

**Diocese of Springfield in Illinois**

*Book II The People of God*

**§120 POLICIES AND PROCEDURES FOR THE OPERATION AND SUPPORT OF THE  
SPECIAL PANEL ON CLERGY MISCONDUCT**

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### ***Commentary***

*The Diocese of Springfield in Illinois holds all its clergy and laity to a high standard of virtue in their conduct, rooted in the command of Jesus Christ Himself that we love one another as He loved us (John 13:34). The Diocese already has strong policies and procedures addressing allegations of sexual abuse of minors by clergy. But other forms of serious Clergy misconduct, in particular clergy sexual misconduct with adults and financial misconduct, are also sources of great scandal and harm to the faithful of the Catholic Church. And rumors (true or not) regarding clergy misconduct can quickly dissolve the family spirit that we must all share in our Catholic communities throughout the Diocese. Therefore, this policy seeks to implement a quick and responsive system to resolve allegations of serious clergy misconduct. With this policy, clergy and laypeople alike can be more confident that a report of misconduct will be taken seriously and dealt with promptly, but that a mere allegation will not ruin a cleric's reputation and will be professionally vetted by a neutral team of experts.*

*We must all work to support the overwhelming majority of clergy who are generously living their vocations and offering their lives to serve us with great virtue and selflessness. With the Blessed Virgin Mary and Saint Joseph, we pray for the ongoing and increased holiness of all the members of our beloved Catholic Church, clergy and lay alike.*

### **§121 Background and Purpose**

**121.1 Policy** The Diocese of Springfield in Illinois shall report immediately all allegations of criminal clergy misconduct to civilian authorities. Further, the Diocese has a separate policy in Book II, **§100 Clerical Sexual Abuse of Minors: Policies for Education, Prevention, Assistance, and Determination of Fitness for Ministry**, for addressing allegations of sexual abuse of minors by clergy. However, to increase the bonds of trust between the Catholic hierarchy and faithful, prevent gossip while resolving legitimate complaints, and to demonstrate its determination to ensure the ministerial integrity of its clergy, the Diocese of Springfield in Illinois has also established this separate policy and process for the investigation and review of allegations of clergy sexual misconduct with adults, financial misconduct, or other serious misconduct affecting clergy suitability for ministry.

### ***Procedure***

- A. To implement this policy, the Diocese has established:
- a. A Special Panel to receive and investigate allegations of clergy sexual misconduct with adults, financial misconduct, or other serious misconduct affecting clergy suitability for ministry, review the findings, and make recommendations to the Bishop,
  - b. An Assistance Minister to pastorally respond to those making allegations of clergy misconduct as well as foster good communication and trust between all those involved, and

- c. A Liaison to facilitate communication and interaction between the Special Panel, the Diocesan Bishop and other diocesan personnel, as well as to maintain records and manage oversight.
- B. In the implementation of this policy, the diocese will be guided by the moral teachings and doctrines of the Catholic Church. It will also rely on and comply with all relevant provisions of civil and criminal laws, the *Code of Canon Law* and any directives and decrees from the competent authorities of the Holy See. If there is an unintentional conflict between these policies and any of the foregoing, the foregoing control.

## §122 Definitions

<p><b>122.1 Policy</b> The following definitions shall be for the purposes of this policy only, and are sometimes broader than other uses of these terms, either in civil or canon law.</p>
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- A. "Clergy" or "Cleric" shall mean:
  - (1) all priests and deacons incardinated in the Diocese of Springfield in Illinois and in "good standing;"
  - (2) other priests and deacons who have been granted the faculties of the Diocese of Springfield in Illinois;
  - (3) deceased, resigned, or laicized clerics.
- B. "Misconduct" occurs on a spectrum, and includes but is not limited to:
  - (1) misappropriation of church assets or financial malfeasance;
  - (2) unchaste words or actions
    - a) Unchaste words or actions with, or directed toward, another adult is in the purview of this Special Panel;
    - b) Unchaste words or actions with, or directed toward, a minor is in the purview of the separate Review Board.
  - (3) viewing, possession, or transmission of pornographic materials; and
  - (4) other serious misconduct that the Bishop, in consultation with the Chairman of the Special Panel, determines may affect clergy suitability for ministry.
- C. "Pornographic Materials" shall include, but not be limited to any kind of image, text, writing, or audio in any medium, including images that are simulated, computer-generated, altered, or animated that:
  - (1) depict nudity, actual or simulated sexual acts, or an explicit description of sexual subjects, and
  - (2) when considered as a whole by a reasonable person, is for the purpose of sexual gratification and lacks any legitimate literary, artistic, political, educational, or scientific value.

