



***Policies for the
Protection of Youth
and
Vulnerable Persons***

(Revised September 2018)

*Diocese of Altoona-Johnstown
Office of Child and Youth Protection*

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A message from the Director of the Office of Child and Youth Protection:



The Diocese of Altoona-Johnstown presents the revised Policies and Procedures for Youth Protection. This supersedes all previous editions.

Revisions included considerable consultation from an expert consultant, advisement from the Independent Oversight Board for the Diocese's youth protection efforts, and input from others committed to establishing the highest standards and guidelines to ensure the safest environment for children and youth.

Thank you for choosing to be proactive with protecting our youth and vulnerable persons as we carry out our mission of the Diocese of Altoona-Johnstown.

Prayerfully,

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Introduction

Promise to Protect, Pledge to Heal: Creating and Maintaining Safe Environments for Youth and Vulnerable Persons.

Recognizing that each individual is created by God, the Diocese of Altoona-Johnstown is committed to the safety and well-being of its children and vulnerable adults by implementing procedures to minimize risk and barriers and to build and foster a culture of safe environment.

The Diocese of Altoona-Johnstown does not tolerate abuse or neglect of anyone. It will comply with all obligations of civil and canon law; it will promote healing where it is needed, provide education, training and guidance and endeavor to prevent any abuse of minors or vulnerable adults with firm justice and mercy towards all.

Child Protective Services Law (CPSL)

The Pennsylvania Child Protective Services Act was signed into law in 1975. It was enacted to protect children from abuse, allow the opportunity for healthy growth and development and, whenever possible, preserve and stabilize the family.

Child Abuse

Child abuse, according to the CPSL, includes any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury, or non-accidental serious mental injury to a child under 18 years of age, sexual abuse or sexual exploitation to a child under 18 years of age, and serious neglect. "Recent" is defined as an abusive act within two years from the date a report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit. Child abuse also includes any recent act, failure to act, or series of acts or failures to act by a perpetrator that creates a reasonable likelihood of bodily injury, sexual abuse or exploitation of a child under 18 years of age.

Reports of child abuse within the Diocese of Altoona-Johnstown that occurred more than two years prior to reporting will be reported to ChildLine and proper authorities. Victims of abuse within the diocese will be contacted offered counseling and other resources.

Vulnerable Adults

Persons whose ability to perform the normal activities of daily living or to provide for his/her own protection is impaired due to a mental, emotional, physical or development disability or dysfunction, or brain damage or the infirmities of aging. This includes all residents or patients of a care facility.

- "Abuse of Vulnerable Adults" means unjust or improper use of a vulnerable adult, or that person's resources, for one's own profit or advantage. It includes causing physical or mental injury, and spiritual, sexual or financial abuse or exploitation.
- "Financial Abuse or Exploitation" means the use of undue influence to solicit funds or property of value for personal gain or as contributions to any group or agency, including the Church.
- "Mental injury" means fear or mental distress or causing a person to feel bad for their own thoughts or feelings.
- "Older persons" are those 60 years of age and older.

Policies and Procedures for Preventing Sexual Misconduct and Sexual Abuse to Youth and Vulnerable Persons

Statement of Commitment

- The diocese has and enforces effective policies to ensure a safe environment.
- Policies ensure compliance with civil and canon laws and cooperation with authorities.
- Policies establish the diocese's Safe Environments Program.
- Policies are reviewed annually and revised, as needed, to remain effective.

General

The Diocese of Altoona-Johnstown is committed to preventing sexual misconduct or sexual abuse by any diocesan personnel and shall establish a Safe Environments Program to ensure the safety of ministry, education, work, worship and fellowship for all persons. For the purposes of this policy, the term "personnel" shall mean clergy and members of religious orders, any diocesan, parish or school employee, volunteer or contractor.

Under the Safe Environments Program, the diocese shall:

- a. Establish and enforce policies and codes of conduct for the protection of youth and vulnerable persons.
- b. Comply with all applicable civil and canon laws and cooperate with civil authorities.
- c. Screen, train and monitor all diocesan personnel who are in contact with youth and vulnerable persons.
- d. Supervise youth and vulnerable persons who participate in diocesan programs and activities.
- e. Manage the use of technology that is under the control of the diocese.
- f. Maintain safe and secure facilities that are under the control of the diocese.
- g. Investigate and resolve concerns, complaints and allegations regarding risks to persons.
- h. Establish leadership, oversight and auditing for the Safe Environments Program.
- i. Review and revise the diocese's policies and Safe Environments program to ensure they remain effective.

Personnel Screening

Diocesan personnel are screened to ensure a Safe Environment.

- Screening and selection complies with applicable laws.
- Position descriptions reinforce each person's responsibility to protect and report.
- Applications provide a detailed personal history of each applicant.
- Prior criminal records must be disclosed, in advance, by the applicant.
- Candidates undergo background checks, reference checks and interviews.
- Defined hiring of employees, contractors and volunteer (nonpaid) exclusions guide the selection process.
- Clergy have additional requirements regarding their suitability to work with youth and vulnerable persons.
- The dioceses shall maintain a permanent record of all screening documents.

General

The Diocese of Altoona-Johnstown shall screen all personnel, as required by civil and canon law and as determined necessary for the protection of youth and vulnerable persons. For the purposes of this policy, the term "personnel" shall mean clergy and members of religious orders, any diocesan, parish or school employee, volunteer or contractor. The diocese shall maintain a permanent record of all screening documents.

Applications for Prospective Personnel

All prospective personnel shall complete an application. Additional applications may be required for certain positions. All prospective personnel shall attest in writing the accuracy of the information provided.

Review of Safe Environments Documents by Prospective Personnel

All prospective personnel shall read and sign the following Safe Environments Documents prior to serving in ministry paid or unpaid:

- a. Policies for the Protection of Youth
- b. The Code of Conduct
- c. Use of Technology, Electronic Communication, Texting, Social Media, Video, Gaming, etc.

Authorizations and Disclosures by Prospective Personnel

All prospective personnel shall review and sign authorizations and disclosures, including:

- a. An authorization for the diocese or other entities to conduct criminal background searches, identity verifications or gather other data about the person
- b. A signed CPSL Volunteer Disclosure of continuous, Pennsylvania residency over the past 10 years (Volunteers Only)
- c. A disclosure of arrest records, conviction records or incomplete dispositions (School Personnel)

Reference Checks of Prospective Personnel

The diocese shall conduct reference checks of all prospective personnel. Written ministerial references and other forms of endorsement must be signed by the reference or endorser.

Clearances for Prospective Personnel

All prospective personnel shall undergo and pass certain clearances prior to commencing employment or service with the diocese. For the purposes of this policy, the term “clearances” shall mean national and state (PA) criminal background checks, identity verifications and other searches the diocese determines to be necessary. This requirement shall apply to:

- a. Clergy and members of religious orders
- b. Adult diocesan, parish and school employees, volunteers (nonpaid) and contractors
- c. Minors, 14 years of age or older, applying for or serving in a paid position as an employee responsible for the welfare of a child or having direct contact with youth or vulnerable persons

Types of Clearances for Prospective and Current Personnel

The diocese shall require the following types of clearances:

- a. For all clergy and members of religious orders, and adult and minor diocesan and parish employees:
 - Federal Bureau of Investigation Fingerprint Clearance, renewed every five (5) years
 - Pennsylvania State Police Criminal Clearance (Act 34), renewed every five (5) years
 - Pennsylvania Child Abuse History Clearance (Act 151), renewed every five (5) years
 - National Criminal History Record Search (name-based)
 - National Sexual Offender registry search (name-based)
 - Social Security Number Verification
- b. For all adult and diocesan school: educators, staff and employees:
 - Federal Bureau of Investigation Fingerprint Clearance, renewed every five (5) years
 - Pennsylvania State Police Criminal Clearance, renewed every five (5) years
 - Pennsylvania Child Abuse History Clearance, renewed every (5) years
 - Arrest/Conviction Report and Certification Form (Act 24), renewed every five (5) years
 - Commonwealth of Pennsylvania Sexual Misconduct/Abuse disclosure Release (under Act 168 of 2014)
 - Sexual Misconduct/Abuse Disclosure (under Act 164 of 2014), renewed every five (5) years
 - National Criminal History Record Search (name-based)
 - National Sex Offender Registry Search (name-based)
 - Social Security Number Verification

