

SAFE ENVIRONMENT PROCEDURES

Roman Catholic Diocese of Springfield-Cape Girardeau



*The Diocese will reach out
to victims 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 victim,
is for healing and reconciliation.*

Safe Environment Procedures of the Diocese of Springfield-Cape Girardeau

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Safe Environment Procedures of the Diocese of Springfield-Cape Girardeau

Introduction

The Church proclaims God’s revelation as an essential guide to understanding human sexuality which concerns the inmost being of the human person and is part of God’s design for love. Saint Pope John Paul II teaches that human sexuality “is realized in a truly human way only if it is an integral part of the love by which a man and woman commit themselves totally to one another until death” (*On the Family*, #11).

Such a view of human sexuality is not shared by everyone in our society. And some who accept that vision may sin against it. God’s revelation and the teachings of the Church help form a proper understanding of, and respect for, human sexuality.

In 1993, the Diocese of Springfield-Cape Girardeau adopted a Sexual Misconduct Policy for all personnel of the Diocese. The document was revised subsequent to the adoption in 2002 of the *Charter for the Protection of Children and Young People* (hereafter *Charter*) and the 2006 *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (hereafter *Norms*) In 2013, this document was revised subsequent to the adoption of the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors*, and the 2011 revision of the *Charter*. In 2015 this document was revised to include appropriate references to Canon Law and again in 2017, revised to reflect recommendations of the USCCB National Review Board and the changes in the Missouri Statutes regarding child sexual abuse and sexual misconduct.

These updated procedures are based on Catholic beliefs. They provide clarity for diocesan personnel on behaviors which fail against prudence and the practice of chastity. This is at the service of one’s own, and others’, healthy human sexuality.

- I. Definitions.** For purposes of this document:
 - A. “Diocese” or “diocesan”** means the Diocese of Springfield-Cape Girardeau as a corporate entity, including its parishes, schools and other institutions.
 - B. “Diocesan personnel”** means clergy, parish life coordinators, religious, seminarians, all diocesan employees and volunteers, who work or volunteer on a regular basis within any organization designated as a diocesan entity.
 - C. “Sexual Misconduct”** means any sexual conduct of diocesan personnel which is: contrary to the moral instructions, doctrines and canon law of the Catholic Church; and/or unlawful as described by the laws of the State of Missouri (see subsection F below). (Note that “sexual misconduct” includes “sexual abuse” and other offenses as defined in subsection D below, but is broader in that it includes conduct involving adults and minors.)

- D. “Sexual Abuse”*** refers to any sexual conduct of diocesan personnel with a minor which is:
1. Contrary to the moral instructions, doctrines and canon law of the Catholic Church. (See Note below); or
 2. Unlawful as described by the laws of the State of Missouri (see subsection F below).
- E. “Minors”** refers to anyone under the age of 18 or an adult who habitually lacks the use of reason. For the purposes of this document, the term “minors” also includes high school students age 18 or older. Sexual misconduct or abuse of a minor will be understood according to the *Charter**.

*Note

For purposes of this Charter, the offense of sexual misconduct or abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela (SST)*, Article 6, which reads:

- §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:
- 1o the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.
 - 2o the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;
- §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III (g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act. (*Charter Note*)

- F. Definitions of Sexual Misconduct under State Law.** This document is intended to include, but not be limited to, incidents of sexual misconduct that are violations of civil or criminal law. A violation of criminal law can subject the

perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages.

The law changes from time to time by enactment of amendments to statutes and judicial interpretations. It is not possible to set out all of the laws in this document, but assistance will be given to all personnel having questions or seeking knowledge concerning the law.

The Missouri Criminal Code defines various types of violations. Primary areas of particular relevance include, but not limited to the following:

1. **Child**, any person, regardless of physical or mental condition, under eighteen years of age.
2. **Child Abuse.** Section 210.110.1, RSMO, defines “abuse” as any physical injury, sexual abuse or emotional abuse inflicted on any person under the age of 18 years of age (other than by accidental means) by those responsible for his care, custody and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse.
3. **Sexual Offenses.** Chapters 566, 573 Missouri Revised Statutes.

“**Deviate Sexual Intercourse,**” any act involving the genitals of one person and the hand, mouth, tongue, anus of another person or a sexual act involving the penetration, however slight, of the penis or genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim (RSMO 566.010.1).

“**Sexual Abuse,**” subjecting another person to sexual contact when that person is incapacitated, incapable of consent or lacks the capacity to consent, by the use of forcible compulsion, or without consent (RSMO 566.100, 566.101).

“**Sexual Conduct,**” sexual intercourse, deviate sexual intercourse, actual or simulated acts of human masturbation, physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent stimulation or gratification (RSMO 566.0200).

“**Sexual Contact,**” any touching of the genitals or anus of another person or the breast of any female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person (RSMO 566.010).

“Sexual Exploitation of a Minor,” when a person knowingly or recklessly photographs, films, videotapes, produces or otherwise creates obscene material with a minor or child pornography (RSMO 573.023, 573.025).

“Sexual Intercourse,” any penetration, however slight, of the female genitalia by the penis (RSMO 566.010).

“Sexual Misconduct,” Chapter 566.083.1 RSMO. A person commits the offense Sexual Misconduct involving a child if such person:

knowingly exposes his or her own genitals to a child less than 15 years of age under the circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child, or, for the purpose of arousing or gratifying the sexual desire of any person, including the child;

knowingly coerces or induces a child less than fifteen years of age to expose the child’s genitals for the purpose of gratifying the sexual desire of any person, including the child; or,

knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

“Enticement of a Child,” to persuade, solicit, coax, entice, or lure, whether by words, actions or through communications via the internet or any electronic communication, any person less than 15 years of age for the purpose of engaging in sexual conduct (RSMO 566.151.1).

“Possession of Child Pornography,” knowingly or recklessly possessing any child pornography of a minor less than eighteen years of age or obscene material portraying what appears to be a minor less than eighteen years of age (RSMO 573.037, Definitions 573.010).

II. **Background Screening.** (*Charter*, Article 13)

- A. **Background Screening.** A background disclosure and authorization form, a copy of which is attached to this policy as Appendix B1, is to be completed by all diocesan personnel online through their VIRTUS accounts, and by paper form. All paper forms are to be sent to the diocesan office, and a copy retained at the diocesan institution. The diocese will conduct a local and national criminal screening of all diocesan personnel. Random rescreening will be conducted on all diocesan personnel approximately every three years. Thorough reference checks should also be conducted for potential diocesan personnel.

With regard to priests from other dioceses, religious priests, deacons, sisters and brothers working in the Diocese, the major superior shall inform the Bishop, in

accordance with canon and civil law, of all information concerning any allegation of sexual misconduct or abuse of a minor or an adult who habitually lacks the use of reason. This will be done with due recognition of the legitimate authority of the Bishop; of the provisions of CIC, canon 678 (CCE), canons 415.1 and 554.2) and of CIC, canon 679; and of the autonomy of the religious life (CIC, canon 586). On its part the Diocese of Springfield-Cape Girardeau shall, in writing, inform the superior of any allegation of physical or sexual misconduct of such personnel. (*Norms 12*).

- B. Candidates for Ordination.** In addition, the Diocese will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination.

III. Making a Complaint or an Allegation of Sexual Misconduct to the Diocese.

The Diocese supports and encourages the reporting of all incidents of sexual misconduct, regardless of the identity of the alleged offender.