## §123 Establishment of the Special Panel on Clergy Misconduct

**§123.1 Policy The Special Panel on Clergy Misconduct:** The “Special Panel on Clergy Misconduct” is established according to the following policies and procedures. It shall review allegations within its jurisdiction and the results of any investigation or inquiry and make recommendations to the Diocesan Bishop. It shall function as a confidential consultative body to the Diocesan Bishop in discharging his responsibilities.

### *Procedures*

- A. The Special Panel serves as an advisor of the Diocesan Bishop in his assessment of allegations of clergy sexual misconduct with adults, financial misconduct, or other serious misconduct affecting clergy suitability for ministry. The Special Panel is not accountable to other officials of the Diocese except as may be necessary for the efficient administration of its business.
- B. The Special Panel will be appointed by the Diocesan Bishop and consist of five or more members of outstanding integrity and good judgment. Full communion with the Catholic Church is not required for membership on the Special Panel, but the majority of its members must always be lay Catholics. Current employees of the Diocese in Springfield in Illinois are not eligible for membership. At least one member should be a priest not incardinated in the Diocese of Springfield in Illinois. The Special Panel either will include an attorney licensed to practice law in Illinois, or legal counsel will be made available to the Panel when requested. The Special Panel will have diversity background and experience as much as possible. The members will be appointed at the discretion of the Diocesan Bishop, and may also be removed by him at his sole discretion.
- C. Appointments to the Special Panel will be for one five-year term and may with the approval or request of the Bishop, be extended to another five-year term. Appointments over and above 10 years may be extended by the Diocesan Bishop on a year-to-year basis. Any Special Panel member who desires to resign from the Special Panel should, if possible, give the Diocesan Bishop and the Special Panel adequate advance notice of the effective termination date.
- D. The Diocesan Bishop, in consultation with the Special Panel members, will designate one Special Panel member as Chair.
- E. The Special Panel may select from its members a recording secretary, and other roles as it judges appropriate. It will maintain appropriate records minutes of its meetings and other activities. Minutes of the meeting will be retained by the Bishop’s Liaison to the Special Panel (below).
- F. None of the members of the Special Panel should ordinarily receive compensation for their services, but all members may be reimbursed for some necessary expenses by sending receipts to the Diocese for acceptance and payment as appropriate.

- G. While the Special Panel can advise the Bishop on any matter he requests, the Special Panel’s central tasks are two-fold: 1) review allegations of clergy sexual misconduct with adults, financial misconduct, or other serious misconduct affecting clergy suitability for ministry, and 2) recommend actions to the Bishop in response.
- H. Ordinarily, the Special Panel should be in concurrence on an allegation when they make their recommendation to the Bishop. Should members not be in concurrence on a particular issue, this should also be reported to the Diocesan Bishop along with the basis for the differing views.
- I. The Special Panel should conduct its business at meetings, which may be scheduled to occur as needed and as often as necessary to perform its duties. The meetings should reflect the pastoral character of this process that is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings. They are sessions at which the Special Panel receives and considers information, deliberates, and formulates its recommendations. The Special Panel may, at its discretion, limit the information it receives or considers to that which is specifically relevant to the allegations, and the rules of evidence do not strictly apply.
- J. Ordinarily, the Special Panel should meet in person but by exception may meet and/or vote by email, telephone, or video conference call.
- K. The members of the Special Panel will maintain confidentiality and will not discuss the business of the Special Panel outside the meetings except as specifically authorized by the Diocesan Bishop.
- L. During a meeting, many relevant parties may be present to provide information and context to the Special Panel. But ordinarily the Special Panel should deliberate in executive session, limited to its members.
- M. The reporting individual(s) and/or the accused cleric may be invited to appear before the Special Panel, subject to such reasonable time limitations as the Special Panel may establish. The Special Panel should exercise reasonable discretion in permitting such appearances and in establishing reasonable time limitations for such appearances. When reporting individual(s) and the accused cleric meets with the Special Panel, the Special Panel should schedule their appearances in such a way that they not meet each other, even inadvertently.