- c. For all adult and minor diocesan school, parish and youth activity volunteers (unpaid) *who have continuously lived in Pennsylvania for the past ten (10) years:*
 - Pennsylvania State Police Criminal Clearance, renewed every five (5) years
 - Pennsylvania Child Abuse History Clearance, renewed every five (5) years
 - CPSL Disclosure Statement application for volunteers, renewed every five (5) years
 - Arrest/Conviction Report (under Act 24 of 2011 and Act 82 of 2012)
 - National Criminal History Record Search (name-based)
 - National Sex Offender Registry Search (name-based)
 - Social Security Number Verification

- d. For all adult and minor diocesan school, parish and youth activity volunteers (unpaid) *who have not continuously lived in Pennsylvania for the past ten (10) years:*
 - Federal Bureau of Investigation Fingerprint Clearance
 - Pennsylvania State Police Criminal Clearance, renewed every five (5) years
 - Pennsylvania Child Abuse History Clearance, renewed every five (5) years
 - Arrest/Conviction Report (under Act 24 of 2011 and Act 82 of 2012)
 - National Criminal History Record Search (name-based)
 - National Sex Offender Registry Search (name-based)
 - Social Security Number Verification

Responsibility for Screening Service Contractors

Companies providing contract services to the diocese, parishes or schools shall provide a written statement verifying that any of their personnel who are in direct contact with diocesan youth have passed the required clearances, described herein and are persons known to pose no risk of harm to youth or vulnerable persons.

Responsibility for the Cost of Clearances

The cost of clearances shall be paid as follows:

- a. Prospective employees: all fees associated with clearance certification shall be borne by the individual, as an out-of-pocket expense after the employment offer has been accepted.
- b. Current employees: new clearance certification fees shall be borne by employee; renewals (every 5 years) will be the responsibility of the parish, school or diocesan office to which the person reports.
- c. Prospective and current volunteers: costs of initial and renewed clearances will be invoiced to the parish, school or diocesan office to which the person reports, the applicant may or may not be asked to cover fees.
- d. Prospective and current contractors: the cost of initial and renewed clearances shall be borne by the contracting company to which the person reports.

Ineligibilities for Prospective Personnel

The diocese shall consider any prospective personnel ineligible, if the person:

- a. Refuses to consent to the required clearances.
- b. Intentionally falsifies information on an application.
- c. Intentionally falsifies information on a reference check or coerces a person serving as a reference or endorser.
- d. Fails to voluntarily disclose an arrest record, conviction record or incomplete disposition.
- e. Is found to be a registered sexual offender.
- f. Acknowledges having, as an adult, sexual relations with a minor.
- g. Was convicted of a reportable offense enumerated under Act 24 of 2011 and Act 82 of 2012, relating to the Pennsylvania Department of Education **or** was convicted of a reportable offense enumerated under 23 Pa. CS Section 6344.2, relating to volunteers having contact with children.

Other information and findings not listed above may result in ineligibility. For all findings the diocese will take into consideration (a) the nature of the offense or incident, (b) the person's age at the time, (c) the person's explanation of the offense or incident and (d) the person's conduct since the incident.

Additional Screening Requirements for Clergy

All applicants to the priesthood and/or permanent diaconate shall participate in psychological screening to assess and verify their fitness to work with youth and vulnerable persons. All priests and permanent deacons seeking incardination, priests or religious seeking ministry or residency in the diocese must provide evidence of their fitness to work with youth and vulnerable persons through a written statement from the person's Superior of Religious Congregation verifying there is nothing in the person's history or behavior that would make him or her unsuitable to work with youth or vulnerable persons. The diocese shall maintain permanent records of all such verifications.

Personnel Training

General

For the purposes of this policy, the term "personnel" shall mean clergy and members of religious orders, any diocesan, parish or school employee, volunteer or contractor. The term "Safe Environments Documents" shall mean the Policies for the Protection of Youth and Vulnerable Persons, and the Code of Conduct. The diocese shall maintain a permanent record of all documents pertaining to personnel training.

All diocesan personnel are trained to recognize and report sexual misconduct and sexual abuse.

- All personnel complete the diocese's online "Safe Environments Training."
- Mandated reporters complete the state-approved training, "Recognizing and Reporting Child Abuse."
- All personnel read and sign the diocese's Safe Environments Documents.

Training for Perspective Personnel

All prospective personnel shall complete and pass the Youth Protection Awareness training offered on-line or as a workshop" prior to commencing employment, volunteer or contracted services.

Training for Mandated Reporters

All mandated reporters of child abuse and neglect, shall complete and pass the training, "Recognizing and Reporting Child Abuse," prior to commencing employment or service, and repeat and pass the training every five (5) years.

Safe Environment Documents

All prospective personnel shall read and sign the diocese's Safe Environment Documents prior to commencing ministry, employment or volunteer service.

Supervision of Youth

The diocese supervises youth and vulnerable persons who participate in diocesan programs and activities.

- All youth programs and activities have a defined supervision strategy.
- All personnel who work direct with youth shall be monitored to ensure they follow policies and procedures.
- Extra-curricular activities are approved in advance, in writing, by the diocese, parents and guardians.

General

The diocese shall establish written strategies for the safe supervision of youth and vulnerable persons who participate diocesan programs and activities. The supervision strategies shall address:

- a. The level of experience and maturity required by the supervisors
- b. Supervision ratios (1:7) for a program or activity
- c. Monitoring the adults and minors who supervise others
- d. Corrective actions for violating diocesan policies, procedures or codes of conduct
- e. Admitting and releasing persons from diocesan programs and activities
- f. Securing program and activity areas
- g. Maintaining privacy and security in restrooms and dressing areas

Additional Requirements for Extra-curricular activities

Any off-site or overnight program or activity involving youth or vulnerable persons shall be approved, in advance and in writing by a diocesan supervisor and the participant's legal caregiver. All such activities shall require two (2) adult supervisors present, at all times. Under no circumstances will an adult be left alone with a youth or vulnerable person during religious education, events and activities. Pastors, associate pastors, administrators, or directors of Church institutions may not grant permission for full-time, part-time, or regular weekend ministry to an external priest or deacon without prior written approval of the bishop or his designee.

Code of Conduct for Diocesan Personnel

Appropriate Boundaries and Interactions

All personnel will follow a code of conduct to guide their interactions with youth and vulnerable persons.

Key points:

- Applies to all diocesan personnel
- Addresses ministerial counseling and confession involving youth and vulnerable persons
- Some activities require consent of a parent or guardian
- Consequences for violating these requirements

General

All diocesan personnel shall conduct themselves with propriety, morality and ethics in any activity or situation and for as long as they are employed by or in service to the diocese. All personnel shall read and acknowledge these requirements prior to commencing employment or service. The diocese shall maintain a permanent record of all such acknowledgments. For the purposes of this policy, the term "personnel" shall mean all clergy, members of religious orders, diocesan, parish or school employees, volunteers or contractors.

All diocesan personnel shall:

- a. Conduct any interactions with youth or vulnerable persons, only in approved ways, times and places.
- b. Maintain objectivity in all interactions with youth or vulnerable persons showing no favoritism.
- c. Avoid situations or interactions with youth and vulnerable persons that would cause confusion about the nature of the relationship.
- d. Share any concerns about the behavior of personnel, an adult, youth or vulnerable person with a supervisor.
- e. Hold themselves and others accountable to protect youth and vulnerable persons from harm.

Consequences for Violating of the Code of Conduct

All diocesan personnel are required to report any violation of these requirements to their direct supervisor or if the violation involves their direct supervisor, another supervisor. The diocese shall investigate and take disciplinary action against any personnel who are found to have violated these requirements.

Prohibited Forms of Interaction

Diocesan personnel are prohibited from:

- a. Touching youth or vulnerable persons in a sexual or inappropriate way.
- b. Sharing pornography, sexually explicit topics or materials with youth or vulnerable persons.
- c. Providing a youth or vulnerable person with alcohol, drugs or tobacco.
- d. Being alone or secluded with a youth or vulnerable person in a vehicle, an office, classroom, residence, dormitory, restroom, kitchen, storage room or any other closed setting.
- e. Sharing a bedroom with or taking an unsupervised overnight trip with a youth or vulnerable person.
- f. Being under the influence of alcohol or medication when interacting with youth or vulnerable persons
- g. Possessing or using illegal drugs at any time.
- h. Engaging in the physical discipline of youth or vulnerable persons.

