

Response to Allegations of Abuse or Misconduct by Bishops

Metropolitan Model

This initiative of the Archdiocese of Kansas City in Kansas and the Kansas Province creates a vehicle to assure proper reporting of allegations that a bishop of the Archdiocese of Kansas City in Kansas, Dioceses of Dodge City, Salina, or Wichita has: 1) engaged in child sexual abuse or other inappropriate sexual behavior with a minor or a vulnerable person; 2) forced someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts; or engaged in a sexual harassment or sexual misconduct toward an adult, or 3) through actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the conduct described in sections 1 and 2 above.

For the purposes of this policy:

1. Sexual abuse includes any delict against the Sixth Commandment of the Decalogue, including the production, exhibition, possession, or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibition.
2. “Minor” means: any person under the age of 18, or who is considered by law to be the equivalent of a minor.
3. “Vulnerable Person” means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.

Senior Suffragan Process

In the event there is an allegation accusing the archbishop or any present or previous bishop of the archdiocese, the senior suffragan bishop will be notified. In general, the same process followed by a metropolitan, as outlined in this policy, will be followed by the senior suffragan bishop in accord with *Vos estis lux mundi* and the USCCB “Directives for the Implementation of the Provisions of *Vos estis lux mundi* Concerning Bishops and Their Equivalents.”

Competencies, Communications and Notifications

The metropolitan, in consultation with the suffragan bishops, will appoint a qualified lay person to receive reports of conduct about bishops referred to above. The responsibilities of the appointed lay person are the following:

1. Engaging and interacting with the third-party entity arranged nationally by the USCCB to receive reports.
2. Receiving reports on behalf of the metropolitan either through the third-party entity or those made directly to the metropolitan.
3. Informing the public about how to report cases involving bishops.

4. Advising the metropolitan on whether a report is manifestly unfounded pursuant to Article 10 sec. 1, and on his compliance with applicable civil and canonical laws requiring reports to civil authorities in accord with Article 19.

5. Gathering any needed additional information from the one making the report in the event there is a need for clarification about details that are time, place, and person specific.

The metropolitan is to establish, maintain, and supervise competent persons to coordinate assistance for the immediate pastoral care of those persons who claim to have been harmed by a bishop. Those coordinating such assistance should provide a copy of the *motu proprio Vos estis lux mundi*, as well as this policy and directives, to those persons who claim to have been harmed.

Communications on Reports Regarding Bishops: Effective immediately, staff for the Archdiocese of Kansas City in Kansas are instructed that all allegations received in the three categories identified above against a bishop must be immediately forwarded to the archdiocesan director of the Office of Child and Youth Protection. The report will also be forwarded to the chair of the Independent Review Board (“IRB”) for the Archdiocese of Kansas City in Kansas. The director of the Archdiocesan Office of Child and Youth Protection will be responsible for ensuring the IRB chair has been notified of the report. If the allegation involves the archbishop/metropolitan or any present or previous bishop of the archdiocese, the report shall be forwarded to the senior suffragan bishop in the province.

All on-line reporting portals will be configured to the extent possible so that allegations about bishops are automatically routed directly to the archdiocesan director of the Office of Child and Youth Protection and IRB chair.

Communications materials about the portals/hotlines will be updated to emphasize that these allegations concerning bishops are being directed to the archdiocesan director of the Office of Child and Youth Protection and IRB chair.

Reporting and Notification Procedures

If the allegation involves conduct described in any of the sections above, the archdiocesan director of the Office of Child and Youth Protection shall ensure that the matter is reported immediately to appropriate criminal and civil authorities.

After consultation with the appropriate authorities, the archdiocesan director of the Office of Child and Youth Protection shall discuss the allegation with the Archbishop of Kansas City in Kansas. However, if the allegation involves the archbishop/metropolitan or any present or previous bishop of the archdiocese, the senior suffragan bishop in the province shall be notified.

The archbishop/suffragan bishop shall notify the apostolic nuncio in accord with *Vos estis lux mundi*. The bishop shall immediately request permission to commence an investigation, unless he considers the report manifestly unfounded. In consultation with the archdiocesan director of the Office of Child and Youth Protection and IRB chair, if he considers the report manifestly unfounded, he shall so inform the apostolic nuncio.

Carrying Out the Investigation

If the metropolitan/suffragan bishop receives a request from civil authorities to suspend his investigation in deference to an investigation being conducted by civil authorities, the metropolitan/suffragan bishop will immediately notify the apostolic nuncio.

