SERIES 400 – STAFF PERSONNEL

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 401.0

STAFF PERSONNEL

Religious Qualifications of Catholic School Teachers

Because the distinct purpose of a Catholic school is to create a Christian educational community where knowledge is enlightened and enlivened by the Catholic Faith and Catholic Social Teaching, teachers in the Catholic schools of the Diocese of Davenport should:

1. Be practicing Catholics who have knowledge of the Catholic faith adequate to teach its content.
2. Be non-Catholics fully committed to the distinctive purpose, philosophy, and spirit of Catholic School education.
3. Live and model the principles and moral values which are part of Catholic teaching regarding lifestyle.
4. Understand and be dedicated to the ministry of Catholic school education.

Requirements for Teachers of Religion in Catholic Schools

1. Be a practicing Catholic who has the knowledge of the Catholic faith adequate to teach its content.
2. Demonstrate a belief in and practice of the Catholic Faith.
3. Possess knowledge of the faith formation/religious education program of the school.
4. Work toward completion of the highest level of Catechetical certification provided the Office of Faith Formation in the Diocese of Davenport.

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Revised: May 17, 2010
Policy Revised: December 2015
Policy Revised: July 11, 2019
Policy Promulgated: July 17, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 402.0

RECRUITMENT AND SELECTION OF TEACHERS

When vacancies become known at a local school or a new position is created for a teacher, the principal shall follow this procedure:

1. Advertise the teaching position on the Teach Iowa Website and the NCEA Jobs Bulletin site, which are both free to non-public schools. The principal may choose to also list the teaching vacancy in *The Catholic Messenger* or the local newspaper.
2. It shall be the policy of the Diocesan Board of Education that the administrators utilize a committee to assist in interviewing candidates for teaching positions. Committee membership might include the pastor, a member of the Board of Education/Faith Formation and a teacher from the department or grade band in which a vacancy exists.
3. The principal/search committee will review and select applicants for interview.
4. The principal/search committee may select interview questions from the teacher interview question that best suit the needs for the position to be filled.
5. The principal or his designee will select the proper location for the interviews to be conducted and make a schedule to follow for the interviews.
6. The principal or a staff member may offer the applicant a tour of the classroom to be occupied by the teacher to be hired and the rest of the building.
7. The principal or his/her appropriate designee will conduct all correspondence between applicants and the local catholic school.
8. Responsibility for recommending to the Board of Education/Parish Council a candidate for a contract rests solely with the administrator. Search committee members shall share strengths and areas of concern for each applicant and point out how certain applicants might possess the skills needed for the current vacancy.
9. The principal will conditionally offer, pending board approval, the position to an applicant. Upon confirmation of acceptance of the conditional offer, the potential hire will begin the background check and Diocesan Safe Environment Program Requirements . A contract is only signed after the potential hire meets the aforementioned criteria

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Revised: May 17, 2010
Policy Revised: December 2015
Policy Revised: July 11, 2019
Policy Promulgated: July 17, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 403

SCREENING

In the interest of the safety of those we serve, it shall be the policy of the Diocesan Board of Education that all persons, who volunteer or are employed to work in the school, must be screened in relation to the nature of the position. Offers of employment and volunteer positions are conditional until successful completion of Safe Environment Requirements, which includes a background check.

Those driving as a regular part of their employment or volunteer service will be asked to complete the diocesan approved form regarding driving. They may also be asked to consent to a review of their driving record.

Any and all information gathered must be shared with others "on a need to know" basis only and as allowed by law.

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Revised: May 17, 2010
Policy Reviewed: December 2015
Policy Revised: February 28, 2019
Policy Revised: February 7, 2020
Policy Promulgated: May 5, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 404.0

STAFF PERSONNEL

Support for Church Teachings

It shall be the policy of the Diocesan Board of Education that all employees/volunteers of the school and are expected to support the mission of the program in which they are involved and the teachings of the Catholic Church.

Employees/volunteers shall be either Catholics in good standing with the Church or others who have a positive attitude toward the Catholic faith and could assume the role of witnessing Catholic values. Teachers of religion in schools and are to be fully initiated Catholics in good standing with the Church.

Administrators cannot and should not concern themselves with the private lives of employees/volunteers unless their public behavior and/or work becomes a source of scandal to the Catholic faith (Cf: *Catechism of the Catholic Church*: 2284-2287). If concern of this nature should arise, the program administrator should consult the proper diocesan official for the purpose of raising awareness and seeking information.

Upon confirmation that an employee/volunteer of the school demonstrates behavior that is inconsistent with church teachings, the person may no longer be qualified to serve in a given situation for a certain time.

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Reviewed: May 17, 2010
Policy Reviewed: December 2015
Policy Amended: October 25, 2018
Policy Reviewed: February 28, 2019
Policy Promulgated: July 29, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 405.0

COMMUNICABLE DISEASES

Classification: Personnel, Health and Safety

Each employee of a school must be physically and mentally able to perform the essential job function of his/her duties and responsibilities of his/her position and must be free of any condition or disease which may be detrimental to the health and/or safety of students or fellow employees as determined by a licensed physician.

The Diocesan Board of Education recognizes that some employees with a communicable disease, as defined by the Federal Center for Disease Control and the Iowa State Department of Health, may be able to perform their duties without creating a risk of transmission of illness or other harm to students or employees. The Board also recognizes that there may be greater risk for the transmission of a communicable disease for some persons than for other persons infected with the same disease.

It shall be the policy of the Diocesan Board of Education that these special conditions, the risk of transmission of the disease, and the effect upon the employee shall be considered in assessing the individual's continued employment and/or placement. Responsibility for this assessment rests with the program administrator in consultation with the appropriate diocesan administrator. The Diocese reserves the right to require a physician's statement prior to a decision regarding continued employment and/or placement following contagious illness.

Health data of an employee is held separate from personnel files, is confidential and released only as allowed by law, and shall not be disseminated without strict observance of the employee's right to privacy.

Policy Approved: March 15, 1989
Policy Revised: June 5, 2002
Policy Revised: May 17, 2010
Policy Reviewed: December 2015
Policy Amended: October 25, 2018
Policy Reviewed: February 28, 2019
Policy Promulgated: July 29, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 406.0

STAFF PERSONNEL

Bus Drivers/Drug and Alcohol Testing

It shall be the policy of the Diocesan Board of Education that schools must comply with current law at all times. Any school operating its own bus program must become a member of the Iowa Drug and Alcohol Testing Program (IDATP). Schools contracting with a private provider must ensure that the provider has a drug and alcohol testing program complaint with federal regulations.

Institutions must comply with current law at all times. At the time of this writing, employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the vehicle and the vehicle transports sixteen or more persons including the driver or the vehicle weighs twenty-six thousand one hundred pounds (26,000lbs) or more. For the purposes of the drug and alcohol-testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle and any volunteers who operate such a vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, post-accident, and return-to – duty and follow-up drug and alcohol testing. Employees operating school vehicles shall not perform a safety-sensitive function* within four hours of using alcohol. Employees governed by this policy shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function.*

Employees with questions about the drug and alcohol-testing program may contact the program administrator or the person designated by the administrator to be responsible for this area.

Employees who violate the terms of this policy may be subject to discipline up to and including termination. Employees who violate this policy may be required to successfully participate in a substance abuse evaluation and, if recommended, substance abuse treatment program. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

The administrator or designee shall inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment, in the application form and personally at the first interview with the applicant.

The administrator or designee shall also be responsible for publication and dissemination of this policy and its supporting administrative regulations to employees operating school vehicles. The administrator or designee shall also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

*See the Federal Motor Carrier Safety Administration – "Implementation Guidelines for Alcohol and Drug Regulations", Table 2.1 Safety-Sensitive Functions.

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Reviewed: May 17, 2010
Policy Reviewed: December 2015
Policy Revised: July 11, 2019
Policy Promulgated: July 29, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 407.0

STAFF PERSONNEL

Medical Examination

Pre-employment physicals or certification of fitness to work are not required by the State of Iowa or the Diocese of Davenport. Bus drivers must follow Department of Education regulations. Individuals working in DHS approved aftercare, daycare or pre-school must follow the guidelines set forth for them by the Department of Human services.

(Iowa Administrative Code 12.4(14).

Policy Adopted: March 15, 1989
Policy Revised: June 5, 2002
Policy Revised: June 2008
Policy Revised: May 17, 2010
Regina Reviewed: September 5, 2013
Policy Revised: December 2015
Policy Revised: December 13, 2018
Promulgated: December 18, 2018

STAFF PERSONNEL

Hepatitis B

It shall be the policy of the Diocesan Board of Education that each school provides information about Hepatitis B during its annual Right-to-know session.

Each school identifies the individuals or groups of employees who are at occupational risk for exposure to blood or potentially infectious body fluids. The school shall provide the Hepatitis B vaccine and vaccination series to these employees, at no cost to the individual. In addition, the school will provide post-exposure evaluation and follow-up to employees who may have been exposed to blood and/or body fluids.

If an employee declines the vaccination for Hepatitis B, a signed and dated statement must be kept on file. If an employee identified as being at occupational risk for exposure initially declines Hepatitis B vaccination but later wishes to be vaccinated, the employer must provide such.

Policy Proposed: July 16, 2001
Policy Adopted: November 15, 2001
Policy Reviewed: September/October, 2005
Policy Revised: October 13, 2005
Policy Reviewed: May 17, 2010
Policy Reviewed: December 2015
Policy Revised: September 2019
Policy Promulgated: October 17, 2019

STAFF PERSONNEL

Hepatitis B Refusal Form

The following form, as required by the Occupational, Safety and Health Agency (OSHA) of the federal government, must be signed, dated and kept on file for any employee who declines the Hepatitis B vaccination series.

"I understand that due to my occupational exposure to blood and other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to me. However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine I continue to be at risk of acquiring Hepatitis B, a serious disease.

If in the future I continue to have occupational exposure to blood or other potentially infectious material and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me."

_____ _____
Signature of Employee Date of Signature

Regulation Adopted: November 15, 2001
Regulation Revised: June 5, 2002
Regulation Revised: May 17, 2010
Policy Reviewed: December 2015
Policy Amended: October 25, 2018
Promulgated: December 18, 2018

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 410.0

Contractual Obligations – Diocesan Teachers

A teacher's primary responsibility is to teach. Her/his energies and time should, to the greatest extent possible, be directed to this end.

The specific obligations of the contract that directs and rewards this responsibility should be supplemented with a professional attitude and behavior that is reflected in being punctual, in meeting assigned class schedules and in other measures of performance.

Policy Adopted: November 9, 1973
Policy Revised: June 5, 2002
Policy Reviewed: May 17, 2010
Policy Revised: December 2015
Policy Reviewed: October 2019
Policy Promulgated: October 17, 2019

Professional Growth

The Office of Catholic Schools shall be charged with identifying, designing, and implementing relevant and high – quality Professional development Opportunities for administrators and teachers. These opportunities shall reflect both identified initiatives emerging out of educational research as well as development needs identified by the Office of Catholic Schools amongst the schools. Professional development may be implemented on the Diocesan, regional, or local levels.

In accordance with this policy, the Catholic Schools Office may offer Diocesan or regional in-service days. All principals and teachers shall be required to attend designated professional development days provided by the Office of Catholic Schools.

Local School Responsibility

Ongoing professional Development for administrators, teachers and other staff members shall be made a priority in planning and budgeting. Each school shall continually collect and analyze performance data to shape school-wide, academic department, and teacher-level Professional development goals. Each school will develop a plan for ongoing professional development which aligns with the school's Continuous Improvement Plan.

Each school shall provide at least five clock hours per year of catechetical development of the staff and Catholic retreat. The Office of Faith Formation, the Office for Liturgy and the Office of Vocations from the Diocese of Davenport will assist Principals in the planning and execution of these days.

Policy Adopted: June 5 , 2002
Policy Amended: May 17, 2010
Policy Revised: December 2015
Policy Revised: September 2019
Policy Promulgated: October 17, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 414.0

STAFF PERSONNEL

Teacher Observation and Evaluation

Teachers in the Diocese of Davenport will be by their building principal, using the Eight Iowa Teaching Standards and the Diocesan Standard for "Faith Community Member". The principal will observe instruction in the classroom. Each teacher will receive a summative evaluation by the principal according to the TIER in which the individual is placed. This evaluation shall be based upon data collected during observations and should be the basis for ongoing teacher professional development. All evaluation forms must be signed by the teacher and the principal.

Employment Records and Confidentiality

Principals shall maintain a personnel file for each member of the instructional staff. Files shall be kept in a secured location in the office of the Principal. Each personnel file is confidential and shall be available only to the employees and to appropriate supervisory personnel. No information is to be released without the authorization of the principal and written approval of the employee.

Records

Members of the instructional staff are required to ensure that their personnel file is accurate and up-to-date. Each personnel file shall include the employee's professional certificates/licenses, individual professional development plans, teaching experience, written evaluations, observation forms, accumulated and utilized leave.

Each employee's emergency information form should remain in the employee's personnel file and contain the name of the employee's preferred doctor, dentist, hospital, and the phone numbers of relatives or friends to contact in an emergency.

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Revised: June 2008
Policy Reviewed: May 17, 2010
Policy Revised: December 2015
Policy Revised: September 2019
Policy Promulgated: October 17, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 430.0

STUDENT PERSONNEL

Anti-Bullying/Harassment Policy

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the Diocesan Board of Education. The board is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, the Board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by other students, by school employees, and by volunteers who have direct contact with students will not be tolerated in the school.

The board prohibits harassment, bullying, hazing, or any other victimization, of students, based on any of the following actual or perceived traits or characteristics: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. Harassment against employees based upon the employee's race, color, creed, sex, sexual orientation, national origin, religion, age or disability is also prohibited.

This policy is in effect while students or employees are on property within the jurisdiction of each local boards of education committee; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school.

When looking at the totality of the circumstances, harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging, or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, property, etc.;
- Demeaning jokes, stories, or activities directed at the student; and/or
- Unreasonable interference with a student's performance.

Policy Adopted: June 3, 2007
Policy Revised: June 10, 2009
Policy Reviewed: May 17, 2010
Policy Revised: December 2015
Policy Revised: September 2019
Policy Promulgated: October 17, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 430.0

STUDENT PERSONNEL

Anti-Bullying/Harassment Policy

Sexual harassment of a student by an employee or another student means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
- Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student;
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment.

In situations between students and school, faculty, staff, or volunteers, bullying and harassment may also include the following behaviors:

- Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities; and/or
- Requiring submission to, or rejection of, such conduct as a basis for decisions affecting the student.

In the case of a student who threatens physical harm to another student for any reason, the perpetrator will be removed from the situation immediately. Reentry will be contingent upon a report from a competent mental health professional that the perpetrator is not perceived to be a threat to self or others. It may also be contingent upon a program of continued counseling.

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

Retaliation against any person because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited. Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

The school will promptly and reasonably investigate allegations of bullying or harassment. The investigator or designee will be responsible for handling all complaints by students or employee alleging bullying or harassment.

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures which may include suspension or expulsion. If, after an investigation, a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures which may

include termination. The policies of the Iowa Board of Educational Examiners will be followed in all instances involving teachers and administrators. If, after an investigation, a school volunteer is found to be in violation of this

policy, the volunteer shall be subjected to appropriate measures, which may include exclusion from school grounds.

It also is the responsibility of the superintendent, in conjunction with the investigator and principals, to develop procedures regarding this policy. The superintendent or designee also is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies

Each local board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook and volunteer handbook
- Inclusion in the registration materials
- Inclusion on the school/parish or school web site, and the Diocesan website

And a copy shall be made available to any person at the administrative office of each school or Diocese.

It is the responsibility of all adults who supervise students directly (teachers, recess supervisors teacher assistants, coaching staff, counselors, paraprofessionals, bus drivers, bus associates etc.) to protect students and their well-being. They must demonstrate that it is safe and worthwhile to report bullying behaviors by responding effectively when students report bullying, report what they hear and see to the principal, and follow-up to see if the situation has been addressed. These staff members are empowered to intervene, take measures to ensure the child's safety temporarily, and record incidents.

***The Diocese of Davenport Policies Relating to Sexuality and Personal Behavior must be followed if there is a complaint on Sexual Harassment of an employee or volunteer**

Policy Adopted: June 3, 2007
Policy Revised: June 10, 2009
Policy Reviewed: May 17, 2010
Policy Revised: December 2015
Policy Revised: September 2019
Policy Promulgated: October 17, 2019

Diocese of Davenport
Board of Education

Series 400: Staff Personnel

Procedure 430.1

Anti-Harassment/Bullying Investigation Procedures (Policy Last Reviewed: March 26, 2026)

Policy Adopted: November 15, 2001
Procedure Promulgated: May 5, 2020
Policy Revised: June 5, 2002; May 17, 2010; December 2015; June 2019; March 20, 2020; February 27, 2025, March 26, 2026

Definitions
"Electronic" - means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, Internet-based communications, cell phones, electronic text messaging, and social media platforms.

“Harassment" and "bullying" - shall be construed to mean any repeated and targeted electronic, written, verbal, or physical act or conduct toward a student that creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property.
- Has a substantially detrimental effect on the student’s physical or mental health.
- Has the effect of substantially interfering with a student's academic performance.
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

“ Volunteer”- a volunteer freely provides unpaid service to support staff and enrich student learning. Volunteers must adhere to school policies, undergoing background checks and complete the Diocese of Davenport Safe Environment program to ensure child safety.

REPORTING SUSPECTED BULLYING BEHAVIORS

Any student, parent, or guardian of a student, employee or volunteer of a Catholic school in the Diocese of Davenport who feels that the student has been bullied or harassed: or who feels he/she has witnessed an incident of bullying or harassment; shall contact the building principal.

When a claim of bullying or harassment has been received by the school, the principal (or President/Pastor) shall notify the parents or guardians of a student who may have been the victim of conduct that constitutes bullying or harassment within 24 hours of having received the information.

Claims made against a principal/school administrator shall be reported to the President/Head of School or Pastor AND the Diocesan Superintendent.

COMPLAINT PROCEDURE

An individual (parent, teacher, or adult responsible for the supervision of children or the child) who believes that a student has been harassed or bullied will notify the building principal.

The principal will review the difference between conflict and bullying with the individual who lodges the concern.

If it is clear that the event(s) reported are a conflict between the parties involved, then the situation will be handled as a matter of school discipline.

