

Policy
for the
Protection of Children
and
Young People



AND

Code of Pastoral Conduct

Catholic Diocese of Dodge City

Revised January 2018



My Dear People in Christ:

Upholding and defending the dignity of the human person is one of the hallmark responsibilities of a Catholic Christian, and one of the most important areas under this umbrella is the protection of children and youth. As Pope Francis poignantly observed, “Many painful actions have caused a profound examination of conscience for the entire Church, leading us to request forgiveness from the victims and from our society for the harm that has been caused.”¹

I am grateful for my predecessors who have taken the responsibility of protecting children and youth seriously and put in place policies and processes to assist everyone—bishops, priests and lay people alike—to be proactive and vigilant in their care for young people. In the Diocese of Dodge City policies have been in place since the mid-1990s, training programs for adults have been in place for over fifteen years and training modules for youth have been available for over ten years. I do not say this to pat ourselves on the back, but rather to remind us that the protection of children and youth requires constant observance and accountability.

To this end, as revisions have been made to our Policy, I take the opportunity to re-promulgate our Diocesan *Policy for the Protection of Children and Young People* and *Code of Pastoral Conduct* and our Safe Environment Program. The evaluation of adults will continue to be a criminal background check, and the current training programs for adults and young people that have been approved in the past will continue to be utilized.

Our attitude should be that of Pope Francis: “The Church is called to be a place of piety and compassion, especially for those who have suffered. For all of us, the Catholic Church continues to be a field hospital that accompanies us on our spiritual journey. It is the place where we can sit with others, listen to them and share with them our struggles and our faith in the Good News of Jesus Christ.”² May our efforts to protect children and youth unite us as caring brothers and sisters in the Lord who are as watchful as guardian angels over their little ones.

Given in Dodge City, Kansas, this 1st day of January 2018.

+ John B. Brungardt

Most Reverend John B. Brungardt
Bishop of Dodge City

Sister Janice Grochowsky, CST, JCL

Janice Grochowsky, CSJ
Chancellor

See that you do not despise one of these little ones, for I say to you that their angels in heaven always look upon the face of my heavenly Father. Matthew 18:10-11

¹ Pope Francis, *Chirograph* for the Institution of a Pontifical Commission for the Protection of Minors, March 22, 2014.

² Pope Francis, Address to the members of the Pontifical Commission for the Protection of Minors, September 21, 2017.



Safe Environment Program

Catholic Diocese of Dodge City

The Safe Environment Program is comprised of two components: education and evaluation.

Education

The Education component is intended to provide training and education to students, parents, ministers, educators, volunteers and others about ways to make and maintain a safe environment for children and young people.

Those required to participate in the safe environment training program are:

- Clergy (active or retired) ministering within the Diocese;
- Employees (i.e., paid personnel) of the Diocese, parish, parish school or diocesan affiliate organization;
- All volunteers who have regular contact with children and/or young people;
- Men accepted into the seminarian program for the Diocese.

All of the above also must agree to abide by the contents of the Diocesan *Code of Pastoral Conduct*.

All parents and other adults are highly encouraged to participate in the safe environment training program as well.

Evaluation

A criminal background check will be conducted on the following persons prior to the beginning of employment, ministry or activity with children or young people:

- Clergy (active or retired) ministering within the Diocese;
- Employees (i.e., paid personnel) of the Diocese, parish, parish school or diocesan affiliate organization;
- All volunteers who have regular contact with children and/or young people;
- Potential seminarians (as a part of the acceptance process).

Results of the criminal background check will be reviewed by the Bishop or his designee. Should any concerns be raised due to the results of the check, the superior of the one whose background check was completed will be notified of the concern.



Policy for Protection of Children and Young People (revised 2017)

Table of Contents

	<u>Title</u>	<u>Page</u>
I.	Preface	6
II.	Definitions	6-7
III.	Applicable Law	7
IV.	Reporting	7-9
V.	Action Where Abuse by a Lay Person Is Admitted or Otherwise Established	9
VI.	Action Where Abuse by Clergy Is Admitted or Otherwise Established	9-10
VII.	Distribution and Implementation	10
VIII.	Safe Environment	10-12
IX.	Pastoral Care	12
X.	Assistance Minister	12
XI.	Review Board	13
XII.	Review Board Investigation	13-14
XIII.	Canonical Investigation	14
XIV.	Media Representative	15
XV.	Confidentiality	15

Table of Contents continued

<u>Title</u>	<u>Page</u>
XVI. Kansas Law Summary	16-17
Code of Pastoral Conduct-Interactions with Children and Young People	18
Code of Pastoral Conduct-Harassment	19
Social Media Guideline Excerpts USCCB	20

I. Preface

1 All Church workers must conduct themselves with prudence and virtue, being aware of our responsibility before God as ministers and as representatives of the Church, and being aware of the sensitivity of our times to these questions. This *Policy for Protection of Children and Young People* as well as the *Diocesan Code of Pastoral Conduct* are set forth for the guidance of the priests, deacons, religious, and laity of our Church.

