
DIOCESE OF COVINGTON

**CREATING A
SAFE ENVIRONMENT**

Procedures for Addressing Sexual Misconduct

1985,1995, 2000, 2003, 2007, 2014

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For help, please contact
Ms. Margaret M. Schack, Victim Assistance Coordinator
(859) 392-1515
OR
Intake Worker, Catholic Charities
(859) 581-8974

Reporting CURRENT abuse of MINORS or VULNERABLE ADULTS
Cabinet for Families and Children, Division of Protection and Permanence

Boone County (859) 371-8832	Harrison County (606) 234-3884
Bracken County (606) 735-2195	Kenton County (859) 292-6340
Campbell County (859) 292-6733	Lewis County (606) 796-2981
Carroll County (502) 732-6681	Mason County (606) 564-6818
Fleming County (606) 845-2381	Owen County (502) 484-3937
Gallatin County (859) 567-7381	Pendleton County (859) 654-3381
Grant County (859) 824-4471	Robertson County (606) 724-5413

Reporting ADULTS who were abused as minors **Commonwealth Attorney**

Boone County (859) 586-1723	Harrison County (606) 234-2707
Bracken County (606) 564-4304	Kenton County (859) 292-6580
Campbell County (859) 292-6490	Lewis County (606) 473-9823
Carroll County (502) 732-6688 or (502) 732-5841	Mason County (606) 564-4303
Fleming County (606) 564-4304	Owen County (502) 732-6688 or (502) 732-5841
Gallatin County (859) 586-1723	Pendleton County (859) 234-2707
Grant County (859) 732-6688 or (502) 732-5841	Robertson County (606) 234-2707

It is preferable that you call the county in which the abuse allegedly occurred.

Kentucky Child Abuse Hotline 1-800-752-6200 Indiana Child Abuse Hotline 1-800-800-5556 Ohio Child Abuse Hotline	1-855-642-4453 National Child Abuse Hotline 1-800-422-4453 Kentucky Sex Offender Registry http://kpsor.state.ky.us/
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Resources Diocese of Covington
Safe Environment Information www.covingtondiocese.org

Other Resources
www.childhelp.org -> Get Help ->
National Center for Missing and Exploited Children
Cybertipline
NetSmartz.org
www.virtus.org -> library of articles

Code of Conduct

As someone who ministers where minors/vulnerable adults are present in the Diocese of Covington, I will maintain a professional role and be mindful of the trust and power I possess to provide a safe environment.

To achieve this I will:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Make a deliberate effort to affirm the child who is invisible and perceived as an outsider.
- Use positive reinforcement rather than criticism, competition, or comparison.
- Support my co-worker to attain the highest level of Christian behavior.
- Be attentive to the warning signs of abuse.
- Report all inappropriate behavior and signs of abuse to the appropriate authority
- Always use a team approach in dealing with minors and vulnerable adults.
- Never touch a minor/vulnerable adult in a sexual way or other inappropriate manner.
- Never be alone with a minor/vulnerable adult in a residence, rectory, sleeping facility, vehicle or in any isolated room.
- Never take an overnight trip alone with a minor/vulnerable adult.
- Never lie in bed with a minor or vulnerable adult.
- Never participate in group activities for minors/vulnerable adults that do not have at least two supervising trained adults present as well as an adequate number of supervising adults.
- Never provide illegal drugs, alcohol or tobacco to a minor/vulnerable adult.
- Never engage in physical discipline for behavior management of minors/vulnerable adults. No form of physical discipline is acceptable. I will not use any discipline that frightens or humiliates.
- Never give expensive or inappropriate gifts that single out specific minors/vulnerable adults.
- Never introduce sexually explicit or pornographic topics, vocabulary, music, recording, films, games, websites, computer software, or entertainment.
- Never photograph or use photos of minors or vulnerable adults without the explicit permission of their parents or guardian and the relevant supervisor.
- Never participate in chat rooms such as Facebook and the like via personal electronic media with minors/vulnerable adults.
- Never post compromising, immature, inappropriate material on public sites where minors also have access. Once material is posted on a public site, I am aware that it is public information.
- Send all regular electronic communication with minors through a business address or through parents with the communication monitored by more than one responsible adult. It is particularly important for coaches to have a monitored means of communication.

Introduction

We are living in an age of exploding information. We can hold in one hand a calendar for the day, a grocery list, GPS to the next destination, music to entertain while traveling, traffic updates to avoid delay, weather report to dress comfortably, news to stay informed, and, unfortunately access to unhealthy, immoral, addictive, and sometimes downright treacherous invitations. This is the world in which we live. This is the world our young need to navigate to reach maturity.

We are guides for the young. It is our responsibility to be informed, attentive and actively engaged in the lives of our young. Saying, “I trust my child.” is not enough. We must make the journey to adulthood with them. We must create a safe environment in which all of us are supported in living healthy and happy lives as children of God.

Sacrifices are required to create the safe environment. Continuing education, background checks and a code of conduct are basic. We call one another to a standard of conduct as “role models” to our young that gives our children parameters to grow and be safe, to know when to say NO, to TELL, to be respectful of themselves and those around them.

This is our calling. May God be with us and bless us on our journey.

