

# **Diocese of Brownsville**

## **Ethical and Responsible Conduct in Ministry**

### **Policies, Procedures, and Guidelines**

## **Supplementary Norms for Clergy and Religious**

**2015**

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# **Diocese of Brownsville**

## **Policies for Ethical and Responsible Conduct in Ministry**

### **Supplementary Norms for Clergy and Religious**

#### **I. Introduction**

- A. As “stewards of the mysteries of God in the service of His people” clerics are bound by a special obligation to pursue a life perfected in holiness for the sake of the sacred ministry entrusted to them (Code of Canon Law, c. 276, §1).”
- B. Members of institutes of consecrated life, and others in approved forms of religious life [religious], are also called to “the perfection of charity in the service of God’s Kingdom” that enables them to “build up the Church” for the sake of the salvation of the world (c. 573, §1).
- C. In a similar way, members of the clergy as well as religious legitimately associated with the Diocese of Brownsville are obligated to adhere to the Policies on Ethical and Responsible Conduct in Ministry [hereafter, “the Policies”] to a degree that makes evident to all others the Church’s constant desire to safeguard the dignity of the human person and to promote the Gospel teachings necessary for effective ministry.
  - 1. Without prejudice to the norm of universal law, all clerics and religious are bound by the general provisions of the Policies, as well as these additional norms, both as to their personal observance of them as well as to the implementation of them within their particular sphere of public ministry within the Diocese of Brownsville.
  - 2. At the same time, due to the special canonical rights, obligations, and procedures that may apply to clerics and religious, certain additions or exceptions to the Policies are necessary.
  - 3. These additions and exceptions to the Policies are in no way to be construed as a privilege extended to members of the clergy and religious; indeed, these norms reflect the special obligations that arise from their state of life in the Church.
- D. The following are bound by these supplemental norms [norms] to the Policies on Ethical and Responsible Conduct in Ministry.
  - 1. All clerics incardinated in the Diocese of Brownsville or those who, although not incardinated, are legitimately residing within the Diocese of Brownsville.

2. All hermits and consecrated virgins legitimately residing within the Diocese of Brownsville.
3. With due regard for c. 586, all religious inasmuch as they are engaged in a legitimate, public apostolate within the Diocese of Brownsville (cc. 678 §1; 683).
4. Religious who, even though not engaged in a public apostolate within the diocese, are still legitimately residing in property that is owned or otherwise administered by the Diocese of Brownsville.
5. Religious who are not engaged in an apostolate within the Diocese of Brownsville but who reside within the Diocese in a canonically erected house of their own institute are strongly encouraged to adopt at least the spirit of these norms.
6. It should be recalled that religious are also subject to any norms particular to their institute concerning matters treated in the Policies and additional norms.

## II. Norms for the Life and Ministry of Clerics and Religious

- A. Clerics, and in an analogous way religious engaged in an apostolate, are obliged “to recognize and promote the mission that the laity exercise, each according to his or her part, in the Church and the world (c. 275).”
1. The Policies seek to assure that when the lay faithful carry out the mission entrusted to them by the Church they will not be hindered from doing so by a hostile or harmful environment, or given cause for scandal by others.
  2. Thus, by diligent observance and implementation of the Policies, clerics and religious will assist greatly in promoting the mission of the laity.
  3. Additionally, clerics and religious will conduct themselves in relationship to the lay faithful in a way reflective of their own state of life in the Church.
    - a. They will avoid whatever may give rise to scandal in their interactions with others.
    - b. They will lead a “simple way of life, avoiding all things that appear worldly (c. 282, §1).”
    - c. And they will witness to their calling by wearing suitable clothing or habit in accordance with the norms of the United States Conference of Catholic Bishops or the particular law of their institute (see cc. 284; 669, §1).
- B. Clerics, who are bound already to “observe perfect and perpetual continence for the sake of the Kingdom of heaven,” and, in a similar way, religious, who have embraced the evangelical counsel of chastity (c. 599), will take care always to “behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful (c. 277, §1).”
- C. Those clerics who lead a married life are to strive always for perfect chastity with their spouses, and to avoid any activity that might threaten the sacredness of the marriage bond or otherwise give cause for scandal to the faithful.
- D. Rectories and other residences of clerics and religious, whether ecclesiastical or private property, will be available as overnight lodging solely for other clerics, religious, seminarians, and seminarian candidates.
1. Parents, siblings, and grandparents may lodge temporarily in such

residences provided other clerics or religious in residence give consent.