Diocese of Davenport
Board of Education

Series 400: Staff Personnel

Procedure 430.1

Anti-Harassment/Bullying Investigation Procedures **(Policy Last Reviewed: March 26, 2026)**

If it is clear the event(s) reported indicate that bullying behaviors may exist as per the criteria identified by the Iowa department of Education:

Any repeated and targeted electronic, written, verbal, or physical act or conduct toward a student that creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property
- Has a substantially detrimental effect on the student's physical or mental health
- Has the effect of substantially interfering with a student's academic performance
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school

The principal will reasonably and promptly commence an investigation upon receipt of the complaint.

The principal may identify a designee to complete the investigation who understands the elements of this policy and is knowledgeable in the dynamics of bullying and harassment, particularly in the school environment.

If it is clear the event(s) reported indicate that bullying behaviors may exist, the principal/designee will offer the targeted individual the opportunity to complete the Bullying and Harassment Complaint form (Form 430.2) and collect evidence of the harassment, including, but not limited to, letters, tapes, or pictures.

The principal/designee may waive the form and do an intake interview right away if the behavior(s) the individual student is reporting is so egregious that an investigation should commence immediately (e.g.,

If a student who makes a threat of violence, causes an incident of violence that results in injury or property damage, or who commits an assault.) When appropriate, referrals will be made to local law enforcement.

The principal/designee who determines that bullying and harassment behaviors may exist, will initiate an investigation even in the absence of a written complaint to document actions of school personnel, victim and the individual for whom the complaint was made.

The principal/designee will interview witnesses, if any, completing the "Bullying or Anti-Harassment Witness Disclosure Form" (Form 430.3).

The principal/designee will interview the person claimed to have committed the bullying or harassment (Form 430.3)

The principal/designee will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying. The investigator will determine if the behavior described meets the criteria defined in Iowa code.
The standard of proof is "preponderance of the evidence." A bullying and harassment report is founded if it is more likely than not that bullying and harassment occurred. Use of a higher or lower standard violates the law.

Anti-Harassment/Bullying Investigation Procedures (Policy Last Reviewed: March 26, 2026)

The principal/designee will consider development of a safety plan for the complainant, in collaboration with the parents/guardians.

INVESTIGATION PROCEDURE

Pre-Investigation Safety Plan
The investigation begins with considering precautionary measures and, if necessary, the implementation of a pre-investigation safety plan.
Principal/Designee Meets with the Reporting Individual

- The principal/investigation conducts an intake interview of the student, who claims to be the target of bullying behaviors, or the reporting teacher or parent who submitted the claim of bullying behaviors against a targeted student. During the intake interview the principal/designee will meet with the complainant and explain the process, including:
- Documentation of the allegation; a claim or assertion that an individual has engaged in bullying behavior;
- Explain the principal/designee's role as a neutral factfinder;
- Assure the complainant of non-retaliation;
- Assure that the claim will be handled discreetly but confidentiality cannot be guaranteed because of witness interviews;
- Address the filing of false claims and disciplinary action;
- Have the complainant review and sign the allegations; and
- Reevaluate precautionary measures and safety plan.

The safety plan should ensure the target's emotional and physical safety during the investigation and must be developed for the student's individual circumstances, worries and needs. All individuals, who need to know, will be informed of the safety plan and their individual responsibility for implementing and monitoring the plan.
Principal/Designee Interviews with Witnesses and Student Reported for Bullying and/or Harassment
The principal/designee will interview witnesses separately as well as the individual who was reported of bullying and /or harassment. The principal/designee will:

- Explain the purpose of the meeting;
- Explain the principal/designee's role as a neutral investigator;
- Ask what was personally observed;
- Ask about the specific allegations;
- Advise individuals of the non-retaliation policy;
- Address the issue of knowingly providing false information;
- Review each allegation and obtain responses from the individual who was reported of bullying and/or harassment;
- Have the individual who was reported of bullying and/or harassment review his/her responses and sign off on his/her responses; and
- Review with individuals their role regarding the precautionary measures and safety plan as appropriate.

Determination of Bullying Behaviors.
In determining if there was a violation of the policy for anti-bullying and harassment, the principal/designee will assess credibility and determine what the preponderance of the evidence indicates based on criteria established by the state of Iowa. At this juncture, the principal/designee will determine if there was a violation of the policy for anti-bullying and harassment and render a complaint as founded, unfounded or unable to render a conclusion. It is impermissible to find no

bullying and harassment merely because the accounts differ or there were competing versions of events, unless all eyewitnesses or participants are equally credible.
In all cases, the principal/designee will complete the investigative report and disclose the findings to the reporting individual (or designee) and the accused (or designee), while maintaining the confidentiality of all parties.
If a claim of anti-bullying and/or harassment is unfounded:

- The complainant and the student reported to be involved in bullying and/or harassment will be notified the conclusion of the principal/designee;
- Advise the complainant to report future incidents as needed;
- Meet with the complainant periodically to determine if there are further problems.

If a claim of bullying and/or harassment does not yield clear findings in either direction:

- The individual who was reported as engaging in bullying and/or harassment will be advised that the school environment is being monitored to guard against bullying behavior;
- Advise the complainant to report future incidents immediately;
- Meet with the complainant periodically to determine if there are further problems.

If a claim of anti-bullying or harassment behavior is founded:

- The principal will determine the need for discipline and will administer the consequences he/she deems necessary for the scope of the bullying activity.
- The principal may determine if the student engaged in bullying should receive counseling services.
- The principal will develop a post-investigation safety plan that restricts a student engaged in bullying and/or harassment in the environment in which they have been engaged in unsafe behavior.

The principal will also follow all state laws regarding reporting of founded complaints.

CONFLICT OF INTEREST

If the principal/designee is a witness to, or part of, the reported incident, an alternate investigator shall investigate. The Superintendent of Schools shall be notified of this development.

20 U.S.C. §§ 1221-1234i (2004).; 29 U.S.C. § 794 (1994).; 42 U.S.C. §§ 2000d-2000d-7 (2004).; 42 U.S.C. §§ 12001 *et. seq.* (2004).; Senate File 61, 1st Regular Session, 82nd General Assembly, (2007). Iowa Code §§ 216.9; 280.3 (2007).; 281 I.A.C. 12.3(6).;

Morse v. Frederick, 127 S.Ct. 2618 (2007)

Legal References: Iowa Code 729A.1, 280.28(3)
Iowa Administrative Code 281-12.3(13)
5505

(2023 Iowa Acts, chapter 96 (House File 604), sec. 7, new section 279.79, subsection 5).

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 430.2

STUDENT PERSONNEL
Anti-Bullying/Harassment Policy

ANTI-HARASSMENT/BULLYING COMPLAINT FORM for Staff to Student, Student to Staff, or Staff to Staff Incidents

Check One (1): ❑ Student ❑ Staff ❑ Family Member ❑ Other/Volunteer

Name of complainant: _____

Position of complainant: _____

Name of student or Employee target: _____

Date of complaint: _____

Name of alleged harasser or individual accused of bullying behavior: _____

Date and place of incident or incidents: _____

Nature of Discrimination or Harassment Alleged (Check all that apply)

	Age		Physical Attribute		Sex
	Disability		Physical/Mental Ability		Sexual Orientation
	Familial Status		Political Belief		Socio-economic Background
	Gender Identity		Political Party Preference		Other –Please Specify:
	Marital Status		Race/Color		
	National Origin/Ethnic Background/Ancestry		Religion/Creed		

Description of misconduct: _____

_____

Name of witnesses (if any): _____

_____

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible): _____

_____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: Date:

Policy Adopted: June 3, 2007
Policy Revised: June 10, 2009
Policy Reviewed: May 17, 2010
Policy Revised: December 2015
Policy Revised: September 10, 2019
Policy Promulgated: October 17, 2019
Form Revised: March 20, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 430.3

STUDENT PERSONNEL
Anti-Bullying/Harassment Policy

ANTI-HARASSMENT/BULLYING COMPLAINT FORM for Student to Student

Check One (1): ❑ Student ❑ Staff ❑ Family Member ❑ Other/Volunteer

Name of complainant: _____

Position of complainant: _____

Name of student target: _____

Date of complaint: _____

Name of alleged harasser or individual accused of bullying behavior: _____

Specific Details:
What happened?

When did it happen?

Where did it happen?

Were there any witnesses?

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible):

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: Date:

Policy Adopted: June 3, 2007
Policy Revised: June 10, 2009
Policy Reviewed: May 17, 2010
Policy Revised: December 2015
Policy Revised: September 10, 2019
Policy Promulgated: October 17, 2019
Form Revised: March 20, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 430.4

STUDENT PERSONNEL
Anti-Bullying/Harassment Policy

ANTI-HARASSMENT/BULLYING WITNESS DISCLOSURE FORM

Check One (1): ❑ Student to Student ❑ Staff to Student ❑ Student to Staff ❑ Staff to Staff

School/Site of Incident: _____

Alleged Offender(s): _____

Complainant(s)/Target(s): _____

Reporter Name: _____

Name of witness: _____

Position of witness: _____

Date of testimony, interview: _____

Description of incident witnessed: _____

_____

_____

_____

Any other information: _____

_____

_____

_____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: / /

Policy Adopted: June 3, 2007
Policy Revised: June 10, 2009
Policy Reviewed: May 17, 2010
Policy Revised: December 2015
Policy Revised: September 10, 2019
Policy Promulgated: October 17, 2019
Form Revised: March 20, 2020

Diocese of Davenport
Board of Education

Series 400: Staff Personnel

Form 430.5

Diocesan Policies Relating to Sexuality and Personal Behavior (Policy Last Reviewed: May 1, 2018)

Policy Promulgated: July 3, 1998
Policy Revised July 1, 2001; June 1, 2003; February 13, 2006; January 11, 2007; May 29, 2007; May 16, 2008; November 6, 2008; November 8, 2010; June 25, 2011; November 9, 2011; September 13, 2012; February 14, 2013; November 6, 2013; November 3, 2014; March 10, 2015; March 31, 2016; July 12, 2016; May 1, 2018

DIOCESE OF DAVENPORT

POLICIES RELATING TO SEXUALITY AND PERSONAL BEHAVIOR

Policy promulgated at the Pastoral Center of the Diocese of Davenport–effective July 3, 1998

Revised July 1, 2001
Revised June 1, 2003
Revised February 13, 2006
Revised January 11, 2007
Revised May 29, 2007
Revised May 16, 2008
Revised November 6, 2008
Revised November 8, 2010
Revised June 25, 2011
Revised November 9, 2011
Revised September 13, 2012
Revised February 14, 2013
Revised November 6, 2013
Revised November 3, 2014
Revised March 10, 2015
Revised March 31, 2016
Revised July 12, 2016
Revised May 1, 2018

Most Reverend Thomas R. Zinkula
Bishop of Davenport

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Diocese of Davenport

Office of the Bishop

TO: All Clergy, Employees and Volunteers
FROM: Most Rev. Thomas Zinkula, Bishop of Davenport
RE: Safe Environment
DATE: July 2018

On June 14, 2002, the United States Conference of Catholic Bishops approved a Charter for the Protection of Children and Young People. The Charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by clergy and other Church personnel. The abuse of minors by anyone serving the Church in ministry, employment or a volunteer position, whether the sexual abuse was recent or occurred many years ago, will not be tolerated. The bishops have committed themselves to the pastoral and spiritual care and emotional wellbeing of those who have been sexually abused and of their families.

In addition, the bishops work with parents, civil authorities, educators and various organizations in the community to create and maintain the safest environment for minors and vulnerable/dependent adults.

The solution to this problem must involve the whole Church. Our policies and procedures reflect the Diocese's continuing efforts to provide for the safety of the people among whom it carries on its pastoral mission, while protecting the reputation and dignity of clerics and others who may be subject to inaccurate or false allegations. The Diocese of Davenport upholds the highest ethical standards for its members and personnel and strives to maintain safe environments for its people.

The Safe Environment Program encompasses the following:

- Diocesan Safe Environment website: http://www.davenportdiocese.org/safe-environment
- Support from diocesan staff
- Local designee at each parish/school in our diocese
- Background checks and credit checks (at hiring/engagement, every 5 years or when a person changes role)
- Acknowledgment of Diocesan Policies (at hiring/engagement, every 5 years or when a policy changes)
- Adult Training for those working with minors and or vulnerable adults (at hiring/engagement and annual recertification)
- Safe Environment Curriculum for K-12 children in parish programs or Catholic schools
- Diocesan Policies Relating to Sexuality and Personal Behavior

Who is required to complete the Safe Environment Program?

Priests ·Deacons · Candidates for Ordination · Seminarians · Deacon Formation Aspirants · All parish and school employees working with minors and or vulnerable adults· Pastoral Associates · Principals · Administrators · School Teachers · DREs · Youth Ministers · Employed Coaches · School Aides left alone with minors · MFP Participants · Host Parents · Safe Environment Local Designees · Overnight Chaperones · Scout Leaders

To be compliant means:

- All required personnel are registered in VIRTUS
- All required personnel complete a background check and or credit check and agree to diocesan policy
- All required personnel complete adult video training module or Vulnerable Adults Module
- All required personnel complete annual recertification
- All K-12 children are provided instruction using the approved Safe Environment Curriculum
- Each entity has submitted required audit documentation yearly and comply with all diocesan policy requirements

Accountability

Local designees at each entity are responsible for making sure all people in active ministry are compliant with diocesan policy. Information regarding compliance is submitted annually to the auditors.

We welcome all to be a part of our diocese and be involved in ministry in our schools and/or parishes. Questions or concerns regarding our Safe Environment programs should be directed to the local Safe Environment designee of the applicable entity or the Diocesan Safe Environment Coordinator.

780 W. Central Park Ave. • Davenport, Iowa 52804-1901 • 563-324-1911 • Fax 563-324-5842 • bishop@davenportdiocese.org

§II-7000 POLICIES RELATING TO SEXUALITY AND PERSONAL BEHAVIOR

Introduction

On June 14, 2002, the United States Conference of Catholic Bishops approved a Charter for the Protection of Children and Young People *with revisions adopted on November 13, 2002 (hereinafter* Charter*). The* Charter *addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by clergy and other Church personnel (i.e., employees, teachers and volunteers). The abuse of minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago, will not be tolerated. The bishops stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. Further, the bishops have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.*

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese in the United States of America will have procedures in place to respond promptly to all reports of sexual abuse of minors, the United States Conference of Catholic Bishops on June 14, 2002 also decreed Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, revised November 13, 2002 (hereinafter* Essential Norms*). Having received recognition of the Apostolic See on December 8, 2002, and having been legitimately promulgated by the United State Conference of Catholic Bishops on December 12, 2002, these norms constitute particular law for all the dioceses of the United States effective March 1, 2003. The* Charter *and* Norms *were revised by the USCCB in June 2005. These norms are complementary to the universal law of the Church, which has traditionally considered the abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.*

Many of the provisions of the USCCB's Charter and the Essential Norms *have been contained in the Diocese of Davenport's policies and procedures since 1987, the first time that policies were enacted. To the extent that they were inconsistent, Bishop Franklin directed that the policies and procedures of the Diocese of Davenport be amended so as to incorporate the provisions of the USCCB* Charter *and* Essential Norms*. These amendments were discussed with the Bishop's staff and the Diocesan Review Board (hereinafter "Review Board"). Following these consultations, Bishop Franklin approved these revised policies and procedures on June 1, 2003, becoming effective immediately. They were promulgated by posting the full text on the Diocese of Davenport Internet web page, mailing to all Diocesan clergy, parishes, principals, directors of religious education, youth ministers, and Diocesan staff. A summary was published in* The Catholic Messenger*, the official newspaper of the Diocese of Davenport. The policies and procedures were again revised to incorporate any changes made in the revised* Charter *and* Essential Norms *and to incorporate the requirements contained in the* Memorandum of Understanding *made with the Scott County Attorney in December, 2004.* (A copy of the *Memorandum* is in the Appendix.)

These policies recognize that any and all sexual abuse of minors is a special problem with a profound impact on the lives of those affected. In the case of sexual abuse of a minor by a cleric or others in ministry, the integrity of the Church itself as the servant of the people of God is damaged as well. When servant becomes abuser, the relationship of trust necessary for ministry is diminished for all.

The solution to this problem must involve the whole Church. The following policies and procedures reflect the Diocese's continuing effort to provide for the safety of the people among whom it carries on its pastoral mission while protecting the reputation and dignity of clerics and others who may be subject to inaccurate or false reports.

§II-7001 General Provisions

The teachings of the Catholic Church are the foundation for all who minister in her name. They provide basic teachings of responsibility and accountability for one's behavior as well as requirements of chastity for all the baptized and adherence to public vows and commitments. These commitments include those taken by bishops, priests and unmarried deacons to lead celibate lives. It is important that those in ministry understand appropriate conduct relating to sexuality and personal behavior.

There is a sacred relationship that exists between the Church and her members, whether they are adults or children. This relationship involves respect and trust. When that respect and trust is violated by inappropriate use of the Internet, sexual abuse, sexual misconduct, sexual assault and/or sexual exploitation when occurring within the context of the Church, it is a tragedy which misrepresents the Good News to those who have been victimized and indeed to all people. Every instance of sexual misconduct toward those who are the most vulnerable amongst us is a matter of the gravest concern. Knowledge of these instances calls for an organized diocesan response so that healing may occur and the safety of the community is assured.

The Diocese of Davenport upholds the highest ethical standards for its members and personnel and strives to maintain safe environments for its people. Therefore, the Diocese has adopted the following policies regarding conduct relating to sexuality and personal behavior. Acceptance, understanding and acknowledgement of receipt of these policies are required of all persons involved in ministry in the Diocese prior to ordination, assignment, employment or acceptance of regular voluntary services involving interaction with children or dependent adults.

Sexual misconduct violates human dignity as well as the moral teaching and mission of the Church. These policies establish appropriate behavior and address issues of sexual misconduct, including review of the fitness for ministry of any individual within the Diocese. These policies seek to be as fair and responsive as possible to the pastoral needs of those to whom we minister. In particular, they address instances of reported misconduct and the pastoral needs of the victim, the victim's family, the parish or institution involved, the community and the person the report is regarding. These policies shall facilitate cooperation and avoid interference with civil authorities responsible for investigating reports of abuse. The primary purposes of these policies and their procedures are the safety of children, protection of the vulnerable, the wellbeing of the community and the integrity of the Church.

Section 7001 contains general statements of policy from which specific procedural recommendations follow. It also recognizes the Diocese's responsibility to establish appropriate procedural recommendations for clergy about the nature and effect of sexual abuse of minors and establishes appropriate policies and procedures for other Church personnel (i.e., employees, teachers and volunteers).