(Rvsd. 1-8-2014)

Screening

The Diocese strives to provide and improve a safe, healthy environment for those it serves. Of particular concern are children and vulnerable adults. The Diocese implements policies and procedures to assure, as far as possible, that employees and volunteers do not have a history of sexual misconduct or criminally violent behavior or other background issues that render them unsuitable for the safety of the children and vulnerable adults in its care.

Policy: Background Screening

All clerics, employees and volunteers of the Diocese shall be in compliance with the current requirements of the safe environment prior to any service.

Candidates for Ordination Candidates for diaconate or priesthood are screened and evaluated on a wide variety of issues and factors, including their sexual maturity and the appropriateness of their behavior and background. The Diocese uses screening criteria and techniques that conform to current testing and assessment procedures. (USCCB Charter, Article13)

Clerics, Employees, Volunteers Currently, the requirements of the safe environment for employees and volunteers are: Met with the prospective supervisor to review the rules and regulations of the safe environment at the specific location, review the Policies and Procedures for Addressing Sexual Misconduct, fill out paperwork that is left with the supervisor for processing; and given directions for the next steps. Registered at www.virtus.org (opened an account), submitted information for a background check, signed up for and attended a class. Has class, acceptance form and background check credited on account. Begun completing one bulletin assignment per month.

All “application forms” for positions within the Diocese and all “job descriptions” of positions that require criminal background checks contain the following statement: “The Diocese of Covington requires a criminal history background check as a condition for employment or volunteering.”

No person who has been convicted of or pled guilty to a violent crime or a sex crime is employed or allowed to volunteer. Other offenses may render a person unsuitable for a particular position or task.

An employee or volunteer may be terminated upon receipt of a criminal history background check documenting a record of a sex crime or violent offense and may be terminated for other offenses that would render the person unsuitable for a task. Background evaluations are repeated regularly.

Background checks are acquired internally with direct access between the Diocese and the vendor. The vendor provides security for the background check information that it acquires. Copies of background checks are not accepted from other sources. Background checks are not shared with anyone other than those who required the background check. Background checks are stored securely at the Curia and vendor with access given only to those assigned by the bishop.

Summary results are shared with the pastor or administrator of the parish, school or agency, who then makes an appropriate decision based on the summary results in consultation with those responsible. Questionable results should be discussed with legal counsel.

If a potential employee or volunteer refuses to submit to the required background evaluation, that person is not employed or allowed to volunteer in any program under the auspices of the parish, school or agency that requires a background check.

Groups such as scouts and sports teams that use diocesan facilities on a regular basis are screened and comply with all safe environment requirements.

(Rvsd. 1-8-2014)

Electronic Media

Policy: Electronic media and services provided by diocesan parishes and schools and institutions are diocesan property and are to be used only to facilitate diocesan business.

Policy: Electronic media may not be used to knowingly transmit, retrieve or store any communications of a discriminating or harassing nature, or which are derogatory to an individual or group, or which are obscene or X-rated, or which are of a defamatory or threatening nature, or for any other purpose which is illegal, against diocesan policy or contrary to diocesan interest.

The Diocese of Covington encourages the use of these media and associated services because they make communications more efficient and effective, and because they are valuable sources of information.

With the rapidly changing nature of electronic media and the etiquette that is developing among users of electronic media, external online services and the Internet, this policy cannot lay down all the rules to cover every possible situation. Instead, this policy expresses the Diocese's philosophy and sets forth general principles to be applied to use of electronic media and services at parishes and schools.

The following procedures apply to all electronic media and services that are:

- accessed using diocesan parish, school or institution computers and/or telephone lines;
- used in a manner which identifies the individual with a diocesan parish or school or institution.

Procedures

- Electronic media may not be used to access games or other forms of personal entertainment during business hours.
- Personal accounts on social media, such as facebook, twitter and the like, may not be accessed on diocesan equipment.
- Diocesan parish, school or institution social media sites are to be controlled and monitored by at least two trained adults. Parents must give consent before pictures of minors are posted. Any information identifying minors is to be kept at a minimum.
- Electronic information created and/or communicated using e-mail, telephones, fax machines or any other method of electronic data or information transfer is monitored as follows:
 - Usage patterns for both voice and data communications (e.g. number of calls or sites accessed) may be monitored for reasons that include cost analysis and the management of the gateway to the Internet.

- The diocesan parish, school or institution internet access system automatically tracks the websites visited.
- An individual’s electronic files, messages and usage may be reviewed to the extent necessary to ensure that electronic media and services are being used in compliance with the law and with this and other diocesan policies.
- Individuals should not presume electronic communications are totally private and confidential and should transmit sensitive information in other ways.
- Individuals must respect the confidentiality of other people’s electronic communications and may not attempt to read the communications of others, “hack” into other systems or other people’s files, “crack” passwords, etc.
- No e-mail or other electronic communications may be sent which attempts to hide the identity of the sender or represent the sender as someone else.
- Any messages or information sent by a diocesan parish, school or institution staff member to one or more individuals via e-mail or fax are identifiable and attributable to the diocesan parish, school or institution. In other words, every message sent from an e-mail or fax has a “finger print” that can be traced back to the diocesan parish, school or institution.
- Internet Services and World Wide Web sites can and do monitor access and usage and can identify which company—and often which specific individual—is accessing their services. Thus, accessing a site leaves a diocesan “finger print” even if the individual merely reviews the material. The diocesan parish, school, institution or individual may receive return e-mail or other communication from a site visited.
- Any diocesan parish, school or institution staff member found to be abusing the privilege of diocesan parish, school or institution facilitated access to electronic media or services may risk having the privilege removed. Flagrant disregard for this electronic media policy may be cause for termination.