2 In all cases where an allegation of sexual abuse of a child or young person has been made, the primary concern of the Catholic Diocese of Dodge City will be the alleged victim's safety and well being. The Diocese will be committed to pastoral care for the alleged victim, the family, for the accused, and for the congregation. It is paramount that the Diocese reach out to alleged victims and their families and demonstrate a commitment to their spiritual and emotional well being. The actions described below are meant to ensure the safety of all, and to protect the rights of all, including the right to a good name for the accused. With these pastoral concerns in mind, the following is the official policy of the Diocese of Dodge City.

3 Abusive sexual behavior in any form is outside the scope of employment, ministry or volunteer work for all persons in the Diocese. The Church strongly supports the state as it tries to deal with this social and moral evil. We will comply with all civil laws, and we also expect those serving with us to do so as well. All ministers, employees, volunteers and affiliates of the Diocese must comply with state and local laws as well as with the *Diocesan Policy for Protection of Children and Young People* and *Code of Pastoral Conduct*.

4 This *Policy* emphasizes our pastoral concern for the victim and the family of the victim; to safeguard against fraudulent claims that may ruin the reputation of innocent persons; to assist in the reconciliation of the offender, alleged victim and his or her family if the alleged victim and family so desire; and to bring healing to the affected parish or institution.

5 This document presents guidelines intended to thwart sexual child abuse, mitigate harm to others, and provide guidance to Diocesan personnel in responding to allegations.

6 Any questions about the *Diocesan Policy* or *Code of Pastoral Conduct* should be directed to the Bishop, the Vicar General, or the Diocesan attorney.

II. Definitions

For the purposes of this *Policy*, the following definitions are applicable:

1 The terms "minor," "child" and "young person" shall include anyone who has not yet reached eighteen (18) years of age and those equivalent to a minor in canon law."³

³ See NOTE on the last page of the *Charter for the Protection of Children and Young People* (*Charter* hereafter), United States Conference of Catholic Bishops (USCCB), 2011 revision. Reference comes from *Sacramentorum sanctitatis tutela* (*SST*), Article 6: "...a person who habitually lacks the use of reason is to be equivalent to a minor."

2 "Physical, mental or emotional abuse or neglect" as referred to herein means the physical, mental or emotional injury to a child.

3 "Sexual abuse" includes any unlawful sexual act to or with a child as set forth under article 55 and 56 of Chapter 21 of the Kansas Statutes Annotated. Sexual abuse need not be a complete act of intercourse, nor should the term necessarily be equated with the definitions of sexual abuse or other crimes in civil law. Sexual exploitation of a child is a form of sexual abuse. Sexual exploitation of a child includes the possession of "any visual depiction of a child under 18 years of age shown or heard in engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender..." (K.S.A. 21-5510)

4 "Personnel" encompasses all personnel of the Diocese including bishops, priests, deacons, women and men religious, principals of schools, administrators and directors of ministries and services, officers and affiliates, lay employees, and lay volunteers who serve in a regular, ongoing apostolate to children.

III. Applicable Law

1 The provisions of canon law as well as Kansas statutes and cases define the types of conduct that constitute sexual abuse under this *Policy*. A supplement to this *Policy* (cf. Section XVI) summarizes certain aspects of Kansas civil law regarding sexual abuse of children. However, sexual abuse for purposes of this *Policy* should not be necessarily equated with the definitions of sexual abuse or other crimes in civil law.

2 For purposes of this *Policy*, sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification.

3 For clerics, sexual abuse also includes any offense against the Sixth Commandment of the Decalogue with a minor, as understood in the Code of Canon Law, Canon 1395, §2. Sexual abuse shall also include the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology.⁴

4 The law changes from time to time. Therefore, all personnel should familiarize themselves with the changes that may occur. The Diocesan Attorney and a canon lawyer will provide regular updates of civil and canonical law to all personnel.