2. In order to avoid even the appearance of impropriety, no minors will lodge in rectories or other residences of clerics or religious, with the following exceptions:
    - a. Children of clerics who are in the state of matrimony.
    - b. Minor children of immediate family members, provided the minors are accompanied by at least one parent or legal guardian.
    - c. In exceptional circumstances, and with just cause, other minors provided written permission has been obtained beforehand from the Vicar General of the Diocese of Brownsville.
    - d. In all cases of doubt as to the applicability of these norms, the Vicar General of the Diocese of Brownsville is to be consulted.
  3. Superiors of canonically erected religious houses, included but not limited to other religious houses, convents, or homes/apartments where religious live, that are not Diocesan property should adopt these provisions, and implement them to the fullest extent possible, without prejudice to their rights of internal governance and the norm of their particular law.
- E. In short, clerics and religious will avoid all things unbecoming to their state, even if those things are in themselves legitimate, but which might harm the effectiveness of the ministry entrusted to them by the Church (see c. 285, §§1-2).

### **III. Allegations Levied Against Clerics and Religious**

- A. Allegations of Non-criminal Immoral Conduct by a Cleric or Religious not involving a Minor.
1. Allegations concerning non-criminal immoral actions of a cleric or religious should be reported to the Bishop or Vicar General.
  2. Other Church personnel should immediately refer the reporter to the Bishop or-Vicar General as per Diocese of Brownsville policy.
  3. After an initial investigation the Bishop or Vicar General will determine if the allegation has any bases or semblance of to be truth.  
(Note: It is important to make clear that any allegation is to be considered seriously. In this context an initial investigation, usually of the parties involved, will give the basis to the bishop or vicar general if any further investigation is necessary.)
    - a. If an investigation is necessary, the Bishop or Vicar General will see that it is carried out.
    - b. The one whose action is being investigated will be made aware of the allegation and offered the right to refute it.
    - c. In all cases, the investigation will be conducted in a way that safeguards as much as possible the privacy and reputation of the cleric or religious as well as of the one making the allegation (cc. 220; 1717).
  4. When there is sufficient evidence that the alleged action was, in fact, committed by the cleric or religious, the procedures outlined in section IV-B of these supplementary norms will be followed in resolving the case.
  5. If the cleric or religious is not found to have violated a norm, but was still found to have been imprudently in a proximate occasion of doing so:
    - a. He or she may be issued a written warning to assure that the action will not be committed again.
    - b. A proximate occasion of committing an offense occurs when a cleric or religious, although not directly in violation of these Policies or norms, acts in a way that poses a threat of scandal or other harm to him/herself or the Christian faithful.

6. If the alleged action or a proximate occasion of it cannot be shown to be true, or are shown not to be true, the one making the allegation as well as the one against whom it was made will be so notified, and no further action will be taken.

B. Allegations of Sexual Harassment, Exploitation or Grave Misconduct not involving a minor

1. Allegations concerning sexual harassment, exploitation or grave misconduct (including going to places where inappropriate adult/consensual behaviors are encouraged), sexual offenses not involving a minor committed by a cleric or religious should follow the same reporting process as contained in the Policies, including any and all civil reporting requirements.
  - a. If the allegation concerns a religious, or a secular cleric incardinated in another diocese, the appropriate superior(s) will be notified of the allegation and the processes to be followed in addressing it.
  - b. Any such superior will also be kept abreast of developments as they occur, and will be involved in them when requested, appropriate, or required by the norm of law.
2. When an accusation of a sexual offense is made known to the Diocesan Bishop, he will judge, after suitable consultation if he deems advisable, whether or not there appears to be a semblance of truth to the allegation. If so, he will refer the matter immediately to the Vicar General, who will promptly see that a preliminary investigation is carried out to see if the allegation can be substantiated. Normally there will be at least one priest, either diocesan or religious, assisting in the investigation in the case of a cleric, and at least one Religious woman assisting in the investigation in the case of a Religious woman. The team may include a lay person with investigative experience. Whoever conducts the internal investigation, will follow the steps for a preliminary investigation outlined in the “Diocesan Review Board Resource Booklet.”
3. The Bishop will assess the facts and findings of the preliminary investigation, seeking suitable consultation if he deems appropriate. If the allegation lacks sufficient evidence to proceed further, the person(s) making the allegation as well as the one against whom it has been made will be notified that there was insufficient evidence to confirm the allegation, and the matter will be closed unless it will held in abeyance



until the conclusion of a civil or criminal investigation that may be ongoing.