§II-7001.1 Policy to Prevent and Address Sexual Abuse of Minors[1]

II-7001.1 ***Policy***
It is the policy of the Diocese of Davenport that sexual abuse of minors and dependent adults by personnel of the Diocese of Davenport while employed by or volunteering for the Diocese of Davenport is contrary to Christian principles. Sexual abuse of minors is clearly contrary to the duties, responsibilities and employment of all personnel of the Diocese of Davenport. It is not to be tolerated and is grounds for immediate termination of employment/assignment and may necessitate canonical proceedings regarding continued ministry by clergy. All clergy, staff and volunteers of the Diocese of Davenport must comply with (1) this policy and (2) all applicable federal and state law pertaining to actual or suspected sexual abuse of minors.

The Diocese of Davenport will not tolerate retaliatory acts of any nature against persons who in good faith make reports and provide information implementing these policies.

§II-7001.2 Establishment of Policy

II-7001.2 ***Policy***
Sexual abuse by anyone of a minor or dependent adult violates human dignity, ministerial commitment and the mission of the Church; therefore, the Diocese establishes these policies and procedures to review the fitness for ministry of anyone reported to have sexually abused a minor or dependent adult. The policies and procedures shall involve the people of the Church in a substantive role.

The primary purpose of these policies and procedures are the safety of children and dependent adults, the well-being of the community and the integrity of the Church. These policies and procedures shall be fair and responsive to the pastoral needs of the victim, the victim's family, the community and the person whom the report is against. These policies and procedures shall facilitate cooperation and avoid interference with civil authorities responsible for investigating reports of sexual abuse.

The Diocese shall continue to make its policies and procedures related to sexual abuse available in published form and as the subject of periodic public announcements so that those affected can readily seek and receive the assistance which the policies provide. (see *USCCB Charter*, art. 2)

[1] Definitions for purposes of this policy only: See Appendix A

§II-7001.3 Application to Personnel

II-7001.3 ***Policy***

The following policies will apply to all personnel of the Diocese of Davenport to include:

a) All bishops and incardinated clerics;

b) All religious priests and deacons who have received faculties in the Diocese of Davenport and are working in a Diocesan assignment;

c) All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the *Code of Canon Law*;

d) All clerics incardinated in other dioceses who are working solely in the Diocese. Visiting clerics must comply with their home diocese's policies where they maintain residence.

e) All male and female religious working in the Diocese;

f) All paid personnel in the offices and parishes of the Diocese;

g) All volunteers in the offices and institutions who work with minors and dependent adults;

h) Volunteers completing court-ordered community service requirements must i) be checked for non-inclusion on the abuse registry, ii) be cleared by their probation officer for work at the parish or school, and iii) be included in the procedures used for adults who have regular contact with children and dependent adults. If the volunteer refuses to comply with this policy the volunteer cannot work at the parish or school.

i) Such other personnel as designated by the Bishop of Davenport.

j) Unless specifically included above, Catholic corporate entities within the Diocese of Davenport which are listed in the *Official Catholic Directory* or the Diocesan Directory that do **NOT** have the Bishop of Davenport as their President are **NOT** covered by these policies. (St. Ambrose University, for example, while following the general outline of these policies, has its own policy regarding these issues which are particularly appropriate to these concerns in higher education.)

§II-7001.4 Distribution of Policies

II-7001.4 ***Policy***

These policies are to be distributed to all personnel listed above and to the following:

a) All those who seek ordination in the Diocese at the time they are admitted into an ordination formation program and

b) All clerics of other jurisdictions who seek assignment or appointment for work in the Diocese.

c) The Diocese will promulgate its relevant policies to all members of the community through dissemination to its parishes, the diocesan newspaper, *The Catholic Messenger*, and through the diocesan web-site, www.davenportdiocese.org. References will also be available there.

d) A copy of this policy will be offered to any person coming forward with a report of sexual abuse of a minor or dependent adult.

§II-7001.5 Acknowledgement by Personnel

II-7001.5 *Policy*
All personnel are required to complete a brief questionnaire and electronically sign an acknowledgment of receipt that signifies the understanding and acceptance of these policies. To protect members of the Church, waivers allowing background checks are also included for screening of those who would work with certain vulnerable populations. Compliance with this policy shall be verified through random checks during audits conducted by the Chief of Staff, the Safe Environment Coordinator or his or her designee.

Acknowledgment of receipts are forwarded to the Chief of Staff of the Diocese or his/her designee each quarter.

Acknowledgements are forwarded as follows:

Personnel	Recipient
a) Bishops and incardinated clerics	Chief of Staff
b) Extern clerics with faculties working in the Diocese	Chief of Staff
c) Religious clerics with faculties working in the Diocese	Chief of Staff
d) Parish Life Administrator per Canon 517	Chief of Staff
e) Seminarians	Director of Vocations
f) Principals and School Presidents	Superintendent
g) All school employees and volunteers	Principal
h) Diocesan employees and volunteers	HR/Risk Management Coordinator
i) Non-ordained parish personnel (employee or volunteer) not associated with a parish school	Pastor or parish/school designee
j) Anyone not listed above	Chief of Staff

§II-7001.6 Funding, Staff and Facilities

7001.6 *Policy*
The Diocese shall provide sufficient funding, staff and facilities to assure the effective implementation of the programs established by these provisions.

§II-7001.7 Education of Seminarians, Clerics and other Church Personnel

II-7001.7 *Policy*
The Diocese shall develop and maintain "safe environment" programs and programs for outreach to communities affected. The programs shall promote healing and understanding. They are to be conducted cooperatively with parents, civil authorities, educators and community organizations to provide education and training for children, youth, parents, ministers, educators and others about ways to make and maintain a safe environment for children. The Diocese will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse. (see *USCCB Charter,* art. 12)

The Director of Vocations shall ensure that programs are provided about the nature and effect of sexual abuse of a minor for the education of seminarians.

The Diocese will provide programs which include knowledge or training regarding this policy. Some personnel of the Diocese of Davenport, such as principals, licensed school employees, counselors, etc., are governed by special training requirements (e.g., mandatory reporting laws).

§II-7001.8 Review and Amendment

II-7001.8 *Policy*
The Diocesan Review Board [hereafter referred to as Review Board] established in Section II-7003.4 shall periodically review these policies and procedures and make any recommendations for amendment to the Bishop. The Bishop may amend these policies and procedures at any time upon the recommendation of the Review Board or at his own initiative. (see *USCCB Essential Norms,* 4.B)

§II-7002 Code of Conduct for Clergy, Administrators, Staff and Volunteers

The private and public conduct of priests, deacons, administrators, staff and volunteers in the Catholic Church must uphold Christian values and conduct. This Code of Conduct sets these standards.

§II-7002.1 Conduct for Pastoral Counseling and Spiritual Direction

II-7002.1 *Policy*
Clergy, staff and volunteers who provide pastoral, spiritual and/or therapeutic counseling services to individuals, families or other groups must respect the rights and advance the welfare of each person.

Procedures
All staff and volunteers who work with children and dependent adults who in any way are engaged in pastoral counseling or spiritual direction (to be broadly interpreted):

a) Shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.

b) If possible, should avoid entering into an ongoing counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend or other pre-existing relationship).

c) Should not create video or audio recordings of sessions without the written consent of the client.

d) Must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual physical contact as well as forced physical contact and inappropriate sexual comments.

e) Shall not engage in sexual intimacies with individuals who are close to the client – such as relatives or friends of the client – when there is a risk of exploitation or potential harm to the client. They should presume that the potential for exploitation or harm exists in such intimate relationships.

f) Assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

g) Physical contact should only be public, appropriate and nonsexual between the counselor and the persons they counsel.

h) Should conduct sessions in appropriate settings at appropriate times.

i) Avoid conducting sessions in private living quarters.

j) Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

k) Shall maintain reasonable records as appropriate respecting privacy and confidentiality.

§II-7002.2 Ministry to Minors and Dependent Adults

Because of its extensive ministries to minors and dependent adults, the Church perhaps has more involvement with these individuals than many other organizations. These individuals have no choice but to be dependent upon adults, particularly those adults in positions of trust and leadership.

II-7002.2 *Policy*
It is vitally important that prudence be exercised by all adults in both ministerial and social relationships with minors and dependent adults. In the case of at-risk individuals who are extremely vulnerable, adults should be particularly cautious and sensitive. It is expected that those who deal with these individuals consult regularly with appropriate supervisors.

Following is a set of procedures for all clergy, religious, lay employees, and volunteers of the Diocese of Davenport and anyone using church property in dealing with or in the presence of minors and dependent adults. These guidelines are not meant to be exhaustive but rather to serve as some general principles. At the same time, they are not intended to prevent the performance of ministry but rather to assist in employing good sense in dealing with minors and dependent adults. If it is necessary to depart from these guidelines, adults should be aware of any departure and be able to justify their actions. There are times when one-on-one involvement is unavoidable. In these cases, extreme discretion should be used in relationships with these individuals. Proceed as a prudent person would in similar circumstances.

Procedures

a) Avoid inappropriate physical contact when alone with minors and dependent adults. In other situations where physical contact is necessary and proper, such as in certain moments in the celebration of the sacraments, use sound discretion and moderation. If a person initiates physical contact out of affection, a response is appropriate if it is not prolonged.

b) Do not be alone with a minor in a residence, sleeping facilities, a locker room, restroom, a dressing facility or other closed rooms that are less desirable to a ministry relationship.

c) Seek responsible adults to be present at events involving minors, such as games and athletic activities.

d) Groups of minors should rarely be left alone. Youth group trips must have enough adult chaperones to provide adequate supervision based upon the type of activity.

e) Do not take an overnight trip alone with a minor or minors.

f) Inappropriate language (including profanity) or inappropriate conversation topics should not be used. When people initiate such conversations or use such language in order to seek help or because they lack appropriate vocabulary, you should remain prudent and sensitive.

g) Do not provide alcohol to anyone under the age of 21. (Wine appropriately used in the celebration of the Eucharist is an exception to this directive.)

h) Avoid inviting a minor by himself or herself into your house or automobile.

i) Always maintain a professional posture in dealing with people, avoiding emotional attachment and being aware of the powerful attraction of adults in positions of authority and trust. If one recognizes personal or physical attraction developing, consult a supervisor or refer the person to another qualified adult, particularly in counseling situations.

j) If one-on-one pastoral care of a minor should require frequent or regular appointments, parents should be notified that these appointments are occurring. If the subject matter precludes such notification, the minister should consult his or her supervisor.

k) When practical, two adult supervisors should be present for any church activity outside the classroom situation. Whenever two adults are not present, the adult should refrain from being alone with a minor unless necessary for the nature of the ministry. In those instances, the adult should be in clear view, e.g., through a window or an open door.

l) Volunteers should be invited to work with minors or dependent adults only after they are known to some degree within the parish or Diocese. For those volunteers not known, a six-month time period to get to know that person would be required. Background checks will also be done in accordance with these policies.

m) No person should ever strike, bully or purposely humiliate, ridicule, threaten, harm or degrade anyone.

n) Drivers on trips must be 21 years of age or older with vehicle insurance and a valid driver's license. They must complete a Driver Information Sheet and attach to it a copy of their driver's license and vehicle declaration page listing insurance coverage annually or if information changes. The Driver Information Sheet is retained locally.

o) All people have an obligation to protect minors and dependent adults, particularly when they are in the care of the Church.

p) If there is reason to believe that anyone is violating these directives, the person should be challenged in a forthright manner or reported to a supervisor. If there is reason to suspect that child abuse has occurred in a diocesan related entity, this matter must be reported to the supervisor or to the Victim Assistance Coordinator of the Diocese. Mandatory or permissive reports must also be made to the proper authorities. (see Appendix C)

q) Adult supervisors of outside entities that use church property for overnight events in the presence of minors or vulnerable adults must produce a letter of good standing from their sponsoring organization and proof of safe environment training that includes background checks.

§II-7002.3 Confidentiality

II-7002.3 *Policy*
Information disclosed to a person providing pastoral counseling or spiritual direction during the course of counseling, advising or spiritual direction shall be held in the strictest confidence possible. Under no circumstances whatsoever can there be any disclosure – even indirect disclosure – of information received through the Sacrament of Reconciliation. Additional rights of confidentiality are found in the *State Code of Iowa* (Ch 622.10.1).

Procedures

a) Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

b) If there is clear and imminent danger to the client or to others, they may disclose only the information necessary to protect the parties affected and to prevent harm.

c) Before disclosure is made, if feasible, they should inform the person being counseled about the disclosure and the potential consequences.

d) They should discuss the nature of confidentiality and its limitations with each person in counseling.

e) Knowledge that arises from professional contact or communication should not normally be used in teaching, writing, homilies or other public presentations unless effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

f) While counseling a minor, if it is discovered that there is a serious threat to the welfare of the minor, communication of any confidential information to a parent or legal guardian should disclose only the information necessary to protect the health and well-being of the minor. Consultation with the appropriate Church supervisory personnel is required.

g) When a report of sexual abuse of a minor is received, the person receiving the report must inform the person making the report that confidentiality may not be guaranteed if required by the judicial system. It is important that this be documented on the appropriate form.

§II-7002.4 Sexual Conduct

II-7002.4 ***Policy***
Clergy, staff and volunteers must not, for any reason, but especially for sexual gain or intimacy, exploit the trust placed in them by the faith community.

Procedures

a) All Christ's faithful are called to lead a chaste life in keeping with their particular states of life.

b) Clergy, staff and volunteers who provide counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. These personnel must behave in a professional manner at all times.

c) No clergy, staff or volunteer may exploit another person for sexual purposes.

d) Reports of sexual misconduct should be taken seriously and reported in accordance with the appropriate policy, which will include reporting to civil authorities if the situation involves a minor or dependent adult.

e) Following diocesan policy and procedures, care will always be taken to protect the rights of all parties involved, particularly those of the person reporting to have been sexually abused and of the person against whom the report has been made. When a report has been shown to be unfounded, every step possible will be taken to restore the good name of the person whom the report has named. (see USCCB *Essential Norms*, 13)

f) Clergy, staff and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the State of Iowa and should follow these mandates.
(see www.davenportdiocese.org for links)

§II-7002.5 Harassment

II-7002.5 *Policy*
Personnel must not engage in or tolerate physical, psychological, written or verbal harassment of anyone. Any personnel subject to the *Policies for Diocesan Faith Formation and Education Programs must also abide by that Handbook*. Clergy, staff and volunteers shall provide a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.

Procedures

a) Harassment encompasses a broad range of physical, written, electronic or verbal behavior, including but not limited to the following:
   1. Physical or mental abuse.
   2. Racial insults.
   3. Derogatory ethnic slurs.
   4. Unwelcome sexual advances or touching.
   5. Sexual comments or sexual jokes.
   6. Requests for sexual favors used as:
      - a condition of employment, or
      - to affect other personnel (or educational) decisions, such as promotion or compensation, (or grades).
   7. Display of offensive materials.
   8. Demeaning or belittling statements or actions

b) Harassment can be a single, severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive or intimidating work environment.

c) Reports of harassment should be taken seriously and reported immediately in accordance with the appropriate policy.

d) Following diocesan policy and procedures, care will always be taken to protect the rights of all parties involved, particularly those of the person reporting to have been sexually abused and of the person against whom the charge has been made. When a report has been shown to be unfounded, every step possible will be taken to restore the good name of the person against whom the charge has been made. (see. USCCB *Essential Norms* 13)

§II-7002.6 Conflicts of Interest

II-7002.6 *Policy*
Personnel should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

Procedures

a) Clergy, staff and volunteers should disclose all relevant factors that potentially could create a conflict of interest.

b) Clergy, staff and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

c) No personnel should take advantage of anyone to whom they are providing services in order to further their personal, religious, political or business interests.

d) Generally, counseling services should not be provided to anyone with whom one has a business, professional or social relationship. When this is unavoidable, and it may well be in Church-related situations, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.

e) When counseling or spiritual direction services are provided to two or more people who have a relationship with each other, it would be advisable to anticipate any conflict of interest, take appropriate actions to eliminate the conflict, and obtain from all parties consent to continue services, preferably in writing.

f) Conflicts of interest may arise when independent judgment of a person providing pastoral counseling or spiritual direction is impaired by prior dealings, becoming personally involved or becoming an advocate for one person against another. In these circumstances, the person shall advise the parties that he or she can no longer provide services and refer them to another for counseling or spiritual care.

§II-7002.7 Internet Safety

II-7002.7 *Policy*

The Diocese of Davenport recognizes and promotes the increasing availability of Internet access in schools and parishes throughout the Diocese. The Internet is an electronic highway connecting thousands of computers all over the world with access to electronic mail, public domain software, discussion groups, libraries of information and other forms of direct electronic communication.

Along with the inherent freedom of the Internet comes the possibility of accessing material that is not consistent with the Catholic faith. Although precautions should be taken to restrict access to controversial materials, such access may still be possible.