- i. Conducting telephone or internet communications with a youth using an unauthorized telephone account, email account or website.
- j. Engaging in after-hours, off-site or isolated meetings without the express permission a diocesan supervisor and the person's legal caregiver.
- a. Comments about a youth's or vulnerable person's physique or body development
- b. Lengthy or romantic embraces.
- c. Kissing.
- d. Touching a youth's or vulnerable person's thighs, buttocks, groin or breasts,
- e. Wrestling, tickling, rough housing or piggyback rides with a youth or vulnerable person
- f. Massaging a youth or vulnerable person
- g. Allowing youth to sit on the lap
- h. Any display of unwanted affection

Acceptable Forms of Interactions

The following are acceptable form of interaction between diocesan personnel and youth or vulnerable persons:

- a. Interaction is Public, Appropriate and Non-Sexual in nature and Non-Threatening
- b. Verbal praise
- c. Handshakes, high-fives and hand slaps
- d. Pats on the shoulder, back or head
- e. Side hugs and bending down for hugs with small children
- f. Holding hands during prayer, while walking, kneeling or sitting beside a youth or vulnerable person
- g. Respect an individual's preference if they do not want to be touched in an appropriate way

In accord with my role as Church personnel, and in witness to the Gospel of Jesus Christ, I will conduct myself with integrity, acting in a manner that is consistent with the discipline and teachings of the Catholic Church.

I will guide my behavior by civil and canon law, by the policies of the Diocese of Altoona-Johnstown and by the Code of Conduct by...

1. Respecting the rights of each person and advancing his or her welfare during the course of counseling, advising or spiritual direction.
2. Holding in the strictest confidence information disclosed during the course of counseling, advising or spiritual direction with respect to Pennsylvania Child Protective Services Law and Mandated Reporting Requirements.
3. Maintaining an open and trustworthy relationship when working with youth, free from inappropriate behavior that would put them at risk.
4. Honoring the trust placed in Church personnel by not exploiting others for sexual gain or intimacy.
5. Providing a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.
6. Maintaining confidentiality in creating, storing, accessing, transferring and disposing of Church records.
7. Avoiding situations that might present a conflict of interest.
8. Reporting to proper authorities my own ethical or professional misconduct and the misconduct of others.
9. Treating Church personnel justly in the day-to-day operations of work and ministry.
10. Being responsible for my own spiritual, physical, mental, and emotional health.

I HAVE CAREFULLY READ, UNDERSTAND, AND HEREBY COMMIT TO CONDUCTING MYSELF IN ACCORD WITH THE DIOCESE OF ALTOONA-JOHNSTOWN CODE OF CONDUCT.

(PRINT Name)

(Signature)

(Date)

(Position)

(Name of Parish/School/Diocesan Office)

Use of Technology, Electronic Communication, Texting, Social Media, Video, Gaming, etc.

For the purposes of this policy, the term “personnel” shall mean clergy and members of religious orders, any diocesan, parish or school employee, volunteer or contractor.

General

Regardless of the manner or method, all communication with minors must be faithful to the teachings and values of the Catholic Church. As leaders and role models for children our communication with minors must respect the psychological, physical and behavioral boundaries of the young person and be appropriate to the ministerial and professional relationship. Permission of the parent or guardian must be obtained, in writing, in order for an adult leader to communicate with minors via telephone, cell phone, text messaging, e-mail, social networks, or other electronic means. All means of communication (written, text, email, etc.) with minors will be copied to the parent or guardian.

The Diocese of Altoona-Johnstown shall manage the use of its electronic or digital communication devices, computers, email accounts, social media accounts, websites and digital data storage for the protection of youth and others. All personnel or any person who is granted access to diocesan technology devices or technology accounts, shall complete an orientation on the responsible use of technology and sign the ‘Standards for the Utilization of Electronic Media Policy’ provided by the Director of Information Technologies and Director of Human Resources. The diocese shall maintain a record of all persons who are oriented.

Unacceptable Use Restrictions for Diocesan Personnel

*Personnel shall **NOT**:*

- a. Use any technology to violate a federal, state or local law
- b. Conduct electronic or digital communications with a non-familial minor without using a diocese-approved device and/or account, and without the approval of the minor’s legal caregiver
- c. Encourage a sexual relationship between an adult and a minor
- d. Use, transmit or store pornographic or obscene content
- e. Share a person’s personal information without their consent or the consent of their legal caregiver
- f. Use diocese-owned equipment or devices to harm others, for personal profit or for partisan political purposes
- g. Use diocese-owned equipment or devices for pornography purposes
- h. Allow the use of a diocesan email account by an unauthorized user
- i. Allow access to a diocesan digital file to anyone not authorized to view, edit, or copy its contents
- j. Electronic media may not be used to knowingly submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive or otherwise illegal material; nor shall the user encourage the use, sale, or distribution of controlled substances. Any use in violation of any local, state or federal law is also prohibited and is a breach of the terms and conditions of this policy
- k. Any messages or information sent by a user to one or more individuals via an electronic network are statements identifiable and attributable to the Diocese, must comply with this and other Diocesan policies, and may not disclose any confidential or proprietary information
- l. The use of chat rooms is prohibited. An authorized alternative is the use of Project Discussion Groups
- m. Any employee or client found to be abusing the privilege of Diocesan-facilitated access to electronic media or services will be subject to disciplinary action including risk of having the privilege removed

Social Network, Media and Text Messaging

While the Diocese respects the right of employees to use social media and networking sites, as well as personal websites and blogs, it is important that employees’ personal use of these sites does not damage the reputation of the Diocese, its employees, or its students or their families. Employees should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is

private in the digital world often has the possibility of becoming public, even without their knowledge or consent.

Social media or Text Messaging

- Youth under the age of 18, including students, volunteers, etc., are not to be included as “friends,” “followers,” or any other similar terminology used by various sites.
- All communication with youth under the age of 18 must include their parent or guardian and be only for reasons related to school, volunteer activities, etc., and never for the purpose of sharing or requesting personal information.
- If the Diocese believes that an employee’s activity on any means of social media social violates its policies, the Diocese will request that the employee cease such activity; and dependent upon the severity of the incident, the employee may be subject to disciplinary action.
- The use of pornography, sexting or any other inappropriate social media or text exchange with a minor or vulnerable person is prohibited.
- Any form of social media contact with youth will also be copied to the parent(s) or guardian (s) of the youth.
- Except in the case of emergency, personnel are not permitted to communicate with minors using private email accounts, or personal/private social media or telephone accounts.

Email

- Email services are available for Diocesan employees to conduct and communicate Diocesan business. Incidental personal use of email is allowed with the understanding that the primary use be job-related, and that occasional use does not adversely impact work responsibilities or the performance of the network and should never involve inappropriate or offensive content.
- Email services are provided only while a user is employed by the Diocese and once a user's electronic services are terminated, employees may no longer access the contents of their mailboxes, nor should they export their mailbox to a personal account before departure.
- Email users are advised that electronic data (and communications using the Diocesan network for transmission or storage) may be reviewed and/or accessed by authorized diocesan officials for purposes related to diocesan business. The Diocese of Altoona-Johnstown has the authority to access and inspect the contents of any equipment, files or email on its electronic systems.
- Personal email is not to be used to conduct diocesan business or communications under any circumstances.
- Any form of email contact with youth will also be copied to the parent(s) or guardian (s) of the youth.

Photograph and Video

If pictures and videos are taken during youth ministry events and gatherings there must be parental consent. No child or youth under the age of 18 should be photographed in any form without the knowledge of their parent or guardian and a signed consent form. All photographs and videos of minors considered to be used for flyers, parish and diocesan publications, and the ministry website must have the written consent of the parent or guardian. Names will not be posted unless written authorization is given the parent or guardian, and then only first names will be used.

Ministry Web Pages

Anyone who establishes a ministry web presence should make a commitment to this vehicle of communication. Web pages, especially the index or main page(s), should be regularly updated. As with any ministry effort, there should be an intentional plan and set of goals regarding establishing and maintaining a

web presence. Great care should be used to protect people on a web page that is publicly accessible and use the following guidelines:

- Personal information should never be made available (i.e. home address, home or cell number, home email address, etc.).
- Written authorization must be obtained from parent/guardian before posting photos or videos of young people.
- Pictures or videos should not be captioned with a young person’s name unless the parent/guardian has given you written authorization to do so.
- Never use a picture or video that might be considered embarrassing or unflattering or inconsistent with the mission of the Diocese.
- Care should be taken to protect the reputation of our church membership. If individuals are uncomfortable with a particular photo or video, it should be immediately removed from the website.