IV. Reporting

1 Every incident or allegation of suspected child sexual abuse, whether reportable to state officials or not, must be brought to the Bishop's attention promptly (within 24 hours). Upon receipt of the oral report, the Bishop or his Vicar General will notify the Diocesan attorney. A written report shall follow as soon as practicable. Generally, Diocesan personnel should report to the person to whom they are responsible. Priests should report to the Bishop or Vicar General. If

⁴ *Ibid.*

that person is not available, or should such a step be inappropriate, the report is made to the next person in the chain of responsibility.

2 Generally speaking, persons responsible for the care of children must report suspected child sexual abuse to civil authorities. Such reports are made to the Department for Children and Families (DCF). Persons who must report are those who deal with the care or supervision of children: for example, teachers, principals, other school officials, day care center workers or child care workers. Priests must report to civil authorities only when they fall within the categories of professionals listed in K.S.A. 38-2223(e) (See Kansas Law Summary, Section XVI attached to this *Policy*, especially paragraphs 1, 2, and 8).

3 The seal of sacramental confession is inviolable. Nothing a priest hears in the Sacrament of Penance (Confession) from either a perpetrator or victim may ever be revealed or reported by the priest.

4 The Diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the Diocese will advise and support a person's right to make a report to public authorities.⁵ If the alleged victim is presently a minor, the Department for Children and Families, the county attorney for the county in which (1) the incident occurred, (2) where the alleged victim resides, or (3) where the accused resides, should be notified immediately by the Vicar General, the Diocesan Attorney or other designee of the Bishop. This notification may be made verbally, but should be followed with a written confirmation of the verbal report directed to the county attorney.

5 The Diocese will cooperate with public authorities about reporting cases even when the person is no longer a minor. If the alleged victim is no longer a minor, the person will be advised they have a right to make a report to the public authorities, and that the Diocese will cooperate with public authorities if a report is made. If the alleged victim requests assistance from the Diocese in making the report to the public authorities, the county attorney for the county in which (1) the incident occurred, (2) where the victim resides, or (3) where the accused resides, shall be notified of the report by the Vicar General, Diocesan Attorney or other designee of the Bishop. This notification may be made verbally, but should be followed with a written confirmation of the verbal report directed to the county attorney.

6 A standard report form is available on the Diocesan web site: <http://www.dcdiocese.org>. (Click on Safe Environment, then Reporting Sexual Misconduct). The report form contains the following:

- (a) the full name, position, address and telephone number of the person making the report.
- (b) the date of the report.
- (c) the full name, position, address and telephone number of the person suspected or accused of misconduct
- (d) the full name, sex, age, address, and telephone number of the child who has been or is suspected to be the victim of sexual abuse, and the name, address and telephone number of the parents or guardian of such victim.

⁵ See *Charter* Article 4.

- (e) a description of the incident of sexual abuse including date, time and location.
- (f) the names, positions, addresses and telephone numbers of all eyewitnesses or others having information.
- (g) any additional information bearing on the incident that may be helpful to the investigation.

7 Allegations of abuse which are required to be reported to the public authorities pursuant to paragraph 2 above should be directed to the Department for Children and Families (1-800-922-5330).

V. Action Where Abuse by a Lay Person Is Admitted or Otherwise Established

1 Any lay employee of the Diocese who is the subject of an investigation relating to an incident of sexual abuse of a minor (see Section II, Nos. 2 and 3 above) may be placed on leave with pay pending a determination of whether such employee should continue to be employed. If the lay employee is allowed to continue his or her job function pending the completion of the investigation, restrictions may be placed on the lay employee that would limit or eliminate contact with minors while the employee is at work.

2 Any volunteer or affiliate of the Diocese who is the subject of an investigation relating to an incident of sexual abuse of a minor (see Section II, Nos. 2 and 3 above) may not continue to serve in any capacity which would involve contact with minors during the pendency of the investigation.

3 After an appropriate investigation by the Review Board, any lay employee, volunteer or affiliate of the Diocese who admits to, does not contest, or whom the Review Board determines committed an act of sexual abuse of a minor, shall be terminated.

VI. Action Where Abuse by Clergy Is Admitted or Otherwise Established

1 For even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ecclesiastical ministry and, if warranted, dismissed from the clerical state. An offending priest or deacon will be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.⁶ The offending priest or deacon may request a dispensation from the obligations of the clerical state at any time.

