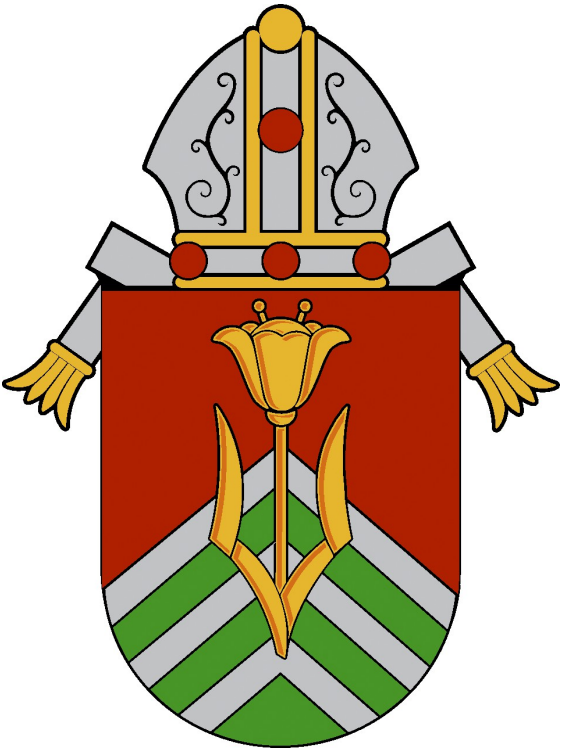
Diocese of Wheeling-Charleston



Policy Relating to Sexual Abuse

Reporting:

The Diocese of Wheeling-Charleston encourages reporting to civil authorities first and foremost if a crime has been committed.

To Civil Authorities:
Contact your local law enforcement; numbers will vary based on your location. If you believe someone is in immediate danger, call 911.

To confidentially report any incidence of suspected child abuse or neglect, including sexual abuse, contact the West Virginia Bureau for Children and Families' Child Protective Services by calling the Child Abuse Hotline at 800-352-6513.

To Report Abuse by a Bishop of the Catholic Church:
The Diocese of Wheeling-Charleston encourages reporting to civil authorities first and foremost if a crime has been committed. We also encourage utilizing www.reportbishopabuse.org to report. If you have reason to believe that a bishop has engaged in sexual misconduct or has interfered with an investigation into sexual misconduct, please contact civil authorities in the applicable jurisdiction and visit www.reportbishopabuse.org.

To the Diocese of Wheeling-Charleston:
The Diocese encourages reporting to the appropriate civil authorities first and foremost as well as to the appropriate church authorities. To report suspected cases of sexual abuse of children by clergy, religious or lay personnel of the Diocese of Wheeling-Charleston to the Diocese, please contact one of the Bishop's designees at 1-888-434-6237: Mr. Bryan Minor, ext. 263; Mr. Tim Bishop, ext. 353; Fr. Don Higgs, 304-685-2367; Sr. Martha Gomez, ext. 264 (English and Spanish); Or, please call The Office of Safe Environment at 304-230-1504.

Please visit www.dwc.org, under "Accountability" for more mechanisms for reporting.

Index

Preface....2

Policy....3

Definitions....4

Education....5

Screening, Background and Reference Checks....6

Compliance with West Virginia Law....7

Obligation to Report....8

Specific Procedures....10

Other Roles and Responsibilities....13

Supervision Procedures....14

Behavioral Guidelines for Working with Children or Youth....15

Guidelines for Online/Remote Learning....16

Diocese of Wheeling-Charleston
Policy Relating to Sexual Abuse

Preface

The Diocese of Wheeling-Charleston is committed to addressing instances of abuse against all persons. However, this particular document sets forth the policy of the Diocese relative to sexual abuse of children. In doing so, it will necessarily deal with matters of a technical or procedural nature. From the outset, however, it must be clear that, in every instance of such abuse, the primary concern of the Diocese is pastoral: the well being of all persons involved, especially children.

The first consequence of every instance of abusive behavior is that a number of persons suffer in some particular way. The victims of such behavior, those who commit the acts, the families of victims and perpetrators alike, and the community itself all experience harm of some kind. While each person or group may be affected in ways different from the others, all suffer a real and frequently terrible pain.