The Diocese recognizes that bringing an allegation of sexual abuse or misconduct to the attention of church officials can be a difficult decision. To make this process as safe and comfortable as possible, the Diocese has provided a variety of methods for bringing such a complaint.

Any person who alleges sexual misconduct on the part of diocesan personnel may bring a complaint by contacting any one of the following individuals in writing, by telephone, in person, or online. Please mark all correspondence “Personal and Confidential.”

- A.** The Bishop of the Diocese of Springfield-Cape Girardeau, 601 S. Jefferson Avenue, Springfield, MO 65806, (417) 866-0841;
- B.** The Chancellor of the Diocese of Springfield-Cape Girardeau, 601 S. Jefferson Avenue, Springfield, MO 65806, (417) 866-0841;
- C.** Any pastor or parish life coordinator of a parish within the Diocese;
- D.** The Victim Assistance Coordinators who are laypersons not in the employ of the Diocese. (The names of the Victim Assistance Coordinators are available through the Catholic Center, (417) 866-0841, and are also listed on the diocesan web site, www.dioscg.org, and in the Official Catholic Directory and the diocesan directory.)
- E.** TIPS reporting system, www.dioscg.org.

The Diocese shall make its procedures for reporting allegations of sexual misconduct available in printed form and through periodic public announcements so that those affected can readily make complaints.

Nothing within this section shall be interpreted to preclude or prohibit the reporting of any incidents of sexual misconduct or abuse to appropriate civil authorities and the reporting to civil authorities is encouraged and may also be required as set forth in Section X.C of this document.

IV. To Promote Healing and Reconciliation.

The Diocese will reach out to victims 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 victims is for healing and reconciliation (*Charter*, Article 1).

V. Diocesan Review Board.

- A. Authorization of Board.** The Charter calls for a Review Board in every diocese to function “as a confidential consultative body to the bishop” (*Charter*, Article 2). In this Diocese, the Review Board will advise the bishop and diocesan administrators regarding alleged offenses against the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors*, and other matters brought to the board by the Bishop. (*Norms*, 4, *Diocesan Review Board By-Laws*).
- B. Composition of Board.** The Diocesan Review Board shall be composed of at least five persons appointed by the Bishop (*Norms*, 5) the majority of whom shall be lay persons not in the employ of the Diocese. The Promoter of Justice is a member of the Board. At least one member shall be a priest, and at least one member shall have particular expertise in the treatment of the sexual misconduct or abuse of minors. The members shall be appointed for a term of five years, which term can be renewed. (*Norms*, 5), (RSMO 210.153).
- C. Responsibilities of Board.** The functions of the Review Board shall include, but are not limited to:
1. Advise the Bishop in assessing allegations of sexual misconduct concerning minors and appropriate disciplining action (*Norms* 4; *Charter*, Article 2);
 2. Advise the Bishop, when an allegation of sexual misconduct or abuse by a member of the clergy against a minor is made, regarding the appropriateness of forwarding the allegation to the Congregation for the Doctrine of the Faith. Such an action automatically places the allegation in an ecclesial tribunal for adjudication of innocence or guilt (*Norms* 4; *Charter*, Article 2);
 3. Advise the Bishop, when an allegation of sexual misconduct or abuse has been made against diocesan personnel regarding the findings of the investigation and appropriate disciplinary action in accord with the *Code*

of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors.

4. Review periodically the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors* and *Safe Environment Procedures* of the Diocese (*Norms 4; Charter, Article 2*).
5. Promoter of Justice is responsible to see that the safeguards and requirements of the law are applied equitably and that the rights of the complainant and the accused are protected. The Promoter must have an unimpaired reputation, be proven in prudence and in zeal for justice, and possess a degree in canon law (CIC, c. 1453). For cases involving a priest, the Promoter of Justice must be a priest, unless the Congregation for the Doctrine of Faith grants a special dispensation (John Paul II, *Sacramentorum Sanctitatis Tutela*, Article 12). In accord with these policies and procedures, the Promoter will:
 - a. Be present, to the extent possible, at all meetings of the Review Board to help ensure and safeguard the integrity of the process followed by the review board in fulfilling its duties; especially, with regard to matters related to Canon Law (*Norms 5; Charter, Article 2*);
 - b. Be consulted prior to imposing administrative leave during the penal process;
 - c. Act on behalf of the complainant in all judicial penal trials.

D. Confidentiality. In assisting the Bishop in arriving at the appropriate action following allegations of sexual abuse or misconduct by diocesan personnel, the work of the Review Board is confidential, with the condition that, when an allegation of sexual misconduct or abuse against a minor is judged to have a Semblance of truth—a reason to believe or reasonable cause to suspect, that allegation will be reported to Missouri Abuse and Neglect as required by law for all Mandatory Reporters and consistent with the diocese’s commitment to transparency and openness with respect always for the privacy and the reputation of the individuals involved (*Norms Preamble*), (RSMO 210.115, 210.130, 210.140, 210.145, 210.150).

VI. Investigation of Reported Incidents.

Every incident will be immediately assessed, with care taken to not interfere with any civil or criminal investigation, and with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the accused.

- A.** No investigation should commence until State Child Abuse and Neglect Services and local authorities have been notified and it is certain that the Bishop's Review Board's action would not interfere with law enforcement's investigation (*Charter*, Article 4). The Alleged Victims and the Alleged Abuser will be provided a Statement Explaining their respective Rights during the process. Under the RSMO 210.183, the alleged perpetrator shall be provided a written description of the investigation process by the Children's Division assigned worker.
- B.** When there is a Semblance of truth—that is, a reason to believe or a reasonable cause to suspect—that sexual misconduct or abuse of a minor by clergy has occurred, the Congregation for the Doctrine of the Faith will be notified and the Bishop will relieve the alleged offender promptly of any ecclesiastical ministry or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Eucharist pending the outcome of the process (*Norms* 6). The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by the appropriate ecclesial tribunal or civil authorities (*Norms* 7), (RSMO 352.400)
- C.** During the investigation, the accused enjoys the presumption of innocence; all appropriate steps shall be taken to protect his reputation (*Norms* 6).
- D.** When there is a Semblance of truth—that is, a reason to believe or a reasonable cause to suspect—that sexual misconduct or abuse of a minor by non-clergy personnel of the Diocese has occurred, the alleged offender will be relieved of all responsibilities in the Diocese, parish, office, or institution and placed on administrative leave pending the outcome of the internal and any outside investigation.
- E.** The alleged victim and the accused shall be encouraged to retain the assistance of civil and canonical counsel. When an accusation is made, the person accused should be interviewed. The accused should be informed that anything he or she says may be used against him or her in a criminal proceeding or in a civil lawsuit. The accused should be presented with a specific listing of allegations and be permitted to ask clarifying questions and respond to the allegations.
- F.** When further investigations are appropriate, they may include, but are not limited to interviews (which may be recorded or handwritten) with the alleged victim, the accused and any witnesses, or accessing other available print or electronic information, materials and sources. Both the alleged victim and the accused may be informed of and allowed to respond in writing to the evidence in the case.
- G.** Appropriate records of each incident reported, any investigation and the results thereof will be kept by the Bishop's designated Diocesan Representative (The Director of Child and Youth Protection).

- H. Diocesan Legal Representative shall be informed of allegations when deemed to have a semblance of truth and/or reportable to Child Abuse and Neglect.
- I. Notification of the incident shall be given to insurers in accordance with the terms of applicable insurance policies.
- J. Any media contact or inquiries regarding an incident of sexual misconduct should be directed to the diocesan Director of Communications.