(Rvsd. 1-8-2014)

Electronic Media and Minors

Electronic devices on diocesan property used by students are to be monitored by trained adults both while the student is using the device and by IT personnel who control access.

Adults in their role as supervisors in diocesan institutions may not “friend” minors.

Pictures of minors may be posted on websites only with the parent’s permission and with minimal identification.

Electronic media owned by minors and brought onto diocesan property are to be stored in a supervised secure location until returned to the minor.

Cyberbullying is willful and repeated harm through computers, cellphones and other electronic devices done by those under the age of 18 that could fall under felony charges for adults who take such actions.

Minor’s electronic media used to harass, bully or contain sexually explicit pictures of minors are to be confiscated. The local police are called to review the material. The parents of all are informed.

(Rvsd. 1-8-2014)

Sex Offender Registrants

No registrant as defined by KRS 17.500 shall reside within one thousand (1,000) feet of a high school, middle school, elementary school, preschool, publicly owned playground or licensed day care facility. (KRS 17.545)

No registrant as defined by KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a high school, middle school, elementary school, preschool, or licensed day care facility, except with the advance written permission of the school principal, the school board, or the day care director that has been given after full disclosure of the person's status as a registrant or sex offender from another state and all registrant information as required in KRS 17.500. (KRS 17.545)

No one on the sex offender registry is permitted on school grounds without full disclosure to the principal and written permission from the principal specifying the parameters of access that include supervision.

For additional information: Sex Offender Alert Line: 1-866-564-5652
www.kpsor.state.us www.kentuckystatepolice.org/sor.htm

(Rvsd. 1-8-2014)

Chaperones and Supervision of Minors

Policy: The “two deep” approach is used in all ministry to minors. At least two trained/cleared adults are supervising at all activities.

When the activity involves gatherings on a national or world level, such as the World Youth Day, the guidelines of the event committee are to be followed provided they meet the requirements of this diocesan policy.

Chaperones and supervisors must be at least 21 years of age and fully compliant with safe environment requirements. (Coaches, etc. between the ages of 18 and 20 may assist a supervisor age 21 or older.)

For youth ministry activities away from the parish, a minimum ratio of one adult to ten youths is the standard keeping in mind the age of the children. Younger children require more supervision. For overnight trips, a minimum ratio of one adult to six youths must be followed. The ratio of male-to-female supervisors should closely parallel the ratio of male-to-female youths at an activity. This is particularly important on overnight trips.

For overnight trips where private rooms are used, an adult supervisor never shares a room with a youth unless that adult is the parent of the youths in the room. No youth is permitted to enter the room of an adult supervisor. If an adult supervisor must enter the room of a youth, the door must remain open and there must be at least two adult supervisors present.

When driving to and from activities, at least two supervisors are in the vehicle with the youths. If a larger group requires more than one vehicle and there is room for only one supervisor who is driving, the vehicles stay together throughout the trip. No one stops off even briefly to leave the caravan.

(Rvsd. 6-12-2013)

Human Trafficking

The U.S. government defines human trafficking as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained the age of 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” (Trafficking Victim Protection Act <http://www.state.gov/j/tip/laws>)

It is a crime that preys on the psychological, emotional and situational vulnerabilities of the intended victims, and does not specifically target any particular demographic other than those who are vulnerable for one reason or another.

Human trafficking is happening in the Northern Kentucky area.

References: www.virtus.org; “Human Trafficking: Dispelling 10 Myths”, December 1, 2013.

www.PathNKY.org

www.PolarisProject.org

www.StopEnslavement.org

(Rvsd. 1-8-2014)

Harassment

The Diocese is committed to creating an environment in which all individuals are treated with respect and dignity.

Any conduct by way of words, actions, gestures, pictures or other behavior that creates or has the potential to create an intimidating, hostile or offensive environment for any individual or group of individuals is harassment. Examples include disparaging statements about a person's race, color, religion, sex, national origin, age or disability in any form including jokes, gestures and epithets that have negative connotations.

Sexual harassment includes, but is not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body or sexual experience; leering, whistling, touching or pinching; assault; coerced sexual acts; suggestive, insulting or obscene comments or gestures; and display of sexually suggestive objects or pictures in the religious, employment or educational setting.

An individual who experiences harassment is encouraged to first discuss the matter directly with the alleged harasser. Often harassment problems can be stopped by informing the person responsible for the harassment of the offensive nature of the person's conduct.

If the problem persists after the individual's personal effort, a complaint should be brought to the attention of the person's immediate supervisor. If the supervisor is the person doing the harassing, the complaint should be brought to the attention of the person having direct authority over the supervisor and so on up the chain of command. All complaints must be reported in good faith.