2 The Bishop has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of ecclesiastical ministry. The Bishop is

⁶ See *Charter Article 5 and Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse by Priests or Deacons (Essential Norms hereafter) 8*, USCCB, revised 5 May 2006.

to exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as defined above (see Section III, Nos. 2 and 3) shall not continue in active ministry.⁷

3 If the penalty of dismissal from the clerical state has not been applied, the offender ought to lead a life of prayer and penance. A priest will not be permitted to celebrate Mass publicly or to administer the sacraments. He will be instructed not to wear clerical garb, or to present himself publicly as a priest.⁸ A deacon will not be permitted to engage in any clerical or ministerial activities.

VII. Distribution and Implementation

1 A copy of the *Diocesan Policy for the Protection of Children and Young People* and *Code of Pastoral Conduct* shall be distributed by the Diocesan Chancellor or the Chancellor's designee, to:

- (a) priests, deacons and religious men and women serving in the Diocese;
- (b) each parish, principals of parish schools, directors of religious education and all directors of agencies and institutes;
- (c) every director and administrator of ministries and services, including all youth ministries;
- (d) all personnel (cf. Sect. II, No. 4) who work with or around children. Pastors, principals of schools, directors and administrators are to distribute the *Policy* and *Code of Pastoral Conduct* to all future personnel at the time they enter their assignments.

2 Each person involved in work with children in the Diocese will, upon receiving a copy of the *Policy* and *Code of Pastoral Conduct*, sign a receipt and return it to the person who distributed it. A copy of the receipt shall be kept by the parish, institution or agency, ministry or service, obtaining the receipt.

3 The successful implementation of the *Diocesan Policy* and *Code of Pastoral Conduct* will require a judicious vigilance by all, including priests, school principals, administrators, and directors of ministries and services.

4 Future revisions or amendments to the *Diocesan Policy* and/or *Code of Pastoral Conduct* will be posted to the Diocesan web site: <http://www.dcdiocese.org> (Safe Environment)

VIII. Safe Environment Program

1 The Diocese will maintain a "safe environment" program, which is comprised of two components: education and evaluation.

2 Education

The education component, conducted cooperatively with parents, civil authorities, educators and community organizations will provide training and education to students, parents, ministers,

⁷ See *Charter* Article 5 and *Essential Norms* 9.

⁸ See *Essential Norms* 8B.

educators, volunteers and others about ways to make and maintain a safe environment for children and young people.⁹

- (a) The following are required to participate in the safe environment training program:
 - clergy (active or retired) ministering within the Diocese;
 - employees (i.e., paid personnel) of the Diocese, parish, parish school or diocesan affiliate organization;
 - all volunteers who have regular contact with children and/or young people;
 - men accepted into the seminarian program for the diocese.
- (b) All of those listed in (a) above must also agree to abide by the contents of the *Diocesan Code of Pastoral Conduct*.
- (c) All parents and other adults are encouraged to participate in the safe environment program as well.

3 Evaluation

- (a) A criminal background check of the following persons will be conducted prior to the beginning of employment, ministry or activity with children and young people:
 - clergy (active or retired) ministering within the Diocese;
 - employees (i.e., paid personnel) of the Diocese, parish, parish school or diocesan affiliate organization;
 - all volunteers who have regular contact with children and/or young people;
 - potential seminarians (as a part of the acceptance process).
- (b) The results of the criminal background check will be reviewed by the Bishop or his designee. Should any concerns be raised due to the results of the check, the superior of the one whose background check was completed will be notified of the concern. The background results of Diocesan or parish/parish school employees will be kept in the person's personnel file. Background results of volunteers will be kept in a confidential file in the parish or diocesan affiliate organization facility.
- (c) As part of the acceptance process, all potential seminarians will be requested to undergo a full psychological profile, which is consistent with all applicable ethical, legal and canonical principles. The psychological profile shall be maintained as part of the permanent personnel file of the seminarian. The Bishop or his designee shall review the psychological profile and criminal background results prior to accepting the applicant as a seminarian for the Diocese.
- (d) All non-incardinated clergy who seek faculties to minister within the Diocese must present documentation from the Bishop of his diocese (or his designee). This documentation is to be an accurate and complete description of the clergy's record, including whether there is anything in his background that would raise questions about his fitness for ministry.
- (e) All men or women religious seeking to engage in ministry in the Diocese will be required to present documentation from his or her religious superior. This documentation is to be an accurate and complete description of the member's record, including anything from his or her background which would raise questions about his or her fitness for ministry.
- (f) No person who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment into this Diocese.
- (g) If any incardinated cleric who has been removed from ministry due to an act of sexual abuse of a minor travels outside the Diocese for an extended period of time, or moves

⁹ See *Charter* Article 12.

or retires to another diocese, the Bishop of that place will be notified of the cleric's presence within his diocese.