4. If the preliminary investigation leads to the judgment that an offense was likely committed, then a full investigation will be initiated by the Bishop, in harmony with the provisions of canon law, and the Bishop may require the cleric or religious to take leave of his or her duties during the period in which the investigation will take place.

c. If the alleged offense is said to have occurred at or near the person's place of residence:

(1) The cleric will reside at a separate place to be determined by the Diocesan Bishop.

(2) In cases involving a religious, the Bishop will consult with the appropriate superior to determine where the religious will reside during the investigation.

d. The cleric or religious will not engage in public ministry or in public works of the apostolate during the period of the investigation.

e. If the person against whom the accusation is made refuses to take leave of his or her duties, and, when necessary, to reside elsewhere, the Bishop may be required to place the person on administrative leave for the sake of the common good; that is:

(1) So that no further harm may come to any person should the allegation prove to be verified, and in the interim, more offenses be committed.

(2) So that the investigation may proceed unhindered.

f. It is recognized that the voluntary or enforced leave has no canonical effects.

(1) Thus, a cleric or religious is not removed from an ecclesiastical office by these actions, nor do they jeopardize any canonical claim to the office in any way.

(2) Rather, the leave is a necessity arising from the special circumstances surrounding allegations levied against another person of such a serious nature as sexual

harassment, exploitation, or grave mistreatment.

g. During the period in which a person is on leave, any remuneration and sustenance remain intact, as do all canonical rights of recourse against such an administrative decision.

2. All concerned must take utmost care that the leave not harm the good reputation of the person or hinder his or her return to the office or ministry should the investigation prove unable to substantiate the allegation, or should the allegation be shown not to be true.

C. The Investigation

1. The investigation will follow the process contained in the Code of Canon Law (cc. 1717-1719).

a. This is the case even though no penal process may be contemplated at the time of this investigation.

b. The cleric or religious will be made fully aware of his or her right to appoint a canonical advocate during the investigation.

c. If the allegation concerns a cleric, and unless the Diocesan Bishop finds grave cause to provide otherwise, the Vicar General will be instructed to see that the investigation is carried out.

d. In cases involving the allegation of a sexual offense, or other alleged offenses reported to civil authorities, and with due regard for Divine Law regarding the sacramental seal, the investigation should not hinder or obstruct the actions of civil officials engaged in their own investigation.

2. The results of the investigation, which will be conducted as expeditiously as possible, will be returned to the Diocesan Bishop for his review and judgment.

3. The Bishop may choose at any time to seek consultation, should he deem it advisable, in harmony with the provisions of the Code of Canon Law.

4. If it is determined that the alleged offense has not been substantiated:

a. The person making the allegation, and the one against whom it has been made, will be informed of the decision.

- b. The cleric or religious will be free immediately to return to active ministry and, when applicable, to his or her residence.
  - c. The file containing the acts of the investigation will be sealed and preserved in accordance with the norm of Canon Law, and with due regard for any norms of civil law regarding the retention of such records.
5. If it is determined that an offense has been committed:
- a. The person making the allegation, and the one against whom it has been made will be informed of the decision.
  - b. The Bishop will proceed in accordance with the provisions of the Code of Canon Law, and the following sections of these norms.

#### **IV. Actions To Be Taken When Offenses Have Been Committed**

- A. The cleric or religious, even when striving after holiness, is still not “preserved from all human weaknesses, the spirit of domination, error, even sin (*Catechism of the Catholic Church*, 1550).”
1. In light of this, the Diocese of Brownsville recognizes that the occasion may arise in which a cleric or religious does, in fact, commit an offense in contravention of the Policies or these additional norms.
  2. If and when this does occur, there are two immediate concerns facing the Diocese.
    - a. Victims of the offense must be attended to with appropriate pastoral care.
      - (1) This includes those persons or communities scandalized by the commission of the offense;
      - (2) As well as those who have suffered possible physical or psychological harm by the actions of the offending cleric or religious.
    - b. The cleric or religious may be given suitable opportunity for spiritual, psychological, and medical evaluation and assistance as determined by the Diocesan Bishop or other superiors when applicable to religious.
- B. The Commission of Immoral Actions
1. The Bishop may issue a warning to the cleric or religious if he or she was in a “proximate occasion” of having committed an offense against the Policies or these additional norms (c. 1339, §1).
    - a. The warning will be written.
    - b. The written warning may have a precept attached to it forbidding the action in the future (c. 49).
  2. If it has been determined that a cleric or religious has committed an immoral action that contravenes section III A of these Policies, or the provisions of these supplementary norms:
    - a. The Bishop will “correct the person in a way appropriate to the

particular condition of the person and of what has been done (c. 1339, §2).