Procedures

To safeguard the Internet and its users the Diocese requires that the following regulations be enforced by the system administrators of each Internet access site in the Diocese:

a) Transmission or intended reception of any material in violation of any national, state or local regulation is prohibited. This includes, but is not limited to: copyrighted material (without appropriate permission), threatening or obscene material or material protected by trade secret. Use for commercial activities, product advertisement, or partisan political lobbying is prohibited. Intended transmission or reception of materials that would tend to violate the moral teaching of the Catholic Church or be scandalous to the Church is also prohibited. Any child pornography discovered shall be reported to law enforcement authorities and the offender removed from ministry.

b) Any network or computer may be monitored for improper use, network diagnosis and virus detection.

c) The Diocese requires the use of filtering software or services on all school computers with access to the Internet. This particular filtering and monitoring may also be done on all other computers without previous notice. Computers and networks that access the Internet must maintain a firewall that limits access to required services. Firewall and wireless access points shall not use vendor-supplied defaults for system passwords and other security parameters. Network logging is maintained. Security assessments shall be performed on a regular basis to ensure network integrity.

d) When minors are using the Internet, access to visual depictions must be blocked or filtered if they are (a) obscene, as that term is defined in section 1460 of title 18, United States Code; (b) child pornography, as

that term is defined in section 2256 of title 18, United States Code; or (c) harmful to minors. Staff may not disable the filters when minors are using them, even with parental or teacher permission and supervision. Appropriate staff may disable filters only for adults who are using filtered computers for bona fide research purposes. Minors' use of the Internet should be monitored. Appropriate language shall be used while respecting the rights of others. Diocesan entities shall abide by the federal *Children's Online Privacy Protection Act* (COPPA).

e) Appropriate language shall be used while respecting the rights of others. The USCCB Code of Conduct should be posted on all social networking sites: "All posts and comments should be marked by Christian charity and respect for the truth. They should be on topic and presume the good will of other posters. Discussion should take place primarily from a faith perspective. No ads please." Social networking sites should be monitored by an adult who shall report violations of the Code of Conduct to the appropriate staff.

f) In general, personal addresses and personal phone numbers should not be made public over the Internet without special permission. Personal addresses and phone numbers of minors should never be given out over the Internet. Illegal activities should be reported to law enforcement.

g) Internet information is not guaranteed to be confidential. The transmission of credit card information and personal identifiable information is prohibited unless a secure system of encryption is used.

h) Attempts to disrupt the use of the network by destroying data of another user or of the network is prohibited. Attempts to use system administrator access rights or another user's account without written permission are prohibited. Any user identified as a security risk may be denied access to the network.

i) All computers should continuously run anti-virus/malware software while in operation. Computer equipment used in home offices that exchange data with Diocesan or Diocesan entity computer networks shall use anti-virus/malware software approved by the Diocesan Director of Technology. Any information downloaded from the Internet should be scanned for viruses before use. Computers and network equipment should utilize current service pack or firmware versions with all applicable current security patches installed.

j) The Diocese of Davenport makes no warranties of any kind, whether expressed or implied, for Internet service including loss of data, delays, non-deliveries, miss-deliveries or service interruptions. Use of any information obtained is at the operator's risk. It is up to the user to verify or validate all of the information obtained. Users are responsible for backing up data not stored on the network.

k) Diocesan entities are required to follow the Social Media Guidelines provided by the USCCB.

l) Employees and adult volunteers shall avoid e-mailing minors using addresses not associated with the diocesan entity. They shall limit messaging with minors to professional purposes only. Great care should be exercised when communicating with minors outside of school hours and away from school-sponsored events and must be for good cause. Parents and guardians must be provided access all messages to minors either by copies of or inclusion in messages.

§II-7002.8 Administration

II-7002.8 ***Policy***
Employers and supervisors shall treat clergy, staff and volunteers justly in the day-to-day administrative operations of their ministries.

II-7002.8.1 ***Policy***
Employment-related and other administrative decisions made by clergy, staff or volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and diocesan policies.

II-7002.8.2 ***Policy***
No clergy, staff or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

II-7002.8.3 ***Policy***
Prudent fiscal management as well as diocesan policies regarding Internal Controls, Accounting Guidelines and civil and canon law should be observed.

II-7002.8.4 ***Policy***
All unsupervised volunteers providing services to minors and dependent adults, all clergy and all staff must read the *Policies Relating to Sexuality and Personal Behavior*, understand its meaning, agree to conduct themselves in accordance with the policy and electronically sign his or her agreement before providing services.

§II-7002.9 Clergy, Staff and Volunteer Well-Being

II-7002.9 ***Policy***
Clergy, staff and volunteers have the duty to be responsible for their own spiritual, physical, mental and emotional health.

Procedures

a) Clergy, staff and volunteers should be knowledgeable and informed of the warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.

b) Clergy, staff and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

c) Support from a spiritual director is highly recommended.

d) Inappropriate or illegal use of alcohol or drugs is prohibited.

§II-7002.10 Parish, Religious Community/Institute, and Organizational Records and Information

II-7002.10 ***Policy***
Confidentiality will be maintained in creating, storing, accessing, transferring and disposing of parish, religious community/institute, or organizational records.

Procedures

a) Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.

b) Personnel records of parishes, religious community/institute, schools or entities are confidential unless review is required by the Diocese or an appropriate government agency.

c) Individual contribution records of the parish, religious community/institute or organization shall be regarded as private and shall be maintained in strictest confidence.

§II-7002.11 Code of Conduct

II-7002.11 ***Policy***
Those reported of disregarding the policies of this document will be subject to remedial action, which may take various forms, from verbal reproach to removal from ministry for clergy and termination for laity depending on the specific nature and circumstances of the offense and extent of the harm. When a report of sexual abuse is made against clergy or laity, the reported abuser will be put on leave while an investigation is made to determine if the report is credible.

§II-7002.12 Whistle Blower

II-7002.12 ***Policy***
It is the intent of Diocese to adhere to all laws and regulations that apply to it. The Diocese will not retaliate against any person who in good faith, has made a protest or raised a complaint against some practice of the Diocese, or of another individual or Diocesan entity with whom the Diocese has a relationship, on the basis of a reasonable belief that the practice is in violation of law.

§II-7003 Specific Policies Regarding Clergy

Section 7003.1 recognizes the Church's pastoral responsibility to assist all those affected by sexual abuse of clerics with minors: the victim and the victim's family, the community, and the cleric. Section 7003.1 establishes a Victim Assistance Coordinator whose duties will include the identification of pastoral and professional resources which will be made available to assist the victims of abuse. In addition, the Church's outreach to communities affected will be organized to promote understanding and healing. Finally, the role of Vicar for Priests as pastor to the clergy of the Diocese is addressed.

§II-7003.1 Assistance to Those Affected

II-7003.1 *Policy*
The Diocese shall make appropriate assistance available to those who have been the victim of sexual abuse as a minor, whether the abuse was recent or occurred years in the past. This outreach will include provision for counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the Diocese. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse are to be fostered and encouraged by the Diocese and in local parish communities. (*USCCB Charter*, art. 1)

§II-7003.1.1 Assistance to Victim/Survivor

II-7003.1.1 *Policy*
The first obligation of the Church with regard to the victims is for healing and reconciliation. The Diocese shall designate a Victim Assistance Coordinator (VAC) who shall minister to the victim, victim's family or other persons affected, doing so with a sincere commitment to their spiritual and emotional well-being. The VAC shall identify professional and other resources and make them available to aid in the pastoral care of a victim or other person. In the case of any disclosure of sexual abuse of a minor, the VAC shall report the fact to the Chief of Staff. (see *USCCB Charter*, articles 1 & 2, and *USCCB Essential Norms*, 3) The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement. (see *USCCB Charter*, art. 3) Through pastoral outreach to victims and their families, the Bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the "profound sense of solidarity and concern" expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the Bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred. (see *USCCB Charter*, art. 1)

Procedures

a) Upon referral to the Victim Assistance Program the Victim Assistance Coordinator shall explain the Counseling Services Policy, Obtaining Providers of Counseling Services Policy, Medication and Counseling Reimbursement and Chart Review Policy to the victim.

b) The Victim Assistance Coordinator shall work in a cooperative effort with the victim to locate a choice of three providers of service within the preferred provider list provided by the victim's primary insurance company that also has the appropriate credentials to counsel those who have been sexually abused. In order for consideration of reimbursement by the Diocese of Davenport this preferred provider must also be on the approved provider of services list that the Diocese of Davenport Victim Assistance Program maintains.

c) If the preferred provider is not on the approved provider of service list the Victim Assistance Coordinator shall call the licensed mental healthcare professional and explain the process of paperwork that needs to be completed to become a provider of service for the Diocese of Davenport.

d) Once appropriate providers have been located, the Victim Assistance Coordinator shall discuss the appropriate providers with the victim to determine which provider he/she would like to make an appointment with for an initial evaluation.

e) The Victim Assistance Coordinator shall encourage the victim/survivor to make the appointment, requesting that he/she submit his/her insurance information to the provider of service as primary payer and the Victim Assistance Coordinator's name, address and phone number so that the Diocese of Davenport will be regarded as the secondary payer.

f) The recipient of care will provide the Victim Assistance Coordinator with the following information regarding the pharmacy of his/her choice: pharmacy name, address and telephone number. The pharmacy can direct bills to the Diocese of Davenport.

g) Prior to authorization of reimbursement, full initial referral procedures must be met:

1. The Diocese requires abiding by any pre-authorization requirements of the insurance company. All other available avenues of reimbursement will be utilized first and considered the primary payer. Diocese reimbursement will be regarded as the secondary payer.
2. Compliance with the psychological/psychiatric treatment plan is required.
3. Medical chart review may occur on a scheduled or random basis.
4. The recipient of care shall provide the Victim Assistance Coordinator with a copy of member ID numbers to confirm his/her primary insurance with respect to mental health coverage and preferred providers.
5. If the ordering physician and recipient of care are in agreement then generic medications may be ordered.
6. A background check of the mental health provider shall be completed.

h) A medical record review may consist of professional discussion between reviewers and the care provider. The medical review may consist of a psychiatrist, social worker, psychologist and/or other appropriate medical professionals.

i) The Victim Assistance Coordinator will notify the recipient of care either by phone or mail that the medical review will take place to be scheduled according to acceptable standards of care. Every attempt will be made to have the review completed within a reasonable amount of time upon receiving the chart/medical documentation.

j) The reviewer's determination will be sent to the Victim Assistance Coordinator to summarize and forward to the recipient of care and provider of service by phone and by mail.

k) If determination is made that care is outside the acceptable Standards of Care in the Behavioral Health Field then the Victim Assistance Coordinator will work with the provider and recipient of care for safety and best outcomes. This may include referring to alternative providers if necessary.

l) If the current provider is unable to work within the acceptable Standards of Care in the Behavioral Health Field, reimbursement from the Diocese of Davenport may be terminated. Notification would be by phone and in writing to the provider and the recipient of care. The Victim Assistance Coordinator and recipient of care would work together to identify another provider of service within a reasonable amount of time.

§II-7003.1.2 Assistance to Community

II-7003.1.2 *Policy*
The Diocese shall develop and maintain "safe environment" programs and programs for outreach to communities affected. The programs shall promote healing and understanding. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children and dependent adults. The Diocese will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse. (see *USCCB Charter,* art. 12)

§II-7003.1.3 Assistance to Clergy

§II-7003.1.3 *Policy*
In the case of any disclosure of sexual abuse of a minor by a cleric, a report shall be made to the Chief of Staff or the Victim Assistance Coordinator. The Vicar General, with assistance from the Vicar for Priests and the Director of the Diaconate, ministers to the priests and deacons of the Diocese by providing assistance, advice, support, and by facilitating referrals to resource persons and other professionals. An offending cleric will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. (see *USCCB Charter,* art. 5)

He 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 cleric in question. (see *USCCB Essential Norms* art. 7)

§II-7003.2 Screening for Formation, Education & Assignment to Ministry

Section II-7003.2 contains provisions confirming the Diocese's responsibility to screen candidates for the ordination and enhance educational programs regarding sexuality and sexual abuse. The Diocese's cooperative relationships with religious communities and clerics of other dioceses are clarified and the authority to review the fitness of clerics seeking assignments is confirmed.

II-7003.2 *Policy*
The Diocese shall evaluate the background of all Diocesan personnel. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (see National Conference of Catholic Bishops, *Program of Priestly Formation,* 1993, no. 513). The Diocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse. (see *USCCB Charter,* art. 13)

Procedures

a) Psychological Profile. Consistent with applicable ethical, canonical and legal principles and as soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia or ephebophilia. The psychological profile shall be maintained as part of the seminarian's or deacon candidate's permanent personnel file. The profile may be updated as necessary or appropriate.

b) Developmental Programs. The Diocesan seminary and formation programs shall offer, as part of their formation programs, age appropriate courses and components that deal in depth with psychological

development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teaching and priestly commitment. While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there are clear and well-publicized Diocesan standards of ministerial behavior and appropriate boundaries for clergy and for any other Church personnel in positions of trust who have regular contact with children and young people (see §II-7002 Code of Conduct). (*USCCB Charter*, art. 6)

d) Seminary programs will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis* (1992). (see www.vatican.va/)

e) The Diocese will develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation. (*USCCB Charter*, art. 17. see www.usccb.org)

§II-7003.3 Assignment and Transfer of Clergy outside their Jurisdiction

II-7003.3 *Policy*

Clerics of the Diocese who exercise ministry in another diocese are required to request a letter in good standing (celebret) be sent by the office of the Bishop to the ordinary of the diocese or religious superior where ministry will be exercised. Copies of the letter are sent to the parish being visited and to the cleric requesting the letter. (see c.903, *USCCB Essential Norms*, 12)

Any cleric coming to the Diocese of Davenport to perform any ministry, even for only one event, is required to provide a letter of good standing (celebret) to the office of the Bishop from his own diocese or religious superior.

For clerics who have established residence outside of the Diocese but remain incardinated in the Diocese, a request for verification of compliance with the USCCB safe environment requirements will be sent to the diocese of the cleric's residence annually.

§II-7003.3.1 Priests and Deacons of the Diocese of Davenport

II-7003.3.1 ***Policy***
No Diocesan priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province.

When it is learned that a priest or deacon from the Diocese of Davenport has changed residence to another diocese/eparchy, the Bishop or his delegate (Chief of Staff) shall forward, in a confidential manner, to the local Bishop/eparch of the place of residence 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 also applies to the priest or deacon who will reside in a local community of an institute of consecrated life or society of apostolic life. In proposing a priest or deacon for residence outside the Diocese, the bishop or his delegate (Chief of Staff) shall provide the receiving bishop/eparch or religious ordinary with the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (see *USCCB Charter,* art. 14, and *USCCB Essential Norms,* 12)

§II-7003.3.2 Religious Communities and Clergy of Other Dioceses

II-7003.3.2 ***Policy***
No religious or extern priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment into the Diocese of Davenport. (see *USCCB Charter*, art. 14), and *USCCB Essential Norms, 12)*

§II-7003.3.3 Relationship with Religious Communities

II-7003.3.3 ***Policy***
Religious communities whose cleric members maintain or seek faculties to minister in the Diocese of Davenport shall abide by the Diocesan policies and procedures relating to sexual abuse of minors.

Procedures

a) The community must provide a copy of its own policies and procedures to the Bishop's delegate.

b) The presenting community shall provide a written statement about the status, background, character and reputation of each cleric presented for faculties in the Diocese, as provided in the model promulgated by the Conference of Major Superiors of Men. In the case of any incident of sexual abuse of a minor, the presenting community shall submit to the Bishop's delegate a comprehensive narrative of the report and its disposition. (see II-7003.3.1).

c) If a religious cleric exercising public ministry or an apostolate in the Diocese of Davenport is named in a report of sexual abuse of a minor, the Bishop's delegate and the competent religious superior shall confer with each other. Concerning withdrawal from ministerial functions, the Diocese will determine whether or not the cleric may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (see. cc. 392 and 678, 1). If the Diocese determines that a religious cleric may no longer exercise such ministry in the Diocese, his faculties will be revoked, and his proper Ordinary will be requested to recall the cleric immediately. The religious community retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the cleric named in the report.

d) If sexual abuse of a minor is reported involving a religious priest or deacon ministering in a parish, school or other entity under the auspices of the Diocese of Davenport, the Diocese retains the right to initiate the

process of investigation and follow-up with the Review Board and take whatever action it deems appropriate. Since religious are also subject to their own proper superiors and to the discipline of their institute (c. 678, 2), the religious community may also choose to review the report in keeping with its own policies and procedures. If the religious superior removes the religious cleric from the office entrusted to him after having informed the Bishop (c. 672, 2), the cleric's Diocesan faculties will be revoked. However, any determination about return to ministry in the Diocese and restoration of Diocesan faculties will be made according to Diocesan policies and procedures in this regard.

e) The Scott County Attorney shall be notified of any report of sexual abuse of a minor in accordance with the *Memorandum of Understanding*.

§II-7003.3.4 Extern Clerics

II-7003.3.4 *Policy*
With due regard for the faculties granted to clerics according to canon law, all clerics who are not incardinated in the Diocese of Davenport shall be required to obtain the permission and faculties from the Bishop in order to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate. He must present a valid *celebret* issued by his bishop or superior according to the standards set by the Bishop of Davenport, certifying that he is a cleric in good standing with faculties granted by the Code of Canon Law (c. 903).

Extern clerics shall abide by the Diocesan policies and procedures relating to sexual misconduct with minors.

§II-7003.3.5 Sexual Misconduct of a Minor by an Extern Cleric

II-7003.3.5 *Policy*
The Diocese shall maintain and periodically review its policies affecting extern clerics who seek or maintain faculties in the Diocese. The cleric's bishop or superior shall certify whether he is aware of anything in the cleric's background which would render him unsuitable to work with minors. In the case of any report or incident of sexual abuse of a minor, the cleric's bishop or superior shall submit to the Bishop a comprehensive narrative of the report and its disposition.

Procedures

a) If an extern cleric exercising public ministry or an apostolate in the Diocese of Davenport is reported to have been involved in the sexual abuse of a minor, the Diocese must confer with his bishop or superior. The Diocese will determine whether or not the cleric may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (see. cc. 392 and 678, 1). If the Diocese determines that an extern cleric may no longer exercise any ministry in the Diocese, his faculties will be revoked, and his bishop or superior will be requested to recall the cleric immediately.

b) If sexual abuse of a minor is reported, the Diocese retains the right to initiate the process of investigation and follow-up with the Review Board and take whatever action it deems appropriate. Any determination about return to ministry and restoration of faculties will be made according to Diocesan policies and procedures.

c) The Scott County Attorney shall be notified of any report of sexual abuse of a minor in accordance with the *Memorandum of Understanding*.

§II-7003.3.6 Diocesan Deacon

II-7003.3.6 *Policy*
The Diocese shall maintain and periodically review its policies affecting deacons who seek or maintain faculties in the Diocese. In the case of any report or incident of sexual abuse of a minor, the Bishop's delegate shall refer the matter to the Chief of Staff, who shall follow the policies and procedures established in II-7003 in so far as they apply to deacons and the case under review including the *Memorandum of Understanding*.

§II-7003.3.7 Extern Deacon

II-7003.3.7 *Policy*
When a deacon relocates into the Diocese and requests faculties to minister, his bishop or superior shall certify whether he is aware of anything in the deacon's background which would render him unsuitable for ministry. In the case of any report or incident of sexual abuse of a minor, his bishop or superior shall be notified, and the policies and procedures in II-7003 shall be followed in so far as they apply to deacons and the case under review, including the *Memorandum of Understanding*.

§II-7003.3.8 Vicar for Priests

II-7003.3.8 *Policy*
The Vicar General shall work together with the Vicar for Priests when a deacon is involved in any incident or report of sexual abuse of a minor.

§II-7003.4 Review Process for Continuation of Ministry

Section §II-7003.4 establishes the process by which the fitness for ministry of a cleric named in a report of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations made to the Bishop.