IX. Pastoral Care

1 The Diocese will reach out to alleged victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the alleged victim is for healing and reconciliation. Outreach may include provision for counseling, spiritual assistance, support groups and other social services agreed upon by the alleged victim and the Diocese. Through pastoral outreach to alleged victims and their families, the Bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences, and to share his concern with them.¹⁰

X. Assistance Minister¹¹

1 The Bishop has appointed a Diocesan Assistance Minister to aid in the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel, whether the abuse was recent or occurred many years in the past. The Assistance Minister will contact the family of the alleged victim promptly, and let them know directly the Church's sincere pastoral concern. The Assistance Minister is to be a Catholic professional experienced in child abuse matters.

2 The Assistance Minister is to make the concern of the Church clear, and should inform those involved that steps are being taken to investigate the report. The Assistance Minister will make every effort to reach out to the victims and their families and demonstrate a sincere commitment to their spiritual and emotional well being. The Assistance Minister is to reassure them that they are not being asked to give up legal rights against anyone - the accused or the Church. The family will be told clearly and repeatedly that the Diocese will make a sincere effort to determine the truth and to deal appropriately with the accused.

3 The Assistance Minister, where appropriate and upon consultation with the Review Board and the Bishop or his designee, will inform the child and the family of the availability of psychological counseling, at Diocesan expense, in addition to spiritual counseling. The Assistance Minister will advise the Bishop or his designee in writing of the family's response to its actions and offer of counseling.

4 The Assistance Minister will offer to coordinate a meeting between the victims and their families and the Bishop or his designee.

¹⁰ See *Charter* Article 1.

¹¹ See *Charter* Article 2 and *Essential Norms* 3.

XI. Review Board¹²

1 The Bishop has established a Diocesan Review Board. The Board is comprised of at least five (5) persons of outstanding integrity and good judgment in full communion with the Church, the majority of whom are lay persons who are not in the employ of the Diocese. Membership shall include, but is not limited to:

- (a) lay persons with expertise in psychology, child abuse or related field;
- (b) a respected pastor designated by the Bishop;
- (c) advisors, which may include the Diocesan attorney, a canon lawyer designated by the Bishop, or others possessing professional or pastoral experience.

2 The Review Board will function as a confidential consultative body to the Bishop in discharging his responsibilities. The responsibilities of the Review Board shall include:

- (a) advising the Bishop in his assessment of allegations of sexual abuse and in his determination of suitability for ministry;
- (b) reviewing Diocesan policies for dealing with sexual abuse of minors;
- (c) offering advice on all aspects of sexual abuses cases, whether retrospectively or prospectively;
- (d) offering advice on other matters the Bishop wishes to bring to the Review Board for counsel.

3 The Review Board will meet at least annually to review the current *Policy* and *Code of Pastoral Conduct*.

4 The Bishop has appointed a chairperson of the Review Board. The chair will be a lay person who has expertise in psychology or social work or substantial experience investigating allegations of sexual abuse in children.

5 All reports of sexual abuse of a child will be reported immediately to the chair of the Review Board. The chair of the Review Board will maintain a separate file for each report received.

XII. Review Board Investigation

1 Upon receipt of a report of sexual abuse of a child, the chair of the Review Board shall notify Diocesan counsel of the report, and call a special meeting of the Review Board as a whole. The chair shall appoint an investigator(s). The investigator(s) may be a contracted private investigator, an outside consultant retained by the Diocese, a member of the Review Board, some other person skilled with interviewing techniques, or any combination of the above. The investigator(s) so appointed, in the absence of extenuating circumstances, shall:

- (a) interview the alleged victim if he or she is now an adult;
- (b) interview the accused;
- (c) interview the person receiving the complaint and anyone else deemed appropriate;
- (d) if the alleged victim is a child, the child's parents should be interviewed if it is appropriate..

¹² See *Charter* Article 2 and *Essential Norms* 4-5.

