



Archdiocese of Kansas City in Kansas

**POLICY FOR RESPONSE TO ALLEGATIONS
OF SEXUAL ABUSE AND HARM**

ARCHDIOCESE OF KANSAS CITY IN KANSAS

POLICY FOR RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE AND HARM

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INTRODUCTION

God made humans in His image and likeness, and saw that it was good.¹ The Bible teaches that any good gift from God can be misused, and that such corruption can result in injury or shame.² The Gospel calls the Archdiocese of Kansas City in Kansas, the ministries of the Archdiocese, and the parishes to serve all of God's people, showing special care for those who are vulnerable, including children, the elderly, and those experiencing brokenness or loss.³ The Archdiocese, its ministries, and the parishes will work to ensure their activities and ministries are safe for all.

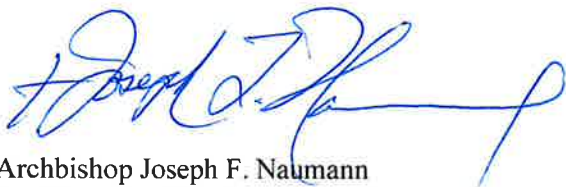
In June 2002, the United States Conference of Catholic Bishops (USCCB) approved and promulgated the *Charter for the Protection of Children and Young People and Essential Norms* addressing the Church's commitment to deal appropriately and effectively with allegations of sexual abuse of minors. In June 2019, Pope Francis promulgated *Vos Estis Lux Mundi*, which expanded the commitment of the Church to deal appropriately and effectively with allegations of sexual abuse of minors as well as the sexual abuse of vulnerable adults and abuse of authority. This new Church law applied to abuse allegations by not only clerics but also it now included members of religious institutes and societies of Apostolic Life as well as Bishops.

The sexual abuse of children and adults by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion for victims, their families and the entire Church. The Archdiocese of Kansas City in Kansas pledges its continued efforts to respond to allegations or suspicions of sexual abuse in fairness, and with respect and compassion. This *Policy for Response to Allegations of Sexual Abuse and Harm*, along with the Handbook for the Office for Protection and Care, guides our response efforts.

DECLARATION

This Policy for Response to Allegations of Sexual Abuse and Harm supersedes the Child Protection Policy and all earlier versions and revisions and is adopted, as revised, by the Archbishop of the Roman Catholic Archdiocese of Kansas City in Kansas, this Fourth day of May, 2023. The provisions of this Policy govern the response to all allegations even if they occurred prior to the adoption of this policy.

Approved by the Archbishop,



Archbishop Joseph F. Naumann
Archdiocese of Kansas City in Kansas

¹ Gen. 1:27; 2:21-23; and 5:1-2

² Gen. 3:8-13, II Sam. 11:1-12:15

³ Mt. 18:6; 25:31-46

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APPLICABILITY AND GENERAL DEFINITIONS

1. *Applicability*

This Policy applies particularly to all Archdiocesan clerics, religious clerics, and seminarians serving in the Archdiocese on behalf of the Archdiocese. Policy and guidelines for lay employees and volunteers can be found in the Code of Conduct and the Abuse Prevention Policy and/or office manuals, handbooks and additional codes for the applicable ministry; the principles and values regarding receipt and response of allegations in this policy are generally applicable to all Church personnel. All allegations or suspicions of sexual abuse of a minor or vulnerable adult by a cleric⁴ or seminarian shall be referred to the Office for Protection and Care.

General Definitions for the Purposes of this Policy

Additional definitions can be found in the *Code of Conduct and Abuse Prevention Policy* and are incorporated herein by reference.