Online Gaming

Those who minister and work in pastoral settings with young people should take care in their involvement with online gaming. While this may be a recreational alternative, for many it is also an opportunity for social networking. Pastoral ministers should take care of protecting their online game identities so that appropriate boundaries are maintained.

No contact with minors in any form of online gaming, gambling or virtual reality and augmented reality gaming. Minors may not be physically present when personnel are engaged in any form of online gaming, gambling or virtual/augmented reality gaming.

Youth Protection policies extend into cyberspace. There should be no one-on-one online or digital activities (games, social media, etc.) or electronic communications. All users must respect the use of the electronic media. In doing so, we have the means to inform, educate and enlighten a vast number of people. Adults should always include or copy a parent or guardian in all online communications, ensuring no one-on-one contact exists in text, social media or other forms of online or digital communication. We are obligated to use the electronic tools in a manner reflective of the mission of the Diocese of Altoona-Johnstown.

I HAVE CAREFULLY READ, UNDERSTAND, AND HEREBY COMMIT TO CONDUCTING MYSELF IN ACCORD WITH THE DIOCESE OF ALTOONA-JOHNSTOWN USE OF TECHNOLOGY AND WILL HAVE NO DIGITAL CONTACT WITH A MINOR.

(PRINT Name)

(Signature)

(Date)

(Position)

(Name of Parish/School/Diocesan Office)

Pastoral Ministry

Church personnel providing pastoral counseling or spiritual direction are to respect the rights and advance the welfare of every person. Counselors who are licensed professionals and spiritual directors and hold recognized credentials bear full responsibility for establishing and maintaining clear and appropriate boundaries in accord with their professional standards.

- The Commonwealth of Pennsylvania defines Counseling as: the application of principles and practices of counseling, mental health, and human development to evaluate and facilitate human growth and adjustment throughout the life span and to prevent and treat mental, emotional or behavioral disorders and associated stresses which interfere with mental health and normal human growth and development (PA Act 136, 1998).
- Spiritual Direction is the help or guidance that a person seeks and another gives over a period of time in the process of growing in a loving relationship with God.

Church personnel are not to step beyond their competence in counseling or spiritual direction situations and are to refer those who seek their assistance to other professionals when appropriate. Pastoral Counselors and Spiritual Directors refers to clergy, religious, and trained staff who provide formal and regular pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups.

Counseling and spiritual direction of youth and vulnerable persons should be done in an appropriate setting and at an appropriate time. Private living quarters are never a suitable place for counseling or spiritual direction and the following precautions must be used at all times:

- the door to the meeting room must be left open or allow for visibility from the outside barring emergencies
- a parent, guardian or another trusted adult must be in close proximity during the sessions
- another adult must be informed of the meeting and be nearby barring emergencies
- meeting will be scheduled during standard business, worship, or school hours

Pastoral Standards:

- Pastoral Advisors shall not step beyond their competence in counseling situations and shall refer persons they counsel to other professionals when appropriate.
- Pastoral Advisors are to carefully consider the possible consequences of counseling before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, etc.).
- Pastoral Advisors are not to audiotape, videotape or electronically record sessions.
- Pastoral Advisors are responsible for establishing and maintaining clear, appropriate boundaries in all counseling and counseling- related relationships.
- Pastoral Advisors are to avoid physical contact of any kind (i.e., touching, hugging, holding hands, etc.) between themselves and the persons they counsel. Such actions can be misconstrued and should be avoided. Church Personnel should be mindful that not all members of the congregation are comfortable with physical touching and that hand-shake conduct should ordinarily suffice.
- Pastoral Advisors are not to engage in any form of sexual conduct with the persons they counsel. This includes consensual sexual contact.
- Pastoral Advisors are not to engage in sexual conduct with any individual who is close to the persons they counsel such as a relative or friend of the person they counsel. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.

- Pastoral Advisors will conduct sessions in appropriate settings at appropriate times. Church personnel providing pastoral counseling or spiritual direction are to maintain a log of the times and places of sessions with each person being counseled or directed.
 - These sessions should be clearly defined with a set time for the meeting to begin and end.
- Pastoral Advisors for youth and vulnerable persons must schedule sessions in public/professional locations, never in private or non-public areas with appropriate business hours.
 - Must have parental consent and knowledge of scheduled sessions for all minors.
 - Counseling area must have an exposed window or a door to be open during the sessions.
 - A parent, guardian or trusted adult in close proximity during the sessions.
 - Advisor will always be professional in manner.
- If the Sacrament of Reconciliation is requested it should be clearly separated from the pastoral counseling or spiritual direction session and, except in an emergency situation, it should take place in the church confessional since the Universal Law of the Church states that Sacrament of Reconciliation should not be heard outside of the confessional. Pastoral Advisor could also recommend that the person being counseled take advantage of regularly scheduled confession times in the parish. This recommendation might more clearly separate the distinction between the Sacrament of Reconciliation and either pastoral counseling or spiritual direction.
- All Pastoral Advisors are accountable to their immediate supervisors.
- Any and all violations will be reported.

Confidentiality

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction is to be held in the strictest confidence possible. Privileged communications between a mandated reporter and a patient or client of the mandated reporter does not apply to a situation involving child abuse or relieve the mandated reporter of the duty to make a report of suspected child abuse.

- Discussion of the nature of confidentiality and its limitations with each person in counseling prior to beginning sessions.
- Information obtained during scheduled sessions will be confidential, except for compelling professional reasons or as required by law.
- If there is clear and imminent danger to the person receiving services by self-harm to intent to harm others, only the information disclosed necessary to protect the parties affected and to prevent harm may be reported. If feasible, the person being counseled will be informed about the disclosure and the potential consequences.
- Minimal records of the content of sessions should be kept with no audiotape, videotape or electronically record sessions.
- Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- While counseling a minor (i.e., anyone under the age of 18) in a formal setting, if Church personnel discover that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Pastoral Advisor personnel are to:
 - Attempt to secure written consent from the minor for the specific disclosure
 - Disclose only the information necessary to protect the health and well-being of the minor if consent is not given
 - Consultation with the appropriate Church authority such as one's immediate supervisor is required before disclosure

These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure— of information received through the confessional. Any obligations related to confidentiality which are listed below are independent of the confidentiality of the confessional. A priest may never disclose anything revealed in the Sacrament of Confession (also known as Sacrament of Penance and Reconciliation), not even with the penitent’s permission. Further, all others who in any way (e.g., inadvertent overhearing) have information received through the confessional are obliged to that same secrecy. (Canon 983)

The Pennsylvania “Duty to Warn” Law

The Pennsylvania Supreme Court has ruled that a mental health professional, under certain limited circumstances, owes a duty to warn a third party of threats of harm made by patients. (*Emerich v. Philadelphia Ctr. For Human Dev.*, 720 A.2d 1032 (Pa. Sup. Ct. 1998). The court decided that a mental health professional has a duty to warn third parties if there was an immediate, known and serious risk of potentially lethal harm where (1) there is a specific and immediate threat of serious bodily injury that has been communicated to the mental health professional and (2) the threat was made against a specific and readily identifiable victim.

Persuaded that mental health professionals are best-trained to detect, identify, evaluate and deal with threats and violent behavior, the court found that mental health professionals are in a uniquely good situation to predict violent behavior before it occurs, particularly when a specific threat has been made. The court also noted that the State Board of Psychology recognizes an exception to therapist-patient confidentiality in the case of a serious threat of harm to an identified or readily identifiable person.

Seal of Confession

The obligation of strict confidentiality imposed by divine law on a confessor in the sacrament of penance not to reveal to any person, under pain of excommunication, the sins confessed. Complementary Norm: The National Conference of Catholic Bishops, in accord with the prescriptions of canon 964, §2, hereby decrees the following norms governing the place for sacramental confessions.

Provision must be made in each church or oratory for a sufficient number of places for sacramental confessions which are clearly visible, truly accessible, and which provide a fixed grille between the penitent and the confessor. Provision should also be made for penitents who wish to confess face-to-face, with due regard for the Authentic Interpretation of canon 964, §2 by the Pontifical Council for the Interpretation of Legislative Texts, July 7, 1998 (AAS 90 [1998] 711).

Policies and Procedures for Responding to Allegations and Complaints of Sexual Misconduct and Sexual Abuse

Statement of Commitment

The diocese receives and responds to allegations of misconduct and abuse in an open and straightforward manner.