VII. Confidentiality Agreements.

The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement (*Charter*, Article 3).

VIII. False Accusations and Unsubstantiated Claims.

There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. It is important for all diocesan personnel to know that both civil law and canon law provide penalties for the crime of falsehood in which individuals become victims of false denunciation, defamation or slander. In accordance with RSMO 210.165.2, any person who intentionally files a false report of child abuse or neglect is guilty of a Class A Misdemeanor.

False allegations victimize the accused. When an accusation has been determined to be unsubstantiated, compassionate support should be extended to the accused acknowledging the suffering and humiliation the accused has endured due to this injustice. Assistance should be given to the falsely accused person, both by the Diocese and by that person's local faith community. Every step possible shall be taken to restore the good name of the person falsely accused and every effort will be made to return the individual to employment or service in the Diocese (*Norms* 13), (RSMO 210.152; 210.183).

IX. Notifications.

- A. **To the Public.** The procedures for reporting allegations of sexual misconduct will be posted on the diocesan web site. Information regarding the procedures for reporting allegations will be periodically published in the diocesan newspaper, in the bulletins of all parishes of the Diocese, and in the publications of all schools of the Diocese. A poster, provided by the Diocese, with procedures for reporting, is to be displayed in the public gathering spaces of each Church, parish hall and school. (*Charter*, Article 6).
- B. **To Diocesan Personnel.** All diocesan personnel shall sign annually Appendix A1, the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working*

with Minors. If not signed electronically, a copy is to be forwarded to the diocesan Office of Child and Youth Protection. (*Charter*, Article 6).

X. Procedures that relate to Sexual misconduct or abuse of Minors.

- A. Education.** The Diocese will establish “safe environment” programs that address issues of sexual misconduct, reporting obligations and appropriate boundaries. The Diocese will cooperate with parents, civil authorities, educators and community organizations to provide education and training for children, youth, parents, ministers, educators and others about ways to make and maintain a safe environment for children. The Diocese will make clear to all members of the community the standards of conduct for all diocesan personnel in positions of trust with regard to sexual misconduct or abuse. (See Appendix A, *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors.*) All Diocesan personnel are required to attend a Diocesan Safe Environment Training program. (*Charter*, Article 12).

Any adult is encouraged and welcome to attend the safe environment programs held in the Diocese.

- B. Background and Reference Checks for those who have Contact with Minors.** Section II. of this policy concerns background and reference checks for all paid employees of the Diocese whether or not such employees have regular contact with minors. Similar background and reference checks are required for all diocesan personnel (see definition, Section I.B. of this policy), including volunteers who have regular contact with minors. See appendix B1.
- C. Reporting to Civil Authorities.** The Diocese will report allegations of sexual misconduct or abuse of a person who is a minor to the civil authorities and will fully cooperate in their investigation in accord with the laws of the State of Missouri (*Charter*, Article 4).
- 1. Who Must Report.** In general, every person with responsibility for the care of minors is required to make a report. This includes but is not limited to teachers, principals, other school officials, ministers, day care center workers, childcare workers or social workers (in addition to health care personnel, nurses and physicians, mental health professionals and others). In addition, members of the clergy are required to report unless to do so would violate a privileged communication made to them in their professional capacity as spiritual advisors, confessors or comforters. In the interest of protecting our children, the Diocese also strongly encourages those individuals who are not mandated reporters under Missouri law to report instances of suspected child abuse as well, (RSMO 210.115; 210.130; 210.140; 352.400).

2. **What Requires a Report.** A person is required to report when he/she has reasonable cause to suspect that a minor has been or may be subjected to abuse or neglect or observes a minor being subjected to conditions or circumstances which would reasonably result in abuse or neglect. (Note that the obligation to report child abuse and neglect is broader than issues of sexual misconduct.)
3. **To Whom the Report Must Be Made.**
 - a. **To Public Authorities.** Any person with the responsibility for the care of children (which includes but is not limited to all mandated reporters, or the designated agent of the religious organization) who has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, shall immediately report to **the Missouri Child Abuse and Neglect Hotline 800-392-3738**. Any person required to report learning of abuse or neglect outside of his/her staff or professional position, may also report to any law enforcement agency or juvenile office; however, this report shall not take the place of reporting to the Children's Division. (RSMO 210.115; 352.400).
 - b. **To the Diocese.** Any violation of this policy must also be reported by diocesan personnel to the Diocese for internal action and follow-up. A verbal report to the appropriate diocesan supervisor (e.g., the Diocesan Superintendent of Schools) shall be followed immediately by a written report with a copy to the Chancellor or his designate. The diocesan reporting form to be used is Appendix C or TIPS.
4. **When Report Must Be Made.** The report must be made to the Division of Family Services by the person legally responsible for making the report immediately upon receiving a report of child abuse or other information regarding child abuse which gives him/her reasonable cause to suspect that a child has been or may be subjected to abuse or neglect. Reports of sexual misconduct or abuse of any child under eighteen years of age must be made within twenty-four hours (RSMO 210.130, 352.400).
5. **Failure to Report.** Failure to report suspected child abuse by a person legally required to do so may subject the person to probation, a fine, and/or imprisonment (RSMO 210.140, Privileged Communication not Recognized, Exception; 210.165 Penalty for Violation; 352.400, Ministers Duty to Report).

D. Action Where Guilt Determined

1. Any non-clergy personnel of the Diocese who admits to, does not contest, or is found guilty of an incident of sexual misconduct or abuse shall be immediately terminated from employment and any position of responsibility within the Diocese.
2. Where sexual misconduct or abuse by clergy is admitted or is established after an appropriate investigation in accord with Canon Law (see *Norms 6*), the following will pertain:
 - a. Through an administrative act, the offending priest or deacon will be permanently removed from ministry for even a single act of sexual misconduct or abuse of a minor (*Norms 8*). An offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
 - b. In every case, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (*cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001*). These provisions may include a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state, or a request by the Bishop for dismissal from the clerical state *ex officio* even without the consent of the priest or deacon (*Norms 10*). For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel (*Norms 6*). When necessary, the Diocese will supply canonical counsel to a priest or deacon.
 - c. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to administer the sacraments, to wear clerical garb, or to present himself publicly as a priest (*Norms 8b*).
 - d. No priest or deacon who has had a credible allegation of sexual misconduct or abuse made against him will be transferred to another diocese for residence (*Norms 12*).

E. To Promote Healing and Reconciliation

The Diocese will reach out to every person who has been the victim of sexual misconduct or abuse as a minor by anyone acting in the name of the Church,

whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Diocese. In cooperation with social service agencies and other churches, support groups for victims-survivors and others affected by abuse will be fostered and encouraged by the Diocese and local parish communities.

The Diocese will respond promptly to any allegation where there is reason to believe that sexual misconduct or abuse of a minor has occurred. The Assistance Coordinator will aid in the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other diocesan personnel.

Through pastoral outreach to victims and their families, the bishop will offer to meet with them. This pastoral outreach by the bishop will also be directed to faith communities in which the sexual misconduct or abuse occurred.

Policy adopted 1993; revised 2003, 2005, 2007, 2008, 2013, 2015, 2017



DIOCESE OF SPRINGFIELD-CAPE GIRARDEAU CODE OF CONDUCT FOR CLERGY, EMPLOYEES AND ADULT VOLUNTEERS WORKING WITH MINORS

To foster and maintain an atmosphere of trust and safety in its ministry to minors, the Diocese of Springfield-Cape Girardeau has established a *Code of Conduct for Clergy, Employees and Adult Volunteers Working with Minors*. The Diocese expects all Church personnel to maintain high standards of professional, ministerial and moral behavior.

