

DIOCESE OF DALLAS

SAFE ENVIRONMENT PROGRAM FOR DIOCESAN ENTITIES

MISSION STATEMENT

As Christian adults, we have a moral and legal responsibility and are entrusted by God with the spiritual, emotional and physical well-being of minors and vulnerable adults. As they participate in activities within or sponsored by our Diocese, it is our responsibility and commitment to provide an environment which is safe and nurturing.

INTRODUCTION

Because of the gravely serious nature of allegations of child abuse and sexual misconduct by Church personnel, it is important that all diocesan personnel be informed about diocesan policy on the prevention of child abuse and about the procedures that are followed when reports of child abuse or sexual misconduct by Church personnel are received. In addition this Booklet provides information on other procedures to promote a safe environment for diocesan entities.

PURPOSE

The Catholic Diocese of Dallas has a program to reduce the risk of abuse in order to:

- To provide a safe and secure environment for minors and vulnerable adults in the faith communities within our Diocese.
- To reduce the possibility of false accusations against clergy, employees and volunteers.
- To assist the Diocese in evaluating a person's suitability to work with minors or vulnerable adults.
- To satisfy the concerns of parents and staff members with a screening process.
- To provide a system to respond to the victims and their families, as well as the accused.
- To reduce the risk exposure of the parishes and the Catholic Diocese of Dallas.

DEFINITIONS

(For the purposes of this statement only)

1. **Sexual Abuse means an unlawful form of sexual misconduct, whether it involves a minor or a vulnerable adult.**

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. Sexual abuse has been defined by different civil authorities in various ways. [This policy] adopt[s] [the] definition provided in [Texas] civil law. [The] transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (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 (CIC, c. 1395 §2; CCEO, c. 1453 §1) 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 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.¹¹ Preamble, USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.

2. Sexual Misconduct

The following types of behavior by Church Personnel:

- a. Sexual contact between Church Personnel and a minor ("minor" as defined by the laws of the State of Texas).
- b. Sexual Harassment as defined by the Equal Employment Opportunity Commission (see page 7 in the Policy on Sexual Misconduct for the Diocese of Dallas).
- c. Sexual interaction between a Cleric and an adult (not the Cleric's spouse), whether initiated by one or the other, and whether or not consensual.

3. **Cleric** means men ordained to the Roman Catholic priesthood or diaconate and includes:

- a. Clerics incardinated in the Diocese of Dallas
- b. Clerics who are members of religious institutes and are assigned to pastoral work or teaching in the Diocese of Dallas
- c. Clerics of other jurisdictions who are assigned to pastoral work or teaching in this Diocese
- d. Clerics who seek incardination in this Diocese
- e. Clerics who are retired or who request canonical faculties to do part-time or weekend-assistance ministry.

4. **Diocese / Diocesan Entities** means the Roman Catholic Diocese of Dallas, including but are not limited to parishes, schools, agencies, and

institutions with direct accountability to the Bishop of Dallas.

5. **Church Personnel** means priests, deacons, lay Diocesan and Parochial employees and volunteers, independent contractors, women religious (sisters or nuns), religious brothers, seminarians and those enrolled in the Permanent Deacon Formation Program.
6. **Minor** any person who has not reached his/her 18th birthday.
7. **Norms** United States Conference of Catholic Bishops Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons *Approved by the Congregation for Bishops, December 8, 2002.* See Appendix A.
8. **Volunteer** means any unpaid person engaged in or involved in a Diocesan activity, and who is entrusted with the care and supervision of minors, and/or persons engaged or involved in ministry who have regular individual contact with vulnerable adults.
9. **Vulnerable Adult** means any adult that is physically, mentally, or emotionally impaired, whether temporary or long-term, or that is disabled, or that is otherwise unable to function in one or more ways that results in an impaired ability to respond as a typical adult is expected to.
10. **Safety Officer** means the individual who oversees the Safe Environment Program.
11. **Safety Committee** means the committee responsible for implementing the Safe Environment Program.

REQUIREMENTS

Each Diocesan entity shall:

1. Appoint a Safety Officer (clergy, staff or volunteer) to oversee the Safe Environment Program.
2. Form a Safety Committee to implement the Safe Environment Program.
3. Implement the Safe Environment Program following the guidelines and procedures found in the Diocesan Safe Environment Program Booklet.
4. Form a response team to provide support for all parties if an incident should occur.