- Comply with laws for reporting abuse and cooperate with civil authorities.
- All diocesan personnel are considered to be a mandated reporter and will report to ChildLine if there is reasonable cause to suspect a child is a victim of child abuse, a report must be made in all cases (with due regard for the exception of clergy according to PA Title 42, § 5943, as indicated below).

This includes situations where:

- there is contact with a child that has been abused
- an individual makes a specific disclosure to you that an identifiable child is the victim of child abuse
- an individual 14 years of age or older makes a specific disclosure to you that he/she has committed child abuse
- After allegations are reported to the proper authorities reflective of the Pennsylvania Child Protection Services Law, a full investigation for each allegation of misconduct or abuse will take place.
- Respond with compassion to the victims and redress any wrongs.

General

The diocese shall receive and respond to any allegations or reports of sexual abuse or misconduct by clergy, religious orders, staff, volunteers and youth in an open and straightforward manner, grounded in a commitment to justice, accountability and mercy. To that purpose the diocese shall:

- a. Comply with governing laws for reporting allegations of sexual abuse to the proper authorities
- b. Cooperate with and defer to civil authorities who are involved in a criminal investigation
- c. Fully investigate any allegation, report or suspicion of abuse or wrongdoing, to the extent permitted by law
- d. Respond with compassion to those who have been harmed and their families
- e. Redress any wrongs
- f. Ensure policies and procedures remain effective

Reporting Suspected Child Abuse

Diocesan personnel comply with civil law for reporting suspected child abuse.

- The diocese follows the requirements of the Pennsylvania Child Protection Services Law and the Congregation for the Doctrine of the Faith.
- Confidential communications with a priest are, by law, exempt from disclosure.

General

All personnel shall comply with the requirements of the Pennsylvania Child Protective Services Law (PACPSL) when reporting suspected child abuse. For the purposes of this policy, the term “personnel” shall mean any clergy, members of religious order, diocesan, parish or school employee, volunteer or contractor. Any personnel who fail to comply with CPSL requirements may be subject to disciplinary action.

Definition of Child Abuse

As interpreted from the PACPSL and for the purposes of this policy, “child abuse” shall mean intentionally, knowingly, or recklessly doing any of the following:

- a. Causing bodily injury to a child through any “recent” act or failure to act. (“Recent” shall be understood as an abusive act within two (2) years from the date the report is made to ChildLine. Sexual abuse, serious mental injury, serious physical neglect and deaths have no time limit.)
- b. Fabricating, feigning, or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act
- c. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act
- d. Causing sexual abuse or exploitation of a child through any act or failure to act
- e. Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act
- f. Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act
- g. Causing serious physical neglect of a child
- h. Causing the death of the child through any act or failure to act
- i. Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (114 Stat. 1466, 22 U.S.C. § 7102)

As interpreted from the PACPSL and for the purposes of this policy, “child abuse” shall also mean certain acts in which the act itself constitutes abuse without any resulting injury or condition. These recent acts include any of the following:

- a. Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child
- b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement
- c. Forcefully shaking a child under one year of age
- d. Forcefully slapping or otherwise striking a child under one year of age
- e. Interfering with the breathing of a child
- f. Causing a child to be present during the operation of a methamphetamine laboratory, provided that the violation is being investigated by law enforcement
- g. Leaving a child unsupervised with an individual, other than the child’s parent, who the parent knows or reasonably should have known was required to register as a Tier II or III sexual offender or has been determined to be a sexually violent predator or sexually violent delinquent
- h. Exposing pornography to a minor

Diocesan Personnel Who Are Considered Mandated Reporters

As interpreted from the PACPSL, the following personnel shall be considered mandated reporters and are required to report suspected child abuse:

- a. All clergy
- b. All school employees
- c. All diocesan or parish employees, volunteers or contractors who have direct and consistent contact with children through a diocesan program or activity

Procedures for Reporting Suspected Child Abuse

The following procedures shall apply to all reports of suspected child abuse:

- a. Mandated reporters shall, upon suspecting child abuse:
 - Immediately make a direct report of suspected child abuse to the ***Pennsylvania ChildLine*** by calling **1-800-932-0313** or report electronically at www.compass.state.pa.us/cwis.
 - Immediately notify the reporter’s direct supervisor within the diocese, parish or school, after making the report to ChildLine
 - Complete and forward a Report of Suspected Child Abuse (Form CY 47) to the county children and youth agency within forty-eight (48) hours of making an oral report to ChildLine. If an oral report was made to ChildLine, a report of suspected child abuse (CY 47) must also be completed and forwarded to the county children and youth agency within 48 hours after making the report. Form CY 47 can be obtained at www.KeepKidsSafe.pa.gov or from the children and youth agency
- b. The diocese shall, upon receipt of a complaint of child sexual abuse by personnel shall:
 - Refer the matter to the proper civil authorities
 - Cooperate with civil authorities
 - When an incident of abuse occurred in the past and the victim is an adult when the information is received, the reporting procedures of this policy still apply. If possible, the adult/victim should be encouraged to contact the Victim Assistance Coordinator.

Exception for Confidential Communications Made to Clergy

Confidential communications made to a member of the clergy are protected under PA Title 42, § 5943. However, any priest who hears the confession of a person who abuses children or is the victim of abuse shall urge the penitent to report the abuse to the proper civil authorities’ consideration of the method, location or the duration of the restraint or confinement.

Investigating Allegations of Child Abuse and Related Complaints

- The victim’s wellbeing is the diocese’s primary concern.
- The diocese will treat all persons involved with dignity, compassion and understanding.
- The diocese will not retaliate against complainants or prevent persons from obtaining legal counsel.
- The requirements of civil law must be fulfilled before complying with canon law.
- The diocese follows civil and canon law when investigating child abuse or related complaints.
- Precautionary measures mentioned in the Code of Canon Law, c. 1722, i.e., to remove the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public celebration of the most Holy Eucharist pending the outcome of the process.
- An independent Allegation Review board advises the Bishop and ensures continued improvement.

General

The diocese shall first comply with applicable civil laws for reporting suspected child abuse and cooperating with civil authorities, and then comply with the guidelines established by the *Congregation for the Doctrine for the Faith* for investigating suspected abuse by any diocesan personnel and the treatment of all persons involved. The diocese shall maintain records of all complaints against all diocesan personnel and youth, including anonymous complaints. However, in the absence of accompanying verifiable facts, anonymous complaints may not be investigated. The accused shall be informed of all complaints.

Canonical Responsibilities and Process for Investigating Complaints and Allegations

The Diocese of Altoona-Johnstown will comply with all applicable civil laws and will also report all allegations of sexual abuse of minors to the Vicar General who will also contact civil authorities and initiate a preliminary investigation in accordance with canon law (CIC, c.1717; CCEO, c.1468. Upon receipt of a complaint of child sexual abuse by any diocesan personnel, the diocese shall:

- Refer the matter to the proper civil authorities and defer to their investigative process, as may be required
- Begin an internal investigation according to the procedures established by the Congregation of the Doctrine of the Faith
- Maintain records of all complaints against all diocesan personnel and youth, including anonymous complaints. However, in the absence of accompanying verifiable facts, anonymous complaints may not be investigated
- Inform the accused of all complaints
- Retain privileged and non-privileged records and other materials related to the matter that may be considered evidence, including claims, intakes, investigative reports and records of services provided to those harmed by sexual misconduct
- Treat as confidential, any diocese’s files that are maintained on an investigation
- Limit access to any privileged files to the diocesan counsel, the Diocese of Altoona-Johnstown Allegation Review Board, other necessary diocesan or organizational personnel, and those authorized through appropriate Court Order

Prohibited Actions

The diocese prohibits retaliation or discrimination against a person who reports, alleges or makes a complaint concerning sexual abuse. No actions will be taken to prevent a person from retaining an attorney or filing a lawsuit to resolve a complaint with the Diocese of Altoona-Johnstown.

Response to Victims/Survivors, Faith Communities, Those Accused of Abuse and Families

The diocese shall ensure victims, faith communities or persons accused of abuse receive assistance.

Key points:

- The diocese will offer a full range of support to victims, faith communities and those accused of abuse, explaining all the processes involved.
- The diocese will not bind, limit or force the actions of any complainant.
- The diocese will communicate with the Church community regarding the incident.