The person receiving the complaint will take the following actions: Require that the complaint be made in writing. Investigate the allegation in the complaint by reviewing the facts presented (including the frequency/type of alleged harassment), interviewing the person(s) named in the complaint and any potential witness(es) to the alleged harassment, and collecting any evidence to support or refute the validity of the complaint. Upon completion of the investigation, prepare a written report containing findings and conclusions.

All complaints of harassment will be reviewed and investigated with every reasonable effort to respect the confidentiality of the parties involved.

When a harassment complaint is determined to have validity, the supervisor will take appropriate disciplinary action, up to and including, discharge of the responsible person(s). The severity of the disciplinary action will be determined based on the circumstances of the situation, including the nature and frequency of the harassment.

Disciplinary action may also result in response to false accusations. The supervisor will not retaliate against an individual making a report in good faith nor tolerate an employee doing so.

(Rvsd. 1-8-2014)

Reporting Abuse

Policy: Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused is to file a report with local law enforcement, the Kentucky State Police, or the Cabinet for the Protection of Families and Children. (See Appendix A: KRS620.030-1)

Sexual abuse of a child is a criminal act and must be reported to civil authorities. Phone numbers for reporting are listed in this manual. Victims are asked to contact the Victim Assistance Coordinator.

Reference: Google “reporting child abuse-Kentucky”

Policy: The Victim Assistance Coordinator coordinates assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. (USCCB Article 2)

Procedures for making a complaint and contact information for the Victim Assistance Coordinator are readily available in the contact section of this manual. (USCCB Charter, Norm 3) Contact information is posted in the Messenger at least twice per year. (USCCB Charter , Article 2) Anyone making an allegation is treated with dignity and respect, as will the accused, bearing in mind the accused’s right to a presumption of innocence.

The journey to healing and wholeness for those who have been sexually abused by Church personnel is of great importance. Anyone needing assistance in obtaining help along this journey is asked to contact the Victim Assistance Coordinator. Assistance is offered with respect and confidentiality.

A pastoral session with the Bishop is offered if and when the victim deems it beneficial to his/her healing journey.

Policy: The Bishop or his representative shall be informed if a report involves a cleric, employee, volunteer or student of the Diocese.

Policy: Anyone making a report in good faith and with reasonable cause is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. (See Appendix A: KRS 620.050)

Policy: Protection Against Retaliation

Retaliation against any person who makes a report in good faith is not tolerated.

Retaliation should be reported immediately to the Bishop or his representative. Any person found to have retaliated against an individual for reporting incidents of suspected sexual misconduct or against those investigating the report is subject to appropriate disciplinary action up to and including termination or dismissal. (KRS 620.050)

Response to Allegations of Sexual Misconduct

The trauma sexual abuse causes its victims, their families and the community is compounded when the perpetrator is a representative of the Church. Unsubstantiated allegations also have serious consequences. Thus the policies and procedures presented here address the rights of victims and of the accused. The allegation of any such misconduct is a matter of grave concern and responsibility to the local church and to civil authorities.

Policy: Civil and Canon Law [Civil law is followed and canon law is followed regarding the reporting and response to charges of sexual misconduct.](#) (See [appendix A](#))

Allegations Against Clerics

Upon receiving a report the accuser is advised of his/her right to make a report to civil authorities. The Victim Assistance Coordinator sends a written report to the commonwealth attorney or the like outlining the basics of the report. If a civil investigation occurs, the Diocese does not interfere when conducting a concurrent investigation.

The Bishop or his representative informs the cleric of the report, of his right to canonical and civil counsel, and receives the cleric's response to the allegation. The case is referred to the Diocesan Review Board for recommendation regarding "reasonable cause to believe" the allegation. If an investigation is recommended, the cleric is immediately placed on administrative leave pending the outcome of the investigation. The case is referred to an investigator who gathers information that is then reported to the Diocesan Review Board for a recommendation of the disposition of the case to the Bishop.

If the Diocesan Review Board receives the findings of the investigator and makes its recommendation to the Bishop, and the determination is that the allegation of sexual misconduct is unsubstantiated, the Bishop shall seek to remedy any harm done to the good name and reputation of the accused. A summary of the case with the determination of "unsubstantiated" shall go into the cleric's personnel file. (USCCB Charter, Norm 13)

If the findings of the investigation substantiate the allegation as "credible" or if the cleric admits guilt, the offending cleric is permanently removed from ministry, and if warranted, dismissed from the clerical state. The offending cleric is offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being. (USCCB Charter, Article 5; Norm 8)

Canonical procedures are followed including reporting the case to Rome and granting the cleric a canonical trial if requested.

Allegations Against Religious

Upon receiving a report the accuser is advised of his/her right to make a report to civil authorities. The Victim Assistance Coordinator sends a written report to the commonwealth attorney or the like outlining the basics of the report. The religious superior is informed immediately of the report.

If the religious is in ministry in the Diocese of Covington at the time the allegation is received or if the person involved was a minor in the Diocese of Covington at the time the allegation was received, the case is referred to the Diocese of Covington Review Board for recommendation regarding “reasonable cause to believe” and the “credibility” of the allegation.

If the abuse occurred while the religious was in the employ of the Diocese, counseling and a pastoral meeting with the Bishop are offered to the alleged victim. If the abuse occurred while the religious was not in the employ of the Diocese, the case is immediately referred to the religious superior and to the relevant Diocese as well as a report made to the civil authority.