These are minimum requirements to protect our minors, vulnerable adults, clergy, staff, volunteers, and the Diocese.

SCREENING PROCEDURES

The following screening procedures are to be used with clergy, staff and volunteers who work with minors and vulnerable adults. All collected information is to be treated as confidential.

1. **Screening form.** All clergy, staff, and volunteers must complete Form SCR. The release statement must be signed by the applicant to qualify for service. Volunteers should have attended the parish an adequate length of time to become well known by the other adults and leaders.
2. **Employment application.** Those applying for a paid position must complete Form EMP in addition to Form SCR.
3. **Reference Check.** Complete a reference check from the references listed in Forms EMP and SCR. Maintain a written record of each reference check using Form REF.
4. **Interview.** Interview each new applicant using Form INT.
5. **Criminal Background Check.** Conduct a criminal background check on clergy and staff. Also, conduct a criminal background check on all volunteers who work with minors and vulnerable adults. All criminal background checks must be updated every two (2) years through a Diocesan approved vendor (currently Accutrak).

Screening procedures clarification:

The following persons need not be members of the parish for the last six (6) months: ordained clergy, seminarians, deacons in formation class, ordered sisters, any paid staff, and entities needing volunteers from other faith communities or other Diocesan entities, provided that such paid staff or volunteers have been members of another parish or faith community for six (6) months.

However, all persons are subject to screening procedures one through five.

CONFIDENTIALITY

Like all personal records, information obtained through the Screening Form, Employment Application, Reference Information, Interviews, Criminal Background Check, etc. should be kept confidential. It is recommended that all material be kept in a locked file cabinet and access to it be restricted to those who have a "need to know". These materials should not be destroyed, but should be archived.

TRAINING PROCEDURES

1. All staff and volunteers must complete annual Safe Environment Program Training.
2. Each diocesan entity should also provide regular and ongoing training for other safety issues.

BEHAVIORAL GUIDELINES FOR WORKING WITH MINORS

3. Provide each new worker (paid or volunteer) with a copy of the Diocesan Safe Environment Booklet. Each worker is required to read the Booklet and sign the acknowledgment form.
4. Education and counseling opportunities are to be made available to church personnel as part of the Diocese's continuing education and training of church personnel.

SUPERVISION PROCEDURES

1. Have adequate number of screened and trained adults present at events involving minors. Adult supervision should increase in the proportion to the risk of the activity.
2. Monitor facilities during church services and all school or other activities.
3. Release minors only to parent or guardian.
4. Obtain written parental permission, including a signed medical treatment form, before taking minors on trips.
5. Qualified drivers, who have passed all **state** requirements to drive the vehicle used and who have a safe driving record, will be the only ones who may drive any church or school vehicle or any other vehicle that has been chartered, rented or leased on behalf of the diocesan entity.
6. Always obtain written parental approval before permitting any minor to participate in athletic events or any other activity that involves potential risk.
7. Have minors use a "buddy system" whenever they go on trips away from church property.
8. All adult leadership and sponsors must be screened and trained and must also be approved in advance by the appropriate chief administrator for any overnight activities.
9. Teen aides may not supervise minors without an adult present.
10. "Supervision" is considered to extend to periods before and after an event, including when minors are waiting for transportation outside the approved church entrance.

All clergy, staff and volunteers of the Diocese will observe the following guidelines for dealing with minors:

1. No minor may reside in any church rectory or other living quarters of priests other than a son or daughter of the resident priest.
2. Only priests, seminarians or their immediate family members may be overnight guests in rectories.
3. Do not provide minors with alcoholic beverage, tobacco, drugs or anything that is prohibited by law.
4. Do not serve as chaperone for activities that conflict with curfew laws pertaining to minors.
5. Touching should be age appropriate and based on the need of the minor and not on the need of the adult. Avoid physical contact when alone with a minor. If a minor initiates physical contact, an appropriate, limited response is proper.
6. Do not engage in the physical discipline of a minor. Discipline problems should be handled in coordination with your supervisor and/or the parents of the minor. Corporal punishment is **never** acceptable.
7. Do not be alone with a minor in a residence, sleeping facility, locker room, rest room, dressing facility, or other closed room or isolated area that is inappropriate to a ministry relationship.
8. Do not take an overnight trip alone with a minor who is not a member of your immediate family.
9. Do not sleep in the same bed with a minor. If an adult supervisor stays in a hotel or other sleeping room with a group of minors, the supervisor should sleep in his or her own bed using a roll away or cot if necessary.
10. Topics, vocabulary, recordings, films, games or the use of computer software or any other form or personal interaction or entertainment that could not be used comfortably in the presence of parents should not be employed with minors. Sexually explicit or pornographic material is never appropriate.
11. Do not administer medication of any kind without written parental permission.
12. If you recognize inappropriate personal or physical attraction developing between yourself and a minor, maintain clear professional boundaries between yourself and the minor or refer the minor to another adult supervisor.
13. If one-on-one pastoral care of a minor should be necessary, avoid meeting in isolated environments. Schedule meetings at times and use locations that create accountability. Limit both the length and

number of sessions, and make appropriate referrals. Notify parents of the meetings.

14. Do not give minors keys to a diocesan entity.
15. Do not drive a church or school vehicle unless you have received prior authorization and have the appropriate license and/or certification.
16. Do not permit minors to cross a road by themselves while they are in your custodial care.
17. Do not take photographs of minors while they are unclothed or dressing (e.g., in a locker room or bathing facility).
18. If you observe anyone (adult or minor) abusing a minor, take appropriate steps to immediately intervene and to provide a safe environment for the minor. Report the misconduct (see Reporting Procedures).
19. If you are accused of engaging in inappropriate conduct, immediately notify the Diocese (Chancellor or Risk Manager).
20. Having two or more screened and cleared adults will reduce the probability of false accusations.

DISQUALIFYING OFFENSES

No person may serve with minors and vulnerable adults if he or she has ever been convicted of any disqualifying offense, been on probation or received deferred adjudication for any disqualifying offense, or has presently pending any criminal charges for any disqualifying offense until a determination of guilt or innocence is made, including any person who is presently on deferred adjudication.

Disqualifying offenses are:

1. A **felony** classified as an offense against the person or family or involves an offense against the person or family.
Examples: Offenses against a person include, but are not limited to, murder, assault, sexual assault, and abandoning or endangering a child. Offenses against the family include, but are not limited to bigamy, incest, interference with child custody, enticing a child, and harboring a runaway child.
2. A **felony** classified as an offense against public order or indecency.
Examples: Offenses against public order or indecency include, but are not limited to prostitution, obscenity, sexual performance by a child, possession or promotion of child pornography, and disorderly conduct.
3. A **felony** violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substance Act.
4. A **misdemeanor** classified such as sexual assault, indecency with a child, injury to a child, abandoning

or endangering a child, sexual performance by a child, possession or promoting child pornography, enticing a child, bigamy or incest.

REPORTING PROCEDURES

Mandate to report under the policy of the Diocese of Dallas:

The Diocese, through its diocesan entities, has numerous daily contacts with many minors. It is, therefore, most important that all persons responsible for the care of minors, particularly all staff members of diocesan entities, protect the rights of minors and be alert to the possibility for abuse. It is the policy of the Diocese of Dallas not only to fulfill the reporting law but to cooperate fully with the investigating civil authorities.

Individuals must report incident or suspicions of sexual misconduct or sexual harassment. Situations involving abuse of minors must be reported to **Texas Department of Family and Protective Services** at **1-800-252-5400** or in emergency to the appropriate police authority, usually by calling 911.

Individuals with knowledge about violations of Diocesan policy should call the Chancellor or the Risk Manager of the Diocese at **214-528-2240**, or they may write to them at the Diocese of Dallas, P.O. Box 190507, Dallas, TX 75219.

A report to the Diocese does not relieve the individual from reporting abuse as required by the Texas State Law.

Mandate to report under state law:

The Texas law is very specific on reporting suspected abuse:

§ 261.101. Persons required to report; time to report, the Texas Family Code, states:

- a) A person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person shall immediately make a report.
- b) If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48th hour after the professional first suspects that the child has been or may be abused or neglected. A professional may not delegate to or rely on another person to make the report. In this subsection "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, and day-care employees.
- c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, **a member of the clergy**, a medical practitioner, a social worker, or a mental health professional.

d) The identity of an individual making a report under this chapter is confidential and may be disclosed only on the order of a court or to a law enforcement officer for purposes of conducting a criminal investigation of the report.