A. Definitions

1. A minor is defined as anyone under the age of 18. For the purposes of this document, the term “minors” also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities, and high school students age 18 or older.
2. Physical abuse is non-accidental injury intentionally inflicted on a minor.
3. Sexual misconduct or abuse is any contact of a sexual nature that occurs between a minor and an adult. This includes any activity that is meant to arouse or gratify the sexual desires of the adult. Abuse of minors is contrary to the teachings of the Church and is never permissible. Church personnel have a responsibility to actively protect minors from all forms of abuse.
4. Church personnel are defined as any persons, lay, religious or clergy, who are employed by or who volunteer for a diocesan institution, school or parish.

B. General Guidelines

The following guidelines are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address the interactions within families. For clarification of any guideline or any inquiry about behaviors not addressed here, one’s immediate supervisor should be contacted, or in the case of clergy, the Diocesan Office. These guidelines do not supersede state law.

1. Ministry to minors within the Church is at the service of the parents who have the first responsibility to care for and educate their children. Therefore, activities with minors are to be conducted with the explicit knowledge and consent of parents or legal guardians.
2. Church personnel are responsible for releasing minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians at the close of services or activities. In the event that Church personnel are uncertain of the propriety of releasing a minor, they are to immediately locate or contact their immediate supervisor before releasing the child.
3. While working with minors, Church personnel are prohibited from the use, or being under the influence of alcohol or any illegal drugs, or impaired by other drugs. They are also prohibited from furnishing alcohol or illegal drugs to minors or permitting minors to use such in their presence. The use of tobacco products while working with minors is prohibited, as well as furnishing tobacco products to minors.
4. Church personnel are prohibited from possessing weapons of any type at any time while working with minors.
5. While working with minors, church personnel are prohibited from accessing, possessing or showing sexually explicit materials or images, or pornography, as well allowing minors to view pornography.

C. Physical Contact

The Diocese of Springfield-Cape Girardeau has implemented a physical contact policy that will promote a positive, nurturing, safe environment for children and youth ministries while protecting both children and Church personnel from misunderstandings. The following guidelines are to be carefully followed by all Church personnel working with children and in youth programs.

1. Church personnel are prohibited from using physical discipline in any way for behavior management of minors. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behavior by minors.

2. Appropriate affection between Church personnel and minors is important for a child's development and a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for most Church sponsored and affiliated programs:
 - Side hugs
 - Shoulder to shoulder hugs
 - Pats on the shoulder or back
 - Handshakes
 - "High-fives" and hand slapping
 - Verbal praise
 - Touching hands, faces, shoulders or arms of minors.
 - Arms around shoulders
 - Holding hands while walking with small children
 - Pats on the head when culturally appropriate
3. Some forms of physical affection have been used to initiate inappropriate contact with minors. The following are examples of affection that are not to be used in Church sponsored and affiliated programs:
 - Inappropriate or lengthy embraces
 - Kisses on the mouth
 - Holding minors over five years old on the lap should be avoided
 - Touching buttocks, chests or genital areas or the clothing surrounding these areas (except when assisting with toileting)
 - Showing affection while in isolated areas of a building such as bedrooms, closets, staff only areas or other private rooms
 - Sleeping with a minor or sharing a bed
 - Touching the knees or legs of minors (except when assisting with health or hygiene)
 - Tickling minors
 - Wrestling and/or roughhousing
 - Piggyback rides
 - Any type of massage given by a minor to an adult
 - Any type of massage given by an adult to a minor
 - Comments that relate to physique or body development
4. No form of affection, even if generally regarded as appropriate, is to be used when a minor expresses either verbally or non-verbally, discomfort with the form of affection.

D. Undue Attention

Certain conduct has been used by adults to develop inappropriate relationships with minors. Activities include singling out minors or showing them unusual attention. Some examples of this behavior prohibited for Church personnel are:

- Presenting gifts to a particular child (relatives excluded)
- Allowing a minor to drive automobiles of Church personnel even though another adult may be present
- Singling out a particular child for special dinners, events, trips or outings.

E. Screening

1. Without exception, all applicants for Church positions working with minors will be required to complete the following:
 - a. An authorization and disclosure to conduct a criminal background check.
 - b. Applicants will also be required to read and sign the *Code of Conduct for Clergy, Employees and Adult Volunteers Working with Minors*.

F. Education and Training

1. Church personnel are required to review and agree to comply with the *Code of Conduct for Clergy, Employees and Adult Volunteers Working with Minors*.
2. Members of the clergy, religious, employees and all volunteers who work with minors will be required to attend the VIRTUS Program, *Protecting God's Children*®. Clergy, employees and volunteer catechetical leaders are required to read monthly VIRTUS training bulletins. Volunteers are required to read at least three bulletins per year provided by their supervisor.
3. Minors who work as employees or volunteers will be informed that they have a right to a safe working environment and a right to disclose behavior not in accord with these standards. They are required to read and sign *the Code of Conduct for Minors Volunteering or Working with Younger Children*.

G. Program Supervision

1. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Springfield-Cape Girardeau. Parents are always welcome to observe programs and activities in which their children are involved. However, parents who desire to participate in or have ongoing contact with their child's programs in the Church will be required to complete the volunteer application process.
2. Programs for minors are to be sponsored by two or more adults.
3. Church personnel under the age of 21 must work under the direction of an adult supervisor age 25 or older.
4. Church personnel responsible for supervision of parish and school activities must be aware of all programs for minors that are sponsored by a parish or school or institution. A list of these programs is to be maintained and include purpose, activities, sponsors or coordinators, meeting times and locations. Leaders are to examine these programs and decide whether there is adequate supervision. A list of employees and volunteers is to be kept and updated annually.

H. Reporting Violations

Abuse of a minor must first be immediately reported to the **Missouri Child Abuse and Neglect Hotline** at **1-800-392-3738** and may also be reported to law enforcement agencies. All Church personnel are required to report **violations** of the *Code of Conduct for Clergy, Employees and Adult Volunteers Working with Minors* to the Chancellor at 417-866-0841 or treidy@diosc.org or the Victim Assistance Coordinator(s): Judy St. John, LPC, NCC at 573-587-3139 or jastjohn44@gmail.com; Director of Child and Youth Protection, William Holtmeyer, Jr., MS, NCC, LPC, CEAP at 417-866-0841 or billholtmeyer@diosc.org. **Concerns** may be discussed with your supervisor, a Victim Assistance Coordinator, the Office of Child and Youth Protection, or the Chancellor. **Violations** and **Concerns** may also be reported using the TIPS reporting system.

I. Dissemination

The *Code of Conduct for Clergy, Employees and Adult Volunteers Working with Minors* will be given to all diocesan school and parish employees as well as all clergy and religious. This code of conduct will also be given to adult volunteers working with minors.

I will:

- Immediately report any suspected or known child abuse or sexual misconduct to the **Missouri Child Abuse and Neglect Hotline 800-392-3738**.
- Inform the Chancellor, Director of Child and Youth Protection, or Victim Assistance Coordinators of any concerns or violations of the Code of Conduct or Safe Environment Procedures.
- Adhere to the Code of Conduct, Safe Environment Procedures and Policies of the Diocese.
- Comply with the Guidelines for the Use of Technology, Email and Social Media.
- Remain in compliance with the required training and education of volunteers, personnel and clergy.
- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Use positive reinforcement rather than criticism, when working with children and/or youth.