General

The Diocese of Altoona-Johnstown shall offer pastoral, spiritual and support to victim/survivors, faith communities, those accused of abuse and associated family members. Such assistance shall not be considered as an indication that the diocese has legal responsibility for the actions of an accused diocesan personnel. For the purposes of this policy, the term “personnel” shall mean any clergy, members of religious order, diocesan, parish or school employee, volunteer or contractor.

Actions to Support Victims, Faith Communities and Those Accused

The diocese shall respond to and assist the victims, faith communities and those accused, as follows:

- a. Be respectful of all persons bringing a complaint.
- b. Provide an advocate or advisor upon request.
- c. Provide and explain a list of available resources.
- d. Explain the procedures for investigating allegations, presentations of allegations to the Allegation Review Board, and civil reporting requirements and rights.
- e. Make periodic public announcements about the services available and procedures for making a complaint.

Prohibited Actions

The diocese shall not:

- a. Bind any complainants to a condition of confidentiality or nondisclosure of the complaint, except at the specific request of the complainant for substantial reasons. The text of any such agreement shall contain the reasons for the confidentiality agreement.
- b. Attempt to force reconciliation between the offender and the victim. Any involvement in non-authorized reconciliation efforts by diocesan staff or agents will be considered a violation of these policies.

Actions to Support the Parishes and Religious Community

The diocese recognizes that parishes and religious communities suffer when any person is abused by any diocesan personnel and to that purpose the diocese shall:

- a. Provide Parishes and Religious community accurate information regarding an allegation, to the extent allowed by civil and canon law, and the protection of privacy of the persons or families involved.
- b. Facilitate healing within the Parishes and Religious community through a Parish Pastoral Response Team, established through the Victim Assistance Program.
- c. Ensure an official voice of the Church, religious community, institute or organization meet with the Parishes and Religious community.

Responding to the Accused

The diocese shall follow all applicable laws to ensure the appropriate treatment of any personnel accused of abuse.

Key points:

- The diocese will take immediate action to protect the Church community

- Clergy and non-clergy will be offered a range of support and may be referred to counseling, placed on administrative leave or terminated

General

Under both civil and canon law, a person is presumed innocent until proven guilty. However, the presumption of innocence does not preclude the diocese from taking immediate, prudent action to protect the Church community in response to complaints and before an investigation is complete.

Actions by the Diocese following an Allegation of Diocesan Personnel

The diocese shall take the following actions after an allegation of abuse has been made against any diocesan personnel:

- Ensure that the diocese follows applicable civil laws for reporting child abuse
- Take all appropriate steps to protect the reputation of the accused
- Initiate a prompt, objective, preliminary investigation, when an allegation is made against a priest or permanent deacon
- Remove an accused cleric from ministry and place him on administrative leave, when there is sufficient evidence that child sexual abuse has occurred
- Ensure any bishop or priest involved in the investigation may not hear the sacramental confession of the accused
- Notify the Congregation for the Doctrine of the Faith

Administrative Actions for Clergy

The diocese shall plan and impose administrative leave for an accused cleric that is consistent with the provisions of Canon 1722 and perform the following actions:

- Living arrangements, location, financial support, treatment, conduct, and aftercare, where applicable
- Reevaluate the need for and terms of administrative leave at the end of the imposed time limit and pursuant to canon law
- The Vicar General shall support and assist any priest on administrative leave to find housing and other pastoral or psychological support
- Advise the accused clergy to retain civil and canonical counsel and when necessary, provide canonical counsel to the accused
- Refer the accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused clergy chooses not to cooperate, the Diocesan Bishop will be notified of the lack of cooperation. The Diocesan Bishop or his designee shall make all decisions regarding the noncooperation accused individual's ministry and ministerial status without his input
- Provide emotional, psychological and spiritual support to the family members if requested

Administrative Actions for Non-Clergy Personnel

The diocese shall place non-clergy staff and volunteers on administrative leave during an investigation of credible complaints and perform the following actions:

- Advise the accused of their right to obtain legal counsel
- Specify the length of time for imposed administrative leave and reevaluate it upon expiration
- Require the accused to participate in pastoral and psychological counseling as a condition of further employment or volunteer activities, regardless of the outcome of the investigation
- Terminate the accused if the allegation is found to be valid

Legal Restitution

When allegations are substantiated, the diocese may seek restitution from the offender for the services provided to persons harmed by sexual abuse by clergy or other Church personnel. The offender may be held responsible for the costs of therapy and for all other expenses incurred by the diocese, including but not limited to attorney fees, court costs, and judgments. The diocese shall maintain its right to take action against

guilty parties to recover judgments and/or legal expenses it incurs as a result of child sexual abuse by clergy, religious, staff, and/or volunteers.

The Allegation Review Board

An Allegation Review Board shall assist the bishop with assessing allegations and provide independent oversight.

Key points:

- The board members are appointed by the bishop and made up of lay persons and clergy.
- The board establishes its own rules and procedures for operation and reports directly to the bishop.
- The board reviews diocesan policies for responding to allegations of abuse and makes recommendations.
- The board monitors the aftercare for any offending clergy.

General

The Diocesan Bishop shall establish an independent Allegation Review Board to assist with assessing allegations and determining the fitness for ministry of clergy and religious suspended from ministry during an investigation of accusations of sexual abuse.

The Allegation Review Board shall:

- a. Report directly to the Diocesan Bishop or his designee.
- b. Establish its own rules and procedures for operation.
- c. Be made up of laypersons and clergy, serving a term of five (5) years.
- d. Have access to all information in the possession of the diocese provided that all necessary releases have been secured.
- e. Retrospectively and prospectively review allegations and advise the Diocesan Bishop as to the credibility of complaints of child sexual abuse. The board shall communicate its assessment to the victim and the accused.
- f. Review investigation reports and make recommendations to leadership regarding actions necessary to resolve complaints.
- g. Review and make recommendations regarding the continuation of the cleric in pastoral ministry, counseling, or aftercare.
- h. Review and make recommendations regarding the fitness for ministry of any cleric whose ministry was restricted due to false, unsubstantiated, or unverifiable accusations of misconduct.
- i. At least every two years, review and recommend changes to current diocesan policies regarding the response to allegations of sexual abuse and the assignment of clergy.

Confidentiality

All information gained by the review board shall be considered confidential and may only be disclosed, under certain circumstances, to the parties involved, the Diocesan Bishop and as required by civil and/or canon law.

Reassignment of Personnel Accused of Sexual Misconduct or Sexual Abuse

The reassignment of any diocesan personnel follows the guidelines in canon law.

Key points:

- No person found to have engaged in sexual activity with a minor shall be allowed to return to any ministry, employment or volunteer position

- The bishop will consider the recommendations of the Allegation Review Board and act in the best interest of the Church community

General

No personnel who engages in sexual activities with a minor shall be allowed to return to any ministry, employment or volunteer position within the diocese. ***THERE SHALL BE NO EXCEPTIONS TO THIS POLICY.*** For the purposes of this policy, the term “personnel” shall mean any clergy, members of religious order, diocesan, parish or school employee, volunteer or contractor.

Actions by the Diocesan Bishop

When allegations are unsubstantiated, or unverifiable, the Diocesan Bishop, in consultation with the review board, will consider the following factors in making decisions about ministry reassignment:

- a. The findings of the completed investigation report.
- b. The assessment and recommendations of the review board.
- c. The outcome of proceedings in a civil or criminal court case.
- d. The judgment, recommendation, and advice of professional therapists.
- e. The well-being of the faith community and all those ministered to by the Church or religious community/institute.
- f. The concerns of complainants and their families.
- g. The ability of the Church, religious community or institute to assure the safety of the community or organization to be served.
- h. The ability of the clergy to provide effective ministry, in light of the circumstances.
- i. The best interests of the diocese and its people.
- j. The stewardship of the diocese’s financial resources.

Additional Actions Pertaining to Clerics

When the Allegation Review Board concludes that an allegation regarding a cleric is credible, it may make recommendations to the bishop regarding the accused individual's continued ecclesiastical ministry. According to the *motu proprio* of John Paul II, the final disposition of all allegations of all sexual misconduct cases of clerics with minors are reserved to jurisdiction of the Congregation for the Doctrine of the Faith. Once an allegation is investigated by the Bishop, the matter must be referred to them to determine whether a trial or dismissal is to take place.