## **§124 Independent Investigators for the Special Panel**

<p><b>124.1 Policy</b> When needed, “Independent Investigators for the Special Panel” shall be appointed and operate according to the following rules.</p>
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- A. The initial investigation of an allegation should ordinarily be made by the Chair of the Special Panel, although the Chair may appoint another to perform the initial investigation of the claim.
- B. When an allegation is received, the Chair should notify the Bishop’s Liaison to the Special Panel on Clergy Misconduct of the allegation as soon as possible.
- C. The Chair of the Special Panel, in consultation with the Diocesan Bishop, may as necessary designate or hire a person or entity as an Independent Investigator for an allegations of clergy sexual misconduct with adults, financial misconduct, or other serious misconduct affecting clergy suitability for ministry.
- D. The Independent Investigator will provide a report to the Special Panel and Diocesan Bishop at the conclusion of their investigation. The report should normally include a summary of the allegations and the result of the investigation. It may include any relevant evidence discovered. If, after making a report, the Independent Investigator receives additional information which could impact the safety of another, affect the suitability of a cleric for ministry, or is reasonably necessary for the Special Panel to fairly and fully review the allegation, such information should be reported to the Special Panel without delay.
- E. Besides producing a report pursuant to the policies and procedures above, the Independent Investigator should, in the scope of their investigation:
  - (1) support everyone’s right to make a report to public authorities;
  - (2) comply with all applicable civil laws with respect to the reporting of allegations of misconduct to civil authorities with the assurance of full cooperation by the Diocese of Springfield in Illinois in the investigation;
  - (3) take all appropriate steps to protect the good name and reputation of all persons involved in this process (Cf. Canon 220).<sup>1</sup>

## **§125 Bishop’s Liaison to the Special Panel on Clergy Misconduct**

**125.1 Policy** The “Bishop’s Liaison to the Special Panel on Clergy Misconduct” shall be established according to the following policies and procedures. The Bishop’s Liaison to the Special Panel will, in coordination with the appropriate diocesan staff, maintain information and records generated in connection with the process set forth in this Policy in a confidential manner.

- A. The Diocesan Bishop will appoint a person, who may be an employee of the diocese and/or a cleric, but who is not a member of the Special Panel, to be the Bishop’s Liaison to the Special Panel on Clergy Misconduct.

<sup>1</sup> Canon 220: No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

- B. The Bishop's Liaison to the Special Panel on Clergy Misconduct should:
- (1) Attend every meeting of the Special Panel to be available as a resource;
  - (2) Facilitate communication and interaction between the Special Panel, the Diocesan Bishop and other diocesan personnel as designated by the Diocesan Bishop.
  - (3) Be the custodian, in coordination with diocesan staff, of all records and information obtained by the Independent Investigator and Special Panel.
  - (4) Track, in consultation with appropriate diocesan staff, any recurring follow-ups or monitoring ordered by the Diocesan Bishop pursuant to a Special Panel case, and report at least yearly to the Special Panel and the Diocesan Bishop on the results of all monitoring or follow-ups ordered in the previous year;
  - (5) Develop an appropriate record-keeping system to ensure accountability for and security of the information in accordance with diocesan record keeping policies and in consultation with the diocesan Office for Archives and Records Management;
  - (6) Assist the Independent Investigator(s) in accessing the cleric's files;
  - (7) Provide access to information to the Special Panel, the Diocesan Bishop, and other persons the Diocesan Bishop may designate;
  - (8) Provide access to information for the Diocesan Bishop or his delegate to communicate to the competent superior in connection with allegations about a member of a religious congregation or other Diocese;
  - (9) Disclose information as may be required by law; and
  - (10) Develop a communications policy with the Diocese's Office for Communications that reflects the Diocese's 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 regarding assisting and supporting parish communities directly affected by ministerial misconduct.