The Diocese deplores the tragedy of this human suffering, and is determined to do what it can to prevent the incidents which cause it. When such incidents do occur, it will do its best to discern what assistance may be most appropriate and helpful, and then to make that available, as far as possible, to the affected persons. It will discourage any fruitless blaming and vindictiveness and seek to be the agent of healing and reconciliation wherever possible. It will allow no other goal to obscure its desire to relieve the burden of human suffering which accompanies every expression of this tragic behavior.

Diocese of Wheeling-Charleston
Policy Relating to Sexual Abuse

Policy

1.0 **Policy.** Sexual abuse by the personnel of the Diocese is abhorrent to Christian principles and is contrary to and outside the scope of the duties of and employment of all paid and volunteer personnel of the Diocese. Accordingly, all personnel of the Diocese of Wheeling-Charleston must comply with applicable state and local laws regarding incidents of actual or suspected sexual abuse, and with the requirements delineated in this document.

This policy does address sexual abuse in general, but is focused primarily on the special circumstances described below. It is intended to establish requirements and procedures in an effort to prevent child sexual abuse by personnel and volunteers of the Diocese and the resulting harm to others while the work of the Diocese is being performed. It is further intended to provide guidance to the personnel of the Diocese on how to respond to allegations of sexual abuse if any do occur.

Definitions

2.0 Definitions. For the purposes of this policy only:

2.1 A **"Child"** is any person under the age of eighteen (18) and is considered a child under abuse laws. A vulnerable individual over the age of eighteen (18) is also covered by the civil law when such a person is unable or unlikely to report abuse without assistance because of impairment of physical or mental function or emotional status.

2.2 "Sexual Abuse"

A. Child abuse means any form of intentional or malicious infliction of injury to the detriment of a child's physical, moral, or mental well-being.

B. Sexual misconduct/abuse means any form of sexual conduct that is unlawful; that is contrary to the moral instructions, doctrines, and canon law of the Catholic Church; and causes injury to another. It may constitute either sexual abuse, sexual harassment, sexual exploitation or child pornography. If a cleric has otherwise committed an offense against the sixth commandment of the Decalogue with force or threats or publicly or with a minor below the age of eighteen (18), the cleric is to be punished with just penalties, including dismissal from the clerical state if the case warrants it.

2.3 "Personnel" includes all personnel paid and volunteering in the Diocese including: all school personnel, clergy, religious, Directors of Religious Education, catechists, parish staff, child-care agency and program personnel, youth ministry personnel, seminarians, members of school boards, and members of parish and finance councils. Of special concern are paid and volunteer Diocesan personnel in a supervisory capacity, or in particularly high-risk areas—such as those who work with or around children, the very elderly, and the physically and mentally infirm—also those who counsel others, and generally those who work with people who are less capable of protecting themselves.

2.4 "Diocese" includes the Diocese of Wheeling-Charleston and all parishes, missions, institutions, and organizations under its control.

"Proposing" refers to the initiative taken by a superior whose religious congregation has an agreement with the Diocese to supply parishes or institutions with personnel.

Education

3.0 **In-service training and educational programs are offered for clergy, religious, seminarians, employees and volunteers in the Diocese regarding child abuse, reporting requirements, and Diocesan policy and procedures. These training and educational programs are provided on both the local and Diocesan levels.**

3.1 All clergy, religious, seminarians, employees and volunteers of the Diocese of Wheeling-Charleston receive a copy of the **Diocese's Policy Relating to Sexual Abuse. The policy may be viewed from the Diocesan website (www.dwc.org) and copies are available at the parish and school offices.**

3.2 There is on-going communication with clergy, religious, seminarians, employees and volunteers about child abuse issues through meetings, mailings, and Diocesan publications.

Screening, Background, and Reference Checks

4.0 **Diocesan applicants for the priesthood or permanent diaconate, clergy seeking incardination in the Diocese, clergy or religious seeking authorized ministry or residence in the Diocese, and employees and volunteers are screened for their fitness to work with minors.**

4.1 The following prospective personnel of the Diocese of Wheeling-Charleston are required to complete a form which asks specific questions of those (all paid and volunteer) who will work with or around children: including but not limited to school staff, clergy, religious, parish staff, child-care agency or program personnel, youth ministry personnel, and seminarians. The form is available in electronic format or paper format. If the form is used as a condition for clergy assignment, employment or volunteer service, the responsibility for seeing that these forms are completed electronically or forwarded to the Office of Safe Environment if they are in paper format, rests with the pastor or his delegate, or, where appropriate, the designated supervisor in a central school.