No religious or non-incardinated priest or permanent deacon known to have sexually abused a minor will be accepted for ministry in the Diocese of Altoona-Johnstown. Furthermore, before any priest or permanent deacon transfers to or takes up residence in another diocese, for any purpose, his ordinary/hierarchy shall forward an accurate and complete description of the clergy's record to the ordinary/hierarchy in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

The diocese shall seek advice from the Appellate Review Board as needed. The diocese shall advise the alleged victim and the accused of the availability of the appellate process and the procedures for initiating the process. Any bishop, alleged victim, or accused may request the Appellate Review Board's advice within 15 days of the alleged victim or the accused receiving notification of the review board's assessment of the complaint. The appellate review board will communicate its advice within sixty (60) days of receipt of the request.

Unsubstantial Accusations

The diocese shall make provisions for the restoration of any personnel falsely accused of abuse.

Key points:

- The falsely accused person’s thoughts, feelings, fears and concerns will be paramount

- The diocese’s efforts shall be coordinated with the Allegation Review Board
- The bishop will determine if and how a falsely accused cleric is reassigned

General

When allegations of abuse are found to be false, the diocese shall work closely with the accused and the faith community to restore trust and recreate the pastoral and ministerial relationships. To that end, the diocese shall:

- Provide support for the accused regarding their thoughts, feelings, fears, and concerns.
- Provide a supportive environment and counseling or therapy to the accused to help mitigate the effects of the false accusation.
- The Allegation Review Board will provide recommendations for the falsely accused person to protect or, if necessary, restore his or her good name and reputation and create a workable plan for the future.
- Inform the faith community of the results of the investigation.

Support Provided by the Vicar General

The Vicar General shall be responsible for personnel who are falsely accused of child sexual abuse shall provide continuing moral support to the individuals as they return to work or volunteer services. The diocese will provide necessary mental health services to assist falsely accused individuals to overcome the consequences of the accusations and to become restored to power and effectiveness in their job duties and volunteer services.

Reassignment of Clergy Who Are Falsely Accused

The diocese recognizes that the trauma of being falsely accused can do irreparable harm to the accused's ability to be effective in ministry. However, no person falsely accused of child sexual abuse should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result of a false accusation. Therefore, when making decisions about the reassignment of clergy who are the subject of false allegations, the Diocesan Bishop will consider the following factors:

- The completed investigation report.
- The recommendation of the Allegation Review Board.
- The spiritual, emotional, and psychological well-being of the accused.
- The judgment, recommendation, and advice of trained mental health professionals.
- The well-being of the faith community and of all those ministered to by the Church or religious community/institute.
- The ability of the cleric to provide effective ministry in light of the circumstances.
- The best interests of the diocese and all its people.

Non-Clergy Allegations

Allegations of sexual misconduct (i.e., sexual abuse, sexual exploitation or sexual harassment) involving adults are to be taken seriously and are to be reported. These allegations will also be reported to the District Attorney of the appropriate county within the Diocese.

If an accusation of sexual misconduct is made against any church personnel who is not a cleric then the procedures entitled Responses to Complaints of Clerical Sexual Misconduct will also be followed. Appropriate adjustment will be made based on the person’s particular job or position.

Media

Public communications about an allegation are through the diocese's designated spokesperson.

Key points:

- The Secretary for Communications is the designated spokesperson for Diocese of Altoona-Johnstown. The spokesperson is responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse.
- The identity of the accused of shall remain confidential until it becomes public record or public knowledge

Complaints to the Diocese

All complaints to the Diocese of Altoona-Johnstown shall be treated as confidential. The diocese shall neither confirm nor deny:

- a. That a complaint has been made
- b. The identity of any person reporting incidents, concerns, or allegations
- c. The identity of any person against whom a complaint is pending, until the allegation becomes public record, as a result of charges being filed or the matter has become general public knowledge

Conflict of Interest

Personnel are to avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question. For the purposes of this policy, the term "personnel" shall mean any clergy, members of religious order, diocesan, parish or school employee, volunteer or contractor.

Personnel are to disclose to the appropriate Church authority (such as one's immediate supervisor) all relevant factors that potentially could create a conflict of interest. Personnel are to inform all parties when a real or potential conflict of interest arises. No personnel is to take advantage of anyone to whom they are providing services in order to further their personal, political, or business interests.

Facilities

The diocese will maintain safe and secure facilities. Annual site inspections will occur recommending safety and security measures, including the identification of potential danger zones within facilities and the means and methods to rectify and mitigate any problem areas.

General

A facility committee will be formed to oversee the safety and security of diocesan facilities. The committee shall be made up of at least five (5) members.

Responsibilities of the Facility Committee

- Conduct an annual review of applicable, building safety and health regulations
- Conduct an annual inspection of each diocesan property
- Confer with facility safety and security experts
- Develop reports, recommendations and cost estimates to address immediate and long-term needs
- Review and revise written agreements for the use of diocesan facilities by others
- Coordinate with the Director of Youth Protection and the Diocesan Bishop

Definitions

Accused: the person against whom a complaint of sexual abuse is made.

Administrative leave: a term used for the temporary removal of a cleric from his assignment during an investigative process, prior to any determination of guilt or innocence.

An Adult: a person age 18 or older.

A (Vulnerable) Adult: is defined for the purpose of this document as any person over the age of eighteen (18), who, by reason of some mental infirmity has such diminished reasoning or cognitive capabilities that they may be considered the equivalent of a minor child.

Allegation: A first person accusation of sexual abuse of a minor brought against church personnel; past or present, living or deceased, which is reported to the Bishop through any form of communication including any that are anonymous.

Annual Audit: dioceses and eparchies submit to a yearly assessment of their implementation of the Charter for the Protection of Children and Young People.

Canon law: the term used to describe the laws of the Roman Catholic Church. The primary sources are the Code of Canon Law promulgated in 1983 and the Code of Canons of the Eastern Churches promulgated in 1990. Supplemental law dealing with the sexual abuse of minors and other graviora delicta (more serious crimes) is contained in the motu proprio Sacramentorum Sanctitatis Tutela promulgated in 2001.

Charter: refers to the Charter for the Protection of Children and Young People that was approved in Dallas in 2002 and by the Holy See. It a comprehensive set of procedures for addressing allegations of sexual abuse of minors by Catholic clergy as well as guidelines for reconciliation, healing, accountability, and prevention of future acts of abuse.

Child, Children or Minor: all persons under the age of eighteen and/or an adult who is physically or cognitively impaired and unable to protect themselves.

Child Abuse: (PA. CONS. STAT. § 6303)

The term "child abuse" shall mean intentionally, knowingly or recklessly doing any of the following:

- (1) Causing bodily injury to a child through any recent act or failure to act.
- (2) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.
- (3) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.
- (4) Causing sexual abuse or exploitation of a child through any act or failure to act.
- (5) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.
- (6) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.
- (7) Causing serious physical neglect of a child.
- (8) Engaging in any of the following recent acts:
 - (i) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.
 - (ii) Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement.

- (iii) Forcefully shaking a child under one year of age.
- (iv) Forcefully slapping or otherwise striking a child under one year of age.
- (v) Interfering with the breathing of a child.
- (vi) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.
- (vii) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

- (A) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), where the victim of the sexual offense was under 18 years of age when the crime was committed.
- (B) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.
- (C) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).
- (9) Causing the death of the child through any act or failure to act.
- (c) Restatement of culpability.--Conduct that causes injury or harm to a child or creates a risk of injury or harm to a child shall not be considered child abuse if there is no evidence that the person acted intentionally, knowingly or recklessly when causing the injury or harm to the child or creating a risk of injury or harm to the child.
- (d) Child abuse exclusions.--The term "child abuse" does not include any conduct for which an exclusion is provided in section 6304 (relating to exclusions from child abuse).

Child Labor Trafficking: The use of force, fraud, or coercion for the purpose of subjection in involuntary servitude, peonage, debt bondage, or slavery. Examples of labor trafficking include agricultural or domestic service workers who are underpaid or not paid at all, physically abusive traveling sales crews that force children to sell legal items (e.g., magazines) or illegal items (e.g., drugs) or to beg, and workers in restaurants and hair and nail salons who are abused, confined, and/or not paid.

Child Pornography: Any written, printed, electronic, photographic or other depiction or description of a minor in a sexually explicit context or any material of any kind that is produced created or displayed for the purpose of sexual gratification of adults through the exploitation of minors.

Child Protective Services: Those services and activities provided by the Department and each county agency for child abuse cases.