I will not:

- Use tobacco products in the presence of minors.
- Use, possess, and be under the influence of alcohol at any time while volunteering.
- Use, possess, or be under the influence of illegal drugs at any time.
- Verbally threaten or physically strike, spank, shake, or slap minors.
- Possess weapons of any kind at any time while working with minors.
- Touch a minor in a sexual or other inappropriate manner.
- Use obscene, indecent, or sexually explicit language in the presence of minors.
- Possess, show, or send obscene, indecent or explicit sexual materials/images to or in presence of minors.
- Be isolated and alone with a minor at Church activities.
- Share a bed with a minor.
- Give gifts to or accept gifts from children without prior approval from parent and pastor or administrator.
- Use electronic devices (phones, computers, etc.) for personal use while working with minors, except in an emergency.

Background Questionnaire Concerning Sexual Misconduct

1. Have you ever sexually abused a minor? Yes No
2. Have you ever been convicted of a crime of sexual abuse, physical abuse, sexual harassment, exploitation or endangering the welfare of a child? Yes No
3. Has any allegation or civil or criminal complaint ever been made against you relating to sexual misconduct, sexual abuse, sexual harassment, exploitation, physical abuse, or endangering the welfare of a child? Yes No
4. Have you ever terminated your employment or had your employment terminated for reasons relating to allegations of sexual misconduct, sexual abuse or physical abuse by you, or relating to civil or criminal complaints for sexual misconduct or sexual or physical abuse or endangering the welfare of a child against you? Yes No
5. Have you ever received any medical treatment, physical or psychological, for reasons involving your physical or sexual abuse of others? Yes No

ACKNOWLEDGEMENT

I certify that the facts contained in this Questionnaire are true and complete to the best of my knowledge and understand that falsified statements shall be grounds for dismissal. I authorize investigation of all statements contained herein and release all parties from all liability for any damage that may result from furnishing same to you.

COMMITMENT TO ETHICAL CONDUCT

I promise to follow faithfully the rules and guidelines in the *Diocese of Springfield-Cape Girardeau Code of Conduct for Clergy, Employees and Adult Volunteers working with Minors* as a condition of my employment or volunteer work. I understand that any action inconsistent with the *Code* or any failure to take action mandated by the *Code* may result in dismissal. I further understand that I may, as a condition of employment or volunteering, be required to participate in continuing education.

Please print name: _____ Position: _____

Name of parish, school or institution: _____ City: _____

Signature: _____ Date: _____

Your supervisor is to give you a copy of this Code of Conduct to keep for future reference.



DIOCESE OF SPRINGFIELD-CAPE GIRARDEAU CODE OF CONDUCT FOR MINORS IN GRADES SEVEN THROUGH TWELVE

You are about to begin what could be a lifelong commitment to working or volunteering for the Catholic Church. It is a privilege to help carry on the mission of Jesus Christ, one that no one takes lightly. Moreover, as a minor yourself, it is important you follow certain rules and guidelines, both for your protection and for the protection of those with whom you work. The church takes the issue of misconduct very seriously. Certainly any instance of your misconduct will be evaluated carefully, and you are urged to report any instances of misconduct that you see to the adult in charge of your area of service.

GENERAL CONDUCT FOR VOLUNTEERS OR WORKERS WHO ARE MINORS

1. You must always be aware of your own personal safety and well-being and the safety and well-being of those with whom you are working.
2. You may not be alone with a younger child in your care.
3. You must never transport a younger child in your care in a motor vehicle.
4. When you are on an outing with younger children in your care there must be two adults present at all times.
5. You are not to access locker rooms, shower rooms and dressing rooms where younger children in your care are present unless an adult is present.
6. You are not to accompany a younger child in your care into a restroom without an adult present, unless it is an emergency.
7. You must never have physical contact with younger children in your care, except as appropriate in connection with your duties, such as changing a diaper.
8. You must never use indecent, obscene, or offensive language when working with children.
9. You must not verbally threaten or physically strike, spank, shake, or slap other children.
10. You must not possess weapons of any kind at any time while working with minors.
11. You must never be involved with the illegal possession and/or illegal use of drugs and/or alcohol in the presence of younger children in your care. All tobacco products are prohibited while working with younger children in your care.
12. You must never use physical force or demeaning language in disciplining younger children in your care.
13. You must be aware that diocesan safe environment guidelines are to be followed without exception whenever someone works or volunteers with a younger child to protect rights of all involved. We also want you to work in a safe environment. Report any concerns or questions immediately to your parent, guardian or supervisor.
14. Electronic devices (including cell and smart phones, tablets, or computers) may not be used for personal use while working with younger children, except in a health or life threatening emergency. This includes taking a photo or showing a photo to other minors.
15. You must not access, possess or show indecent, obscene or sexually explicit materials or images to others.
16. You have a responsible position and you should live up to the expectations of trust that have been placed in you.

The Diocese of Springfield-Cape Girardeau is grateful for the service you provide. Whenever you have questions or whenever you are uncertain about what is required, ask the adults with whom you work.

Please complete the form on the back of this page. After your parent or guardian has discussed this information with you, and has signed the form, please return to your supervisor.

The supervisor is to give you a copy of this Code of Conduct to keep for future reference.

Commitment to Ethical Conduct for Minors Volunteering or Working with Younger Children

I promise to follow faithfully the rules and guidelines in the *Diocese of Springfield-Cape Girardeau Code of Conduct for Minors* as a condition of my providing services to the children and youth of our diocese.

I understand that any action inconsistent with the *Diocese of Springfield-Cape Girardeau Code of Conduct for Minors* or any failure to take action mandated by the Code may result in my removal from my position of working with minors.

I further understand that I may, as a condition of continuing in my position, be required to participate in training provided by the diocese.

PRINTED Name of Minor Volunteer or Worker: _____

Address: _____ City/State: _____ Zip: _____

Phone #: _____ Minor's Date of Birth: _____

(High School Students Only) Expected High School Graduation Month _____ Year _____

Signature of Minor Volunteer or Worker

Date

I am the parent/legal guardian of _____ ("Minor"). I have received and support the *Diocese of Springfield-Cape Girardeau Code of Conduct for Minors*, and I have reviewed it with the Minor. I understand the diocese has a responsibility to provide a safe environment for all young people and I know of nothing in the Minor's background that would make him/her unsuitable to work with other Minors.

PRINTED Name of Parent/Legal Guardian: _____

Signature of Parent/Legal Guardian

Date

This document is to be kept at the parish or school.



AmericanChecked INC.
Background Screening Solutions

Diocese of Springfield-Cape Girardeau Background Disclosure and Authorization For Employees and Volunteers

Primary Location: _____

Location City: _____

Check boxes that apply to you:

Employee: Yes No

Volunteer: Yes No

In connection with my employment/volunteerism or application for employment with the Roman Catholic Diocese of Springfield-Cape Girardeau (Diocese), I understand that a background check is required and certain records may be requested by AMERICANCHECKED, Inc. and a report of the investigation prepared. This report may include information gathered from an investigation of a nationwide criminal database that includes criminal court records, probation, prison, parole and release files, multi-state sex and violent offenders report, social security number trace, wanted person security screen, a local county court and arrest check and other screening reports.

I authorize AMERICANCHECKED, Inc. to conduct such investigation and prepare such a report about me and to disclose same to the Diocese for its use in determining my suitability as an employee/volunteer. If accepted as an employee/volunteer, this authorization shall remain on file and shall serve as an ongoing authorization for the procurement of such reports as may be deemed necessary. You may view AmericanChecked's policy at www.americanchecked.com.

