

DIOCESE OF ST. JOHN'S-BASSETERRE

PROTOCOL REGARDING SEXUAL ABUSE OF MINORS BY CLERGY, RELIGIOUS, LAY EMPLOYEE, VOLUNTEER

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INTRODUCTION

The policies that guide the action of our Church in cases of the crime of sexual abuse of minors by clerics call on the Bishop to be responsible for the common good of the faithful entrusted to his care, especially the children and vulnerable young persons. As pastor he has a special responsibility to respond effectively, responsibly and compassionately to the **violation of young people's physical integrity, emotional and psychological health and human dignity**. These policies strongly recommend that programmes of education and prevention of sexual abuse of minors be established in dioceses in order to create safe environments for minors. These should also help parents and others involved in pastoral work and schools to recognize the signs of abuse and take appropriate action to protect the children.

Formation for Priesthood and Religious Life

The formation for priesthood and religious life should include the following:

- Proper Discernment of Vocations.
- Healthy human and spiritual formation of candidates for priesthood/religious life.
- Good and healthy understanding of human sexuality and genuine appreciation for chastity and celibacy.

- A proper instruction on the Church's discipline in these matters.
- Exposure to programmes that help to create safe environments for our children and young people.

Sexual abuse of minors by clerics is not just a canonical crime but also a crime prosecuted by civil law. In this regard the Bishop is to cooperate with the authorities who are responsible for handling cases of sexual abuse of minors as defined by the civil law of the country.

1. Reporting Procedures

1.1 The Diocesan Contact Person

The Diocese of St. John's-Basseterre, in accordance with the guidelines and directives of the Antilles Episcopal Conference (AEC), has appointed Dr. Janelle Charles-Williams as the Diocesan Contact Person to whom all allegations of sexual abuse or misconduct are reported. She can be contacted through a dedicated email address, to which no one else has access. dsjbprotectsgc@gmail.com

1.2 Anyone serving the Church in ministry, which includes a lay employee, or volunteer, who has reasonable grounds to suspect that a minor or vulnerable adult has suffered or may be suffering from sexual abuse on the part of a clergy, religious, lay employee, or volunteer, or who receives an allegation of such sexual abuse of a minor or vulnerable adult, has **an obligation to report** it to the Office of the Bishop through the Diocesan Contact Person.

1.3 All allegations of sexual abuse or misconduct are to be made to **Dr. Janelle Charles-Williams**. The Diocesan Contact Person, upon receiving a report of sexual abuse, contacts the Administrator or Pastor, (if abuse involves church personnel), the Principal, (if within the school environment) or the Head of Institution where the alleged abuse took place within 24 hours of that report and no later than 48 hours. The Contact person should then notify the Bishop or his designate of the alleged abuse. If the person accused is the pastor or administrator, the report is made by the Diocesan Contact Person directly to the Bishop or his delegate. This should be followed immediately by a formal written report.

Following local laws and protocols, the Bishop or his Delegate will ensure that the **allegation is reported to the proper civil authorities**.

- 1.4 Any person suspecting or receiving an allegation concerning a minor who has suffered or may be suffering from sexual abuse and who has not yet attained the age of 18, will comply with the legal obligation to report by informing the relevant Government Agency or Civil Authorities with responsibility for such matters.
- 1.5 Upon receiving the report of an allegation which has a semblance of truth, the duly appointed Delegate, accompanied by a Deputy Delegate (if the Delegate judges it opportune), meets with the complainant and with the accused, in that order, and decides whether the circumstances indicate calling a meeting of the **Review Board**.
- 1.6 In the first meeting with the complainant (all meetings with minors must be done with the full knowledge of the parents or guardians and in their presence), the Delegate will advise the complainant of his/her right to contact the police, or other civil authorities, at any stage of the process, or thereafter.
- 1.7 If the accused is a religious cleric with diocesan appointment, or a religious nun, the Delegate will handle the matter on behalf of the Diocese in conjunction with the individual's Major Superior.
- 1.8 It is preferable that a complaint be made in writing, signed by the complainant, dated, and then notarized by an ecclesiastical notary. If the complaint is reported anonymously, the Delegate may proceed as above, recognizing that the complainant's wish for anonymity may affect the response to the report.

2. Dealing with an Allegation

- 2.1 If the Bishop determines that an allegation does have a semblance of truth, he is to issue a decree opening a preliminary investigation. The Delegate will be duly appointed to investigate the allegation. With the preliminary investigation being completed in a timely fashion, the Bishop will observe the requirement of notifying the Congregation for the Doctrine of the Faith of the results of the investigation.

If the matter is being pursued by the relevant Government Agency and/or the police, the Delegate suspends the investigation but maintains appropriate ongoing communication with the civil authorities until the latter have completed their work.