The Diocese of Davenport has contracted with a Victim Assistance Coordinator to receive reports of sexual abuse by a cleric with a minor. Reports of sexual abuse by a cleric with a minor will initially be received by the Victim Assistance Coordinator who will notify the Chief of Staff, who in turn will make a recommendation to the Bishop. A Diocesan Review Board shall be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The Review Board will review the initial recommendations of the Vicar General and Chief of Staff as well as all subsequent issues regarding the fitness for ministry of the cleric named in the report. The Vicar General, Chief of Staff and Review Board serve as advisors to the Bishop. The process is declared to be consultative and advisory, not adversarial and adjudicative, and is directed toward pastoral reconciliation and healing. In this context the safety and well-being of the community is of primary concern. Of equal concern is protecting the reputation of clerics who may be subject to inaccurate or false reports. The responsibility of the Chief of Staff to cooperate with civil officials is confirmed as is the Church's pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of government.

§II-7003.4.1 Establishment of Process

II-7003.4.1 ***Policy***
Determinations and recommendations regarding the continuation of ministry of any cleric who is the subject of a report of sexual abuse of a minor shall be made to the Bishop according to the consultative and advisory process established in Section II-7003.

§II-7003.4.2 Reporting Requirement, Compliance and Cooperation

II-7003.4.2 ***Policy***
Diocesan personnel will comply with the current state and federal reporting requirements and will cooperate with any investigation. As a reference at the time of this revision, Iowa Code Section 232.69 defines mandatory reporters. Iowa Code Section 232.70 requires mandatory reporters to file a report with the Department of Human Services if they reasonably believe a child has suffered abuse. Iowa Code 232.70 requires those who are mandatory reporters to make an oral report within 24 hours to the Department of Human Services to be followed by a written report within 48 hours if they reasonably believe a child has suffered abuse. (See www.davenportdiocese.org for some helpful links.)

In every instance, the Diocese of Davenport will advise and support a person's right to make a report to public authorities. (see USCCB Essential Norms, 11 and II-7003.4.16 and II-7003.4.19 of these Diocesan policies) In addition, all Diocesan clergy and all religious, employees, and volunteers working for the Diocese shall comply fully with the letter and spirit of this process. These personnel are expected to promptly notify reports of a cleric's sexual abuse of a minor to the VAC or Chief of Staff unless prohibited by applicable Church law. Other clerics and religious working in the Diocese of Davenport are expected to cooperate with the process consistent with their particular status within the Diocese. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. The Diocese will take all appropriate steps to protect the good name and reputation of all persons involved in this process. (see Canon 220 and USCCB Essential Norms, 6).

Procedures

a) The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors. (See. *USCCB Essential Norms*, endnote 7)

b) Reports that a cleric of the Diocese of Davenport engaged in sexual abuse of a minor may be reported either by telephoning, writing, or by meeting in person with the Victim Assistance Coordinator (VAC) or Chief of Staff.

   The VAC may be reached by calling (563) 349-5002, e-mailing: vac@diodav.org or writing to: Victim Assistance Coordinator, PO Box 232, Bettendorf, Iowa 52722-0004.

c) To the extent possible, the person making the report should provide the VAC or Chief of Staff with: the name of the cleric who is the subject of the report, the name or names of the victim or victims, and the basic facts of the report of abuse, the relevant dates, and the circumstances in which the abuse occurred.

d) If the VAC or Chief of Staff learns of a report through the media or in some other fashion, the VAC or Chief of Staff shall make appropriate inquiries and proceed substantially in the same manner as with any other report.

e) Anonymous Reports: The VAC or Chief of Staff ordinarily will not process anonymous reports or reports that do not contain enough information to permit reasonable inquiry. The VAC or Chief of Staff shall notify the Scott County Attorney through the diocesan attorney regarding all such reports. The Review Board shall be notified of these reports at its next regularly scheduled meeting and they shall review the VAC or Chief of Staff's actions.

f) Resigned Clerics: a report against a cleric who has resigned from active ministry shall be processed in the same manner as all other reports. The Diocese will facilitate the outreach to those affected. The Vicar General will determine whether the resigned cleric is still ministering or employed in an ecclesial setting where minors may be at risk.

g) Deceased Clerics: A report against a cleric who is deceased shall be received by the VAC or Chief of Staff, who shall make a written summary of the report. The VAC will offer appropriate pastoral care. The VAC will consult with other qualified persons in identifying the nature and extent of pastoral care that would be appropriate under the circumstances. Reports involving deceased clerics will be reviewed by the Diocesan Review Board, but may not be sent to the Scott County Attorney in accordance with the *Memorandum of Understanding*.

h) Retired Clerics: Since retired clerics often continue to exercise ministry and administer the sacraments, a report against a cleric who has retired from an official assignment shall be processed in the same manner as any other report to the extent necessary to make a determination whether minors are currently at risk and whether there is reasonable cause to suspect that the retired cleric did engage in sexual abuse of a minor.

i) Cleric Who Has Been Laicized: The Diocese of Davenport has no jurisdiction over a cleric who has been laicized.

j) Compliance with the *Memorandum of Understanding* will be maintained regarding all reports.

k) Bishops: If a bishop is reported to have abused a minor, the reported bishop is obliged to inform the Apostolic Nuncio. If another bishop becomes aware of such a report of the sexual abuse of a minor by a bishop, he too is obliged to inform the Apostolic Nuncio and comply with applicable civil laws. In cases of financial demands for settlements involving reports of any sexual misconduct by a bishop, he, or any bishop who becomes aware of it, is obliged to inform the Apostolic Nuncio. The VAC conveys the report received to the Chief of Staff who forwards it to the Diocesan attorney. The report to the Scott County Attorney is made by the Diocesan attorney. After approval by the Scott County Attorney, the Chief of Staff notifies the nuncio and the diocesan attorney notifies the Archbishop of Dubuque (metropolitan of the Province). The report to the nuncio is made by the bishop who has been named or by another bishop and by the Archbishop of Dubuque. The Review Board may be requested by the nuncio to investigate the report.

§II-7003.4.3 Diocesan Review Board

II-7003.4.3 *Policy*
The recommendations described in II-7003.4.1 shall be made to the Bishop by the Diocesan Review Board, which will function as a confidential consultative body to the Bishop in discharging his responsibilities; see USCCB Charter, art. 2, and USCCB Essential Norms 4):

§II-7003.4.4 Membership of the Review Board

II-7003.4.4 *Policy*
The Diocese of Davenport will have a Review Board functioning as a confidential consultative body for the Bishop. The majority of its members will be lay persons not in the employ of the Diocese. The Review Board will consist of at least five members of outstanding integrity and good judgment who are in full communion with the Church. At least one member should be a priest who is an experienced and respected pastor of the Diocese and at least one member should have expertise in the treatment of sexual abuse of minors. It is desirable that the Promoter of Justice participate in the meetings. The functions of this Board may include:

a) advising the Bishop in assessment of reports of sexual abuse of minors and in his determination of suitability for ministry,
b) reviewing policies and procedures dealing with sexual abuse of minors and
c) offering advice on all aspects of responses required in connection with these cases.

(see *USCCB Charter*, art. 2, and *USCCB Essential Norms* 5)

Procedures

a) Nominating Committee: The Bishop may appoint a Nominating Committee to propose the names of candidates for the Review Board. The Nominating Committee should be composed of respected persons with sound judgment. For the nomination of the clerical members of the Review Board, the Nominating Committee could consult with the Vicar for Priests, the Presbyteral Council, the Diocesan Directors, and the VAC.

b) Review Board Member Orientation: In order to familiarize Review Board members with their duties as well as with the pertinent policies and procedures, there should be a Review Board Member Orientation conducted periodically with input from appropriate Diocesan officials and outside consultants.

c) Compensation: None of the members of the Review Board shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

§II-7003.4.5 Term

II-7003.4.5. *Policy*
Appointments shall serve terms of five years, which can be renewed, and shall continue until a successor is appointed. (see *USCCB Essential Norms*, 5)

§II-7003.4.6 Officers of the Review Board

II-7003.4.6 *Policy*
The Bishop or the Board shall designate one board member as chairperson and one board member as vice chairperson for one-year terms.

Procedures

a) The chairperson will ordinarily convene and preside at meetings of the Review Board. The vice-chairperson will perform these functions when the chairperson is unable to do so. The Review Board will meet at least quarterly.

§II-7003.4.7 Relationship with the Bishop

II-7003.4.7 *Policy*
The Review Board shall serve as the principal advisor to the Bishop in his assessment of reports of sexual abuse of minors and in his determination of suitability of ministry. They are not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business. (see *USCCB Charter*, art. 2, and *USCCB Essential Norms*, 4)

§II-7003.4.8 Quorum and Majority for Doing Business

II-7003.4.8 *Policy*
Half of the total membership of the Review Board plus one member constitutes a quorum. The concurrence of half of the total membership of the Review Board plus one member shall be necessary for a determination or recommendation.

§II-7003.4.9 Meetings of the Review Board

II-7003.4.9 *Policy*
The Board shall conduct its business at meetings, which shall be scheduled to occur quarterly or as often as necessary to perform its duties. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.

Procedures

a) Generally: The Review Board ordinarily will meet in person but by exception may meet by telephone conference call. The members of the Review Board shall not discuss the business of the Review Board or information presented to the Review Board outside Review Board meetings, except that the Bishop, Vicar General and Chief of Staff may communicate with Review Board members as required by this process or as otherwise appears appropriate.

b) Attendance: The Bishop, Vicar General, Chief of Staff and other persons designated by the Bishop may attend those portions of meetings during which information is presented to the Review Board and the Review Board makes their recommendation. They may attend other portions of the meetings subject to the discretion of the Review Board and the Bishop. Other than the person making the report or the cleric who is the subject of the report, all other persons may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require. It is desirable that the Promoter of Justice participate in the meetings of the Review Board if not a member of the Review Board. (see *USCCB Essential Norms*, 5) Since the Promoter for Justice is involved in any penal process, he may attend the Review Board meetings with voice in the discussions, but with no vote in the Review Board's determinations and recommendations unless he or she is a member of the Review Board. After the Review Board process is completed and, if warranted by the outcome, after the Congregation for the Doctrine of the Faith is notified, the Promoter for Justice will proceed as instructed by the Bishop in accord with directions from the Congregation for the Doctrine of the Faith, unless the Congregation calls the case to itself because of special circumstances. (see *USCCB Essential Norms*, 8A)

c) Committees: The Chairperson with the consent of the Review Board may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill their purpose, except that the power to make a definitive recommendation following a review meeting may not be delegated to any such committee.

§II-7003.4.10 Duties of the Review Board

II-7003.4.10 ***Policy***
The Review Board shall have the duty to:

a) advise the Bishop in his assessment of reports of sexual abuse of minors and in his determination of suitability for ministry (see *USCCB Charter*, art. 2, and *USCCB Essential Norms*, 4. A.)
b) offer advice on all aspects of these cases, whether retrospectively or prospectively (see *USCCB Essential Norms*, 4.C.)
c) make such other recommendations which the Board in its sole discretion determines to be appropriate to reduce the risk to children.
d) recommend guidelines for the proceedings of the Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;
e) submit, with the assistance of the Chief of Staff, an annual budget proposal. The budget proposal shall be incorporated into the Diocesan budget process.
f) review these policies and procedures for dealing with sexual abuse of minors; (see *USCCB Essential Norms*, 4.B)
g) cooperate with the Vicar General, Chief of Staff and the Vicar for Priests in developing and implementing educational programs for themselves and those participating in this process; and
h) seek the advice of such experts and consultants as the Board deems necessary and appropriate.

§II-7003.4.11 Right to Appear Before the Review Board

II-7003.4.11 ***Policy***
The person making a report and the cleric who is the subject of the report each have a right to meet with the Board before the Review is concluded. The Board shall exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances.

Procedures

a) When a person making a report or the cleric who is the subject of the report meets with the Review Board, the Review Board shall schedule their appearances in such a way that they not meet each other, even inadvertently, unless such contact is expressly approved by the Review Board.

§II-7003.4.12 Right to Counsel

§II-7003.4.12 ***Policy***
Nothing in these policies and procedures shall be interpreted as to abridge an individual's right to legal or canonical counsel.

Procedures

a) For the sake of due process, the party who is the subject of the report will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When necessary, the Diocese will supply canonical counsel to the priest or deacon. (*USCCB Charter, art*. 5, *and USCCB Essential Norms* 6 and 8.A) Any person appearing before the Review Board may do so with counsel or in the Review Board's discretion which shall be exercised liberally, with such other

advisor for whom the person may, in advance of the meeting, request the Review Board's consent. The Review Board shall not permit the participation of counsel or other advisor unduly to delay this process. Attorneys licensed to practice civil law, but not canon law, serving as counsel to the person making the report or the person who is the subject of the report, may attend such meetings and advise their clients involved in these ecclesiastical processes, with the understanding that such proceedings are conducted according to those policies and procedures and the provisions of canon law; they are not hearings subject to the rules of civil law.

§II-7003.4.13 Victim Assistance Coordinator

§II-7003.4.13 *Policy*
The Diocese of Davenport shall contract to have a victim assistance coordinator (VAC) to receive reports and reach out to victims with provision of counseling, spiritual assistance, support groups or other services. The VAC will listen with compassion and concern, facilitate any additional meetings between the Bishop or another designee and the victim.

§II-7003.4.14 Qualifications

II-7003.4.14 *Policy*
The VAC shall be a competent Catholic professional who maintains appropriate qualifications. This person shall be responsible for coordinating assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy.

§II-7003.4.15 Appointment

II-7003.4.15 *Policy*
The Bishop shall appoint and may remove the VAC with the advice of the Review Board.

Procedures

a) The VAC shall be compensated and evaluated according to the standards of the profession as an independent contractor.

§II-7003.4.16 Duties

II-7003.4.16 ***Policy***
Under the supervision of the Chief of Staff, the VAC shall have the duty to:

a) receive information and reports of sexual abuse by a cleric with a minor; promptly and objectively interview the person making the report, which includes committing the information to written form and allowing the person interviewed to review and sign what has been committed to writing. If the person making the report is a minor, the minor's guardian will review and sign what has been committed to writing;
b) notify the Chief of Staff any report of sexual abuse of a minor or adult, comply with all applicable civil laws with respect to the reporting of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the *Memorandum of Understanding*. In every instance, the VAC will advise victims of their right to make a report to public authorities and will support this right. (Cf. USCCB Charter, art. 4, and II-7003.4.16 and II-7003.4.19 of these Diocesan policies). Specifically, the VAC will comply with the current state and federal reporting requirements. As a reference at the time of this revision, Iowa Code Section 232.69 defines mandatory reporters. Iowa Code Section 232.70 requires mandatory reporters to file a report with the Department of Human Services if they reasonably believe a child has suffered abuse. Iowa Code 232.70 requires those who are mandatory reporters to make an oral report within 24 hours to the Department of Human Services to be followed by a written report within 48 hours if they reasonably believe a child has suffered abuse;
c) perform such other duties as may be prescribed by the Bishop, his delegate, or Review Board from time to time.

§II-7003.4.17 Receipt of Information

II-7003.4.17 ***Policy***
To assist the VAC in implementing this process, the Diocese shall establish and publicize a separate telephone number and e-mail address to facilitate receipt of information. The VAC will answer calls during business hours and an appropriate recording device shall be used at other times.

Alicia Owens, LBSW, Victim Assistance Coordinator
PO Box 232
Bettendorf IA 52722-0004
Phone: 563-349-5002 - vac@diodav.org

§II-7003.4.18 Confidentiality and Disclosure of Information

II-7003.4.18 ***Policy***
Information generated in connection with the process set forth in II-7003 shall be maintained in a confidential manner, in order to protect the rights of all concerned, and may be disclosed only in accordance with this section.

Procedures

a) The Chancellor is the custodian of all information described in Sections 7003 and shall develop an appropriate record keeping system to ensure accountability for and security of the information.

b) The Chancellor shall maintain the information in a confidential fashion, in order to protect the rights of all concerned, and may not disclose such information except as follows:

    1) the Vicar General shall provide the cleric who is the subject of the report with information sufficient to enable him to respond to the report; either party shall have access to his or her own statements

and the statements of the other party pertaining to the report. The Vicar General may provide both the person making the report and the cleric who is the subject of the report with such additional information as necessary to process the report;

2) after the Bishop has made a decision in a matter brought before the Review Board, the Vicar General shall provide the person making the report and the cleric who is the subject of the report with appropriate and timely information about the Review Board's determinations and recommendations and the Bishop's actions;

3) the Chancellor shall provide access to information to the Review Board, the Bishop, and other persons the Bishop may designate;

4) the Chief of Staff shall provide access to information to the competent superior in connection with reports about a member of a religious community or another Diocese;

5) the Chancellor shall disclose such information as may be required by law and the *Memorandum of Understanding;*

6) the Diocese will develop a policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, the Diocese will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. (*USCCB Charter*, art. 7)

c) The Diocese will not enter into settlements which bind the parties to confidentiality unless done for grave and substantial reasons requested by the victim/survivor and noted in the text of the agreement. (*USCCB Charter*, art. 3)

§II-7003.4.19 Preliminary Actions and Investigation

II-7003.4.19 ***Policy***
The Diocese of Davenport will take all reports of sexual abuse seriously. The starting point for processing every report is the *Memorandum of Understanding*.

Procedures

a) Upon receipt of the report, the Chief of Staff shall promptly notify the Scott County Attorney through the diocesan attorney of any report of sexual abuse of a minor, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with the Scott County Attorney about reporting in cases when the person is no longer a minor. A written statement containing information about the right to notify public authorities of a report will be provided to the person making the report. (see. *USCCB Charter*, art. 4, *USCCB Essential Norms*, 11)

b) If the Scott County Attorney determines after initial investigation that the report of sexual abuse are unfounded or elects not to pursue a criminal charge for any reason or reasons, it will return to the Diocese of Davenport any reports, documents or other materials that were forwarded to it by the Diocese during the course of investigation, shall turn over to the Bishop and the Diocese all information and results of its investigation, and shall hold the report and all information and materials generated by such report and investigation confidential without releasing such report and the names of anyone involved, information and materials, to others. The Scott County Attorney's Office will also provide a document identifying all materials returned to the Diocese. (*Memorandum of Understanding #6*)

c) If the Scott County Attorney's Office finds that the report of sexual abuse is well founded and elects to pursue criminal charges, it should do so in the normal course and at its discretion. (*Memorandum of Understanding #7*)

§II-7003.4.20 Actions by the Chancery Staff

Procedures

a) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Bishop for the sake of the common good. (see canon 223, 2 of the *Code of Canon Law and Diocesan Policies* II-7003.4.28 and II-7003.4.33).

b) In making such assessments and recommendations, the Vicar General and Chief of Staff may consult with the Bishop, his delegate, and persons designated by the Bishop.

c) Before initiating a judicial or administrative process to impose or declare penalties, the Bishop should seek the cleric's voluntary cooperation to restore justice and reform the offender through various means of pastoral solicitude. (see c.1341)

d) The person named as the offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese and the person named as the offender, so long as this does not interfere with the investigation by civil authorities. (see *USCCB Charter*, art. 5, and *USCCB Essential Norms*, 7)

§II-7003.4.21 Diocesan Investigation

§II-7003.4.21 *Policy*
After a case is returned by the Scott County Attorney, an investigation by the Diocese in harmony with canon law will be conducted promptly and objectively (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of everyone involved. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*, 6) The canon law investigation may be delayed for good reason, such as to await the completion of action by public bodies.