- b. The correction will be both verbal and written and may have a precept attached to it forbidding the action in the future, or requiring other corrective actions.
- c. If it should be determined that the action is repeated subsequent to the correction, and that the correction has not resulted in the repair of scandal or in justice, further action may be taken by the Bishop in accordance with the provisions of the Code of Canon Law (see c. 1341).

C. The Commission of the Sexual Offenses of Harassment, Exploitation, or Grave Misconduct

- 1. When a cleric or religious has committed an action that involves sexual harassment, exploitation, or another form of grave misconduct, it strikes at the heart of the Church's mission of caring for the faithful entrusted to her by Christ.
- 2. Accordingly, the Church must have, first and foremost, utmost concern for those persons who are the victims of a sexual offense suffered at the hands of a cleric or religious.
  - a. To the fullest extent possible, suitable pastoral and psychological care will be offered to the victim(s) of such offenses.
  - b. Immediate action will be taken to begin to remove the scandal caused to the faithful by the actions of the offending cleric or religious person.
- 3. The Diocesan Bishop will then decide what action might be taken against the cleric or religious according to universal law and these additional norms.
  - a. A canonical penalty may be imposed or declared.
    - (1) The penalty imposed may include, depending on the circumstances of the offense, suspensions, prohibitions, privations, and dismissal from religious institutes of diocesan right (cc. 695-696, 1320).
    - (2) The process by which any penalty is imposed or declared

will be carried out in full accordance with the norm of Canon Law (c. 1718).

- b. If the offense has been committed by a cleric or religious not subject to the Diocesan Bishop:
  - (1) The appropriate superior will be informed of the outcome of the investigation.
  - (2) The Diocesan Bishop, after consultation with the superior, will then determine whether or not to impose or declare a penalty.
  
- c. If a sexual offense was committed by a religious, that person may be forbidden from remaining within the territory of the Diocese of Brownsville in accordance with the provisions of canon 679, failing any comparable action of the part of the proper superior.

**V. Return to Ministry after the Commission of A Sexual Offense with an Adult**

- A. When a cleric or religious has committed a sexual offense with an adult, he or she may be permitted to exercise a ministry or engage in a public apostolate within the Diocese of Brownsville only under the following conditions:
1. The person will have convincingly demonstrated sincere repentance and a real conversion of mind, heart, and behavior.
  2. The person will successfully have completed a certified program of therapy approved by the Diocesan Bishop when psychological evaluation warrants treatment. In this event:
    - a. The Diocesan Bishop will have consulted the persons responsible for the treatment prior to making any decision with regard to further ministry.
    - b. The persons responsible for treatment will have no serious objections to the suggested return to ministry.
    - c. Other psychological or medical experts may be consulted as well.
  3. No scandal to the Christian faithful will perceivably result from the return of the person to public ministry.
  4. Sufficient supervision of the person, as may be required or appropriate, will be available.
  5. All canonical censures will have been lifted.
  6. The person will have agreed in writing to comply with any and all demands of the Diocesan Bishop with regard to possible follow up treatment and evaluations.
- B. Any return to ministry or the apostolate will involve an office or activity that does not place the person in any foreseeable, proximate danger of a relapse to offensive conduct, and consequently of harming vulnerable persons.
- C. In each and every case, and without prejudice to the norm of universal law, the decision as to whether or not a person is permitted to return to public ministry within the Diocese of Brownsville resides solely with the Diocesan Bishop.