- 2.2 If criminal charges are laid, or when presented with an allegation which has a semblance of truth, the Bishop will immediately place the accused on a leave of absence from office and from other church-related responsibilities, brief the Press Officer of the Diocese, and appropriately advise the parish or the community concerned. With respect to the accused, the Bishop may prohibit or impose residence in a given place or territory and take other measures that he deems appropriate in order to protect the freedom of witnesses and safeguard the course of justice.
- 2.3 If no criminal charges are laid and the victim is over the age of 18 (for example, an adult survivor of sexual abuse as a minor), the Delegate pursues the investigation in order to make a report to the Bishop.
- 2.4 In the event that the Review Board is involved in the matter of a particular allegation, whether criminal charges are laid or not and following a briefing by the Delegate, if the Review Board deems there are reasonable and probable grounds to believe that an offence has been committed, the Delegate will communicate to the Bishop, the Review Board's recommendations that may include an assessment of the allegation and the suitability for ministry or employ, etc., of the accused.
- 2.5 If as a result of an investigation, the conclusion is that no offence has been committed, the case is closed, and the Delegate immediately informs the Diocesan Press Officer. Where no offense is committed, every step possible will be taken to restore the good name of the accused and re-integrate him into ministry.
- 2.6 In situations where the Review Board can reach no conclusion, the Delegate will so advise the Bishop.

3. Care of Victims

- 3.1 The Review Board or the Delegate may recommend that individualized support be made available to a complainant. Such support does not entail meetings with a minor who is a victim unless proper authorization is obtained from the parents or guardian and, if necessary or advisable, from the police or civil authorities. The Review Board or Delegate also makes proposals for the care of the affected community as advisable.

3.2 Acting out of pastoral concern, the help offered to the complainant is intended to be without prejudgment of the allegation and without prejudice regarding any future civil actions.

3.3 If a sentence is pronounced against the accused by the competent civil authority, the Diocese should offer the services of qualified persons to give pastoral support and/or counselling to the victim.

3.4 As soon as possible after an accused is placed on leave, the Bishop, or his representative, should make a pastoral visit to the parish community involved, or to the faith community or church institution where the accused served.

4. Relation with the Accused

4.1 While on leave, the accused is provided with support in accordance with Canon Law and may be offered other types of therapeutic and pastoral assistance that may be reasonably requested.

4.2 The accused may be assigned to a residence, or restricted to a residence, pending the outcome of an inquiry under this Protocol.

4.3 The accused is to benefit from the general presumption of innocence and the right to be heard. The application of this Protocol will be such as to ensure that the good name of the accused is protected, noting that an allegation may be unfounded.

5. Communications Policy

5.1 The Press Officer for the Diocese, who is competent in media relations, will at appropriate times on behalf of the Diocese supply accurate information to the public regarding an allegation.

5.2 Openness and trust with the media are based on the following principles:

- Ensuring transparency and the right of the public to be informed (General information);
- Protecting the right of the accused to a fair inquiry, and acknowledging presumed innocence and the right to one's good reputation;
- Safeguarding the right of all parties, including the complainant and the accused, to privacy;

- Safeguarding the right of the civil authorities to initiate legal proceedings;
- Showing special diligence in providing information to whatever parish community or church institution that may be involved.

6. Appendix

a. Procedural Sequence

The **person accused** is

- notified of the allegation(s) in a timely manner by the Bishop or his designee,
- placed on administrative leave pending the outcome of the diocesan investigation. Employees will continue to receive compensation and benefits until the completion of the diocesan investigation.
- directed to remain away from the school, office, agency, or other location which is the subject matter of the complaint, until a resolution of the complaint is concluded.
- advised to have no contact with the accuser or the accuser's or victim's family.
- advised of his/her right to obtain an attorney.

When a **lay employee, teacher or volunteer** is accused,

- the administrator/pastor, principal, or head of institution will be notified if that has not yet been done.
- If the accused admits guilt, or guilt is established through investigation: the accused will be terminated immediately and can no longer be employed or work as a volunteer in the Diocese.
- If the accused denies the allegation(s) and/or if the criminal investigation is inconclusive or he or she is found not guilty: the Bishop will make the final decision as to whether or not the person is to be returned to their previous duty or ministry, having consulted the diocesan Review Board for the Protection of Children for its recommendation.

When a **priest, deacon or religious** is accused,

- the pastor, administrator, bishop and/or religious superior will be notified if that has not already taken place.
- If the accused is a religious, missionary or a fidei donum of another diocese, who admits guilt, does not contest guilt, or if guilt is established: the accused will be terminated immediately from any diocesan or parish ministry and position in accordance with applicable provisions of Canon Law, and their bishop or religious superior will be immediately advised. (Duly notified)
- If he is a cleric of this Diocese, who admits guilt, does not contest guilt, or there is a finding of guilt: the applicable provisions of Canon Law will be invoked for appropriate disposition.
- If the accused denies the allegation(s) and/or if the criminal investigation is inconclusive or he or she is found not guilty: the Bishop will make the final decision as to whether or not the person is to be returned to their previous duty or ministry, having consulted the diocesan Review Board for the Protection of Children for its recommendation.

b. Definition of certain words and phrases

Accused

The one against whom an allegation is made.