Committee at the local diocesan entity within 3 months after the date of the non-acceptance.

§261.106. Immunities, states:

a) A person acting in good faith who reports or assists in the investigation of a report of alleged abuse or who testifies or otherwise participates in a judicial proceeding arising from a report petition or investigation of alleged child abuse or neglect is immune from civil or criminal liability.

INSPECTION PROCEDURES

1. Do Facility Safety Inspections as frequently as appropriate and at minimum on an annual basis.
2. Do an annual Vehicle Inspection.

THE APPEAL PROCESS

Any person who applies and is not accepted or is released as a member of the clergy, an employee or a volunteer, for any reason under these guidelines, will have a right of appeal as set forth in the Appeal Process.

If non-acceptance is based on the criminal background check for clergy, employees and volunteers:

The applicant shall be given the name and address of the agency reporting the criminal history of such applicant, so that he or she will have the opportunity to obtain a similar report from such agency. In the event that such report is obtained by the applicant and he or she reasonably believes that an error has been made by the reporting agency or independent agent, then, upon written request, a second criminal background check shall be obtained and the application reconsidered.

If non-acceptance is based on the criminal background check for employees and volunteers:

The Pastor and/or Principal where the applicant is applying, may make a written appeal on behalf of the applicant to the Risk Manager. The appeal will be reviewed by the Risk Manager, Chancellor and three members of the Safe Environment Committee. The review by this group will be final and a written answer will be sent to the Pastor and/or Principal that made the appeal request. A written record of the appeal and the final decision will be maintained by the appealing location and the Risk Management office.

If non-acceptance is based upon the interview process for a volunteer:

The applicant, upon written request, shall have the right to have a second interview and to have his or her application reconsidered by an Appeals

POLICY ON SEXUAL MISCONDUCT

FOR THE DIOCESE OF DALLAS

SEXUAL MISCONDUCT FOR THE DIOCESE OF DALLAS POLICY (revised March, 2003)

The opening pages of Sacred Scripture tell us of God's wondrous creation of a universe that is good. The culmination of the whole of creation is when God breathes the divine spirit into the clay of the earth and brings forth humankind in His own image and likeness, male and female.

Our sexual identity is an intimate part of God's plan for creation and therefore for each of us. The mystery of what it means to be a human being -- soul and body, spiritual and incarnate, and male and female -- is bound up in the very mystery of God, the author of life and the font of love. Human sexuality is God's creation, and we approach any discussion of it with a deep sense of appreciation, wonder and respect. However, it must be integrated with the other gifts we have received. Sexuality fully integrated in the human personality fosters human communication, and encourages and enriches all human relationships. The moral and spiritual health of the Church and human society depends on morally and spiritually healthy men and women who have learned to integrate the gift of sexuality with all the other gifts God gives them for the building up of the kingdom.

Following the example of our Lord Jesus Christ, the Church is deeply concerned for the well being of all people and has a special concern for those who are most vulnerable, particularly children. Sexual misconduct is always a tragedy and calls for the Church to respond with justice and compassion toward all those persons involved.

Therefore, the development and implementation of this policy has as its end the protection of the vulnerable, the pastoral care for those wounded by misconduct, the protection of the rights of the accused, the appropriate action toward those responsible for sexual misconduct, and the respect due the Church as a faith-community.

The Catholic Church expects its priests, deacons and lay Diocesan and Parochial personnel to live chaste and moral lives, respecting in every way the gift of sexuality. Inappropriate sexual activity abuses the power and authority of the pastoral role of all who work for the people of God and serve them. The Church also recognizes that all people are fallible and sin can occur, as can appropriate contrition and related forgiveness.

Sexual misconduct is contrary to Christian morals and may violate civil law. Sexual misconduct is obviously outside the scope of the duties of church ministry or employment for all priests, deacons and lay personnel at any Diocesan entity, whether they be assigned to one of its parishes or an agency of the Diocese, and will not be tolerated.