### **§126 Assistance Minister**

**126.1 Policy** The "Assistance Minister" is established according to the following policies and procedures. The Assistance Minister will aid in the care of persons and congregations impacted by misconduct, when notified by the Bishop's Liaison to the Special Panel on Clergy Misconduct that an allegation has been made.

- A. The Assistance Minister will notify the reporting individual(s):
- (1) That an investigation has begun;
  - (2) That the investigation still continues (until the completion of the report by the Independent Investigators);
  - (3) That a final report was completed and sent to the Special Panel (but not the content of the report);
  - (4) What action was taken by the Bishop (if confidential, then that such action was confidential).
- B. The Assistance Minister should, where appropriate, facilitate an immediate pastoral

response as soon as reasonably possible with the reporting individual(s), and any person or persons harmed or scandalized by the alleged misconduct as appropriate, listening, providing solace, and offering compassion and support with no comment as to the truth of any allegation.

- C. The Assistance Minister may also provide for additional communication between the reporting individual(s), the Special Panel, and the Bishop regarding appropriate disciplinary actions or other matters to heal any scandal caused by the misconduct, or the scandal caused by false and disproven allegations.
- D. Ordinarily the Vicar for Priests, or another designated by the Bishop, when notified by the Bishop's Liaison to the Special Panel on Clergy Misconduct that an allegation has been made, will notify the accused clergy of the allegation. The Diocesan Liaison for Priests, or another appointed by the Bishop, should be available for pastoral care to the accused cleric during the investigation.

### **§127 Rights and Duties of the Reporting Individual(s) and the Accused Clergy**

**127.1 Policy** The following rights and duties of the reporting individual(s) and accused clergy shall be followed in matters before the Special Panel on Clergy Misconduct.

#### ***Procedures***

- A. The reporting individual(s) have the following rights and duties:
  - a) The right to have one's privacy protected;
  - b) The right to offer information relevant to the report;
  - c) The right, at his or her own expense unless otherwise required by canon law, to have assistance of counsel;
  - d) The right to know the status and results of the investigation, unless deemed confidential by the Bishop;
  - e) The duty not to improperly interfere with the investigation by influencing or intimidating any witness or other involved party;
  - f) The duty not to intentionally give false information or mislead the Special Panel or Independent Investigator(s);
- B. Accused clergy have the following rights and duties:
  - a) The right to notice that a report has been made, provided that such notice does not interfere with any investigation;
  - b) The right, at his own expense unless otherwise required by canon law, to have assistance of counsel;
  - c) The right to notice of the nature of the allegation, provided that such notice does not interfere with any investigation;
  - d) The right to be presumed innocent until the allegation is resolved;
  - e) If the cleric believes that his reputation is at risk due to public knowledge of false or unsubstantiated allegations, he may request that the Bishop, in consultation with the Special Panel, take appropriate corrective action to address any harm to the



accused cleric's reputation. But whether to take any corrective action, and the content or form of that corrective action, remains within the sole discretion of the Bishop;

- f) The right to appeal, where required by canon law;
- g) The duty not to improperly interfere with the investigation by influencing or intimidating any witness or other involved party;
- h) The duty not to contact any reporting individual, if known, while the investigation is pending, concerning the allegations or investigation itself;
- i) The duty not to intentionally give false information or mislead the Special Panel or Independent Investigator(s).

## §128 Preliminary and Final Actions

**128.1 Policy** The Special Panel shall have at its discretion a variety of potential and preliminary and final actions to recommend to the Diocesan Bishop in responding to allegations of clergy misconduct such as indicated below in the following non-exhaustive list of options.