Allegations Against Lay Employees or Volunteers of the Diocese

The accusation is reported to civil authorities. The accused is placed on administrative leave while the Review Board makes its recommendations. The accused is advised to obtain legal counsel and is offered counseling. If the accusation is substantiated, the accused is subject to any sanction or combination of sanctions including termination of employment or the privilege of volunteering. If the accusation is unsubstantiated, the person is restored to his/her position with a summary of the findings placed in the person’s personnel file.

(Rvsd. 1-8-2014)

Diocesan Review Board

Policy: The Diocesan Review Board functions as a confidential consultative body to the Bishop.

The Diocesan Review Board consists of at least five members from various professional and non-professional backgrounds, the majority of whom are lay persons not in the employ of the Diocese. Members are to be of outstanding integrity and good judgment in full communion with the Church. At least one member is a priest who is an experienced and well respected pastor and at least one member should have particular expertise in the treatment of sexual abuse of minors. Members are appointed for five year renewable terms. The Promoter of Justice participates in the meetings of the Diocesan Review Board.

The Diocesan Review Board advises the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry; reviews diocesan policies for dealing with sexual abuse of minors; and offers advice on all aspects of the cases presented to it. (USCCB Norms 4 & 5)

(Rvsd. 1-8-2014)

Disclosure and Transparency

Policy: **Disclosure** The Bishop or his delegate will disclose substantiated allegations of sexual misconduct to any church leaders with whom the accused seeks a position of responsibility or residence.

The Bishop or his delegate will obtain the necessary information regarding any past act of sexual misconduct and of safe environment requirements for any cleric who wishes to minister or reside within the Diocese, even for a single act of ministry. (USCCB Charter, Article 14; Norm 12)

Clerics and religious seeking work in the Diocese will be subject to the “Proposed Guidelines on the Transfer or Assignment of Clergy and Religious.”

Policy: **Transparency** Within the confines of respect for the privacy and reputation of the individuals involved, the Diocese will deal as openly as possible with the members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by sexual misconduct involving minors. (USCC Charter, Article 7)

(Rvsd. 1-8-2014)

Safe Environment Training of Minors

Policy: All schools in the Diocese shall offer for parents and students a “safe environment for children” component of the educational program, in keeping with the American Bishops’ “Charter for the Protection of Children and Young People.”

Schools shall offer the sexual abuse prevention program at least biennially using one of the three approved professional groups. On the alternate year schools are encouraged to present a safe environment program on such topics as bullying, internet safety, text messaging, Theology of the Body, chastity, drug abuse, etc.

The following programs have been used in the Diocese of Covington and have merited positive evaluations. Boone County Sheriff: Internet Safety Cincinnati Bell: Bullying “Catholic School Works” (St Paul School) NetSmartz (online training)

Policy: Parish School of Religion/CCD programs shall offer the sexual abuse prevention program EVERY year using the lesson plans posted on the Diocese of Covington Safe Environment website.

(Rvsd. 1-8-2014)

KRS § 413.249

Action relating to childhood sexual abuse or childhood sexual assault.

(1) As used in this section:

(a) "Childhood sexual assault" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a felony in KRS 510.040, 510.050, 510.060, 510.070, 510.080, 510.090, 510.110, 529.100 where the offense involves commercial sexual activity, 530.020, 530.064, 531.310, or 531.320. No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual assault;

(b) "Childhood sexual abuse" means an act or series of acts against a person less than eighteen (18) years old and which meets the criteria defining a misdemeanor in KRS 510.120, KRS 510.130, KRS 510.140, or KRS 510.150.

No prior criminal prosecution or conviction of the civil defendant for the act or series of acts shall be required to bring a civil action for redress of childhood sexual abuse;

(c) "Child" means a person less than eighteen (18) years old; and

(d) "Injury or illness" means either a physical or psychological injury or illness.

KRS § 600.020

Definitions for KRS Chapters 600 to 645.

(55) "Sexual abuse" includes, but is not necessarily limited to, any contacts or interactions in which the parent, guardian, or other person having custodial control

or supervision of the child or responsibility for his welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person; (56) "Sexual exploitation" includes, but is not limited to, a situation in which a parent, guardian, or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, or other person having custodial control or supervision of a child or responsible for his welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;

KRS § 620.030

Duty to report dependency, neglect or abuse.

(1) Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's attorney or the county attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect or abuse shall promptly make a report to the proper authorities for investigation. If the cabinet receives a report of abuse or

neglect allegedly committed by a person other than a parent, guardian or person exercising custodial control or supervision, the cabinet shall refer the matter to the Commonwealth's attorney or the county attorney and the local law enforcement agency or the Department of Kentucky State Police. Nothing in this section shall relieve individuals of their obligations to report.