4.2 Completed forms shall be reviewed by the Safe Environment Coordinator and, as appropriate, investigated by the Process Administrator.

4.3 In hiring employees who will work with minors, specific inquiries are made of former employers and persons listed as references as to the applicant's fitness to work with minors.

4.4 Superiors of religious communities who have members seeking to minister in the Diocese are required to state clearly in writing that the Superior is unaware, after careful inquiry, of anything in the individual's background that would render the individual unsuitable to work with minors.

4.5 Superiors of religious communities who are proposing individual religious for ministry or residence in Diocesan parishes or other Diocesan institutions as well as the Superiors of those religious simply requesting priestly faculties in the Diocese, are required to state clearly in writing that there is no history which would render the individual unsuitable to work with minors.

4.6 Bishops of Diocesan priests from other Dioceses ministering or residing in a Diocesan parish or institution, as well as the Bishops of those priests simply requesting priestly faculties in the Diocese, are required to present the same written assurances.

4.7 In the screening process, the good reputation and right to privacy of the individual in question will be safeguarded.

Compliance with West Virginia Law

5.0 The Diocese complies with West Virginia laws regarding reporting of suspected child abuse to civil authorities.

5.1 Under West Virginia law, the following persons are mandated to report suspected child abuse: any medical, dental, or mental health professional, Christian Science practitioner, religious healer, school teacher or other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law-enforcement official, humane officer, member of the clergy, circuit court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach or volunteer of an entity that provides organized activities for children, or commercial film or photographic print processor

Additionally, any other person may make a report if such person has reasonable cause to suspect that a child has been abused or neglected.

5.2 The Diocese will promptly comply with any applicable reporting requirements governing abuse or neglect of children and will cooperate fully with civil authorities investigating reports of child abuse or neglect. Responsibility for compliance with such reporting requirements shall remain exclusively with the Diocese. The Diocesan Review Board shall only address the Diocesan response to the personnel issues related to such complaints.

Obligation to Report

6.0 Any personnel of the Diocese of Wheeling-Charleston who has actual knowledge of or who has reasonable cause to suspect an incident of sexual abuse by any personnel of the Diocese shall comply with all applicable reporting or other requirements of state and local laws, and shall report to the Diocese as stipulated below (unless to do so would violate the priest/penitent relationship of the Sacrament of Reconciliation):

6.1 The Diocese is committed to a prompt response to any individual or family alleging child sexual abuse. The Diocese shall respond to child sexual abuse reports within 24 hours and shall report any such claims to the appropriate public authorities within 24 hours as required by W.Va. Code §49-2-803.

6.2 The Bishop appoints a Process Administrator whose primary responsibility it is to ensure that all policy procedures and all steps in the process are followed.

6.2.1 In some cases the Process Administrator also has the responsibility to determine whether the safety of children or other significant considerations may require the immediate withdrawal of the accused person from his/her ministerial assignment. In making this determination and recommendation the Process Administrator will consult appropriate supervisors.

6.2.2 Pending legal advice and upon the recommendation of the Diocesan Review Board, ongoing pastoral care and assistance for counseling can be offered. It is the responsibility of the Process Administrator to see that this recommendation is acted upon.

6.3 Any person who suspects or alleges child sexual abuse on the part of a member of the clergy within the Diocese is requested to contact the Process Administrator or anyone on the Diocesan Staff. The report will immediately be given to the Process Administrator in writing.

6.4 Any clergy, religious, seminarian, employee, or volunteer of the Diocese who receives such a complaint or report from any person must immediately contact the Process Administrator or anyone on the Diocesan Staff and follow up with a subsequent written report.

6.5 In allegations involving lay employees and volunteers, religious sisters and brothers, and seminarians a report of the incident is made promptly to the immediate supervisor, who in turn immediately reports the allegation to the Process Administrator and follow up with a subsequent written report.

6.6 Priests, deacons, religious, seminarians, employees, or volunteers of the Diocese who receive complaints or reports of suspected child sexual abuse do not attempt to investigate the matter themselves.

6.7 The Process Administrator notifies the Diocesan Attorney and the Diocesan Director of Communications of a report of child sexual abuse.

6.8 To respect the privacy rights of those involved, confidentiality is maintained to the extent possible consistent with civil reporting requirements and the Diocese's policy and procedures.

6.9 In the event that the person making the initial disclosure has not reported it to Protective Services the Process Administrator does so in compliance with state law.