### *Procedures*

- A. Preliminary and Final Actions will be proportional to the seriousness of the offense.
- B. Preliminary Actions, subject to any applicable procedures in canon law, may include (in no particular order):
  - a) Withdrawal of the cleric from sacred ministry or from any ecclesiastical office or function;
  - b) Impose or prohibit residence in a given place or territory;
  - c) Prohibit public celebration of the most Holy Eucharist pending the outcome of the process;
  - d) Enjoin the alleged offender from contacting the alleged victim or any potential witnesses (including the alleged victim's family);
  - e) Require that the alleged offender limit contact with any other persons of a similar demographic to the alleged victim while any investigation is underway;
  - f) Require that the alleged offender attend counseling or other support (e.g., AA meetings);
  - g) Require that the alleged offender refrain from alcohol, gambling, certain drugs, or other behaviors;
  - h) Require the alleged offender to refrain from any actions related to church finances (e.g., signing checks, making or authorizing any fiscal or spending decisions);
  - i) Place the alleged offender on administrative leave.
- C. Final Actions for misconduct, subject to any applicable procedures in canon law, include but are not limited to (from least to greatest severity):
  - a) Private verbal warning,
  - b) Private written warning,

- c) Private apology to those involved,
  - d) Private admonition,
  - e) Private rebuke,
  - f) Private penal precept,
  - g) Public apology,
  - h) Public written admonition,
  - i) Suspension,
  - j) Removal from office,
  - k) Removal of faculties from ministry,
  - l) Dismissal from the clerical State.
- D. If the Special Panel believes that a person knowingly made a false allegation of misconduct or otherwise provided false information to the Special Panel or the Independent Investigator, it may recommend appropriate disciplinary action or canonical penalties against that person without a separate investigation.
- E. A quorum is required for a vote to take place on recommendations and actions of the Special Panel. A quorum is defined as a simple majority of the membership. Thus, a quorum requires that a simple majority of members be present, either in person, by phone, or other electronic means.

### **§129 Scope and Implementation**

**129.1 Policy** These policies and procedures are for the Diocese of Springfield in Illinois (its curia, agencies, and institutions), for its parishes (including the parish schools, and Catholic secondary schools that include “Catholic” in their title or description or are attached to a parish or sponsored by the diocese), a religious institute (insofar as a member of a religious institute is engaged in works of the apostolate in the diocese), or other group, in canon law considered separate juridic persons, and for separate civilly incorporated institutions sponsored by the Diocese.

- A. Anyone who has reasonable cause to suspect an incident of clergy sexual misconduct with an adult, financial misconduct, or other serious misconduct affecting clergy suitability for ministry, should report the allegation without unnecessary delay using the published phone, email, or online reporting methods to the Special Panel hotline or dedicate email address unless prohibited by applicable Church law (e.g., inviolability of the sacramental seal; Canon 983, §1).<sup>2</sup>
- B. This policy will be binding upon all clergy and employees of the Diocese. This policy, and any subsequent amendment(s), shall be in effect as of the date of promulgation by the Bishop of Springfield.

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<sup>2</sup> Canon 983,§1: The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

- C. A copy of this policy should be distributed to clergy of the Diocese and should be published on the website of the diocese.
- D. This policy should be communicated to the competent ecclesiastical superiors of all members of religious institutes and societies of apostolic life who are engaged in works of the apostolate with the approval of the Diocese.
- E. The following paragraph should be widely published in the Diocese, to include placement on parish and school websites and in every parish bulletin:
  - (1) **The Diocese of Springfield in Illinois exhorts the laity and clergy to a high standard of virtue in their conduct. Reports of serious clergy misconduct, such as sexual misconduct with adults and financial misconduct, can be made to the Special Panel on Clergy Misconduct. Reports can be anonymous and will be vetted promptly and professionally. Email: reportmisconduct@gmail.com. Phone: 866-346-2003.**
- F. This policy does not and is not intended to create any contractual obligation, expressed or implied, on the part of the diocese.