In accord with Article 12 sec. 1, once the metropolitan/suffragan bishop has received authorization from the competent Dicastery of the Apostolic See to investigate, and with due regard for his charge to oversee the process, the metropolitan/suffragan bishop should appoint an investigator. The investigator assisting the metropolitan/suffragan bishop shall take an oath to fulfil their charge properly. The investigator will:

1. Collect relevant information regarding the facts.
2. Access the information and documents necessary for the purpose of the investigation kept in the archives of ecclesiastical offices.
3. Obtain the cooperation of other Ordinaries or Hierarchs whenever necessary.
4. Request information from individuals and institutions, including civil institutions, that are able to provide useful elements for the investigation. The metropolitan/ suffragan bishop remains responsible for the direction and conduct of the investigation.

If it is necessary to hear from a minor or a vulnerable person, the metropolitan/suffragan bishop shall adopt appropriate procedures which take into account their status.

In the event there are well-founded motives to conclude that information or documents concerning the investigation are at risk of being removed or destroyed, the metropolitan/suffragan bishop shall take the necessary measures for their preservation. The metropolitan/suffragan bishop is required to act impartially and free of conflicts of interest. If he considers himself to be in a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he is obliged to recuse himself and report the circumstance to the apostolic nuncio. The metropolitan/suffragan bishop shall inform all persons involved of the investigation: (a) the process by which they may notify the metropolitan/suffragan bishop of a claim that he, or any person who is assisting him in the investigation, may have a conflict of interest; and (b) that an unsuccessful claim of conflict of interest will not result in prejudice, retaliation, or discrimination against the claimant.

Any person assisting the metropolitan/suffragan bishop in the investigation is required to act impartially and must be free of conflicts of interest. If s/he considers her/himself to be in a conflict of interest or unable to maintain the necessary impartiality required to guarantee the integrity of the investigation, s/he is obliged to recuse from the investigation and report the circumstances to the metropolitan/suffragan bishop.

The person under investigation enjoys the presumption of innocence.

The metropolitan/suffragan bishop, if requested by the competent dicastery, informs the accused person of the investigation concerning him, hears his account of the facts and invites him to present a brief in defense. In such cases, the investigated person may be assisted by legal counsel.

Every 30 days, the metropolitan/suffragan bishop sends a status report on the state of the investigation to the competent dicastery.

The investigation is to be completed within the term of 90 days or within a term otherwise provided for by the instructions referred to in article 10 §2 of *Vos estis lux mundi*. Where there are just reasons, the metropolitan/suffragan bishop may request that the competent dicastery extend the term.

Should the facts or circumstances require it, the metropolitan/suffragan bishop shall propose to the competent dicastery the adoption of provisions or appropriate precautionary measures regarding the person under investigation. This may include a request the accused must refrain from ministry pending the outcome of the investigation.

The metropolitan/suffragan bishop shall determine, in consultation with the IRB chair, the appropriate communications to be made. In determining these communications, the metropolitan and IRB chair shall consider the safety and privacy of the individuals involved as well as the safety interests of the community at large. The metropolitan/suffragan bishop will seek approval and guidance from the appropriate dicastery or apostolic nuncio in implementing appropriate communications.

valuation of the Investigation

The metropolitan/suffragan bishop, once empowered by the Holy See to begin an investigation, shall engage their respective IRB to review the investigation upon completion. The bishops of the province understand that the Archdiocesan/Suffragan Bishop Review Board consists of persons expert in relevant fields, such as law enforcement, criminal investigations, civil law, canon law, psychology and/or social work. The metropolitan/suffragan bishop may invite additional expert(s) from the review board of another diocese in the province. However, the IRB evaluation will not include a representative from the diocese in which the accused bishop has resided or served. The IRB shall provide a recommendation as to whether there is sufficient evidence that abuse or negligence by a bishop has occurred.

In accord with Article 17 sec. 1, at the conclusion of the investigation, the metropolitan is to transmit to the competent Dicastery of the Apostolic See, through the apostolic nuncio, his votum and the acts of the investigation, including the names and titles of the individuals from the expert list who were chosen to assist in the process, as well as any other documents he deems pertinent.

With due regard for Article 17 sec. 3, the metropolitan should inquire of the competent dicastery whether and how the person who made the report and the public can be informed of the outcome of the investigation. The metropolitan should also inform the person making the report of the protections provided in Article 4, Sec. 2.