- A. Boundary Violation:** Boundaries exist in relationships between individuals and vary greatly depending on the nature of the relationship. In the context of sexual harm, a boundary violation refers to the transgression of the established norms of interaction, as outlined in the Abuse Prevention Policy and applicable training, that could represent exploitation or attempted manipulation of a minor or adult's vulnerable position.
- B. Child Sexual Abuse Materials** (formerly referred to as child pornography): Defined by all applicable local, state and federal laws and includes, but is not limited to any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes or sexual gratification. Child sexual abuse materials also includes the acquisition, possession, or distribution by a cleric of images of minors under the age of fourteen (as described above), for purposes of sexual gratification, by whatever means or using whatever technology.
- C. Credible Allegation:** Using the standard of proof a "preponderance of the evidence", sufficient evidence exists to believe that sexual abuse of a minor or vulnerable adult has occurred. In other words, the allegation is believable, plausible and likely to have happened.
- D. Director of the Office for Protection and Care:** the person employed by the Archbishop to oversee all aspects of Archdiocesan safe environment efforts including efforts to protect from abuse, as well as the Archdiocesan response to allegations of sexual abuse of a minor or vulnerable adult received by the Report Investigator.
- E. Independent Review Board:** a confidential, consultative body to the Archbishop/Archdiocese in discharging his responsibilities related to abuse prevention and response.
- F. Obviously False Allegation:** Determined by an investigation that the allegation could not possibly

⁴ All Church personnel are subject to Archdiocesan Policy and guidelines related to prohibitions of sexual abuse, misconduct and harassment. Specific guidelines for employees can be found in the Archdiocesan Employee handbook. Additional policies and procedures may be found in ministry handbooks, manuals and codes for each ministry service area.

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have occurred (e.g., alleged perpetrator or alleged victim was not alive at the time).

G. Policy: This *Policy for Response to Allegations of Sexual Abuse and Harm*.

H. Review Team: A subcommittee composed of at least two members of the Independent Review Board, the Vicar for Clergy, the Director of the Office for Protection and Care, and the Report Investigator (or their designees) that reviews allegations and suspicions that fall within the scope or the subject matter of *Vos Estis Lux Mundi*.

I. Substantiated Allegation: In addition to being credible, an allegation is considered substantiated when corroborating evidence exists or there is an admission by the accused. Corroborating evidence may include evidence of previous substantiated allegations against the accused, verified previous disclosures by the survivor to others, witness accounts or strong circumstantial evidence supporting the allegation.

J. Unable to be proven: In the context of this Policy, an allegation is unable to be proven when determined by a full investigation that insufficient evidence exists to conclude that the alleged abuse did or did not occur.

K. Unsubstantiated Allegation: Determined by an initial investigation that sufficient evidence exists to demonstrate that the allegation did not occur as claimed.

GENERAL PROVISIONS

2. *Funding, Staff and Facilities*

The Archdiocese of Kansas City in Kansas shall provide sufficient funding, staff, and facilities to assure the effective implementation of the programs, policies, and procedures established by these provisions.

3. *Review and Amendment of Policies and Procedures*

As recommended by the Director of the Office for Protection and Care, the Archdiocesan Independent Review Board (IRB) shall periodically review this Policy and all policies and procedures related to sexual abuse prevention and response to abuse allegations and make any recommendations for amendment to the Archbishop. The Archbishop may amend these policies and procedures at any time upon the recommendation of the IRB or on his own initiative.⁵

4. *Prohibition of Sexual Misconduct*

Sexual abuse and any form of sexual misconduct is contrary to Catholic values. It is forbidden. It is always outside the scope of duties for Archdiocesan or parish leaders, ministers and workers, clergy and seminarians, lay or religious, and volunteers.

RESPONDING TO ALLEGATIONS

5. *Receipt of Allegations of Sexual Abuse, Harm, Misconduct and Boundary Violations*

A. The Archdiocese of Kansas City in Kansas will respond promptly to any report or suspicion of sexual

⁵ cf., *USCCB Essential Norms*, #4B

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abuse, sexual harm, sexual misconduct, or boundary violations naming a cleric or seminarian serving on behalf of the Archdiocese.

- B.** The Archdiocesan Report Investigator receives all reports alleging sexual abuse, harm or misconduct naming an Archdiocesan cleric or seminarian, or religious cleric acting on behalf of the Archdiocese. All reports or suspicions received by another Archdiocesan official shall be forwarded immediately (within 24 hours) to the Report Investigator.