Procedures

a) Whenever the Bishop determines that the information of an offense at least seems to be true, the Bishop shall contract with an auditor (see. canon 1428) to conduct the investigation in accord with canon 1717.

b) The auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of the report.

c) The auditor conducting the investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process. The auditor will present the findings of the investigation to the Review Board for its consideration.

§II-7003.4.22 Questions for the Review Board

II-7003.4.22 ***Policy***
At the Review for Cause, the Review Board shall determine
a) whether there is reasonable cause to suspect that the person named as the offender engaged in sexual abuse of a minor;
b) whether prior determinations as to ministry by the cleric should be altered; and
c) what further action, if any, should be taken with respect to the report.

Procedures
a) The Review Board shall consider the auditor's report and any other information which the Review Board believes helpful and is able to obtain.

§II-7003.4.23 Determinations and Recommendations

II-7003.4.23 ***Policy***
The Review Board shall determine whether it is reasonable to return the cleric to ministry or keep the cleric in ministry in view of all the facts and circumstances, giving appropriate consideration to the safety of children and the rights of the cleric. They shall make appropriate recommendations to the Bishop about the following:
a) if the cleric has already been withdrawn from ministry pending inquiry, whether such withdrawal should continue; if it should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
b) if the cleric has not been withdrawn from ministry, whether he should remain and, if so, whether any restrictions should be imposed on him;
c) whether the investigation should be held open for some reason;
d) if the cleric's conduct does not constitute sexual abuse of a minor but is otherwise inappropriate, whether further action appears desirable and suggestions as to possible action, and
e) such other matters as the Review Board deems appropriate.

§II-7003.4.24 Administrative Leave: Temporary Withdrawal from Ministry

II-7003.4.24 ***Policy***
When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The Bishop shall then apply the precautionary measures mentioned in canon 1722, i.e., remove the person named in the report from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the most Holy Eucharist pending the outcome of the process. (Cf. *USCCB Essential Norms*, 6)

§II-7003.4.25 Supplementary Reviews

II-7003.4.25 ***Policy***
The Review Board may conduct such Supplementary Reviews as necessary to discharge its duties. They may consider new information about a determination or recommendation made in connection with a prior review.

Procedures
a) The Review Board may consider the application for review, the Auditor's reports and any additional information which the Review Board believes helpful and is able to obtain.

§II-7003.4.26 Initiation

II-7003.4.26 *Policy*
A Supplementary Review may be initiated by the Review Board, Vicar General, Chief of Staff, Bishop, or the Bishop's delegate. In addition, an affected cleric or his family, a person who made a report, or a victim or the family of a victim may apply to the Review Board in writing for such a review and shall include in the application a statement of the question or point for review, the applicant's position with respect to the matter, and any supporting explanation or information.

§II-7003.4.27 Determinations and Recommendations of Supplementary Review

II-7003.4.27 *Policy*
The Review Board may make the same kinds of determinations and recommendations as in a prior review or make other determinations and recommendations as it deems appropriate.

§II-7003.4.28 Monitoring

II-7003.4.28 *Policy*
Monitoring protocols and programs for those who have been reported to have or have engaged in sexual abuse of minors must reflect the primary goals of protecting children and the integrity of the Church. Monitoring is deemed appropriate when a cleric has been temporarily withdrawn from ministry pending further investigation, or when a cleric has been permanently removed from ministry but allowed to remain a cleric, when sexual abuse by the cleric is admitted or is established after an appropriate investigation in accord with canon law.

Procedures

a) Monitoring programs need to be flexible to recognize individual circumstances and the fact that knowledge and insight continue to develop. They should be evaluated periodically for this reason. These programs should also recognize, in an appropriate way, redemption and forgiveness and seek to provide hope for those dealing with the dysfunction that causes sexual abuse. They must be consistent and fair, and the application in a given case not be arbitrary, but recognize individual circumstances.

b) The Vicar General and the Vicar for Priests shall work cooperatively in the treatment, rehabilitation and monitoring of clerics. They shall be primarily responsible for the development, implementation, and operation of the program for monitoring clerics. They shall work cooperatively in the selection of professionals and institutions to evaluate, diagnose and treat clerics as well as pastoral and spiritual life concerns and treatment questions.

§II-7003.4.29 Monitoring Following Removal from Ministry

II-7003.4.29 *Policy*
A cleric who has been reported to have or has engaged in sexual abuse of a minor will be subject to appropriate monitoring for the remainder of his life as a cleric of the Diocese and his files shall remain open.

Procedures

a) Recovery from the dysfunction which causes sexual abuse of minors is considered, in the light of the experience and research presently available, an ongoing and lifelong process. Therefore monitoring in such cases is a lifelong process.

b) The Diocese of Davenport has no jurisdiction over a cleric who has been laicized.

§II-7003.4.30 Elements of Monitoring

II-7003.4.30 ***Policy***
Monitoring programs and protocols should be applied on a case by case basis but must include certain essential components.

Procedures

a) While the monitoring protocol approved by the Review Board in a given case might include controls or restrictions that have proven helpful, all cases must include certain essential elements. They may include the following:
   1) continuing oversight by the Review Board or its delegate with periodic reports to the Bishop;
   2) a written protocol signed by the cleric which sets forth the particular requirements applicable to him;
   3) restrictions from being alone with anyone under the age of 18;
   4) periodic physical evaluation and psychological reports as recommended by the Review Board;
   5) regular individual spiritual direction;
   6) communication with Diocesan officials as to changes in residence, approval of vacations or overnight stays away from his residence;
   7) prohibition from the public celebration of the sacraments;
   8) submitting reports of activities;
   9) meeting with Diocesan officials on a regular basis;
   10) prohibition from wearing a Roman collar or presenting himself as a priest to the public;
   11) submission to random visits from Diocesan officials or persons retained by the Diocese;
   12) any other requirements as directed by the Congregation for the Doctrine of the Faith.

§II-7003.5 Canonical Considerations

Section 7003.5 recognizes that a cleric who has admitted or been found to have engaged in sexual abuse of a minor may never return to ministry. We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."

§II-7003.5.1 Removal from Ministry, Penalties and Restrictions

II-7003.5.1 *Policy*

When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, 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). While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing an abundant mercy of God's infinite graces, the Church also acknowledges the need to do penance for one's sins, that there are consequences for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness.

a) In every case involving canonical penalties, processes provided for in the *Code of Canon Law* must be observed, and the various provisions of canon law must be considered. (see *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; *Graviora Delicta*, *Letter from the Congregation for the Doctrine of the Faith*, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Bishop how to proceed (see Article 13, "*Procedural Norms*" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787, www.vatican.va). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the person named in the report is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process.

b) If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is 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. (see *USCCB Charter*, art, 5, and *USCCB Essential Norms* 8)

c) The cleric is to abide by the precept presented to him.

§II-7003.5.2 Executive Power of Governance

II-7003.5.2 *Policy*
At all times, the Bishop has 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 or diaconal ministry. Because sexual abuse of a minor by a cleric 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 priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry. (*USCCB Essential Norms*, 9)

Procedures

a) The Bishop may exercise his executive power of governance to take one or more of the following administrative actions (cc. 381 and 129ff):

   1) He may request that the person named in the report freely resign from any currently held ecclesiastical office (cc. 187-189);

   2) Should the person named in the report decline to resign and should the Bishop judge the person named in the report to be truly not suitable (c.149, 1) at this time for holding an office previously conferred (c.157), then he may remove that person from office observing the required canonical procedures (cc. 192-195, 1740-1747);

   3) For a cleric who holds no office in the Diocese, any previously delegated faculties may be administratively removed (cc. 391, 1 and 142, 1), while any *de jure* faculties may be removed or restricted by the competent authority as provided in the law (c. 764);

   4) The Bishop may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (c. 906). The Bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.

   5) Depending on the gravity of the case, the Bishop may also dispense the cleric from the obligation of wearing clerical attire (c. 284) and may urge that he not do so, for the good of the Church and for his own good.

   6) These administrative actions shall be taken in writing and by means of decrees (cc. 47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (cc. 1734ff).

(The above procedures are outlined in *USCCB Essential Norms*, 9, footnote 6.)

§II-7003.5.3 Dispensations and Dismissals from the Clerical State

II-7003.5.3 ***Policy***
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 from the Holy See the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon. (*USCCB Essential Norms*, 10)

Procedures

a) A cleric described in Section II-7003.5.1 and who has not been dismissed from the clerical state may either live in a supervised setting designated by the Diocese in accord with Section II-7003.4.33 or resign from active ministry as a cleric and petition for laicization. The Diocese ordinarily will offer such resigned clerics an opportunity for continuing therapy as part of an appropriate severance program. If the cleric does not express a desire to live in such a supervised setting or petition for laicization, the Diocese may pursue appropriate courses of action permitted under the *Code of Canon Law*.

b) A cleric who is assigned to live in a supervised setting as described above must sign a written agreement with the Diocese. The agreement must include such provisions as to his restrictions, residence, therapy, supervision and other matters as may be recommended by his therapists or the Review Board, or required by the Bishop. The cleric's compliance with the terms of the agreement and overall performance will be monitored from time to time by the Vicar General or Vicar for Priests. The Vicar General will present written reports of the monitoring to the Review Board at least annually. The Review Board, the Bishop or cleric may initiate a Supplementary Review of the situation in accordance with the procedures in Section II-7003.4.25

§II-7003.5.4 Protection of Rights and Unfounded Reports

II-7003.5.4 ***Policy***
Care will always be taken to protect the rights of all parties involved, particularly those of the person reporting to have been sexually abused and the person against whom the charge has been made. When the report has been proven to be unfounded, every step possible will be taken to restore the good name of the person who was named in the report. (*USCCB Essential Norms*, 13)

§II-7003.5.5 Cleric's Failure to Comply

II-7003.5.5 ***Policy***
A cleric's failure to comply with the agreement he has signed or any of the relevant conditions or restrictions imposed shall be the basis for the initiation of a Supplementary Review which may result in other appropriate recommendations by the Review Board for action by the Bishop.

§II-7003.6 Clergy Personnel Records

Section II-7003.6 *requires the Diocese to maintain a unified clergy personnel record keeping system to enable those responsible for ministerial assignments to consider the full record of a cleric. Under the unified system, the record of a cleric will commence upon his entry into seminary training or diaconate formation and continue to be maintained throughout his career.*

§II-7003.6.1 Clergy Personnel Record Keeping

II-7003.6.1 ***Policy***
The Diocese shall maintain a unified clergy personnel record keeping system to enable the Bishop and other responsible persons to consider the full record of a cleric in the making of ministerial assignments. The record of each cleric shall commence upon entering seminary training and continue to be maintained throughout the career of the cleric.

Procedures

a) Diocesan policies and procedures shall provide for the administration of the unified cleric personnel record keeping system consistent with law and sound personnel records management. For the purposes enunciated in these policies and procedures, the record shall include records of formational assessment, psychological evaluation, the record and disposition of any proceedings of the Review Board and any other information suggesting a propensity for sexual abuse of minors.

§II-7003.6.2 Seminary Reports and Evaluations

II-7003.6.2 ***Policy***
Periodic reports and annual evaluations from the seminary shall be sent to the Bishop for review with the Director of Vocations for incorporation into the priest personnel record keeping system.

§II-7003.6.3 Confidentiality of Records

II-7003.6.3 ***Policy***
All records maintained pursuant to this Section shall be confidential. Information contained in a priest's personnel record may be disclosed by the Chancellor to the Bishop and his delegate, and in the following instances:

a) upon request of the Priests' Personnel Board for consideration by the Board in making assignments;
b) upon request of the Vicar General as contemplated in Sections II-7003.4 and II-7003.5 of these policies and procedures;
c) upon request of a priest subject to conditions and limitations set forth in applicable policies and procedures; and
d) to the Scott County Attorney in accordance with the *Memorandum of Understanding*;

All such disclosures shall be made in a manner consistent with applicable law and sound personnel records management.

Procedures

a) Secure provision for the records shall be approved by the Chancellor and an appropriate file system established.

§II-7003.7 Openness and Transparency in Communications Regarding Sexual Misconduct

It is important to be open and credible with parish leadership and parish communities when a cleric serving there has been withdrawn from ministry for the safety of children as well as when a cleric is returned to ministry due to a finding that such a report cannot be substantiated. Therefore, the Diocese of Davenport has developed a policy and procedure that will foster openness while still respecting the privacy and reputation of the individuals involved.

Matters under litigation, unsubstantiated reports, and information that an adult victim has asked the Diocese to keep private are examples of circumstances necessitating confidentiality.

§II-7003.7.1 Communication with Parish Leadership and Parish Communities

II-7003.7.1 *Policy*
The Diocese of Davenport will notify parish leadership and parish communities as soon as reasonably possible when a cleric serving there has been withdrawn from ministry by the Bishop after he has accepted the recommendation of the independent Review Board that the safety of minors or dependent adults requires the withdrawal of the cleric from ministry. Parishes will also be notified when the Bishop accepts the recommendation of the pertinent canonical authority in the case of the return of a cleric to ministry due to a finding that such report cannot be substantiated. Parishes and other entities where a deceased or incapacitated cleric or clergy served will be notified after the Bishop has accepted a recommendation from the Review Board following the finding of the existence of a credible report.

Procedures

a) The Chief of Staff will inform the Director of Communication as soon as possible when the Bishop has approved the recommendation of the Review Board regarding the withdrawal from or return to ministry of any cleric.

b) The Bishop or his delegates will meet with the leadership of any parish or entity affected by a cleric's withdrawal from ministry to review the communication materials and to receive input on the distribution of these materials. A team will be formed to assess the immediate needs of the parish or entity and other issues of healing that may arise. It should meet with the Bishop or his designee at least quarterly for the first year following the parish meeting. In the instance of a cleric returned to ministry due to a finding that such report cannot be substantiated, the Bishop or his delegates will meet with, and provide necessary communications materials to, the leadership of any parish involved.

c) Communication materials will first be shared with parishes or entities involved, then with *The Catholic Messenger* for publication in its next edition. The same material will be posted on the Official Web Site of the Diocese of Davenport.

d) The Director of Communication or a designated representative will disseminate the announcement of the cleric's withdrawal from or return to ministry to the public through the media and provide a brief biographical sketch including the cleric's ministerial assignments.

e) The Diocese may inform members of former parishes or other entities of a cleric who had been assigned to the parish or entity who is the subject of a credible report of sexual misconduct so that persons who may have been victims of misconduct in those other settings will know that they may come forward for assistance. Diocesan officials will assess the applicability of this procedure to each former parish or entity. Generally speaking, the current pastor or administrator will be consulted in making this determination. If disclosure is called for, then the following steps will be taken:

1) Leadership of the parish or entity will be informed of the report, the follow-up steps that are planned, and the potential impact of the news on their own parish or other entity. They will work with Diocesan officials to plan for the best way to inform the people at large, or others who may be affected by the news.

2) The pastor or administrator, after consulting with Diocesan officials and the parish leadership, will announce the report against their former cleric. The announcement of disclosure also indicates that some process for immediate follow-up has been put in place. This is generally a meeting of the parish or other group impacted, but other options may be used.

3) A team will be formed by the Bishop to assess the ongoing impact of the disclosure in the parish/entity. The team should meet at least once with the Bishop or his designee within a month after the initial disclosure. Additional meetings may be scheduled if needed.

§II-7003.7.2 Concern for the People of the Diocese

§II-7003.7.2 *Policy*
Of primary concern of the Diocese of Davenport is the pastoral care of all people who are affected by sexual misconduct and ways to prevent others from being victimized. The Diocese will continue to promote the work of the Diocesan VAC, the Safe Environment Program and other resources available to victims through notices in the diocesan newspaper, the diocesan website and electronic mail.

§II-7003.7.3 Spokesperson for the Diocese

II-7003.7.3 *Policy*
The spokesperson for the Diocese on matters concerning sexual abuse and misconduct is normally the Director of Communication. Inquiries concerning matters in litigation may be referred to counsel.

§II-7003.7.4 Media Interviews

II-7003.7.4 *Policy*
All communication from the Diocese to the public through the media will be approved by the Chief of Staff or Director of Communication in consultation with the Bishop. Diocesan responses to inquiries from the media will be as responsive as possible. Requests from the media for interviews on these issues shall be made through the Diocesan Spokesperson who for these matters will be the Director of Communication. No interviews will be given without scheduled appointments.

§II-7004 Specific Policies Regarding Laity

Specific policies regarding laity can be found in the Policies for Diocesan Faith Formation and Education Programs (see www.davenportdiocese.org/), as well as employee handbooks for individual Diocesan entities.

Appendix A: Definitions

For the purposes of this policy only, the following definitions apply:

"Report": a report of abuse or sexual misconduct. A report needs to have the following ingredients: (1) a named victim; (2) a named perpetrator; (3) a time (as specific as can be reasonably determined); (4) a place (as specific as can be reasonably determined); (5) a specific act or acts of abuse or misconduct.

"Apostolic Nuncio": the ambassador of the Pope as head of State of Vatican City to the President of the United States, and delegate and point-of-contact between the Catholic hierarchy in the United States and the Pope.

"Bishop": the Bishop of the Diocese of Davenport

"*Celebret*": A letter from a bishop or superior certifying that a priest is in good standing with faculties granted by the Code of Canon Law, and for this purpose bears testimony that he is free from canonical censures.

"Cleric" or "Clergy":

a) Priests incardinated in the Diocese.
b) Religious Order priests residing or working in the Diocese.
c) Priests and deacons of other jurisdictions who seek assignment for work in this Diocese or who seek incardination in this Diocese.
d) Permanent and transitional deacons incardinated in this Diocese.
e) Bishops in the Diocese

"Community Service": individuals who have been court-ordered to complete community service hours

"Credible report": a report that, based on the facts of the case, meets one or more of the following criteria:

a) more likely than not to have occurred;
b) corroborated with other evidence or other sources;
c) acknowledged or admitted to by the person named as the offender.
d) With regard to a deceased or incapacitated cleric or clergy, a report in which the evidence is clear and convincing because there is no serious or substantial uncertainty about the conclusion to be drawn from it.