(2) Any person, including but not limited to a physician, osteopathic physician, nurse, teacher, school personnel, social worker, coroner, medical examiner, child-caring personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical technician, paramedic, health professional, mental health professional, peace officer or any organization or agency for any of the above, who knows or has reasonable cause to believe that a child is dependent, neglected or abused, regardless of whether the person believed to have caused the dependency, neglect or abuse is a parent, guardian, person exercising custodial control or supervision or another person, or who has attended such child as a part of his or her professional duties shall, if requested, in addition to the report required in subsection (1) of this section, file with the local law enforcement agency or the Department of Kentucky State Police or the Commonwealth's or county attorney, the cabinet or its designated representative within forty-eight (48) hours of the original report a written report containing:

(a) The names and addresses of the child and his or her parents or other persons exercising custodial control or supervision;

(b) The child's age;

(c) The nature and extent of the child's alleged dependency, neglect or abuse (including any previous charges of dependency, neglect or abuse) to this child or his or her siblings;

(d) The name and address of the person allegedly responsible for the abuse or neglect; and

(e) Any other information that the person making the report believes may be helpful in the furtherance of the purpose of this section.

(3) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding a dependent, neglected, or abused child or the cause thereof, in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding a dependent, neglected, or abused child.

(4) The cabinet upon request shall receive from any agency of the state or any other agency, institution or facility providing services to the child or his or her family, such cooperation, assistance and information as will enable the cabinet to fulfill its responsibilities under KRS 620.030, 620.040, and 620.050.

(5) Any person who intentionally violates the provisions of this section shall be guilty of a:

(a) Class B misdemeanor for the first offense;

(b) Class A misdemeanor for the second offense; and

(c) Class D felony for each subsequent offense.

KRS § 620.050

Immunity for good faith actions or reports

(1) Anyone acting upon reasonable cause in the making of a report or acting under KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action. However, any person who knowingly makes a false report and does so with malice shall be guilty of a Class A misdemeanor.

KRS § 158.156

Definitions — Criminal record check for job applicants at child-care centers — Restrictions on employing violent offenders or persons convicted of sex crimes.

(4) No child-care center as defined in KRS 199.894 shall employ, in a position which involves supervisory or disciplinary power over a minor, or direct contact with a minor, any person who is a violent offender or has been convicted of a sex crime. Each child-care center shall request all conviction information for any applicant for employment from the Justice and Public Safety Cabinet or the Administrative Office of the Courts prior to employing the applicant.

KRS § 158.156.

Reporting of commission of felony KRS Chapter 508 offense against a student; investigation; immunity from liability for reporting; privileges no bar to reporting

(1) Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim. The principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report a written report containing:

- (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;
- (b) The student's age;
- (c) The nature and extent of the violation;
- (d) The name and address of the student allegedly responsible for the violation; and
- (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section.

(2) An agency receiving a report under subsection (1) of this section shall investigate the matter referred to it. The school board and school personnel shall participate in the

investigation at the request of the agency.

(3) Anyone acting upon reasonable cause in the making of a report required under this section in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

(4) Neither the husband-wife nor any professional-client/patient privilege, except the attorney-client and clergy-penitent privilege, shall be a ground for refusing to report under this section or for excluding evidence regarding student harassment in any judicial proceedings resulting from a report pursuant to this section. This subsection shall also apply in any criminal proceeding in District or Circuit Court regarding student harassment.

KRS § 158.444

Administrative regulations relating to school safety; role of Department of Education to maintain statewide data collection system; reportable incidents; annual statistical reports; confidentiality

(1) The Kentucky Board of Education shall promulgate appropriate administrative regulations relating to school safety, student discipline, and related matters.

(2) The Kentucky Department of Education shall:

- (a) Collaborate with the Center for School Safety in carrying out the center's mission;
- (b) Establish and maintain a statewide data collection system by

which school districts shall report by sex, race, and grade level:

1. a. All incidents of violence and assault against school employees and students;

b. All incidents of possession of guns or other deadly weapons on school property or at school functions;

c. All incidents of the possession or use of alcohol, prescription drugs, or controlled substances on school property or at school functions; and

d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in KRS Chapter 508; KRS 525.070 occurring on school premises, on school-sponsored transportation, or at school functions; or KRS 525.080;

2. The number of arrests, the charges, and whether civil damages were pursued by the injured party;

3. The number of suspensions, expulsions, and corporal punishments; and

4. Data required during the assessment process under KRS 158.445; and

(c) Provide all data collected relating to this subsection to the Center for School Safety according to timelines established by the center.

(3) The Department of Education shall provide the Office of Education Accountability and the Education Assessment and Accountability Review Subcommittee with an annual statistical report of the number and types of incidents reported under subsection (2)(b) of this section. The report shall include all monthly data and cumulative data for each reporting year. Reportable

incidents shall be grouped in the report in the same manner that the reportable incidents are grouped in subsection (2)(b)1. of this section. Data in the report shall be sorted by individual school district, then by individual schools within that district, and then by individual grades within each school. The report shall not contain information personally identifying any student. The reporting period shall be for an academic year, and shall be delivered no later than August 31 of each year.

(4) All personally identifiable student data collected pursuant to subsection (2)(b) of this section shall be subject to the confidentiality provisions of the Kentucky Family Education Rights and Privacy Act, KRS 160.700 to 160.730, and to the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and its implementing regulations.

(5) Parents, legal guardians, or other persons exercising custodial control or supervision shall have the right to inspect or challenge the personally identifiable student records as permitted under the Kentucky Family Education Rights and Privacy Act and the federal Family Educational Rights and Privacy Act and implementing regulations.