6. Civil Reporting Requirements

- A.** All Archdiocesan personnel are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors or vulnerable adults to civil authorities (“mandated reporting”) as outlined in the *Abuse Prevention Policy*. Additionally, personnel shall cooperate in investigations by civil authorities.⁶ Nothing in this Policy or Archdiocesan protocol is intended to discourage, prohibit, or otherwise excuse any person from their responsibility to report suspected child abuse or neglect.
- B.** The Archdiocese prioritizes safety and transparency in regards to all allegations of sexual abuse of a minor by a cleric or seminarian.
- i.** As such, all allegations of sexual abuse, harm, or misconduct, if the allegation were assumed to be true, that could constitute a crime or give rise to a suspicion of abuse will be reported to appropriate civil authorities, regardless of the age of the complainant, the date of the allegation, or the status of the accused.
 - ii.** This includes suspicions based upon circumstantial evidence and allegations received from third parties (e.g. family members).
 - iii.** The Archdiocesan General Counsel shall oversee this obligation.
 - iv.** If a report to civil authorities is indicated for the Report Investigator or any other member of the Archdiocesan staff, as mandated by Kansas law, the Report Investigator or other staff member shall inform Archdiocesan General Counsel of notifications that have been made.
- C.** In every instance, the Archdiocese shall advise and support a victim’s right to make a report directly to public authorities.⁷

7. Church Reporting Requirements and Protections

- A.** Reporting requirements:
- i.** Except as provided for by canons 1548 §2 CIC and 1229 §2 CCEO, whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life has notice of, or well-founded motives to believe that, a delict against the sixth commandment of the Decalogue has been committed, by a cleric or a religious, that person is obliged to report promptly the fact to the local Ordinary where the events are said to have occurred or to another Ordinary among those referred

⁶ cf., *USCCB Essential Norms*, #11

⁷ cf., *USCCB Essential Norms*, #11

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to in canons 134 CIC and 984 CCEO⁸,

- ii. The report shall include as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts⁹.
- iii. The Ordinary shall forward all reports under this provision to the Report Investigator.

B. Protection of the person submitting the report

- i. Making a report pursuant to article 3 shall not constitute a violation of office confidentiality.
- ii. Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation or discrimination as a consequence of having submitted a report is prohibited and may constitute the conduct referred to in article 1 §1, letter b).
- iii. An obligation to keep silent may not be imposed on any person with regard to the contents of his or her report¹⁰.

8. *Precautionary Administrative Leave from Ministry*

- A. Abuse Allegations involving a Minor: Upon receipt or knowledge of sufficient evidence to believe an allegation of sexual abuse of a minor could have occurred and there is no evidence to suggest that the allegation is frivolous or manifestly false, the Archbishop shall immediately apply precautionary measures and remove the accused from sacred ministry or from any ecclesiastical office or function, remove or restrict his faculties, impose or prohibit residence in a given place or territory, and prohibit public celebration of the Sacraments pending the outcome of the process.¹¹
- B. Abuse Allegations or Suspicions involving a Vulnerable Adult: Upon receipt or knowledge of sufficient evidence to believe an allegation of sexual abuse of an adult could have occurred and there is no evidence to suggest that the allegation is frivolous or manifestly false, the Archbishop will determine whether precautionary measures are appropriate.
- C. *Precautionary measures should not be viewed as a punishment or as any indication of wrongdoing, but rather as a protective measure for all persons involved.*

9. *Investigations*

- A. After Church personnel have completed any external report to civil authorities, the Archdiocesan Report Investigator shall be notified. Guidelines for fair and impartial investigations shall be maintained in the Office for Protection and Care Handbook and will be followed by the Report Investigator.
- B. The Director of the Office for Protection and Care or designee will direct/oversee the Report

⁸ cf., VELM Title 1, Art. 3 §1

⁹ cf., VELM Title 1, Art. 3 §4

¹⁰ cf., VELM Title 1, Art. 4

¹¹ cf., USCCB Essential Norms, #9

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Investigator in all aspects of the investigation process. The Archdiocese shall maintain internal protocol for response to allegations and suspicions of sexual abuse in the Office for Protection and Care Handbook.

- C. The accused will be informed of the nature of the allegation. This notification will be conducted with the Archbishop (and/or his representative) and the Report Investigator immediately. Any safety or pending criminal investigation concerns will be considered in the timing and detail included in the notification to the accused.
- D. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation.¹²
- E. The accused will enjoy the presumption of innocence during the investigation.
- F. The Report Investigator will refrain from conducting the internal investigation while civil authority investigations are pending, unless there is undue delay or exigent circumstances.