This release is valid for all federal, state, county and local agencies, authorities, previous employers, military services and educational institutions.

By signing below, I certify that I have read and fully understand this disclosure and authorization, that prior to signing I was given an opportunity to ask questions and to have those questions answered to my satisfaction, and that I executed this disclosure and authorization voluntarily and with the knowledge that the information being furnished could affect my suitability as an employee/volunteer.

Today's Date _____ Signature _____

Print your full name _____

For purposes of gathering this information, I agree to supply the following information, which may be required by law enforcement agencies and other entities for positive identification purposes when checking records. It is confidential and will not be used for any other purpose.

Print other last names you have used within the last 7 years _____

Current Address _____ How long? _____

City _____ State _____ Zip _____

Print all cities and states where you have lived during the last 7 years _____

Social Security No. _____ Date of Birth _____

Driver's License No. _____ State Issuing License _____

California, Minnesota and Oklahoma Applicants Only: I request a free copy of any consumer report ordered on me.

Notice To All Applicants

You have the right to receive, upon your written request within a reasonable period of time, (not to exceed 30 days) a complete and accurate disclosure of the nature and scope of the investigation requested. You have the right to make a request to AMERICANCHECKED, INC., upon proper identification, to request the nature and substance of all information in its files on you at the time of your request, including the sources of information, and the recipients of any reports on you that AMERICANCHECKED, INC. has previously furnished within the two-year period preceding your request. AMERICANCHECKED, INC. may be contacted by mail at 4870 S. Lewis Ave., Ste. 120, Tulsa, Oklahoma, 74105, or by phone at (800) 975-9876.

Para informacion en espanol, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment - or to take another adverse action against you - must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your "file disclosure"). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need - usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit "prescreened" offers of credit and insurance you get based on information in your credit report.** Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact

TYPE OF BUSINESS:	CONTACT:
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates.</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552</p> <p>b. Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division</p>

TYPE OF BUSINESS:	CONTACT:
	Department of Transportation 1200 New Jersey Avenue S.E. Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street S.W. Washington, DC 20423
5. Creditors Subject to Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW, 8th Floor Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F St NE Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 (877) 382-4357

DIOCESE OF SPRINGFIELD-CAPE GIRARDEAU

Sexual Misconduct Allegation Report Form

Date: _____ Beginning time: _____ Ending time (if applicable): _____

Person receiving report complaint: _____

How was complaint received (circle one): Telephone U.S. Mail E-Mail Other _____

Complainant: Name: _____

Address: _____

Telephone number: _____ Date of birth: _____

Maiden name or other names used (if applicable): _____

Is complainant the victim (circle one): Yes No

If no, whom is complainant representing: _____

Name of victim: _____ Date of birth or current age: _____

Address of victim: _____

Is victim willing to be contacted (circle one): Yes No

How, when and where did complainant become aware of the alleged sexual misconduct?:

Was the complaint previously made known to someone else (circle one): Yes No

If yes, to whom and when: _____

Nature of the alleged sexual misconduct – any helpful details: _____

The alleged sexual misconduct involves the use of technology, email, or social media: Yes No

Against whom is allegation directed (circle one): Clergy Employee Regular Volunteer Other

Name of accused: _____

Position held: _____

When did allegation allegedly take place (date or timeframe): _____

Where did allegation allegedly take place: _____

Relationship between victim and accused at time of alleged sexual misconduct: _____

Complainant advised of right to call Child Abuse and Neglect/Law Enforcement (circle one): Yes No

Complainant advised of name of Victim Assistance Coordinator? (circle one): Yes No

Complainant advised of the church social services available to them? (circle one): Yes No

What are the expectations of the complainant?: _____

Call made to Child Abuse and Neglect Hotline (800-392-3738) by person receiving this report? Yes No

Details— Report Number, Names, Date and Time _____

**DIOCESE OF SPRINGFIELD-CAPE GIRARDEAU
REPORT OF SUSPECTED SEXUAL MISCONDUCT
BY DIOCESAN PERSONNEL**

Reported by:

(Name)

(Address)

(City/State/Zip)

(Telephone)

Date of Report: _____

Person suspected of misconduct:

(Name)

(Parish/School/Diocesan Institution)

(Address)

(City/State/Zip)

(Telephone)

Other person(s) involved:

(Name)

(Age)

(Gender)

(Address)

(City/State/Zip)

(Telephone)

Describe incident of suspected sexual misconduct, including date, time, and location:

Identify eyewitnesses to the incident, including names, addresses, telephone numbers, where available:

Other information which may be helpful to the investigation:

ADMINISTRATIVE CHECKLIST FOR EMPLOYEES

SAFE ENVIRONMENT PROCEDURES

WHEN NEW EMPLOYEES ARE HIRED:

- **Employee** logs on to www.VIRTUS.org to create VIRTUS account, reads and electronically signs the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors*, completes background questionnaire, and submits background check information.
- **Employee** completes a copy of Appendix B1 (Background Disclosure and Authorization).
- **Employer** faxes Appendix B1 to the diocesan Office of Child and Youth Protection at 888-820-6032 and places Appendix B1 in a file to be kept permanently.
- **Employer** informs employee that she/he must attend the next VIRTUS training in their area.
- **Employer** gives the employee a copy of the *Summary of Rights* and a blank copy of the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors* for his/her records.

Checklist for employee: _____

ADMINISTRATIVE CHECKLIST FOR VOLUNTEERS

SAFE ENVIRONMENT PROCEDURES

FOR NEW VOLUNTEERS WHO REGULARLY WORK WITH CHILDREN:

- **Volunteer** logs on to www.VIRTUS.org to create VIRTUS account, reads the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors*, completes background questionnaire, and submits background check information.
- **Volunteer** completes a copy of Appendix B1 (Background Disclosure and Authorization).
- **Institution** faxes Appendix B1 to the diocesan Office of Child and Youth Protection at 888-820-6032 and places Appendix B1 in a file to be kept permanently.
- **Institution** informs volunteer that she/he must attend the next VIRTUS training in their area.
- **Institution** gives the volunteer a copy of the *Summary of Rights* and a blank copy of the *Code of Conduct for Clergy, Employees, and Adult Volunteers Working with Minors* for his/her records.

Checklist for volunteer: _____

Diocese of Springfield-Cape Girardeau Guidelines for the Use of Technology, Email, and Social Media

Church personnel are called to high standards of ethical conduct and personal integrity. In our work, including as it relates to conduct, all have a sacred responsibility to uphold Church teaching. Furthermore, those in leadership roles and ministerial positions have a responsibility to lead a personal life that bears witness to Catholic teaching and avoids scandal.

POLICY STATEMENT: The Diocese of Springfield-Cape Girardeau and its Affiliates (defined as “parishes, schools, offices, agencies, and other institutions which operate under the administrative authority of the Bishop”) recognize that in today’s environment, with the increasing prevalence of the Internet, employees, clerics, religious men and women, and volunteers will use the Internet to conduct ministry work and to communicate with associates, colleagues, and friends. The Internet provides various ways for individuals to interact and has changed the way we communicate and share information. The Diocese of Springfield-Cape Girardeau views the Internet as an important educational and evangelizing tool to promote school and ministerial programs. The Diocese encourages administrators, pastors, and principals to support Internet use and to give employees, clerics, religious, and volunteers the necessary training and tools to interact safely and responsibly Online. However, those using the Internet should bear in mind that certain comments and information may have a harmful effect on the Diocese of Springfield-Cape Girardeau, its reputation, and its employees. In light of this, employees, clerics, religious, and volunteers are required to adhere to the following policy regarding the use of Personal and Ministry Websites including Social Networks, Email, and Blogs.