Child Sex Trafficking: Any child under the age of 18 who is induced to engage in commercial sex is a victim of sex trafficking. Examples of sex trafficking of children includes prostitution, pornography, and sex tourism.

ChildLine: is the Pennsylvania hotline for reporting Child Abuse. Call 1-800-932-0313 24 hours a day to report suspected child abuse.

Civil Authorities: refers to the local law enforcement agency, whether it be the city police department, the sheriff's department, the state police post or an area child protection agency. It is distinguished from religious authority.

Complainant: the person who has made an allegation against Church personnel.

CPSL—The Child Protective Services Law, 23 Pa.C.S. § § 6301—6385: The PA Child Protective Services Act was signed into law in 1975. It was enacted to protect children from abuse, allow the opportunity for healthy growth and development and, whenever possible, preserve and stabilize the family.

The Pennsylvania Child Protective Services Law (CPSL) Definitions Pa. C.S. §6303 (a).

“Intentionally” The term shall have the same meaning as provided in 18 Pa. C.S. § 302 (relating to general requirements of culpability).

“Knowingly” The term shall have the same meaning as provided in 18 Pa. C.S. § 302 (relating to general requirements of culpability).

“Recklessly” The term shall have the same meaning as provided in 18 Pa. C.S. § 302 (relating to general requirements of culpability).

Diocese: The Roman Catholic Diocese of Altoona-Johnstown, including parishes, schools, and institutions that are directly accountable to the Diocese.

Diocese Personnel:

- All bishops and priests (active and retired), religious men and women on assignment in the Diocese, deacons and seminarians;
- All diocesan, school and parish employees. This would include any individual 14 years of age or older applying for or in a paid position as an employee responsible for the welfare of a child or having contact with children.
- All school volunteers; and
- All diocesan and parish volunteers who perform a service where they have direct access to children.

Diocesan Review Board: a local board that functions as a confidential consultative body to the bishop/eparch. The board is to offer advice to the bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry.

Direct Contact: is defined in the PA Child Protective Services Law as “the care, supervision, guidance or control of children or routine interaction with children.”

Direct Volunteer Contact: is defined in the PA Child Protective Services Law as “the care, supervision, guidance or control of children and routine interaction with children.”

Elder Abuse & Adults with Disabilities Abuse: In 2010, the Adult Protective Services (APS) Law, Act 70 of 2010, was enacted to provide protective services to adults between 18 and 59 years of age who have a physical or mental impairment that substantially limits one or more major life activities. The APS Law establishes a program of protective services in order to detect, prevent, reduce and eliminate abuse, neglect, exploitation and abandonment of adults in need.

A report can be made on behalf of the adult whether they live in their home or in a care facility such as a nursing facility, group home, hospital, etc. Reporters may remain anonymous and have legal protection from retaliation, discrimination, and civil and criminal prosecution. The statewide Protective Services hotline is available 24 hours a day. To report abuse of elderly individuals or adults with disabilities call the Protective Services Hotline: 1-800-490-8505.

Common Signs of Abuse:

- Bruises or Broken Bones
- Weight Loss

- Memory Loss
- Personality Changes
- Social Isolation
- Changes in Banking Habits
- Giving Away Assets such as money, property, etc.

False Allegation/Report: An allegation or report that was proven to be untruthful and fabricated.

Implausible: Any allegation or report that could not possibly have occurred under the given circumstances (e.g., an accusation is made against church personnel who was deceased at the time of the alleged offense). Erroneous information does not necessarily make an allegation/report implausible (e.g., the church personnel arrived at the parish a year after the alleged abuse, but all of the other facts of the case are credible and the alleged victim might have mistaken the date).

Immediate Vicinity: is defined to mean an area in which an individual is physically present with a child and can see, hear, direct and assess the activities of the child.

Implausible: Any allegation or report that could not possibly have occurred under the given circumstances (e.g., an accusation is made against church personnel who was deceased at the time of the alleged offense). Erroneous information does not necessarily make an allegation/report implausible (e.g., the church personnel arrived at the parish a year after the alleged abuse, but all of the other facts of the case are credible and the alleged victim might have mistaken the date).

Independent Oversight Board: The Independent Oversight Board was created pursuant to a Memorandum of Understanding signed by the Diocese of Altoona-Johnstown and the U.S. Attorney for the Western District of Pennsylvania on March 6, 2017. Under the Memorandum of Understanding, the Diocese established the Independent Oversight Board to supervise the implementation and provide ongoing review of the expanded child protection efforts of the Diocese.

Mandated Reporting: *What is a mandated reporter? Who is mandated to report abuse in PA?*

Individuals who, in the practice of their employment, occupation or practice of a profession, come into contact with children and have reasonable cause to suspect that a child under the care, supervision, guidance, or training of that person or of an agency, institution, organization or other entity with which that person is affiliated is a victim of child abuse.

Anyone may report suspected abuse; mandated reporters are those people who are required by law to report suspected child abuse. Mandated reporters are held to a higher standard of responsibility and may receive serious consequences for not reporting suspected abuse. Pennsylvania's Child Protective Services Law (CPSL) was amended in 2014, including substantial changes to the list of people who are mandated reporters. Effective December 31, 2014, people in these positions are mandated to report child abuse:

- A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State;
- A medical examiner, coroner or funeral director;
- An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals;
- A school employee;
- An employee of a child care service, who has direct contact with children in the course of employment;
- Clergyman, priest, rabbi, minister, Christian Science practitioner, religious healer or spiritual leader of any regularly established church or other religious organization;

- An individual paid or unpaid; who, on the basis of the individual's role as an integral part of a regularly scheduled program, activity or service, accepts responsibility for a child;
- An employee of a social services agency, who has direct contact with children in the course of employment;
- A peace officer or law enforcement official defined as Attorney General, District Attorney, PA State Police and municipal police officer.
- An emergency medical services provider certified by the Department of Health;
- An employee of a public library, who has direct contact with children in the course of employment;
- An individual supervised or managed by a person listed above who has direct contact with children in the course of their employment; and
- An independent contractor who has direct contact with children.
- An attorney affiliated with an agency, institution, organization or other entity that is responsible for the care, supervision, guidance or control of children.
- A foster parent.

Minor: is defined as a person under the age of 18. A minor should never be used as a chaperone.

National Review Board: A board instituted by the Charter for the Protection of Children and Young People whose purpose is to collaborate with the USCCB in preventing the sexual abuse of minors in the U.S. by persons in service to the Church.

Norms: particular law for all the dioceses and eparchies of the United States of America.

Religious: a person who is a member of an institute of consecrated life or a society of apostolic life. A "Religious" is distinguished from a "Diocesan priest," who is incardinated into a diocese.

Permissive Reporters: Persons who report abuse voluntarily may do so orally, usually by telephone, by calling ChildLine or their county agency. ChildLine is available at all times and can be reached toll free at 1-800-932-0313.

- If you suspect child abuse or neglect for the following situations:
- If you are not a mandated reporter;
- You prefer to remain anonymous;
- You do not know the county where the incident occurred;
- The suspected abuse and/or neglect you are reporting occurred outside the state of Pennsylvania;
- You are unsure if the child is at imminent risk of harm.
- You have more than 8 alleged perpetrators and/or the child has a list of extensive injuries.

Report: A third party accusation of sexual abuse of a minor brought against church personnel; past or present, living or deceased, which is reported to the Bishop through any form of communication including any that are anonymous.

Safe Environment: term used to refer to a wide assortment of practices that contribute to preventing child abuse of any kind.

Safe Environment Coordinator: The person appointed by the pastor, principal or administrator to oversee compliance with the United States Conference of Catholic Bishops (USCCB) Charter for the Protection of Children and Young People and the Diocese's Safe Environments Policy.

Sexual Abuse or Exploitation: (Legal Definition, Pa. C.S. § 6303 Any of the following: (1) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:

- (i) Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- (ii) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
- (iii) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
- (iv) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

Victim/survivor: a person who has abuse of any kind in their background and has or is working to overcome the negative effects of that abuse.

Volunteer: Adults applying for or holding an unpaid position as a volunteer with a child care service, a school or a program, activity or service responsible for the child's welfare or having direct volunteer contact with children will need clearances

Vulnerable Person: Any person (children included) whose ability to perform the normal activities of daily living or to provide for his/her own care or protection is impaired due to a mental, emotional, physical or development disability or dysfunction, or brain damage or the infirmities of aging. This includes all residents or patients of a care facility.