10. Initial Review of Allegations and Suspicions of Abuse

- A. Allegations and suspicions involving a minor: All sexual abuse allegations and suspicions involving a minor shall be forwarded immediately to the Independent Review Board.
- B. Adult Allegations and Suspicions: Adult allegations or suspicions of grooming, sexual acts, sexual harassment, or sexual misconduct (including abuse of authority¹³), naming a cleric or seminarian who is acting on behalf of the Archdiocese will be initially screened by the Archdiocesan Review Team¹⁴ to determine whether the allegation or suspicion shall be reviewed as a violation of canon 1395 §3.
 - i. The Review Team will be notified of all reports received by any Archdiocese agent involving adult sexual behavior or crossed boundaries (including reports of purportedly consensual sexual behavior) involving clergy or seminarians acting as an agent of the Archdiocese.
 - ii. If a report is determined to be within the subject matter or scope of canon 1395 §3 by the Archdiocesan Review Team, the Archbishop will seek the advice and recommendation of the Archdiocesan Independent Review Board and a preliminary investigation should be commenced.
 - iii. If a report is not considered to be subject to canon 1395 §3, as recommended by the Archdiocesan Review Team and approved by the IRB, the matter will be referred to the Vicar General for Clergy.

11. Archdiocesan Independent Review Board (IRB)

- A. The Archdiocesan Independent Review Board (IRB) will be composed of at least five persons of outstanding integrity and good judgement in full communion with the Church.¹⁵ The board shall

¹² cf., *USCCB Charter*, art. 5; *USCCB Essential Norms*, #6

¹³ As defined by canon law and the definitions in IRB guidelines and By-laws

¹⁴ Further procedural guidelines may be found in the OPC Handbook.

¹⁵ cf., *USCCB Charter*, art. 5; *USCCB Essential Norms*, #4

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function as a confidential consultative body to the Archbishop in discharging his responsibilities.¹⁶ The Archdiocese shall maintain bylaws of governance for the IRB, to be published in the Office for Protection and Care Handbook. Additional requirements of the composition of the IRB shall be enumerated in the IRB bylaws.

- B. The Archdiocese shall immediately notify the IRB of all allegations or suspicions of sexual abuse of a minor, allegations or suspicions of sexual acts with adults, sexual harassment, sexual misconduct, crossed boundaries or negligence/cover up of abuse naming a cleric or seminarian who is acting on behalf of the Archdiocese. The board may offer advice on all aspects of these cases, whether retrospectively or prospectively.¹⁷
- C. If a Preliminary Investigation has not already been initiated and the IRB recommends that the information received warrants further investigation, a canonical Preliminary Investigation will be opened.¹⁸
- D. Recommendations regarding allegations or suspicions of sexual abuse of a minor, allegations or suspicions of sexual acts with vulnerable adults, sexual harassment, sexual misconduct, crossed boundaries or negligence/cover up of abuse naming a cleric or seminarian shall be made to the Archbishop by the Archdiocesan Independent Review Board (IRB). Notice to the Congregation for the Doctrine of the Faith

The Dicastery for the Doctrine of the Faith (DDF) or the applicable dicastery shall be notified when there is sufficient evidence that sexual abuse of a minor by a priest or deacon has occurred.¹⁹

12. *Protection of Rights and Unsubstantiated Allegations*

- A. Care shall be taken to protect the rights of all parties involved, particularly those of the person reported to have been sexually abused and the person against whom the charge has been made.
- B. The Archdiocese shall take all appropriate steps to protect the good name and reputation of all persons involved in this process.²⁰
- C. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.²¹

13. *Assistance to those Affected*

- A. The Archdiocese of Kansas City in Kansas recognizes the Church's pastoral responsibility to assist those affected by sexual abuse of a minor or vulnerable adult: the victim, his or her family, the community, as well as the accused.
- B. The Archdiocese is committed to applying principles of restorative justice (restorative practices) in

¹⁶ cf., *USCCB Charter*, art. 2; *USCCB Essential Norms*, #4

¹⁷ cf., *USCCB Charter*, art. 4; *USCCB Essential Norms*

¹⁸ cf., *Code of Canon Law*, c. 1717

¹⁹ cf., *USCCB Essential Norms*, #6

²⁰ cf., *Code of Canon Law*, c. 220; *USCCB Essential Norms*, #6; *USCCB Charter*, art. 5

²¹ cf., *USCCB Essential Norms*, #13

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addressing the grave harm caused by sexual abuse perpetrated by a cleric or seminarian.