## **VI. Special Protocols pertaining to the Sexual Abuse of a Minor**

- A. Sexual abuse, when spoken about in these Policies and Supplementary Norms, includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. This includes but not limited to possession of or use of child or adult pornographic material in any medium. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment. A canonical offense against the sixth commandment of the Decalogue (c.1395, 2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover “imputability (moral responsibility) for a canonical offense is presumed upon external violation unless it is otherwise apparent” (c. 1321, 3. Cf. canons 1322-27).
- B. When an allegation of sexual abuse of a minor by a non-ordained Religious man or of a Religious woman is made, the procedures indicated in Supplementary Norms III B above will be followed, in harmony with the provisions of Canon Law.
- C. When an allegation of sexual abuse of a minor by a priest or deacon is received, the Bishop will normally consult with the Diocesan Review Board for the Protection of God’s People to assist him in the assessment of the credibility of the allegation.
- D. When the judgment is reached that the allegation has a semblance of truth to it and warrants investigation:
1. The Diocese of Brownsville will provide a competent person to coordinate assistance for the immediate pastoral care of the person, and through the agency of the victim assistance coordinator will seek the pastoral and spiritual good of the person, drawing on social service agencies and other churches if the case requires, and offering counseling, spiritual assistance, and if needed other services agreed to by the victim and the Diocese.
  2. The Bishop will offer to meet with the person and, if still a minor, with his/her parents.
- E. In the face of an allegation judged to have a semblance of truth, the following steps will be taken simultaneously with the pastoral and spiritual responses indicated in D above:



1. A preliminary investigation in harmony with canon law will be initiated by the Bishop's decree.
  2. The preliminary investigation will be carried out promptly and objectively (c.1717) by whomever is appointed by the Bishop to gather evidence in the case (c. 1719).
  3. The Bishop will normally seek the advice of the Diocesan Review Board for the Protection of God's People regarding the facts and findings of the investigation, and will seek their advice regarding the probable nature of the allegation (U.S. Norm 4).
  4. The Bishop will determine the probable nature of the delict, if there is found to be one, and issue a decree closing the preliminary investigation (c. 1719).
- F. All appropriate steps shall be taken to protect the reputation of the accused during the preliminary investigation. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and to the accused.
- G. When the allegation cannot be substantiated by the Promoter(s) of Justice and there is not an ongoing civil or criminal investigation, the Bishop concludes the investigation by decree, notifies the one who has made the allegation, notifies the accused cleric, and where necessary takes appropriate steps to restore the reputation of the accused (c. 220; U.S. Norms 6, 13).
- H. If the probability of the reserved delict is established, and if there is no on-going criminal investigation or if the canonical actions would not interfere with a civil investigation underway (Charter 4; Norm 11):
1. The Bishop notifies the accused cleric of the result of the preliminary investigation (U.S. Norm 6) and applies the temporary precautionary measures ("administrative leave") of canon 1722 to the accused cleric (U.S. Norm 6). The temporary precautionary measures include:
    - a) removal of the accused from the sacred ministry or from any ecclesiastical office
    - b) the imposition or prohibition of residence in a given place or territory
    - c) the prohibition of public participation in the Most Holy Sacrifice of the Eucharist pending the outcome of the process.

If the Bishop determines it necessary, the restrictions of canon 1722 can be applied at any point during the preliminary investigation.

2. The Bishop will notify the Congregation for the Doctrine of the Faith (Sacramentorum Sanctitatis Tutelae 13; U.S. Norms 6, 8A). The Bishop's decree of referral will be accompanied by all relevant documentation and will include the *votum* of the Bishop giving his opinion of the case and his suggestion for future action (U.S. Norm 8A). The Bishop will request a derogation from the statute of limitations (or prescription) if the case so warrants, giving reasons for his request.
  3. The Bishop will propose remedies for the damage resulting from the sexual abuse, as appropriate (c. 1718).
- I. If the Congregation for the Doctrine of the Faith, upon receiving the referral from the Bishop, decides that the Bishop should proceed with the judicial penal process and so advises him
1. The Bishop will issue the decree of appointment of the Tribunal for the trial, and it will proceed as provided for in Canon Law.
  2. For the sake of due process, the accused will be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to the accused.
- J. When even a single act of sexual abuse by a priest or deacon is admitted or is established:
1. The offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. (c. 1395, 2).
  2. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.
- K. At all times, the diocesan bishop will retain the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime in the universal law of the Church (c.1395, 2) 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 Bishop 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.

- L. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.
- M. The diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the Diocese will advise and support a person's right to make a report to public authorities.
- N. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred elsewhere from the Diocese of Brownsville for ministerial assignment. Before a priest or deacon can be transferred elsewhere for residence, the Bishop will forward in a confidential manner to the local bishop and religious ordinary (if applicable) of the proposed place of residence 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. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life.
- O. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made.