"De jure": by right according to the law

"Delict": an offense

"Dependent adult": a person eighteen years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another as defined by the Iowa Department of Human Services. A person who habitually lacks the use of reason is to be considered equivalent to a minor.

"Diocese" or "Diocesan": includes the Diocese of Davenport as a corporate entity.

"Minor": anyone under age 18 unless otherwise defined.

"Personnel": includes but is not limited to the following categories:

a) all bishops and incardinated clerics (including all incardinated permanent deacons and all incardinated transitional deacons of the Diocese);
b) all religious priests, deacons, and brothers working for the Diocese, its institutions or offices;

c) all those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the Code of Canon Law;
d) all clerics of other jurisdictions who are working solely for the Diocese;
e) all women religious working for the Diocese, its parishes, schools, institutions or offices;
f) all personnel of Catholic schools of the Diocese (administration, faculty, and support staff);
g) all religious education directors or coordinators and teachers in the parishes and schools of the Diocese;
h) all youth ministers in the parishes, schools and institutions of the Diocese;
i) all personnel of diocesan campus ministries;
j) all paid personnel in the offices of the Diocese, in the parishes of the Diocese and other Diocesan corporations as determined by the Bishop.
k) all unsupervised volunteers (not in the presence of a person who is compliant with safe environment and background check policies) who work with children and youth and other vulnerable persons;
l) such other personnel as designated by the Bishop.

"Promoter of Justice": provides for the public good in Church courts.

"Review Board": the Diocesan Review Board.

"Sexual abuse of an adult": a sex act done by force, coercion, manipulation, or against the will of the other. (See earlier policies regarding minors or dependent adults.)

"Sexual abuse of a minor": 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. 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.

In addition to the definitions above, the *Charter* states as follows:
*"For purposes of this Charter, the offense of sexual abuse of a minor will be understood in accord with the provisions of Sacramentorum sanctitatis tutela (SST), article 6, which reads: §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1º the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor. 2º the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology as defined by sections 728.1 of the State Code of Iowa and 18 U.S.C. §2256; §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition. In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for making allowance for the legislation of the country where the Conference is located," Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric's suitability for ministry and for complying with civil reporting statutes and the *Code of Canons of the Eastern Churches*, c. 1453 §1 ("A cleric who lives in concubinage or gives permanent scandal by publicly sinning against chastity is to be punished with a suspension, to which other penalties can be gradually added up to deposition, if he persists in the offense")."

Thus the norm to be considered in assessing a report 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. (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6)* A canonical offense against the sixth commandment of the Decalogue 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" (CIC, c. 1321 Sec. 3; CCEO c. 1414 Sec. 2) (Cf. CIC canons 1322-27and CCEO canons 1413, 1415 and 1416).

"If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act."

*This definition is taken from the *Charter* and should be understood in the context of the Church's moral teaching on sexual matters. Sexual abuse will include definitions applicable under the laws of the State of Iowa and Federal statutes. (see www.davenportdiocese.org.)

"Sexual exploitation": any kind of sexual conduct, whether verbal or non-verbal, between counselor and client or in any other relationship which involves an imbalance of authority between the parties as further defined by Iowa law.

"Sexual harassment": defined by state and federal law and includes unwelcome sexual advances, requests for sexual favors, sexually-motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:

1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education or housing;

2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education or housing; or

3) That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education or housing, or of creating an intimidating, hostile, or offensive employment or housing environment.

"Sexual Misconduct": any sexual conduct which is unlawful as described by federal law, the laws of the State of Iowa or these policies or is contrary to the moral instructions, doctrines and Canon Law of the Catholic Church and causes injury to another. (see www.davenportdiocese.org for helpful links.)

"Victim Assistance Coordinator": a self-employed individual, contracted by the Diocese, who oversees and coordinates the pastoral care and outreach offered to victims and their families.

Appendix B: Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

The following will constitute a Memorandum of Understanding between The Most Reverend Thomas Zinkula, Bishop of the Roman Catholic Diocese of Davenport, and Michael J. Walton, the Scott County Attorney, regarding the handling of reports of sexual abuse of minors by clergy (bishops, priests and deacons) and members of religious orders (men and women) within the Diocese of Davenport in Scott County, Iowa, as of May 1, 2018 and shall apply to all reporting of claims of child abuse in the future.

1. Bishop Zinkula shall ensure reporting to the Scott County Attorney's Office, and shall direct and urge any and all members of the clergy and employees of the Diocese of Davenport, regardless of their title, position or affiliation, to report to the Scott County Attorney's Office and the Bishop:

   (i) when he/they have cause to believe that a person coming before them in their professional or official capacity has been sexually abused by clergy or religious; or

   (ii) when he/they have cause to believe that a minor has been sexually abused by clergy or religious based on a report from a parent, guardian, custodian or other person legally responsible for such minor, when such parent, guardian, custodian or other responsible person comes before them and provides facts, conditions or circumstances which, if correct, would render the minor a victim of sexual abuse by clergy or religious.

2. Any and all reports regarding the sexual abuse of minors by clergy or members of religious orders (men and women), which are reported to the Diocese of Davenport or to members of the clergy or to employees of the Diocese in accordance with paragraph 1 above, will be forwarded to the Scott County Attorney's Office without prior screening regarding the truth of the reports. During the pendency of the investigation by the Scott County Attorney's Office, the Diocese will communicate with representatives from the office of the County Attorney before taking any action as it relates to the report or against the person named in the report.

3. Any report made pursuant to this Memorandum of Understanding shall include, if known to the Diocese of Davenport:

   (i) the name and address of the person who is suspected of committing the abuse;

   (ii) the name, address and telephone number of the alleged victim;

   (iii) the name, address and telephone number of the person making the report of abuse; and

   (iv) any facts concerning the abuse which are known to the reporter.

4. Upon receipt of a report of sexual abuse by clergy or members of religious orders, the Scott County Attorney's Office will undertake an initial review and will report the results to the Diocese of Davenport as soon as possible and, if practicable, within two weeks. If the initial review is not completed within two weeks, the County Attorney's Office will inform the Diocese of the additional time needed to complete the initial review.

5. Nothing in this Memorandum of Understanding requires reporting to the County Attorney if the alleged perpetrator is deceased.

6. The Scott County Attorney's office will not make information received from the Diocese public and will maintain confidentiality at all times. This prohibition does not apply, however, to disclosure to or consultation with law enforcement or officials of other jurisdictions to the extent such disclosures or consultations are deemed necessary for appropriate investigation of a report.

7. If the Scott County Attorney's Office determines after initial review that the report of sexual abuse is unfounded and/or elects not to pursue a criminal charge for any reason or reasons, it will return to the Diocese of Davenport any reports, documents or other materials that were forwarded to it by the Diocese during the course of the investigation, shall turn over to the Bishop and the Diocese all information and results of its investigation, and shall hold the report and all information and materials generated by such report and investigation confidential, except to the extent it was reported to other jurisdictions. It will not release the report and the names of the alleged perpetrator and victim, or other information and materials, to others. The Scott County Attorney's Office will also provide a document identifying all materials returned to the Diocese.

8. If the County Attorney's Office or investigating agency finds probable cause that sexual abuse occurred and elects to pursue criminal charges, it will do so in the normal course and in its discretion. Nothing in this Memorandum prevents the County Attorney's Office from re-opening any investigation at any time.

9. It is understood and agreed that this Memorandum of Understanding shall be reviewed and evaluated periodically for updates, revisions, deletions, continuation, or cancellation. This Agreement shall not be binding on the successor to either Bishop Zinkula or Mr. Walton.

10. Nothing in this Memorandum of Understanding shall require any member of the clergy to divulge a confidential communication made in the course of the confessor-penitent relationship or one covered, protected or privileged under Iowa Code Section 622.10 or other applicable Federal, State, municipal, or Canon law.

11. The Diocese shall make reports to the Scott County Attorney of all reports of sexual abuse of a minor occurring in the Diocese, including reports of abuse occurring in counties or jurisdictions other than Scott County. The Scott County Attorney may

forward reports to the county attorneys of the counties where the abuse reportedly occurred or provide consultative services or information to such other counties or jurisdictions.

Dated at Davenport, Iowa, on this 1st day of May, 2018.

Thomas Zinkula

THOMAS ZINKULA, BISHOP
DIOCESE OF DAVENPORT

Michael Walton

MICHAEL J. WALTON,
SCOTT COUNTY ATTORNEY

Appendix C: Forms

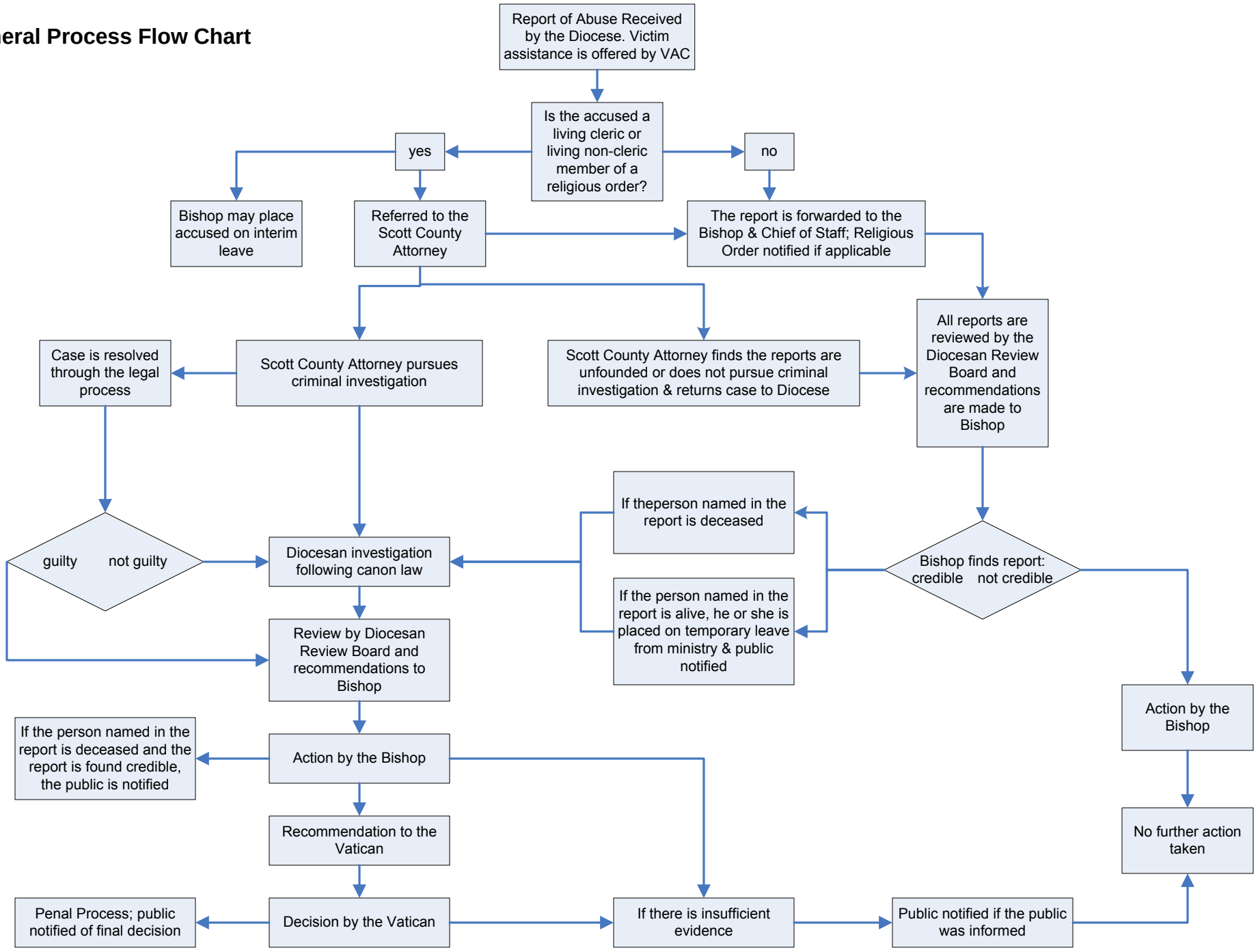
Effective July 1, 2013 the Diocese of Davenport implemented a new procedure for performing background checks. Completion of the background information is now done electronically through the VIRTUS Program instead of paper forms.

Go to the diocesan Safe Environment webpage for complete information on this process:
http://www.davenportdiocese.org/safe-environment

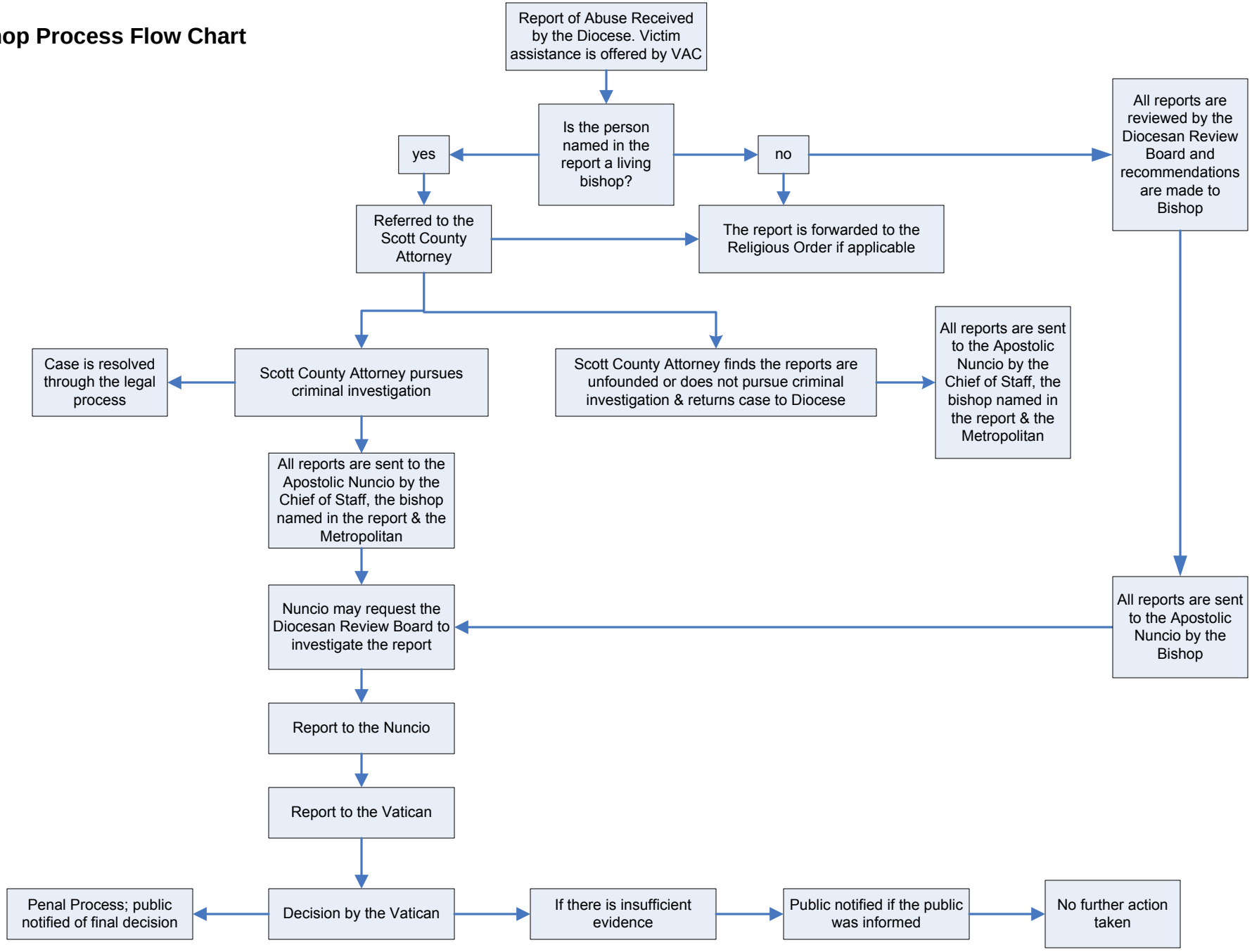
The Safe Environment Library contains instructions on how to complete the online forms as well as an instruction manual for the Safe Environment Local Designee.

Appendix D: Flow Charts

General Process Flow Chart



Bishop Process Flow Chart



Appendix E: Registered Sex Offenders Attendance at Parish and School Activities in the Diocese of Davenport

Registered Sex Offenders
Attendance at Parish and School Activities
In the Diocese of Davenport

A registered sex offender who wishes to participate in liturgy or other parish or school activities must request written permission from the pastor or parish life coordinator ("PLC") and the principal, if a school, in advance. Access to the sacraments and the desire to be reconciled to Christ and the community need to be weighed with the need to protect children, vulnerable adults and the parish/school community.

Written permission from the pastor or PLC and the principal is required before the offender may access parish or school grounds. If the offender is on probation, the probation officer should provide the orders that are in effect. If the probation orders do not prohibit the offender from attending the activities, the offender is subject to the following conditions:

- The exclusion zones listed in Iowa Code Section 692A.113 apply to all offenders.
- The offender may not serve in any ministerial capacity, including but not limited to: usher, lector, communion distributor, choir member, member of church councils or committees, or volunteering at parish or school activities.
- The offender may not be employed by the parish or school.
- The offender may not appear on parish or school grounds unless accompanied by a same-sex chaperone (in case the restroom is needed) vetted by the pastor or PLC.
- The pastor or PLC should specify the time and day of the week the person may attend.
- The offender is to be seated away from children and shall not interact with children.
- The offender may drive to parish or school activities with his or her minor-aged children as passengers, but no other minors may be transported.
- The registered sex offender must sign this agreement.

These requirements do not envision every situation that might arise nor do they foresee particular circumstances that would call for a different pastoral approach which should be discussed with the victim assistance coordinator.

I agree to follow the rules and regulations set out in this agreement. I understand that a violation of this agreement may cause the loss of privileges to attend parish or school activities.

_____ _____
Printed full name of the registered sex offender Signature of the registered sex offender

_____ _____
Address of registered sex offender Phone

_____ _____
Pastor or Parish Life Coordinator Signature Date

_____ _____
Principal Signature Date

May 1, 2018

Appendix F: Rental or Use Agreement

§II-7002.2 Ministry to Minors and Dependent Adults

Because of its extensive ministries to minors and dependent adults, the Church perhaps has more involvement with these individuals than many other organizations. These individuals have no choice but to be dependent upon adults, particularly those adults in positions of trust and leadership.