14. Assistance to the Victim/Survivor

- A.** The first obligation of the Church with regard to the victim is healing and reconciliation through a commitment to his/her spiritual and emotional well-being. The Archdiocese shall maintain procedures and guidelines related to care of victims and those impacted by sexual harm in the Office for Protection and Care Handbook and subject to the approval of the Chancellor.
- B.** In all instances of alleged or asserted sexual harm perpetrated by a cleric or seminarian of the Archdiocese or a cleric acting on behalf of the Archdiocese, the Archdiocese will offer immediate care and financial assistance for therapeutic services to the victim/survivor and their immediate family, regardless of any determination of credibility. In support of these services, the Archdiocese shall seek and identify licensed and credentialed service providers who provide trauma-informed and evidence-based therapy. The Archdiocese will continue to financially support²² these services as requested and when recommended by the professional provider.
- C.** The Archdiocese employs a Victim Care Advocate²³ whose duties include:
 - i.** To serve as the primary contact person for anyone who reports having been sexually harmed as a minor or vulnerable adult or through an abuse of authority by a cleric or seminarian who has served in ministry on behalf of the Archdiocese;
 - ii.** To accompany the victim, victim's family, and other persons affected, doing so with a sincere commitment to their spiritual and emotional well-being; and
 - iii.** To identify and work to meet the needs of the person alleging harm by using restorative principles.
- D.** The Victim Care Advocate shall comply with all applicable civil laws and report all allegations of sexual abuse of minors or vulnerable adults to the Archdiocesan Report Investigator.
- E.** The Archdiocese shall make appropriate additional assistance available to those affected by the sexual abuse of a minor or vulnerable adult by a cleric or seminarian, whether the abuse was recent or occurred many years in the past. This additional outreach may include the provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Archdiocese.²⁴
- F.** In providing care to the victim, the Archdiocese shall not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor. If such agreements are established, the rationale for the agreement shall be noted in the text of the agreement.²⁵
- G.** In an effort to provide pastoral outreach to victims and their families, the Archbishop or his representative shall offer to meet with them and to listen with patience and compassion to their

²² Subject to any specific provisions included in a financial settlement with the Archdiocese.

²³ cf., *USCCB Essential Norms*, #3

²⁴ cf., *USCCB Charter*, art. 1

²⁵ cf., *USCCB Charter*, art. 3

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experiences and concerns²⁶.

15. Assistance to the Community

- A. The Archdiocese shall reach out to those in the community who have been affected by clergy abuse²⁷ when a priest or deacon has been placed on precautionary administrative leave for an allegation of sexual abuse of a minor.
- B. The Archbishop or his delegate shall be clear in relating to the community all that is being done to address the report of sexual abuse of a minor or vulnerable adult.
- C. The Chancellor shall provide updates to the community related to the status of the investigation and report of abuse. The Chancellor will listen with compassion and care to the concerns brought forward from the community related to sexual abuse of a minor or vulnerable adult.

16. Assistance to Clergy and seminarians

- A. A priest, deacon, or seminarian who is accused of sexual abuse of a minor or vulnerable adult will be accorded the presumption of innocence during the investigation of the allegation, and all appropriate steps will be taken to protect his reputation. The Archbishop or the Vicar for Clergy will encourage the cleric or seminarian to retain the assistance of civil and canonical counsel. The Archdiocese will financially support reasonable civil and canonical incurred in the canonical and civil/criminal defense of the allegation.
- B. The Vicar for Clergy is the designated Church official who will provide the accused with assistance, advice, support, and facilitate referrals to resource persons and other professionals. An accused cleric or seminarian shall be offered professional therapeutic assistance for his own healing and well-being, as well as for the purpose of prevention.²⁸
- C. In the case of clergy placed on precautionary administrative leave, the accused may be asked to undergo a professional treatment assessment,²⁹ to be performed by a professional who is verified and accredited by the Vicar for Clergy.