## **VII. Screening of Priests or Deacons from Other Dioceses or from Religious Orders.**

- A. In order for a priest or deacon to apply for an assignment in the Diocese of Brownsville, he must fill out a “Priest Application” form. As part of that application, he must state whether or not he has been involved in situations involving sexual misconduct. His completed application is then sent to the Vicar General. He must also provide his bishop or religious superior a “Testimonial of Suitability for Ministry” form, who is to complete it and send it directly to the Bishop of the Diocese of Brownsville. As part of the Testimonial, the bishop or religious superior must indicate whether or not the priest or deacon has had problems involving sexual misconduct.
- B. Priests or deacons from other dioceses or from religious orders may seek temporary hospitality (no more than seven days) in the diocese without application. Hospitality for more than seven days **or permission to assist with sacramental ministry in a parish** requires an application. The pastor or administrator of the parish in question, prior to allowing the cleric to live in the rectory, and/or prior to allowing him to perform any ministerial duties, must first insure that he has completed and sent to the Vicar General the “Priest Application” form. In addition, the pastor or administrator must insure that the visiting cleric has provided his bishop or religious superior with the “Testimonial of Suitability for Priestly Ministry” form, and that this form has been completed and sent to the Bishop of the Diocese of Brownsville, and that there is nothing (especially no history of sexual misconduct) which would prohibit the visiting cleric from visiting and/or ministering. If the pastor or administrator has any doubt remaining about the cleric’s suitability for ministry, he must contact the Vicar General before offering hospitality.
- C. In every case under VII B above the pastor or administrator must receive written approval before allowing the guest priest or deacon to receive temporary hospitality of more than seven days **or permission to assist with sacramental ministry in a parish**.
- D. In order for a priest or deacon from another diocese, or for a religious order priest or deacon not assigned to the Diocese of Brownsville, to perform a single sacramental function, as for example a wedding or funeral, it is only required that he demonstrate to the pastor the approval of his bishop or superior for ministry by presenting a testimonial letter, a “celebret”, or other satisfactory evidence.

## **Article VIII. Screening of Seminarians**

The seminaries where the Bishop sends priestly candidates will continue to offer courses on human sexuality, celibacy and the responsibility of ministers in relating to both children and adults. The seminary and the Diocese of Brownsville (Vocation Office) will continue to seek ways of screening out persons with tendencies toward sexual misconduct.

## **Article IX. Financial Responsibility**

If a priest or deacon is involved in sexual misconduct he is financially responsible for the costs of counseling or appropriate treatment for the person(s) injured.

## **Article X. The Review Board for the Protection of God's People**

- A. The Review Board for the Protection of God's People will function as a confidential consultative body to assist the Bishop in discharging his responsibilities. The functions of this board may include:
  - a. advising the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
  - b. reviewing diocesan policies for dealing with sexual abuse of minors;
  - c. offering advice on all aspects of these cases.
  
- B. The Review Board will be comprised of at least five persons, the majority of whose members will be lay persons not in the employ of the Diocese of Brownsville, and whose renewable term of office shall be five years. The Vicar General will always be a member and the chairman. At least one other member will always be a priest who is an experienced and respected pastor of the Diocese. Ideally at least one member should have particular expertise in the treatment of the sexual abuse of minors.
  
- C. Members will be appointed by the Bishop for five-year terms, renewable indefinitely.
  
- D. All members will serve without compensation except that the Diocese will reimburse them upon request for any pre-authorized out-of-pocket expenses incurred in connection with the performance of their duties.
  
- E. The Bishop will have the right to remove any member at any time without stating cause.
  
- F. No deliberation, conclusion, or recommendation to the Bishop will be undertaken by the Review Board except at a meeting at which a quorum is present.
  
- G. The Review Board will be advised by the Diocesan attorney.
  
- H. The Vicar General will maintain a written log of the essentials of all case deliberations, decisions, and recommendations to the Bishop.
  
- I. The Review Board will meet as needs dictate and not according to a fixed schedule.
  
- J. All Review Board affairs are strictly and completely confidential. Members shall not speak individually to the media or to others, publicly or privately, about the Review Board, or about its deliberations, proceedings, or activities. No speaking engagements about the

Review Board will be accepted by any board member. Members will refrain from offering personal comments, opinions, and observations, publicly or privately, about any Church matter which would risk adversely influencing others' perceptions of the Review Board or of the Church.

- K. Board members will reclude themselves from Review Board deliberations whenever necessary.
- L. To protect confidentiality, members will not keep personal copies of depositions, statements, or other material evidence pertaining to investigations.