- (e) if the alleged victim is a child, it may be deemed necessary and helpful to interview the child. If it is appropriate, the interview should be done in the presence of a parent or guardian. It may be advisable to have another person present (e.g., a skilled psychologist) and to conduct the interview jointly with public authorities where possible;
- (f) consider an appropriate course of action, including but not limited to, recommending clinical evaluation of the accused;
- (g) perform any follow-up and internal investigation;
- (h) examine relevant files and documents;
- (i) conduct further interviews and investigation as needed;
- (j) report the results of the investigation to the Review Board as a whole.

2 The Review Board will then make its report to the Bishop or his designee.

XIII. Canonical Investigation¹³

1 In addition to any investigation conducted by the Review Board, when an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation by a canon lawyer appointed by the Bishop will be initiated and conducted promptly and objectively¹⁴.

2 The accused will be encouraged to retain the assistance of civil and canonical counsel. Canonical counsel, if not chosen by the accused, will be appointed under the authority of the Bishop. The accused will be promptly notified of the results of the investigation.

3 When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The Bishop shall then apply the precautionary measures mentioned in Canon 1722 (i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process).

4 The alleged offender may be requested to seek, and may be urged to voluntarily comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused.

5 When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.¹⁵

¹³ See *Charter* Article 5 and *Essential Norms* 6-7.

¹⁴ Canon 1717.

¹⁵ See *Essential Norms* 8.

XIV. Media Representative

1 The Bishop or his designee will be the Diocesan Media Representative. The Media Representative may advise members of the media of the substance of the Diocesan *Policy*, or of an incident, and of what is being done. The rights of the alleged victim and accused must be respected and canon law observed in all cases. The Diocesan Media Representative should inform media personnel that the primary concern of the Church is a pastoral concern for all - victims and their families and the accused - and that any incidental harm to the Church as an institution is of secondary consideration.

XV. Confidentiality

1 The Diocese will not enter into settlements which bind the parties to confidentiality unless the alleged victim/survivor requests confidentiality and this request is noted in the text of the agreement.¹⁶

2 To protect the reputation and good name of all involved, those who know of an incident or case of sexual child abuse should disclose information only to those authorized to receive such under Kansas law or under this Diocesan *Policy*.

3 There is always the possibility of false accusations or unsubstantial claims. It is important for all Diocesan personnel to know that both civil law and canon law¹⁷ provide penalties for the crime of falsehood flowing from false denunciation and calumny.

¹⁶ See *Charter* Article 3.

¹⁷ Canons 1390-1391.

XVI. Kansas Law Summary (July 2016)

The following is a summary of Kansas law about reporting and other requirements relating to child abuse.

1. Who Must Report? According to Kansas State Law (K.S.A. 38-2223), when there is reason to suspect a child has been injured as the result of physical, mental or emotional abuse or neglect or sexual abuse, a report must be made by the following persons: “(A) the following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed professional or practical nurses; and chief administrative officers of medical care facilities; (B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors; (C) *teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child*; (D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers and community corrections officers, case managers appointed under [K.S.A. 23-1001](#) et seq., and amendments thereto, and mediators appointed under [K.S.A. 23-602](#), and amendments thereto; and (E) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.” (Emphasis added.)

Any other person (i.e., those not listed above) may report, but is not required to under Kansas law.

2. Priests and Religious: Priests and religious are not specifically mentioned in the Kansas Statute as persons who have a duty to report abuse. However, if the individual (whether priest, religious, church or school employee or volunteer) falls into any of the categories mentioned in K.S.A. 38-2223 (i.e., a priest or sister who is a teacher, school administrator or otherwise employed by the school which the child attends), he or she has the duty to report suspected abuse under Kansas law. Kansas law does not say that clergy must report simply because they are clergy. However, the Charter for Protection of Children and Young People issued by the United States Conference of Catholic Bishops provides that in any case where there is a report of abuse of a person presently a minor, the alleged abuse *will* be reported to the appropriate authorities. If the victim is no longer a minor, the diocese will cooperate with public authorities about reporting, and will advise the victim of their right to make a report to public authorities.

3. What Requires a Report? A report must be made when a person in any of the categories listed in K.S.A. 38-2223 has reason to suspect that a child has been injured through physical, mental or emotional abuse, or neglect or sexual abuse.

4. Summary of Legal Definitions:

"Child" refers generally to any person under 18 years of age.