COMMITMENT TO TRANSPARENCY

17. Creating a Safe Environment

- A. The Archdiocese has worked diligently to create a safe environment in which to worship, learn, and gather in parishes, schools and other pastoral settings. The Archdiocese is committed not only to build on the efforts of the past, but also to continually improve upon them. To that end, and in the spirit of transparency and accountability, the Archdiocese commits to the following efforts in relation to sexual abuse of a minor:
 - i. If a cleric or seminarian, who was placed on precautionary leave, is to be the subject of a

²⁶ cf., *USCCB Charter*, art. 1

²⁷ cf., *USCCB Charter*, art. 7

²⁸ cf., *USCCB Charter*, art. 5

²⁹ cf., *USCCB Essential Norms*, #7

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preliminary investigation due to an allegation of sexual abuse of a minor, the Archbishop or his delegate will make an announcement to the communities in which the named cleric has ministered.

- ii. The accused enjoys the presumption of innocence during the investigative and canonical process.
- iii. When an allegation of sexual abuse against a minor by a cleric has been substantiated, there shall be a communication released at all communities in which the offending cleric has ministered regardless of the timeframe of abuse or the status of the cleric.
- iv. The Archdiocese will maintain the list of substantiated allegations of clergy sexual abuse of a minor on the Archdiocesan website. This list will be updated by the Chancellor with additional names and information as indicated after the Archdiocesan and canonical process.

CANONICAL RESOLUTION AND CONCLUSION

This section recognizes that clergy who have admitted or been found, by due process in accord with Church law, to have engaged in sexual abuse of a minor shall not continue in active ministry.

18. *Permanent Removal from Ministry*

- A. When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon shall be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state if the case so warrants.³⁰
- B. If after considering the danger of scandal to the community, dismissal from the clerical state is not sought for reasons of advanced age or infirmity, the offender is to lead a life of prayer and penance.³¹
- C. Removal from ministry is required whether or not the offender is diagnosed by qualified experts as suffering from a sexual disorder that requires treatment.³²
- D. Because sexual abuse of a minor by a priest or deacon is a crime in the universal law of the Church³³ and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the Archbishop shall exercise this power of governance to ensure that any cleric who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.³⁴

19. *Transfer of Credibly Accused Priests and Deacons*

- A. The Archdiocese will not transfer a priest or deacon who has committed an act of sexual abuse of a minor to a ministerial assignment in another diocese/eparchy.
- B. If a priest or deacon from outside the jurisdiction requests residency in the Archdiocese, the

³⁰ cf., *USCCB Charter*, art. 5; *USCCB Essential Norms*, #8; *Sacramentorum sanctitatis tutela*, art. 6; *Code of Canon Law*, c. 1398

³¹ cf., *USCCB Essential Norms*, #8b

³² cf., *USCCB Essential Norms*, #8, footnote 5

³³ cf., *Code of Canon Law*, c. 1398

³⁴ cf., *USCCB Essential Norms*, #9, footnote 7

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Archbishop or his delegate will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

- i. Before such a diocesan/eparchial priest or deacon can be transferred for residence to the Archdiocese, his diocesan/eparchial bishop shall forward, in a confidential manner, to the Archbishop any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.
- C. In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the Archbishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the Archbishop can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the Archbishop; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

20. *False and Unsubstantiated Allegations*

- A. If, after the IRB review and recommendation process has been completed and the Archbishop has deemed an allegation obviously false, unsubstantiated, or unable to be proven, the following shall occur in regards to the accused cleric:
 - i. The Archbishop or his delegate will take every step possible to restore his good name.³⁵ Restoration of his good name may include public communications about the allegation and the reasons for the determination, or other measures to restore the reputation of the accused. Any measures considered to restore the priest to his good standing will be done in consultation with the cleric, the Archbishop or his delegate, and the Office for Protection and Care.
 - ii. The cleric shall be offered support and pastoral care, including continued provisions of counseling and spiritual direction.
 - iii. The Victim Care Advocate or their delegate from the Office for Protection and Care shall inform the accuser of the determination of the Archbishop.
 - iv. The OPC will continue to offer care and support services to the accuser based upon the principles of Christian charity.