DEFINITIONS FOR THE PURPOSE OF THIS POLICY:

Ministry Website: A Social Network Page, Blog or any Internet Website/tool created by employees, clerics, religious, and volunteers for the sole purpose of conducting Diocesan/Affiliate ministry.

Personal Website: A Social Network page, Blog, or any Internet Website/tool created by employees, clerics, religious, and volunteers primarily to share personal communication with friends and associates.

Social Networking Sites: A type of personal Website that is used by groups with a common interest for communication purposes.

Blog: A type of Website, usually maintained by an individual, whose primary purpose is to offer commentary or news on events or subjects (e.g. Church teaching, theology, morals, etc.).

Supervisor: The hiring and/or supervising agent: for parish staff, the pastor; for parish volunteers, the appropriate administrator (e.g. Parish Catechetical Leader or Director of Youth Ministry); for school personnel, the principal.

Employee: Any person who is employed by the Diocese of Springfield-Cape Girardeau or an Affiliate. An employee may be a cleric, religious, or a lay-person who may also be a member of a religious institute.

Cleric: An ordained priest or an ordained deacon who is incardinated in the Diocese of Springfield-Cape Girardeau as well as a religious priest or deacon, or a priest or deacon incardinated in another diocese, who is engaged in a ministry under the control or auspices of the Diocese of Springfield-Cape Girardeau or an Affiliate.

Religious: A consecrated religious woman (sister) or man (brother) who is engaged in ministry under the control or auspices of the Diocese of Springfield-Cape Girardeau or an Affiliate.

Adult: An individual who is eighteen (18) years of age or older.

Child/Minor: Anyone under the age of 18 or an adult who habitually lacks the use of reason. For the purposes of this document, the term “minors” also includes high school students age 18 or older.

Volunteer: An adult who works without financial or material gain on behalf of the Diocese of Springfield-Cape Girardeau or its Affiliates who is not an employee, a cleric, or religious (for example, an intern, catechist, Scout leader, coach, student teacher and others in similar capacities).

PROCEDURE

As established by the United States Conference of Catholic Bishops and adapted by the Diocese of Springfield-Cape Girardeau:

Key Rules of the Road for Establishing Sites:

- Abide by diocesan/parish guidelines, including Diocesan Safe Environment Procedures and Code of Conduct guidelines.
- Practice Christian charity.
- Know that even personal communication by Church personnel reflects upon the Church. Practice what you preach.
- Write in first person.
- Do not claim to represent the official position of the organization or teachings of the Church, unless authorized to do so.
- Identify yourself. Do not use pseudonyms or name the parish, program, etc., as your identity, unless authorized to do so.
- Abide by copyright, fair use, and IRS financial disclosure regulations.
- Do not divulge confidential information about others. Nothing posted in the Internet is private. The name, address, or other personal identifying information of minors (anyone under age 18) is forbidden.
- Do not cite others, post photos, or videos of them, link to their material, etc., without their approval.
- Do not create a Website or Web page designed to look like an official Diocesan, Affiliate, Agency, Institution, or School posting without the written permission of the Director of Communications, Principal, Pastor, or Agency/Institution Administrator, or other designated official.
- Do not use insignia (logos/school seals, etc.), mottos, or another “corporate” or “official” badging/visual branding without written permission of the Diocese, Affiliate, Principal, or Pastor
- At least one institutional representative (principal or pastor or designated diocesan official represented on any Website/Blog/Post must be an administrator and monitor of the site.
- Adults may not create a Website/Blog/Personal Post with photos of students or links or gateways to student Webpages or blogs. Students should not be on an adult “buddy list”.
- Communication should always be generated from official (school/parish/diocesan/agency) Email. Adults should refrain from using personal email accounts or cell phones for non-official or non-parish/school-related communications; instant- or text-messaging with individual students.
- In responding to student initiated communication, boundaries must be maintained. Adults can be friendly with students but they are never friends.
- Keep all communications brief, to the point, and in line with Diocesan Safe Environment Procedures and Code of Conduct guidelines.
- *Be watchful of “Links”: Do not identify a Website on a Web page as “Catholic” without approval. Sites must be vetted for content.

Ministry Websites

The Diocese of Springfield-Cape Girardeau and its Affiliates support the creation of Ministry Websites as a means to conduct Diocesan/Affiliate ministry. The use of Ministry Websites is encouraged when conducting Diocesan/Affiliate educational and evangelizing programs. Supervisors who approve individuals to create a Ministry Website for dispersal of information are responsible for monitoring the Ministry Website.

Personal Websites

The Diocese of Springfield-Cape Girardeau and its Affiliates recognize that employees, clerics, religious, and volunteers may create Personal Websites as a medium of self-expression. Employees, clerics, religious, and volunteers must recognize that anything published on a Personal Website is no different from making such information available in any public forum. Any information that causes or has the potential to cause harm and/or embarrassment to the Diocese of Springfield-Cape Girardeau or its Affiliates should be avoided.

Personal sites of Church personnel should also reflect Catholic morality and 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 are encouraged to understand that they are witnessing to the faith through all of their social networking, whether “public” or “private”.

Password-Protected Sites

Both Ministry Websites and Personal Websites may involve the use of a username/password or other such means to access all or portions of the site. In the event that a cleric, employee, religious, or volunteer, subject to approval by the Diocese of Springfield-Cape Girardeau or its Affiliate, gives a child access to a Website that is not otherwise openly accessible to the public, that same access must also be provided to the child's parent/guardian, if the parent/guardian so desires. Be aware of logging off to ensure no one not authorized to view may do so.

Ministry Email/Blogs

The Diocese of Springfield-Cape Girardeau and its Affiliates support the use of Email and Blogging as a ministry communication tool. It is an excellent platform for creating and distributing information. Although Emailing and Blogging is a powerful communication tool, Ministry Email or Blogs may not be used for: 1) conducting outside business; 2) defaming the character of any individual or institution; 3) causing harm and/or embarrassment to the Diocese of Springfield-Cape Girardeau or its Affiliates; or 4) divulging any personal information about anyone, particularly children, that would jeopardize their safety or well-being in any way.

Personal Email/Blogs

In the event an employee, cleric, religious identifies himself/herself as, or is manifestly understood to be, an employee or cleric of the Diocese of Springfield-Cape Girardeau or its Affiliates on a Personal Email/Blog (or other Website with a similar purpose), to help reduce the potential for confusion, the employee is required to put the following notice in a reasonably prominent place on the Website/Email/Blog:

“The views expressed on this Website/Email/Blog are mine alone and do not necessarily reflect the views of my employer.”

Even with this notice, any information that causes or has the potential to cause harm and/or embarrassment to the Diocese of Springfield-Cape Girardeau or its Affiliates should be avoided.

Social Networking Websites

Because of the increasing popularity of social networking Websites, parish use of these Websites is permitted as a means to effectively communicate for ministry and education purposes. It should not be used for the primary purpose of befriending people or socializing. Rather, social media is to be directly related to academics, ministry, and evangelization. Every effort should be made in order to provide a safe and secure environment and to avoid even the appearance of impropriety when using the Internet as a ministry tool. To achieve this goal, the following guidelines should be adhered to when using social networking Websites for programs that involve youth under the age of 18. (The use of social networking sites is not recommended for groups that include students younger than high school age.)