6.10 Matters reported under this policy in good faith shall be privileged in the context that adverse action shall not be taken against any employee of the Diocese or parishioner of any parish by reason of such a report.

Specific Procedures

7.0 The response to these allegations is managed through several channels which include:

- Process Administrator
- An Examiner(s) of the Facts
- Victim's Assistance Coordinator
- An independent Diocesan Review Board
- Diocesan Director of Communications

7.1 Upon receiving a report of alleged sexual abuse committed by a lay employee, volunteer, clergy, or religious sister or brother, an Examiner(s) is selected by the Process Administrator. The Examiner(s) arranges to meet with the person(s) making the report or complaint and others who may have relevant information and report the results of the investigation to the Process Administrator and the Diocesan Review Board with due diligence.

7.1.1 The Examiner(s) interviews all appropriate persons and gathers relevant information to obtain as clear and detailed a statement about the allegation as possible. The Examiner(s) will be chosen based on experience and/or training to respond to cases of sexual abuse. On-going education and training will be provided.

7.2 Legal advice, both civil and canonical, shall be obtained immediately by the Process Administrator. Similarly, the Diocesan Communications Director shall be consulted regarding possible communications and public relation implications of the situation.

7.3 If the accused is a religious, or a cleric from another Diocese, the investigation is conducted with notification made to the appropriate superior or Bishop.

7.4 Additionally, a Victim's Assistance Coordinator is selected by the Process Administrator to provide care and assistance to the alleged victims, their families and if applicable members of the affected church community. Appropriate pastoral care will also be offered to the accused.

7.4.1 The Victim's Assistance Coordinator will be selected from among those persons who have received training to respond to cases of sexual abuse.

7.4.2 The Victim's Assistance Coordinator reports to the Process Administrator and the Diocesan Review Board with due diligence.

7.5 An independent Diocesan Review Board is convened by the Process Administrator.

7.5.1 The independent Diocesan Review Board members are appointed by the Bishop and make up an independent body composed of laity and clergy. The members of the Diocesan Review Board are selected on the basis of their experience, maturity, credibility, and ability to exercise independent judgment. The independent Diocesan Review Board reviews all instances of clergy-related sex abuse. The Board also reviews instances of other misconduct (non-sex abuse related), boundary violations, complaints, and concerns regarding clergy, seminarians, and lay employees and volunteers.

7.5.2 The mandate of the independent Diocesan Review Board includes:

- Acting as overseer of the Diocese's handling of all such cases, to assure the integrity of the Diocesan process for responding to reports;
- Making recommendations to the Bishop concerning all the factors involved in a report;
- In every case, upon receipt of an allegation, meeting to review reports of child sexual abuse and other misconduct by employees and volunteers, action taken by the Diocese, the examination findings and other relevant information;
- Employment-related matters are the responsibility of the diocesan Human Resources Office.

7.6 In the event that any employee or volunteer of the Diocese admits guilt or pleads no contest to an allegation of child sexual abuse the Diocesan Review Board shall:

7.6.1 Confirm that the Diocese has taken appropriate steps to remove the person from access to minors;

7.6.2 Furthermore, make recommendations to the Bishop regarding the cleric's exercise of any form of ministry in the future, along with other restrictions or conditions which are either appropriate or required;

7.6.3 Confirm that the Diocese has immediately terminated the person from employment or any position of responsibility with the Diocese.

7.7 In the event that an employee or volunteer of the Diocese does not admit guilt, but the Diocesan Review Board determines there exists a reasonable probability regarding the substance of the allegation, the Board may recommend to the Bishop that the accused be removed immediately from a position of access to minors while the investigation continues.

7.7.1 In such a case where a cleric is involved, 7.6.2 above will be invoked.

7.7.2 In the case of lay employees, they are suspended with or without pay while the investigation continues, depending on the severity of the alleged conduct.

7.8 When the alleged sexual abuse is purported to have occurred in the distant past and it has been determined that reasonable probability exists regarding the substance of the allegation, the Diocesan Review Board follows the same procedures as in a report that is alleged to have occurred in the present time.

7.8.1 If the alleged perpetrator is deceased the Diocesan Review Board is kept informed of the report and makes any appropriate recommendations to the Bishop.

7.9 When an employee is found guilty of sexual abuse the Diocesan Review Board will invoke 7.6.2 and 7.6.3 as appropriate.