(6) Data collected under this section on an individual student committing an incident reportable under subsection (2)(b)1. of this section shall be placed in the student's disciplinary record.

KRS § 158.148

Student discipline guidelines and model policy; local code of acceptable behavior and discipline; required contents of code

(1) In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the Department of Education shall develop or update as needed and distribute to all districts by August 31 of each even-numbered year, beginning August 31, 2008:

(a) Statewide student discipline guidelines to ensure safe schools, including the definition of serious incident for the reporting purposes as identified in KRS 158.444;

(b) Recommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement; and

(c) A model policy to implement the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080.

(2) The department shall obtain statewide data on major discipline problems and reasons why students drop out of school. In addition, the department, in collaboration with the Center for School Safety, shall identify successful strategies currently being used in programs in Kentucky and in other states and shall incorporate those strategies into the statewide guidelines and the recommendations under subsection (1) of this section.

(3) Copies of the discipline guidelines shall be distributed to all school districts. The statewide guidelines shall contain broad

principles and legal requirements to guide local districts in developing their own discipline code and school councils in the selection of discipline and classroom management techniques under KRS 158.154; and in the development of the district-wide safety plan.

(4) Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board. The code shall be updated no less frequently than every two (2) years, with the first update being completed by November 30, 2008.

(a) The superintendent, or designee, shall be responsible for overall implementation and supervision, and each school principal shall be responsible for administration and implementation within each school. Each school council shall select and implement the appropriate discipline and classroom management techniques necessary to carry out the code. The board shall establish a process for a two-way communication system for teachers and other employees to notify a principal, supervisor, or other administrator of an existing emergency.

(b) The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged.

(c) The code shall contain:

1. Procedures for identifying, documenting, and reporting incidents of violations of the code and incidents for which reporting is required under KRS 158.156;

2. Procedures for investigating and responding to a complaint or a report of a violation of the code or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved;

3. A strategy or method of protecting from retaliation a complainant or person reporting a violation of the code or an incident for which reporting is required under KRS 158.156;

4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees; and

5. Information regarding the consequences of violating the code and violations reportable under KRS 158.156 or 158.444.

(d) The principal of each school shall apply the code of behavior and discipline uniformly and fairly to each student at the school without partiality or discrimination.

(e) A copy of the code of behavior and discipline adopted by the board of education shall be posted at each school. Guidance counselors shall be provided copies for discussion with students. The code shall be referenced in all school handbooks. All school employees and parents, legal guardians, or other persons exercising custodial control or supervision shall be provided copies of the code.

(1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she:

- (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact;
 - (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact;
 - (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present;
 - (d) Follows a person in or about a public place or places;
 - (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
 - (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:
 - 1. Damages or commits a theft of the property of another student;
 - 2. Substantially disrupts the operation of the school; or
 - 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.
- (2) (a) Except as provided in paragraph (b) of this subsection, harassment is a violation.

(b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor.

KRS § 525.080
Harassing communications

- (1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she:
- (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;
 - (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or
 - (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.
- (2) Harassing communications is a Class B misdemeanor.

Appendix B — Glossary of Terms

The following terms have a specific meaning as given in this statement.

Article – Policies promulgated by the United States Conference of Catholic Bishops in Dallas 2002 to promote healing and reconciliation with victims and survivors of sexual abuse, to guarantee an effective response to allegation of sexual abuse of minors, to ensure the accountability of procedures, and to protect the faithful in the future.

Accused – an individual who is suspected of sexual abuse, sexual exploitation or sexual harassment.

Adult – an individual who is at least 18 years old and not impaired by reason of physical, mental or emotional handicap.

Allegation – a complaint of sexual misconduct made against another.

Background Check Coordinator -a person employed by the Diocese and stationed at the Diocesan Curia to process background applications, summarize results, return summary results to the pastor/administrator, assist the pastor/administrator in arriving at employee/volunteer decisions resulting from the background check, and file and maintain background check information in a confidential manner. Bullying

Cabinet for Families and Children: The Division of Protection and Permanency -the authority to whom actual or suspected instances of child sexual abuse are to be

reported in accordance with Kentucky law.

Child – a person less than 18 years of age.

Church – in this statement, Church refers to the Roman Catholic institution.

Clerics – a term from the Code of Canon Law referring to ordained priests and ordained deacons who are incardinated in the Diocese of Covington, as well as priests, religious priests and deacons incardinated in other dioceses who are engaged in a ministry under the control or auspices of the Diocese.

Code of Canon Law – canon law is the system of law followed by the Latin Rite Roman Catholic Church internally. The Code of Canon Law is the constitution and bylaws governing the corporations, such as the Holy See, dioceses and parishes, etc. and members of the Roman Catholic Church.

Criminal Record Check – a check of police records to ascertain whether a person has been convicted of an offense. (See Appendix A.)

Cyberbullying – willful and repeated harm through computers, cellphones and other electronic devices done by those under the age of 18 that could fall under felony charges for adults who take such actions.

Dependent – any child, other than an abused or neglected child, who is under improper care, custody, control or guardianship that is not due to an intentional act of the parent, guardian or person exercising custodial control or supervision of the child. (See Appendix A.)