Allegation

A statement or accusation of sexual abuse that is yet to be proven and that has a semblance of truth. "Semblance of the truth" does not mean that the allegation is fully provable, or that it has moral certainty, but that the allegation cannot be discounted. It is not necessary that the alleged sexual abuse be equated with the definition of sexual abuse or similar crimes in civil or criminal law. It is sufficient that the allegation concern an external act that qualifies as an objectively grave violation of the sixth commandment.

Clergy

Includes deacons, priests, and bishops.

Canon Law

A body of church law to be observed by members of the Catholic Church relating to persons, sacraments, material goods, and organizations.

Complainant

A person who raises an allegation.

Congregation for the Doctrine of the Faith

The particular Office within the Vatican which promotes and safeguards the Doctrine of the Faith and morals throughout the Catholic world. Certain grave delicts, such as sexual abuse of a minor by a cleric, are reserved to the Congregation for the Doctrine of the Faith.

Delegate

The Bishop shall appoint a priest to be his delegate for matters of sexual abuse. Depending on the circumstances of the case, the Delegate may convoke a meeting of the Review Board and facilitate its work until the case is closed. At critical junctures in the proceedings, the Delegate keeps the Bishop and Diocesan Press Officer informed.

Deputy Delegate

On his own initiative, or at the request of the Delegate, the Bishop may appoint one, or more, Deputy Delegates who will assist the Delegate in the management of this Protocol and inquiries that occur hereunder. In the event that the Delegate is unable, or unwilling, to serve in a particular case, the (arch)bishop may appoint one of the Deputy Delegates for the management of the particular inquiry.

Lay Employee

A person who is not a member of the clergy or a religious and who is employed by the Diocese or a parish to perform specific duties on behalf of the Diocese or parish.

Legal Obligation to Report

One has a moral and civic duty to report all suspicions of the sexual abuse of a minor to the relevant Government Agencies and Departments.

Major Superior

One who governs a religious institute or society, or a part thereof.

Minor

One who is under 18 years of age at the time of the offence. In the Canon Law of the Catholic Church, a minor is one who has not completed the 18th year of age. Following the law of the Church, therefore, the Bishop is obliged to respond to all allegations involving a member of the clergy or a religious concerning the sexual abuse of all persons not having completed their 18th year at the time of the abuse.

Please note that the civil Agency or Department of the country may define a minor as one who is less than 16 years of age.

Obligation to Report

In the context of this Protocol, all reasonable suspicions of the sexual abuse of a minor must be reported to the Office of the Bishop along with the grounds for the suspicion.

Press Officer

A person appointed by the Bishop who is competent in media relations and who, on behalf of the Diocese, supplies accurate information to the public at appropriate times.

Religious

Those who commit themselves to live the evangelical counsels (chastity, poverty, and obedience) in an institute or society approved by the Catholic Church, e.g. sisters, nuns, monks, brothers, priests, deacons (other than archdiocesan/diocesan priests and deacons). In this Protocol the term "religious" applies also to members of Secular Institutes and Societies of Apostolic Life.

Review Board

A standing interdisciplinary body of at least five persons, named by the Bishop, whose members include a senior and respected priest of the Diocese, three lay people of pertinent life and professional experience, and the Delegate. The Delegate shall chair the Board. When convoked for a specific case, the principal duty of the Board is to investigate whether there are reasonable and probable grounds to determine that an offence has been committed, its nature and circumstances, and to see that this Protocol is followed.

The Review Board is to advise the Bishop in his assessment of allegations of sexual abuse of a minor and in his determination of suitability for ministry of those accused; to review and make recommendations to the Bishop with respect to diocesan policies for dealing with the sexual abuse of minors; and to offer advice on all aspects of these cases.

The Review Board meets, at least annually, with the Bishop who receives its report and its suggestions as to possible updating of the Protocol.

Sexual Abuse

Contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification by the offending adult.

Victim

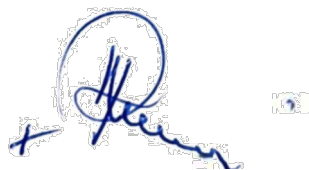
A minor who has been sexually abused by an adult, or an adult survivor of such abuse. For the purposes of this Protocol, one who claims to be a victim is presumed to be a victim unless there is a substantive doubt regarding the complaint.

Volunteer

An unpaid person who is engaged in a recognized (arch)diocesan or Parish ministry or service.

NOTA BENE: Regular update and ongoing formation on the Diocesan Procedure for dealing with Sexual Abuse Allegations will be held.

Approved by:



Most Rev. Robert A. Llanos

Bishop of the Diocese of St. John's-Basseterre

Date: March 28, 2023, Basseterre, St. Kitts and Nevis