carry out the mission of Jesus Christ, which he rooted in special concern for the poor and most vulnerable of our society. Jesus inaugurated his mission with the words of the prophet Isaiah:

*“The spirit of the Lord is upon me,
because he has anointed me to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord.” (Luke 4:18)*

These words spoken over 2000 years ago by Jesus Christ are prophetic for us today. With God’s grace we will become the prophetic local church to which we have been called.



Promulgated by Bishop Ricardo Ramírez, C.S.B. for the Roman Catholic Diocese of Las Cruces, June 9, 2009

CHURCH PERSONNEL ACKNOWLEDGMENT FORM:

I hereby acknowledge that I received on ____/____ /____ a copy of the FAITH ENVIRONMENT POLICY of the Diocese of Las Cruces and that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy. I also understand that this acknowledgment will be kept on file in my personnel file or volunteer file, as the case may be.

Signature

Parish/School/Organization

BACKGROUND INVESTIGATION POLICY

The Diocese of Las Cruces is committed to providing a safe environment for all people. To prevent any victimization of people by church personnel (both employed and volunteers), background investigations will be conducted on all diocesan, school and parish employees, those volunteers who have ongoing and unsupervised contact with children, youth or other vulnerable populations, any clergy who have faculties residing in the diocese, and all religious who are active in any type of ministry in a parish or diocesan agency. Clergy and lay persons who are visiting the diocese to work at a particular parish, school or diocesan agency (giving a presentation, conducting a mission, etc.) are required to present a letter of good standing from their home diocese.

The *Charter for the Protection of Children and Young People*, Revised Edition, Article 13 (June 2005) calls upon dioceses to:

“evaluate the background of all incardinated and non incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and all diocesan/eparchy and parish/school personnel and volunteers whose duties include ongoing and unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination”.

All background investigations will include investigation of social security numbers, current and former names and aliases, felony and misdemeanor criminal records, places of residence and sexual offenders' registries.

Background investigations will be submitted immediately upon hire or prior to volunteering. Continued employment is dependent upon the results of the background investigation results. Volunteers should not begin until the background investigation results are received by the parish or agency. The results of the investigation will be shared only with personnel who need to have such knowledge, such as the Bishop, pastor, administrator or parish life coordinator or their designated representative. Each pastor, administrator or parish life coordinator may designate one person as an Alternate Background Investigation Coordinator to receive background investigation results. This designation must be in writing using the designated form (Form A) and on file in the Personnel Director's office prior to the release of any information.

Requirements for Paid Employees and Religious:

This policy applies to all full-time and part-time paid personnel, 18 years of age and older, of the diocese, its parishes and agencies and all religious residing within diocesan boundaries who are in any type of active ministry in a parish, school, or diocesan agency. Schools within the diocese must comply with New Mexico law and obtain a New Mexico Educators background investigation for all teachers applying for a license or license renewal. The New Mexico Educators background investigation will only be accepted from current employees of diocesan entities. Any diocesan educator who has not undergone a New Mexico Educators background investigation, other school personnel and all volunteers must submit to a diocesan background investigation. Satisfactory completion of a background investigation is a condition of employment.

1. Employees or applicants will complete the Background Investigation release form (Form ZB-1).
2. The form will be returned to The Pastoral Center to the attention of the Human Resource Director.
3. The Human Resource Director or Human Resource Assistant will direct the submission of the request to a business or person who has been retained by the diocese to conduct background investigations.
4. The Human Resource Director or Human Resource Assistant will communicate the results of the background investigation in writing to the Parish or School Background Investigation Coordinator or Alternate.

Requirements for Volunteers:

Volunteers who have ongoing and unsupervised contact with vulnerable populations such as children, young people, elderly, homebound and sick will have a background investigation.

1. Volunteers will complete the Background Investigation release form (Form ZB-1)
2. The form will be returned to The Pastoral Center to the attention of the Human Resource Director.
3. The Human Resource Director or Human Resource Assistant will direct the submission of the request to an approved agency or individual to conduct background investigations.
4. The Human Resource Director or Human Resource Assistant will communicate the result of the background investigation in writing to the Background Investigation Coordinator or Alternate.
5. Copies of release authorization forms are ***not*** be kept by the parish. They contain sensitive personal information. The volunteer application form and signed code of conduct ***are*** to be kept by the parish. It is not necessary to send the volunteer application and signed code of conduct to the diocese.

Requirements for Incardination:

Priests and deacons seeking incardination with the diocese will submit a Background Investigation release form (Form ZB-1) six months prior to the anticipated date of incardination. This is in addition to any background investigations conducted prior to the incardination process. Satisfactory completion of the background investigation is one of the conditions of incardination.