"Abuse" minimally includes any or all of the following:

- (a) physical, mental or emotional injury inflicted on a child;
- (b) sexual contact or intercourse;
- (c) sexual exploitation of a child, which includes the possession of "any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender..." (K.S.A. 21-5510).

"Neglect" minimally means failing to maintain reasonable care and treatment to the extent that the child's health or emotional well being is endangered.

5. To Whom Must The Report Be Made: Reports -- oral or written -- are made to the Department for Children and Families (DCF). When this department is not open for business, the report is made to the appropriate law enforcement agency. (K.S.A. 38-2223(c)). The person reporting may speak with the Diocesan attorney beforehand.

6. Penalties for Failing to Report : Any person who is required to report as stated above and who willfully and knowingly fails to do so may be found guilty of a Class B Misdemeanor. (K.S.A. 38-2223(e)(1)). It is not a defense that another mandatory reporter made a report. Likewise, anyone who prevents or interferes with the making of a report required by law may be found guilty of a Class B Misdemeanor. (K.S.A. 38-2223(e)(2)). Any person who willfully and knowingly makes a false report or makes a report that the person knows lacks factual foundation is guilty of a Class B Misdemeanor. (K.S.A. 38-2223 (e)(3)).

7. Protection for Those Who Report: Under Kansas law (K.S.A. 38-2223(f)), anyone participating without malice in the making of an oral or written report of the abuse of a child, or in any follow-up investigation of the report, shall have immunity from any civil liability that might otherwise be incurred or imposed. Such a participant has the same immunity with respect to participating in a judicial proceeding resulting from the report.

8. Penitential Communication Privilege: Kansas law (K.S.A. 60-429) recognizes as privileged what the statute defines as a "penitential communication". A "penitential communication" means "any communication between a penitent and a regular or duly ordained minister of religion which the penitent intends shall be kept secret and confidential and which pertains to advice or assistance in determining or discharging the penitent's moral obligations, or to obtaining God's mercy or forgiveness for past culpable conduct." (K.S.A. 60-429 (a) (5))

"A person, whether or not a party, has a privilege to refuse to disclose, and to prevent a witness from disclosing a communication if he or she claims the privilege and the judge finds that (1) the communication was a penitential communication, and (2) the witness is the penitent or the minister, and (3) the claimant is the penitent, or the minister making the claim on behalf of an absent penitent." (K.S.A. 60-429 (b))

Any questions regarding this summary should be directed to the Diocesan Attorney.



Code of Pastoral Conduct Interaction with Children and Young People (Revised 2017)

Children and young people are the most important gifts God has entrusted to the Church. In order to create a safe environment that will reverence the dignity of the child's life, all who interact with children and youth within the Diocese of Dodge City are to follow the norms of this Code of Conduct. Violations to the Code of Conduct could result in a public announcement.

As I interact with children and young people, I will:

- Treat everyone with respect, dignity, patience, integrity, courtesy and consideration.
- Use positive reinforcement rather than criticism, competition or comparison.
- Interact with children or youth in areas that are accessible and visible.
- Avoid situations where I am alone with a child or young person.
- Avoid driving alone with a child or young person who is not my own child.
- Refrain from giving expensive gifts to children or youth without approval from parents or guardians and the pastor. The imparting of expensive gifts could be misunderstood by others as grooming behavior.
- Refuse to accept expensive gifts from children, youth or their parents without prior approval from the pastor.
- Report suspected sexual abuse to the pastor or appropriate supervisor and proper local authorities. In cases where suspected abuse was perpetrated by the pastor, supervisor or other church leader, a report should be made immediately to the proper civil authority and to the bishop or his representative.
- Cooperate fully in any investigation that may occur into an allegation of sexual child abuse.
- If I am the director of religious education, principal of a Catholic School or director of youth ministry, I will periodically review this Code of Conduct with those who interact with young people under my supervision.

As I interact with children and young people, I will not:

- Humiliate, ridicule, threaten or degrade; strike, spank, shake or slap children or youth.
- Allow minors to be the primary supervisor of other minors. There must be present one adult who has received safe environment training and has a completed background check.
- Use, possess or be under the influence of alcohol while interacting with minors.
- Use, possess or be under the influence of illegal drugs at any time.
- Touch a child or young person in a sexual way or in any other inappropriate manner.
- Share, promote or disseminate pornographic, sexually explicit or otherwise inappropriate material with a minor. I understand and agree that possessing, posting, downloading or accessing child pornography is a criminal offense. All who interact with minors on behalf of the Diocese of Dodge City have a legal obligation to report this behavior to civil authorities and law enforcement when it is discovered. Proven participation in child pornography will result in strong disciplinary action with regard to employment or volunteer activity.