21. *Status of Files, Information and Records*

Allegations and suspicions of sexual abuse shall be documented and kept in the course of business, in accord with civil and canon law. Files, records and information shall be considered confidential and restricted; disclosure shall be made only in accord with canon and civil law.

³⁵ cf., *USCCB Charter*, art. 5

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APPENDIX A

RIGHTS AND OBLIGATIONS OF THE ACCUSED

The Archdiocese commits to honor your legal rights, both canonical and civil, as well as your right to be treated with dignity and respect throughout this process.

Throughout the Archdiocese investigation, you have the following RIGHTS:

- To know the general nature of the complaints and allegations made against you immediately
- Against self-incrimination, (you have the right not to comment or to have an attorney present before making any statement)
- To receive support in your emotional and spiritual well-being
- To receive financial support for provisions of therapy/counseling
- To choose to participate or to not participate at any point in the Archdiocesan process
- To be represented by a civil and/or canonical attorney at any or all steps in the process
- To be kept informed of the status of the Church investigation¹
- To defend against allegations
- To the presumption of innocence during the investigative process
- To the protection of one's good name and reputation during the course of the investigation
- To know the specific complaints and allegations prior to the presentation of the evidence to the Independent Review Board and the Archbishop
- To review and sign your statement prior to it being shared with the Independent Review Board and the Archbishop
- To know the outcome of the Archdiocesan process
- To sustenance during the Archdiocesan process
- To a personal meeting with the Archbishop or his delegate. During this meeting or any meetings with the Archbishop or his representative, you may choose to bring legal counsel or a support person with you

The OBLIGATIONS you have during the investigation include:

- Not to interfere with the investigative process
- To be truthful in your participation in the process
- To avoid contact with the person alleging harm, the complainant and potential witnesses during the Archdiocesan process
- To observe any precautionary measures, special provisions or restrictions imposed by the Archbishop or his designee

¹ In cases where separate criminal or civil action is anticipated or pending, the investigation may be put on hold until the legal processes have been completed.

TO REPORT ABUSE: First notify authorities, then visit www.archkck.org/reportabuse or call 913-647-3051

If there is immediate danger or someone is injured, call 911 or local law enforcement.

APPENDIX B

RIGHTS OF THE VICTIM/SURVIVOR

The Archdiocese commits¹ to honor your right to be treated with dignity and respect throughout this process. You will NOT be required to physically face the accused or the Independent Review Board.

Throughout the Archdiocese investigation, you have the following rights:

- To be heard with patience and compassion for your experience and your concerns
- To receive support in your emotional and spiritual well-being
- To privacy, outside those working on your case, the Archdiocese will not share personal information with the media or anyone else
- To know how and when² your information is used or shared
- To speak to the media or anyone else you choose at any point in this process
- To choose to participate or to not participate at any point in the Archdiocesan process
- To receive financial support for provisions of therapy/counseling
- To seek a civil and/or canonical attorney's guidance at any time
- To review and sign your statement prior to it being shared with the Independent Review Board and the Archbishop
- To be kept informed of the status of the Church investigation³
- To have your case reviewed by an independent group of subject matter professionals gathered to advise the Archbishop in his decision (the Independent Review Board)
- To be informed of the decision made by the Archbishop regarding your allegation
- To feel safe, and proceed with any healing and restorative process at the pace you set
- To a personal meeting with the Archbishop or an appropriate representative from the Archdiocese⁴ of Kansas City in Kansas. During this meeting or any meetings with the Archbishop or his representative, you may choose to bring a support person with you

¹ No Archdiocesan or Church personnel, will be subjected to adverse conditions in their employment/ministry as a result of making a good faith report of sexual misconduct.

² Any allegations of sexual abuse of a minor will be reported to the appropriate civil authorities.

³ In cases where separate criminal or civil action is anticipated or pending, the investigation may be put on hold until the legal processes have been completed.

⁴ Subject to any limitations related to litigation or advice from legal counsel pending litigation or pre-litigation actions.

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If there is immediate danger or someone is injured, call 911 or local law enforcement.