- Always obtain the Diocese's/pastor's/principal's permission before using a social networking medium for a parish program. Be specific which platform: i.e. Facebook, Twitter, Instagram, etc.
- Inform parents in writing that the parish is planning to use a social networking site; and obtain releases engendering necessary permissions for specific posts.
- Establish a parish account; never use a personal account.
- The site administrator must be an adult and at least ONE Supervisor/Pastor/Principal. The site administrator is considered to work with minors and thus should have completed the Safe Environment Training in accordance with diocesan policy, and signed a Code of Conduct.
- It is recommended that the site be set up as a public rather than private site in order to allow for transparency in all communications and postings. The administrator should pre-approve or regularly monitor all comments and postings. Any inappropriate content should be deleted and the person who posted it should be contacted and reminded that improper content is not acceptable.
- Post rules of conduct on the site.
- The main purpose of the site should be for general communication about group events rather than for chatting or socializing.
- All information displayed on the site should reflect and uphold the Catholic faith.
- Write as if you are certain others will read it. Communications can easily be shared with others for whom they are not intended.
- Keep copies of any communications sent to youth. ALWAYS send copies of all communication to parents as well as youth members.
- Do not invite a minor to be a "friend." The minor must make the request.
- Always follow diocesan rules regarding taking and posting photographs. Do not "tag" any pictures (to identify someone in a photo for the purposes of Social Networking).
- Use caution and deliberate carefully when posting photos/videos/audio on social media sites. Never personally ID youth—"global" identification is preferred, e.g. "third grade students in St. Ambrose School, Chaffee, and marked Veteran's Day with local community."
- The name, address, or other personal identifying information of minors is forbidden under diocesan policy. Always obtain necessary releases for any social media post.
- STRONGLY consider archiving component/time-frame for post/project releases ensuring that no archival of posts occurs. **Specifically, YouTube, Instagram, Facebook, Twitter. Once a post is submitted, it is always on the Internet/searchable unless an administrator removes it after 30 days, etc. Even then, it may remain visible. Be cautious and vigilant.
- Consider how pop-up advertising comes into play. Choose sites that have this at a minimum and those that conform to Christian morality and other appropriate contexts. **YouTube, for example, "suggests" other posts for users that are not always appropriate. Other sites may prove more ideal.
- Bottom-line: be prudent, intentional, and aware.

Confidential and Proprietary Information

Consistent with our policy on “Confidentiality” as stated in the employee handbook, Employees, clerics, religious, and volunteers are prohibited from disclosing via the Internet information that is understood to be held in confidence by the Diocese of Springfield-Cape Girardeau or its Affiliates. Employees, clerics, religious, and volunteers are prohibited from disclosing via the Internet any information that is proprietary to the Diocese of Springfield-Cape Girardeau or its Affiliates, except by explicit permission of the appropriate authority. Also, in the event of termination, if an employee or cleric has identified himself/herself as an employee or cleric of the Diocese of Springfield-Cape Girardeau or its Affiliates on a personal Website, he/she should remove mention of the Diocese of Springfield-Cape Girardeau or its Affiliates from their Website.

Trademarks and Logos

Employees, clerics, religious, and volunteers may use Diocesan or Affiliate trademarks or logos on Personal Websites only in ways that clearly promote or call positive attention to Diocesan events, Websites, or organizations associated with the trademark or logo after receiving prior authorization from the Director of Communications. Employees, clerics, religious, and volunteers may not use Diocesan or Affiliate trademarks or logos on their Personal Websites in any way that could reasonably suggest Diocesan or Affiliate sponsorship or agreement with any views expressed. Employees are similarly prohibited from providing a link or otherwise referring to the diocesan Website on their personal Website, social networks, or blogs without receiving prior authorization from the Director of Communications.

Inappropriate Language and Images

The Diocese of Springfield-Cape Girardeau and its Affiliates will not tolerate employees, clerics, religious, or volunteers posting obscene, harassing, offensive, derogatory, defamatory, or otherwise potentially-scandalous comments, links, and/or images which reflect discredit or cause harm and/or embarrassment to the Diocese of Springfield-Cape Girardeau or its Affiliates, employees, vendors, partners, agencies, schools, and others. Employees are reminded of their obligations under our employee “Code of Conduct” policy as stated in the diocesan employee handbook. In particular, employees should not take any action against the Church, its teachings, or its leaders on social media; nor affiliate with any organization or movement with an animus toward the Church or which is directed or has as its prime principles the criticism, rejection, or disrespect of the Church.

Right to Review

The Diocese of Springfield-Cape Girardeau and its Affiliates reserve the right to review an employee’s, cleric’s, religious’, and volunteer’s Personal Website, if there are reasonable grounds for believing that policy is being violated.

Protection of Children

Employees, clerics, religious, and volunteers of the Diocese of Springfield-Cape Girardeau and its Affiliates will comply with all aspects of the Children’s Online Privacy Protection Act (<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>) and the Safe Environment Procedures of the Diocese of Springfield-Cape Girardeau (<http://dioscg.org/index.php/about/child-youth-protection/>).

Employees, clerics, religious, and volunteers are forbidden to post or distribute personal identifiable information including pictures of any child under the age of eighteen (18) without verifiable consent of a parent or guardian. Personal identifiable information includes full name, photos, home address, Email address, telephone number, or any information that would allow someone to identify or contact a child. Verifiable consent can take the form of a release/permission form that includes use of photographs, an Email from a parent or guardian, or spoken permission by a parent or guardian in the presence of another authorized adult.

The Diocese of Springfield-Cape Girardeau and its Affiliates will review alleged violations of the Children’s Online Privacy Protection Act, the Safe Environment Procedures, or the Policies of the Diocese of Springfield-Cape Girardeau on a case-by-case basis. In the event that a provision of the Guidelines for the Use of Technology, Email and Social Media cannot be reconciled with the Safe Environment Procedures of the Diocese of Springfield-Cape Girardeau, the provisions of the Safe Environment Procedures of the Diocese of Springfield-Cape Girardeau will be in force.

Enforcement: The Diocese of Springfield-Cape Girardeau, its Affiliates and their respective administrators intend to enforce the policy set forth here and expect all employees, clerics, religious, and volunteers to comply. Failure to comply with any of the provisions of the Guidelines for the Use of Technology, Email and Social Media will be grounds for discipline, up to and including termination, if an employee or cleric, or removal from position, if a volunteer. The Diocese of Springfield-Cape Girardeau and its Affiliates reserve the right to make changes to this policy at any time and at its sole discretion, and interpret and administer the policy in light of changing circumstances and events.

APPROVED on September 1, 2015 by Most Reverend James V. Johnston, Diocese of Springfield-Cape Girardeau

REVIEWED and APPROVED on June 28, 2017 by Most Reverend Edward Rice., Diocese of Springfield-Cape Girardeau

A suggestion of online resources here:

**“Social Media Best Practices and Guidelines,” United States Conference of Catholic Bishops

**“Schools must weigh risks and benefits of social media for networking,” by Sr. Mary Angela Shaughnessy, SCN, JD, PhD

NOTE from Leslie Anne Eidson/Director of Communications, Media, Publications [leidson@dioscg.org]:
The Diocese of Springfield-Cape Girardeau gratefully acknowledges the generosity of the Archdiocese of St. Louis, Diocese of Beaumont, and Archdiocese of Seattle in their guidelines as a resource for the development of this policy; and the USCCB for resource material in the development of this policy.

To follow:

Various releases for use in Schools, Parishes, and Affiliates, etc., as signed pages indicating the understanding of the policy. Particularly, school forms to be issued to both parents and students.