II-7002.2 *Policy*
It is vitally important that prudence be exercised by all adults in both ministerial and social relationships with minors and dependent adults. In the case of at-risk individuals who are extremely vulnerable, adults should be particularly cautious and sensitive. It is expected that those who deal with these individuals consult regularly with appropriate supervisors.

Following is a set of procedures for all clergy, religious, lay employees, and volunteers of the Diocese of Davenport and anyone using church property in dealing with or in the presence of minors and dependent adults. These guidelines are not meant to be exhaustive but rather to serve as some general principles. At the same time, they are not intended to prevent the performance of ministry but rather to assist in employing good sense in dealing with minors and dependent adults. If it is necessary to depart from these guidelines, adults should be aware of any departure and be able to justify their actions. There are times when one-on-one involvement is unavoidable. In these cases, extreme discretion should be used in relationships with these individuals. Proceed as a prudent person would in similar circumstances.

Procedures

a) Avoid inappropriate physical contact when alone with minors and dependent adults. In other situations where physical contact is necessary and proper, such as in certain moments in the celebration of the sacraments, use sound discretion and moderation. If a person initiates physical contact out of affection, a response is appropriate if it is not prolonged.

b) Do not be alone with a minor in a residence, sleeping facilities, a locker room, restroom, a dressing facility or other closed rooms that are less desirable to a ministry relationship.

c) Seek responsible adults to be present at events involving minors, such as games and athletic activities.

d) Groups of minors should rarely be left alone. Youth group trips must have enough adult chaperones to provide adequate supervision based upon the type of activity.

e) Do not take an overnight trip alone with a minor or minors.

f) Inappropriate language (including profanity) or inappropriate conversation topics should not be used. When people initiate such conversations or use such language in order to seek help or because they lack appropriate vocabulary, you should remain prudent and sensitive.

g) Do not provide alcohol to anyone under the age of 21. (Wine appropriately used in the celebration of the Eucharist is an exception to this directive.)

h) Avoid inviting a minor by himself or herself into your house or automobile.

i) Always maintain a professional posture in dealing with people, avoiding emotional attachment and being aware of the powerful attraction of adults in positions of authority and trust. If one recognizes

personal or physical attraction developing, consult a supervisor or refer the person to another qualified adult, particularly in counseling situations.

j) If one-on-one pastoral care of a minor should require frequent or regular appointments, parents should be notified that these appointments are occurring. If the subject matter precludes such notification, the minister should consult his or her supervisor.

k) When practical, two adult supervisors should be present for any church activity outside the classroom situation. Whenever two adults are not present, the adult should refrain from being alone with a minor unless necessary for the nature of the ministry. In those instances, the adult should be in clear view, e.g., through a window or an open door.

l) Volunteers should be invited to work with minors or dependent adults only after they are known to some degree within the parish or Diocese. For those volunteers not known, a six-month time period to get to know that person would be required. Background checks will also be done in accordance with these policies.

m) No person should ever strike, bully or purposely humiliate, ridicule, threaten, harm or degrade anyone.

n) Drivers on trips must be 21 years of age or older with vehicle insurance and a valid driver's license. They must complete a Driver Information Sheet and attach to it a copy of their driver's license and vehicle declaration page listing insurance coverage annually or if information changes. The Driver Information Sheet is retained locally.

o) All people have an obligation to protect minors and dependent adults, particularly when they are in the care of the Church.

p) If there is reason to believe that anyone is violating these directives, the person should be challenged in a forthright manner or reported to a supervisor. If there is reason to suspect that child abuse has occurred in a diocesan related entity, this matter must be reported to the supervisor or to the Victim Assistance Coordinator of the Diocese. Mandatory or permissive reports must also be made to the proper authorities. (see Appendix C)

q) Adult supervisors of outside entities that use church property in the presence of minors or vulnerable adults must produce a letter of good standing from their sponsoring organization and proof of safe environment training that includes background checks.

_____ _____ _____

Name of responsible adult contact in charge of renting or using parish and/or school property — Signature — Date

_____

Phone number during rental or use of property

Date of property rental or use _____ _____

Authorization of Approval

This form will be kept on file at the diocesan entity.

To report child sexual abuse contact

and if it involves clergy or church personnel also notify

the diocesan Victim Assistance Coordinator
Alicia Owens, LBSW
PO Box 232
Bettendorf, IA 52722-0004
Phone: 563-349-5002 vac@diodav.org

Other Resources Available:

- Office of Child and Youth Protection
  United States Conference of Catholic Bishops
  www.usccb.org/issues-and-action/child-and-youth-protection/

- The Diocese of Davenport website: www.davenportdiocese.org

Copies of this policy may be made from this booklet or by downloading from the Diocese of Davenport website: www.davenportdiocese.org

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 440.3

STAFF PERSONNEL

Personnel Evaluations (Support Staff)

The performance of all personnel shall be evaluated annually using the instruments and processes established by the Superintendent of Schools for each category of personnel.

Regulation Adopted: March 15, 1989
Regulation Revised: June 5, 2002
Regulation Reviewed: May 17, 2010
Regulation Reviewed: December 2015
Regulation Revised: December 18, 2018
Regulation Reviewed: February 28, 2019
Regulation Promulgated: July 29, 2019
Policy Revised: March 20, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 440.3A

STAFF PERSONNEL
EMPLOYEE EVALUATION FORM – SUPPORT STAFF

_____ Anniversary Date _____ Six Month _____ Other _____

Name: _____ Date Due: _____
Department: _____ Job Title: _____

Check the appropriate square which most nearly describes this employee's performance

	QUALITY OF WORK: consider neatness, accuracy and degree of excellence								
❑	Unsatisfactory, careless	❑	Borderline	❑	Satisfactory	❑	Above Average	❑	Outstanding
	QUALITY OF WORK: consider the amount of work produced								
❑	Unsatisfactory	❑	Below Average. Just enough to get by	❑	Average	❑	Above Average	❑	Outstanding. Eager to more than assigned
	ATTENDANCE: Consider absenteeism and tardiness								
❑	Frequently absent	❑	Frequently late	❑	Satisfactory	❑	Above Average	❑	Never late or absent
	ATTITUDE: Consider ability to get along with others; willingness to cooperate with supervisors and conform to rules of work								
❑	Unwilling to cooperate, troublesome or indifferent	❑	Sometimes difficult to work with; occasionally indifferent	❑	Normal, usually tactful, works well with others	❑	Congenial and cooperative	❑	Always willing, highly cooperative
	KNOWLEDGE OF WORK: Consider how well the employee is equipped with the knowledge essential to the performance of his/her work								
❑	Insufficient for position	❑	Lacks knowledge of some phases of work	❑	Adequate for position	❑	Understands all phases of position	❑	Comprehensive knowledge of all phases of position
	DEPENDABILITY: Consider the extent to which the employee can be counted on to do assigned tasks and degree of supervision required								
❑	Unreliable, needs constant supervision	❑	Sometimes requires prompting	❑	Usually completes tasks with reasonable promptness	❑	Very dependable, needs little supervision	❑	Thoroughly dependable and trustworthy
	INITIATIVE: Consider willingness to assume responsibility								
❑	Puts forth no effort, always waits to be told	❑	Puts forth little effort, needs prodding	❑	Average, does assigned work well	❑	Hard worker, willing to do more than assigned	❑	Exceptionally diligent, never waits to be told
	PERSONAL APPEARANCE: Consider cleanliness, neatness, general grooming and appropriateness of attire								
❑	Always untidy, improper dress	❑	Sometimes untidy and careless	❑	Generally neat and clean	❑	Well groomed	❑	Very neat, extremely well groomed
	ADAPTABILITY: Consider ability to adjust to changing situations and work assignments and ease with which learns new duties								
❑	Cannot adjust to changing conditions	❑	Has difficulty, requires details and repeated instructions	❑	Satisfactory, minimum instructions on most new duties	❑	Very adaptable, quick to learn and understand	❑	Exceptionally keen in adapting to new jobs and changing situations

Regulation Adopted: March 15, 1989
Regulation Revised: June 5, 2002
Regulation Reviewed: May 17, 2010
Regulation Reviewed: December 2015
Regulation Reviewed: September 10, 2019
Regulation Promulgated: September 13, 2019
Form Revised: March 20, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 440.3A

	RATE ONLY PERSON WITH SUPERVISORY RESPONSIBILITY:								
	LEADERSHIP: Consider effectiveness in getting								
❑	Sometimes fails to exercise effective direction and guidance	❑	Generally wins confidence and loyal support	❑	Often fails to motivate people	❑	Leads people well, wins and holds enthusiasm	❑	Provides leadership, motivation and direction under most conditions
	OVERALL RATING: AT HIS/HER LEVEL THIS EMPLOYEE IS RATED:								
❑	Outstanding	❑	Above Average	❑	Average	❑	Marginal	❑	Unsatisfactory
	IF SALARY IS BEING CONSIDERED, COMPLETE THE FOLLOWING								
	Recommended for:	❑	Salary Increase	❑	No Increase	❑	Re-evaluation		
	IF PLACED ON PROBATION OR RECOMMENDED FOR RE-EVALUATION								
	Date to Be Reviewed Again								

ADDITIONAL REMARKS BY EVALUATOR:

_____

_____

_____

_____

_____

Date: _____ Signature: _____

EMPOYEE REMARKS: ❑ Concur with Rating ❑ Do Not Concur

_____

_____

_____

_____

Date: _____ Signature: _____

Regulation Adopted: March 15, 1989
Regulation Revised: June 5, 2002
Regulation Reviewed: May 17, 2010
Regulation Reviewed: December 2015
Regulation Reviewed: September 10, 2019
Regulation Promulgated: September 13, 2019
Form Revised: March 20, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 442

STAFF PERSONNEL

Non-instructional Staff: Dismissal

The board of education fosters the growth of the staff so students and the staff members benefit to the maximum. Ongoing staff appraisal is expected. Continuous improvement, development, and growth are an expectation in our educational system. The processes for staff improvement are based on an assumption of honest communication between administration and staff.

In all relations with staff, the board's primary concern is the welfare of the learners.

Evaluation and professional recommendations are functions appropriate to the administration.

The local board of education exercises control of the school and represents the rights of the Catholic community, parents and the students, through delegated authority by the Diocesan Board and appropriately approved election procedures.

The board of education committee with the recommendation of its administration is responsible for corrective action with staff members. Due process guidelines established by the Diocesan Board of Education and promulgated by the Bishop shall apply to non-instructional staff.

Non-instructional staff include bus drivers, food service workers, custodians, clerical personnel, teacher aides, etc.

Rationale: State Standard 12.3(3) "Each board shall adopt evaluation criteria and procedures for all contracted staff. The evaluation processes shall conform to Iowa Code § 272.33, § 279.14, and § 279.23A."

Policy Adopted: August 10, 2006
Policy Reviewed: May 17, 2010
Policy Reviewed: December 2015
Policy Amended: October 25, 2018
Policy Revised: February 2019
Policy Promulgated: October 17, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 450.0

STAFF PERSONNEL

Teacher Formation – Teacher Enrichment Process

It shall be the policy of the Diocesan Board of Education that school teachers, whether Catholic or non-Catholic, are to be provided ongoing in-service and faith formation opportunities. Adequate financial support for these in-services and workshops should be budgeted annually by the school.

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Reviewed: May 17, 2010
Policy Reviewed: December 2015
Policy Revised: September 2019
Policy Promulgated: October 17, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 452.0

STAFF PERSONNEL

Accident/Injury

It shall be the policy of the Diocesan Board of Education that all schools make and maintain adequate documentation of all accidents and/or injuries of personnel for the protection of all involved.

These records must be available to program administrators and stored in a central location of the parish/institution.

In addition, accidents/injuries should be reported to the parish's/institution's liability insurance company and to the Schools Office.

An incident is defined as: Action or episode involving persons that may have serious results. These may involve a) an action which creates an unsafe or uncomfortable situation; b) an action which violates the rules, regulations or policies of the school or diocese; or c) an action which violates the mission or overall philosophy of the Catholic Church.

For a Sample Incident Report, See Regulation 452.2

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Amended: May 17, 2010
Policy Reviewed: December 2015
Policy Amended: October 25, 2018
Policy Reviewed: February 28, 2019
Policy Promulgated: July 29, 2019

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

SERIES 400: STAFF PERSONNEL

PROCEDURE 452.1

ACCIDENT/INJURY REPORT

The parish/institution should make a report that contains the following information:

1. Name of Injured Party (ies), address and phone number.
2. Names, addresses and phone numbers of witnesses, if there were any.
3. Description of the Accident/Injury in as much detail as possible including what injured was doing, the chain of events, who was involved, where accident happened, date and time of accident, etc.
4. Names and phone numbers of local person(s) who conducted the investigation.
5. Signature and date of Program Administrator.

OR Complete this form:

Accident Report for Injuries

Complete this report for all accidents/injuries. This report is for information only. All claims should be reported immediately. Please read each question carefully and answer **all** questions as completely as you can. **Please do not leave any blanks**, unless the question does not apply.

Place and Location:_____Date: _____

Name of Person Injured:_____Time of Accident: _____

Address:_____Phone: _____

Male ☐ Female ☐ Age: _____

What was happening at the time of accident?_____

Apparent Cause: _____

Nature of Injury: _____

First Aid Treatment Administered: _____

Name of Person Administering Aid: _____

Taken to the Hospital? ☐ Yes or ☐ No By: _____

Parents' Name (if Minor): _____

Parents Were Notified at (Time):_____

Parents not Notified (Give Reason):_____

Persons Who Witnessed the Accident: _____

Regulation Adopted: November 15, 2001
Regulation Revised: June 5, 2002
Regulation Revised: May 17, 2010
Regulation Reviewed: December 2015
Regulation Revised: September 10, 2019
Regulation Promulgated: October 17, 2019
Procedure Revised: March 20, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

SERIES 400: STAFF PERSONNEL

NAME	ADDRESS	PHONE

Person Making Report:_____Title: _____

Signature: _____

Additional information may be given on reverse side of this form. Additional sheets may be used.

Regulation Adopted: November 15, 2001
Regulation Revised: June 5, 2002
Regulation Revised: May 17, 2010
Regulation Reviewed: December 2015
Regulation Revised: September 10, 2019
Regulation Promulgated: October 17, 2019
Procedure Revised: March 20, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

SERIES 400: STAFF PERSONNEL

PROCEDURE 452.2

INCIDENT REPORT

The parish/institution should make a report that contains the following information:

1. Name of Involved Party (ies), address and phone number;
2. Names, addresses and phone numbers of witnesses, if there were any;
3. Description of the Incident in as much detail as possible including what injured was doing, the chain of events, who was involved, where accident happened, date and time of accident, etc.;
4. Names and phone numbers of local person(s) who conducted the investigation;
5. Signature and date of Program Administrator.

OR

Complete this form:

INCIDENT REPORT FORM

Location of Incident:_____ Date_____ Time_____

With Whom: _____

Filed By: _____

Description of Incident: _____

_____

_____

_____

Action Taken: _____

_____

Preventive Measures for Future: _____

_____

Signature: _____ Title: _____

Regulation Adopted: November 15, 2001
Regulation Revised: June 5, 2002
Regulation Revised: May 17, 2010
Regulation Reviewed: December 2015
Regulation Revised: September 10, 2019
Regulation Promulgated: October 17, 2019
Procedure Revised: March 20, 2020

PROFESSIONAL CONTACT WITH STUDENTS

Communication Guidelines

Each school should develop and promulgate a list of professional guidelines for employees interacting with students. These guidelines shall reflect the *Policies Relating to Sexuality and Personal Behavior*.

Appropriate Topics

School employees shall exercise care in discussing personal or potentially controversial topics with students. In such cases, the employee should consider the school's Catholic Identity as well as the age level of the student.

Employees shall avoid conveying opinions that are contrary to the teachings of the Catholic Church.

Employees should exercise great care when communicating with students outside of school hours and away from school sponsored events including electronic or phone communications, and personal contact.

Policy Adopted: November 15, 2001
Policy Revised: June 5, 2002
Policy Amended: May 17, 2010
Policy Reviewed: December 2015
Policy Revised: February 28, 2019
Policy Promulgated: May 5, 2020

DIOCESE OF DAVENPORT
BOARD OF EDUCATION

POLICY 470.0

SMOKEFREE AIR

The Iowa Smokefree Air Act took effect on July 1, 2008. The Smokefree Air Act prohibits smoking in most indoor areas, including workspaces such as private offices, conference and meeting rooms, classrooms, auditoriums, lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairwells and stairways. The Act also prohibits smoking in vehicles owned, leased, or provided by employers unless the vehicle is used exclusively by one person. The Act may also prohibit smoking in outdoor areas of a business if that business operates a restaurant, sports area, stadium, or entertainment venue or are located in a publicly owned building. Additional areas may be designated as non-smoking. Smoking may be permitted in outdoor non-enclosed areas.

The Act requires employers to take several actions:

1. All ashtrays must be removed from areas where smoking is prohibited. Since smoking is prohibited in all classroom buildings, no ashtrays should be available in any school building.
2. "No Smoking" signs must be posted in a clear and conspicuous manner at every doorway or entrance to any area where smoking is prohibited and in all vehicles where smoking is prohibited. The signs must be at least 24 square inches in size, and contain the words "no smoking" or the international "no smoking" symbol along with the Department of Health's number for reporting complaints (1-888-944-2247) and the Smokefree Air Act website http://www.iowasmokefreeair.gov/; and
3. A policy must inform all current employees and prospective employees, at the time of application, of the provisions of the Act.

Employers must also inform any customer, employee or other individual smoking in a no-smoking area that they must stop immediately. If a customer refuses to stop smoking, the employer should discontinue service to that individual or may request the individual leave the area. If the individual refuses to leave, the employer may notify state or local law enforcement. If an employee is smoking in a no smoking area, the employee should be disciplined.

The Act prohibits employers from discharging, refusing to hire, or discriminating against any employee, applicant or customer who files a complaint under the Act or seeks to exercise their rights under the Act. Employees may bring civil actions to enforce the Act. Employers who discriminate or retaliate against any employee, applicant or customer are subject to civil fines and damages.

Employers who violate the Act by permitting smoking in a subject to fines and other disciplinary action.

This policy also applies to the use of smokeless tobacco, vaping, e-cigarettes, etc.

Policy Adopted: August 6, 2010
Policy Reviewed: December 2015
Policy Revised: September 10, 2019
Policy Promulgated: September 13, 2019