Requirements for Ordination:

Those seeking to be admitted to a training program for ordination will submit a Background Investigation release form (Form ZB-1) to being admitted to the program. There is a process to conduct investigations for those individuals who reside outside of the United States or who have spent the majority of their lives in another country. The Director of Human Resources or Human Resource Assistant will submit international background investigations as requested. Those seeking ordination to the priesthood or diaconate will submit a Background Investigation release form (Form ZB-1) six months prior to the anticipated date of ordination. Satisfactory completion of the background investigation is one

of conditions for ordination. If ordination to the priesthood follows ordination as a transitional deacon by more than 12 months an additional background investigation will be required prior to ordination to the priesthood.

Responsibilities for Pastors, Administrators, Principals and Parish Life Coordinators:

- A. Incorporate background investigations and Uniform Job Application Form (pages D-6 thru D-10) into the hiring process for all employees.
- B. Incorporate background investigations and the Uniform Volunteer Application Form and Code of Conduct (Form C) into the selection process for volunteers where appropriate.
- C. Submit the Background Investigation release form (Form ZB-1) for employees to the Human Resources Director.
- D. Submit the Background Investigation release form (Form ZB-1) for volunteers where appropriate to the Human Resources Director. .
- E. Submit the Designation of Alternate Background Investigation Coordinator (Form A) for the parish/mission or school to the Human Resources Director if the Pastor, Administrator, Principal or Parish Life Coordinator wishes to designate another person in the parish to receive background investigation results.
- F. Maintain confidentiality of all background investigations results and brief the Alternate Background Investigation Coordinator on the requirements for confidentiality.
- G. Properly dispose of any paperwork containing confidential information by shredding it when necessary.
- H. Submit annual reports of employees, former employees, and volunteers as requested by diocesan personnel.
- I. Keep confidential files on employees and volunteers which include the Background
- J. Investigation Results Form, Uniform Job Application or Volunteer Application, and signed Code of Conduct forms.

Responsibilities of the Human Resource Director:

- 1. The Human Resource Director will direct the submission of background investigation request forms.
- 2. Confidential files will be maintained documenting both the submission, results of all requests and written communications with the Background Investigation Coordinators.
- 3. The Human Resource Director or other designee will communicate the results of background investigations directly to the bishop, principal, pastor, administrator, parish life coordinator or designated alternate. (Form D)
- 4. Report adverse results of all background investigations to the Vicar General in the case of priests and deacons and to the Chancellor in the case of religious women, non-ordained religious men and lay persons.

Appeal Process:

An employee or volunteer may appeal the results of a background investigation if the results preclude the employee or volunteer from working or ministering in the diocese. The diocesan Human Resource Director or Human Resource Assistant will provide guidance to the Background Investigation Coordinator at the parish, school or diocesan agency in the event that adverse information is reported in a background investigation. It is recognized that some adverse information which is reported will not specifically relate to the *Charter for the Protection of Children and Young People*. In those instances, the Bishop, Pastor, Administrator, Principal or Parish Life Coordinator have the right to limit or preclude an employee or volunteer from working or ministering in their parish, school or agency in compliance with applicable civil law.

Costs:

Parishes, schools, or diocesan agencies will be billed for the cost of background investigations by the diocese.

Offenses:

No applicant will be hired or volunteer accepted to fill a position responsible for the care, custody or control of a child if the applicant has been convicted of, or entered a plea of guilty or no contest to offenses related to the following general categories:

Homicide	Assault
Kidnapping	Sexual Assault
Prostitution	Menacing
Obscenity	Pandering
Robbery and Burglary	Offenses Against Family
Illegal use of Weapons	Drug Offenses
Crimes Against Children	Domestic Violence

A person who has been convicted of an offense in any of the above categories in violation of an existing or former law of New Mexico, another state, the United States, or other country that is substantially equivalent to an offense under any of the categories listed above is ineligible for employment in a position or to volunteer in the parish or school, or within the diocese in general.

This list is not all inclusive. Other convictions or patterns of arrests may preclude hiring or volunteering if the offense has any relation to the specific job or volunteer position. All offenses with the exception of minor traffic offenses will be reported to the Background Investigation Coordinator of the parish, school or agency.

Employment or volunteer service may be authorized at the sole discretion of the diocese even if the prospective employee or volunteer has been convicted of, or pled guilty or no contest to an offense in the categories listed above. In such cases the Chancellor or his/her delegate must review case materials and personally sign a memo explaining the exception.

Designation of Alternative Background Investigation Coordinator

In accordance with the Diocese of Las Cruces, I designate _____

_____ as the Alternative Background Investigation Coordinator
(Name/Position)

for _____
(Name of organization)

By my signature I attest to the fact that he/she has been briefed on the procedures for background investigation submissions and confidentiality.

This designation expires one year from the date of my signature or when I am no longer employed in my present position.

Name

Title

Signature

Date