8.0 If the investigation of the allegation results in a finding by Protective Services or the Diocesan Review Board that the allegation of sexual misconduct by clergy, religious, seminarians, employees or volunteers of the Diocese involving a minor is not substantiated, the Diocesan Review Board will recommend to the Bishop that the Process Administrator will:

- Inform the accused of the findings and confirm such findings in writing;
- Inform the alleged victim and/or his/her family of the findings;
- Promptly terminate any temporary action taken against the accused;
- Restore the ministerial status of the person taking into account the need for healing.

Other Roles and Responsibilities

9.0 If the Bishop determines that a cleric cannot be returned to ministry, he may ask the cleric to resign or take a leave of absence from active ministry or to request a dispensation from Holy Orders or the Bishop may initiate a canonical process for removal from ministry.

10.0 The accused person's personnel file is documented by the Process Administrator to reflect the complaint, the investigation, and the results with due regard to the reputation and right to privacy of the accused.

CODE OF CONDUCT:
Supervision Procedures

- Have adequate number of Safe Environment-compliant adults present at events involving children and youth.

- Have at least two or more Safe Environment-compliant adults present for events involving children or youth in higher risk settings.

- Online activities or activities involving the use of social media platforms and/or messaging platforms require an adequate number of Safe Environment-compliant adults present or overseeing communications.

- Monitor your facilities during church services and all school or other activities.

- Release children only to parent or guardian.

- Obtain parental permission, including a signed medical treatment form, before taking children or youth on trips.

- Always obtain parental approval before permitting any minor to participate in athletic events or any other activity that involves potential risk.

- Have minors use a "buddy system" whenever they go on trips away from church property.

- All adult leadership and sponsors for any overnight activities should be approved in advance by the appropriate administrator.

CODE OF CONDUCT:
Behavioral Guidelines for Working with Children or Youth

All clergy, staff and volunteers of the Diocese will observe the following guidelines for dealing with minors:

- No minor child may be an overnight guest or reside in any church rectory or other living quarters of priests.

- Do not provide minors with alcoholic beverages, tobacco, pornography, drugs, or anything that is prohibited by law.

- Do not serve as a chaperone for activities that conflict with curfew laws pertaining to minors.

- Touching should be age appropriate and based on the need of the minor and not on the need of the adult. Avoid physical contact when alone with a minor. If a minor initiates physical contact, an appropriate, limited response is proper.

- Do not engage in the physical discipline of a minor. Discipline problems should be handled in coordination with your supervisor and/or the parents of the minor.

- Do not be alone with a minor in a residence, sleeping facility, locker room, restroom, dressing facility or other closed room or isolated area that is inappropriate to a ministry relationship.

- Do not take an overnight trip alone with a minor who is not a member of your immediate family.

- Do not sleep in the same bed with a minor. If an adult supervisor stays in a hotel or other sleeping room with a group of minors, the supervisor should sleep in his or her own bed using a roll away or cot if necessary.

- Topics, vocabulary, recordings, films, games, the use of computer software, social media, or any other form of personal interaction or entertainment that could not be used comfortably in the presence of parents should not be employed with minors. Sexually explicit or pornographic material is never appropriate. This includes sexually explicit material or pornography of an adult nature as well as child pornography. The production and/or distribution of child pornography is a felony.

- Do not administer medication of any kind without written parental permission.

- If you recognize inappropriate personal or physical attraction developing between yourself and a minor, maintain clear professional boundaries between yourself and the minor or refer the minor to another adult supervisor.

- If one-on-one pastoral care of a minor should be necessary, avoid meeting in isolated environments. Schedule meetings at times and use locations that create accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parents of the meetings.
-

Electronic communications with minors should be limited in nature and scope. They should be informative and pertain to church or school-related activities and issues only. Every effort should be made to utilize applications for communication whereby parents or guardians may be included on messaging. Minors should not have administrative access to social media or electronic communication accounts for any parish or school.

- Do not give minors keys to church facilities. If the minor has a key as a result of being a church employee or volunteer, the minor should be properly screened.

- Do not drive a church or school vehicle unless you have received prior authorization and have the appropriate license and/or certification.

- Do not permit minors to cross a road by themselves while they are in your custodial care.

- Do not take photographs of minors while they are unclothed or dressing (e.g. in a locker room or bathing facility).

- If you observe anyone (adult or minor) abusing a minor, take appropriate steps to immediately intervene and to provide a safe environment for the minor. Report the misconduct (see Obligation to Report).