Diocesan Review Board – a committee appointed by the Bishop and advisory to him, consisting of at least five men and women from various backgrounds, professional and nonprofessional, the majority of whom are lay persons not in the employ of the Diocese, to advise on and review matters of sexual misconduct related to diocesan personnel; herein referred to as the Diocesan Review Board.

Diocesan personnel – any cleric, employee or volunteer of the Diocese.

Diocesan Safe Environment Coordinator – person appointed by the bishop to oversee the implementation of policies and procedures for creating a safe environment and for addressing sexual misconduct.

Diocese – the Roman Catholic Diocese of Covington. May also refer to the Bishop and/or his delegate.

Employee – any person employed by the Diocese. An employee may be a cleric, a lay person or a member of a religious order.

Guardian or Parent – that person possessing legal custody of a child.

Human Trafficking – the trade in humans most commonly for the purpose of sexual slavery, etc.

Incardinated – in the Church the legal tie that binds a cleric to a particular diocese.

Injury or illness – a physical or psychological injury or illness. (See Appendix A.)

Institutions – all parishes, schools and agencies of the Diocese.

Investigative team – an ad hoc team formed by the Bishop or his delegate to investigate the initial report of an allegation of sexual misconduct.

KRS – Kentucky Revised Statutes, which enumerates every law.

Local administration -the parish, school or agency receiving the services of the employee/volunteer.

Mentor – one who serves as an experienced guide and companion.

New employee -a new hire to the parish, school or agency. An employee returning to work after a summer recess is not a new employee. An employee rehired in the same or different location who has not previously submitted to a background check is considered a new employee for purposes of the background check. The same holds for volunteers.

Non-certified employee -one who is not in a position that requires a professional educational certificate issued by the State of Kentucky.

Norm – essential regulations proposed by the United States

Conference of Catholic Bishops and approved by the Congregation for Bishops in Rome on December 8, 2002 that deal with allegations of sexual abuse of minors by priests or deacons.

Offender – one who has committed some form of sexual misconduct.

Parent or Guardian – that person possessing legal custody of a child.

Past allegations—those allegations for which reporting to child protective services is not mandatory because the alleged victim is no longer a minor, or the alleged perpetrator is deceased.

Policy – any provision of this statement requiring an action or standard of behavior on the part of specified persons, offices or institutions. The policies of this statement are the law of the Diocese as defined by the Code of Canon Law.

Pornography – printed or visual material containing explicit description or display of sexual organs or activity, intended to stimulate erotic rather than aesthetic or emotional feelings.

Professionals – in the Church those persons who by their specialized training and/or leadership roles hold a position of privilege and trust; e.g., clerics, religious, teachers, mentors, youth ministers, catechists, counselors and those who work with children.

Program – is an activity in a parish, school or agency at which children or vulnerable adults are present. Programs include, but are not limited to, formal school programs,

parish schools of religion, Sunday preschool programs, Bible schools, after school programs, youth groups, athletic activities, social gatherings and any other activity under the auspices or in the name of the parish, school or agency at which children or vulnerable adults gather under the supervision of adults.

Promoter of Justice – an office designated in canon law. This person collects and presents the evidence showing that a church law has been violated to the Church court when there is a trial of a priest or deacon.

Religious – a priest, deacon, brother or sister who is a vowed member of a religious congregation or order.

Sexual abuse – any sexual contact in violation of the laws of the Commonwealth of Kentucky between a cleric, employee or volunteer of the Diocese and a child or vulnerable adult. (See Appendix A.)

Sexual abuse according to the Norms – includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. These transgressions relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue.

Sexual exploitation – sexual interaction between a cleric, employee or volunteer and an adult who is receiving care from that person. (See Appendix A.)

Sexual harassment – unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct reasonably perceived as a demand for sexual favors or sexually offensive in nature occurring in a Church-related setting in which at least one person is a cleric, employee, volunteer or student of the Diocese when: (1) submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, or promotion; or (2) this conduct substantially interferes with an individual's life, employment or education; or (3) this conduct creates an intimidating, hostile or offensive work or Church-related environment.

Sexual misconduct – sexual harassment, sexual exploitation, sexual abuse and other activity of a sexual nature that may adversely affect the Diocese and its people.

Sexual misconduct statement – this statement of policies and procedures with all its contents regarding sexual misconduct.

Supervisor – one to whom a person is accountable, either through the chain of command or through an assigned relationship; e.g., for a school, its principal; for a parish, its pastor; for a diocesan department, its department head; for any other

organization or institution, the person in charge.

Unwanted sexual advances – behavior that is clearly made known to the offender to be offensive or perceived as offensive.

Victim – the person who is the object of some form of sexual misconduct.

Victim Assistance Coordinator – a person who aids in the immediate pastoral care of persons who claim to have been sexually abused by clergy or other church personnel.

Volunteer – one who gives time without pay in scheduled activities in the parish, school or agency. All volunteers who have supervisory responsibility for children or vulnerable adults or who have unsupervised access to children or vulnerable adults will be required to submit to the background check. Examples of persons in this category include, but are not limited to, catechists, scout leaders, coaches, youth ministers/youth workers, coordinators, substitute teachers, teacher aides and tutors.

Vulnerable Adult – a person at least 18 years of age, who, because of impairment in mental or physical function or emotional status, is unable or unlikely to report abuse or neglect without assistance.