Code of Pastoral Conduct

Harassment

(Revised 2018)

The Catholic Diocese of Dodge City is committed to providing a professional and productive work environment which promotes a spirit of mutual trust and respect and is free of harassment. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the dignity of the individual.

Conduct by any employee or volunteer who harasses another; disrupts or interferes with another's work performance; or creates an intimidating, demeaning, insulting, abusive, offensive or hostile environment will not be tolerated. This includes but is not limited to offensive, harassing or disruptive conduct directed at individuals for such reasons as race, national origin, citizenship, religion, disability, pregnancy, age, military status or gender.

Harassment encompasses a broad range of physical, verbal and non-verbal behavior, which can include but is not limited to the following:

- Derogatory ethnic slurs or racial insults;
- Inappropriate touching;
- Requests for sexual favors used as a condition of employment or affecting any personnel decision such as hiring, promotion or compensation;
- Display of offensive materials;
- Sexually-offensive or vulgar comments or jokes.

Harassment can occur as a result of a single egregious act or a persistent pattern of behavior which results in the creation of a hostile, abusive, offensive, or intimidating work environment, or unreasonably interferes with or adversely affects a person's performance or opportunities. Such behavior is not acceptable and will not be tolerated.

Any employee or volunteer who believes he/she, or another employee or volunteer has been the victim of harassment, must report the action in a timely manner to his/her supervisor, the Diocesan Attorney, the Vicar General or his designee. If a supervisor has been notified of alleged harassment, he/she will document the complaint and contact the Diocesan Attorney, the Vicar General or his designee.

No one will be retaliated against for making an allegation or for cooperating in the investigation of a harassment complaint. However, providing false information during an investigation or failure to cooperate with an investigation may result in disciplinary action up to and including termination.

Pastors, Administrators, Parish Life Coordinators, Principals and other directors are responsible for providing an environment free from harassment and for taking timely and appropriate corrective action when it occurs. Refer to Diocesan Harassment Policy for more information.

Excerpts from **Social Media Guidelines** from the Department of Communications of the United States Conference of Catholic Bishops (<http://www.usccb.org/about/communications/social-media-guidelines.cfm>).

In this document, “church personnel” is defined as anyone—priest, deacon, religious, bishop, lay employee, or volunteer—who provides ministry or service or is employed by an entity associated with the Catholic Church.

Social Networking with Minors

Be sure to have permission from a minor’s parent or guardian before contacting the minor via social media or before posting pictures, video, and other information that may identify that minor.

Parents must have access to everything provided to their children. For example, parents should be made aware of how social media are being used, be told how to access the sites, and be given the opportunity to be copied on all material sent to their children via social networking (including text messages). While parents should be provided with the same material as their children, it does not have to be via the same technology (that is, if children receive a reminder via Twitter, parents can receive it in a printed form or by an e-mail list).

Church personnel should be encouraged to save copies of conversations whenever possible, especially those that concern the personal sharing of a teen or young adult. (This may be especially important with text messaging.)

Make everyone aware of the [Children’s Online Privacy Protection Act](#) . . . , which is federal legislation that oversees how websites interact with children under age 13.

[The primary goal of COPPA is to place parents in control over what information is collected from their young children online. The Rule was designed to protect children under age 13 while accounting for the dynamic nature of the Internet. The Rule applies to operators of commercial websites and online services (including mobile apps) directed to children under 13 that collect, use, or disclose personal information from children, and operators of general audience websites or online services with actual knowledge that they are collecting, using, or disclosing personal information from children under 13.]

Personal Sites

Personal sites of church personnel should also reflect Catholic values. Businesses are cautioning their employees that, while employees have a right to privacy and confidentiality regarding what their employers know about them, an employee’s use of social networking—because of its very nature—means he or she relinquishes some privacy and could be construed as representing the company’s ethics and values. Likewise, church personnel should be encouraged to understand that they are witnessing to the faith through all of their social networking, whether “public” or “private.”

Many employers and church organizations ask their personnel to consider including a disclaimer on their personal sites, especially if employees/church personnel are highly visible in the community and/or post material related to church work/ministry on their personal sites. One example: “The views expressed on this site are mine alone and do not necessarily reflect the views of my employer.”