CODE OF CONDUCT
Guidelines for Online/Remote Learning

These guidelines apply to the use of online/electronic platforms to safely and effectively facilitate communication and learning via video or audio conferencing as opposed to being physically present in a parish or other facility/structure.

Although most learning throughout the Diocese is accomplished in a parish or school setting, the Diocese recognizes that occasions may arise when it is appropriate and helpful to offer learning via other means, including online/electronic.

These guidelines exist to foster a Safe Environment when utilizing online/electronic means of learning.

For parishes and programs that wish to provide online learning for minors in parish school of religion classes, confirmation classes, Teaching Safety classes, youth groups, or other parish-related subject matter, the following guidelines are required:

- The adults overseeing the activity must be compliant with Safe Environment to include: completion of awareness training, background check, and policy form.

- There must be at least two Safe Environment-compliant adults present on each group video/call.

- Parents must give consent for their children to participate in a group video/call. Consent may be obtained via email, text, or form. Documentation of consent must be kept on file with other Safe Environment documentation.

- Parents must be informed in advance of the day, date, and time of a group video/call as well as a summary of the nature and subject matter of the video/call. This may be accomplished via email, text, or form. Documentation must be kept on file with other Safe Environment documentation.

- Videos/calls should be scheduled during reasonable hours/timeframes. Do not schedule videos/calls late at night or very early in the morning.

- Parents are always welcome to listen along with their children in a group video/call if they choose.

- The platform selected for the video/call must be safe, reputable, and user-friendly.

- All participants on a video must be appropriately attired, just like participating in an activity in a public setting.

- Each group video/call should begin with a statement that appropriate conduct/behavioral norms do apply, just like a classroom/parish/public setting.

- Parishes must be mindful of families who do not have the capability to connect via online/electronic methods and must make information available via hard-copy, if applicable. (For example, a PSR lesson or a Teaching Safety lesson)

Compliance with the Safe Environment protocol involves completion of awareness training on a regular basis, completion of policy form and document acknowledgements, and completion of a background check on a regular basis.

All employees of any Diocesan entity must be compliant with Safe Environment.

All employees and volunteers of every Catholic school (K-12) must be compliant with Safe Environment.

All employees and volunteers participating in any activities on school grounds for any reason must be compliant with Safe Environment. This includes parish volunteers if they are participating in activities on school grounds.

This list is designed to reflect all employees, as well as the most common volunteer roles with direct and/or substantial contact with minors.

This list is designed to assist Diocesan leaders in determining when to apply Safe Environment. It is not all inclusive and there may be other roles that require Safe Environment compliance that are not listed here.

Please contact the Office of Safe Environment at the Chancery with any questions regarding compliance.

Safe Environment compliance applies to those age 18 or older.

- All priests, deacons, and seminarians

- All employees at Catholic schools

- All volunteers at Catholic schools

- All volunteers affiliated with Catholic school sports, including coaches, concessions, score keepers, referees, and any other roles

- All employees and volunteers of daycare centers

- Professionals or special guests whose roles require regular or recurring presence in the Catholic school or at Catholic school activities (recurring may include daily, weekly, monthly, or yearly)

- All parish employees

- All employees of any other Diocesan-related entity

Parish <u>volunteers</u> including (age 18 and older):

-Adult altar servers if they serve with minors

-Sacristans if minors assist them in any regular or substantive way

-Choir/Music Director/Choir Members/Musicians if there are minors in the choir or playing musical instruments

-Children's Choir Director/Volunteers

-Directors of Religious Education

-Parish School of Religion teachers

-All adult volunteers affiliated with youth and/or youth group activities in any capacity

-All adult volunteers affiliated with youth/summer camps in any capacity

-All adult volunteers affiliated with Vacation Bible School in any capacity

-All adult volunteers involved in any activity that includes direct or substantial contact with children in any way

-Fish fry volunteers if the fish fry is held on school grounds or if minors volunteer at the fish fry

-Festival volunteers if the festival is held on school grounds or if minors volunteer at the festival

-Picnic volunteers if the picnic is held on school grounds or if minors volunteer at the picnic

-Homebound ministries or any activities relative to vulnerable adults

-Any activities/ministries involving nursing homes and/or nursing home residents

-Any activities relative to Boy Scout and Girl Scout councils

-Any activities involving childcare, babysitting, or before and aftercare

Diocese of Wheeling-Charleston
P.O. Box 230
Wheeling, WV 26003

July 2025