All priests, deacons and lay personnel and volunteers must comply with all applicable church, federal, state and local laws regarding incidents of actual, alleged or suspected sexual misconduct, and with the procedures outlined in this policy.

IMPLEMENTING THE POLICY

DEFINITIONS

Church Personnel

Priests, deacons, lay Diocesan and Parochial employees and volunteers, independent contractors, women religious (sisters or nuns), religious brothers, seminarians and those enrolled in the Permanent Deacon Formation Program.

Clerics

Men ordained to the Roman Catholic priesthood or diaconate and includes:

- a. Clerics incardinated in the Diocese of Dallas
- b. Clerics who are members of religious institutes and are assigned to pastoral work or teaching in the Diocese of Dallas
- c. Clerics of other jurisdictions who are assigned to pastoral work or teaching in this Diocese
- d. Clerics who seek incardination in this Diocese
- e. Clerics who are retired or who request canonical faculties to do part-time or weekend assistance ministry.

Minor

Any person who has not reached his/her 18th birthday.

Norms

United States Conference of Catholic Bishops Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons Approved by the Congregation for Bishops, December 8, 2002. See Appendix A.

Sexual Abuse

An unlawful form of sexual misconduct, whether it involves a minor or a vulnerable adult.

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. Sexual abuse has been defined by different civil authorities in various ways. [This policy] adopt[s][the] definition provided in [Texas] civil law. [The] transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external,

objectively grave violation of the sixth commandment (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 (CIC, c. 1395 §2; CCEO, c. 1453 §1) 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 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons

1413, 1415, and 1416. II Preamble, USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.

Sexual Misconduct

The following types of behavior by Church Personnel:

- a. Sexual contact between Church Personnel and a minor ("minor" as defined by the laws of the State of Texas).
- b. Sexual Harassment as defined by the Equal Employment Opportunity Commission (see page 7).
- c. Sexual interaction between a Cleric and an adult (not the Cleric's spouse), whether initiated by one or the other, and whether or not consensual.

THE CHURCH'S PASTORAL CONCERN FOR ALL

Care of the One Who Alleges Sexual Misconduct

The Diocese of Dallas will respond promptly to investigate any accusation of sexual misconduct. It is always important for all members of the Church to be sensitive to the needs and feelings of those who allege sexual misconduct. The Diocese of Dallas will provide any victim of sexual misconduct by Church Personnel with appropriate pastoral assistance to enable healing. The assistance for an individual victim will vary with circumstances, and support from the Diocese will be determined in proportion to any defined course of therapy.

The Diocese will assign one person (designated as the "Liaison") to be the primary source of ongoing communication with the person or that person's parents or legal guardians who allege sexual misconduct. The Liaison will be responsible for ensuring that the accusing person's special spiritual needs are being met during the course of the investigation.

Concern for a Person Accused of Sexual Misconduct

Accusation Against a Cleric

Sexual misconduct by a Cleric is a serious failure of the responsibilities for the care of people inherent in the pastoral office. Because of the nature of a Cleric's role in the Church and within a parish community, there is a sacred trust established between the Cleric and his parishioners. This trust is essential for his effectiveness as a Cleric.

Experience shows that sexual misconduct by a Cleric can occur. We have come to understand that some forms of it are a manifestation of a spectrum of illnesses. It is the policy of the Diocese that Clerics be afforded the necessary educational formation on the harms of sexual misconduct and the need to be vigilant against its occurrence, and opportunities for the growth necessary to maintain a healthy, chaste lifestyle. Should an allegation of sexual misconduct arise against a Cleric, Christian justice and compassion always will be exercised toward the person making the accusation, as well as the accused. Care will be taken that all canonical and civil laws are observed and the accused Cleric's legal rights are protected.

An allegation of sexual misconduct involving a Cleric will be taken seriously, and the process of investigation described in this policy will be initiated. As the policy indicates, several persons may be involved in this investigation, but the Bishop will authorize all final decisions regarding the Cleric who has been accused of sexual misconduct. The willingness of the

Diocese to investigate an allegation is in no way a judgment of the Cleric being accused. Innocence will be presumed until the investigation is completed.

Accusation Against Non-cleric Church Personnel

The Diocese of Dallas has a concern for any sexual misconduct by Non-cleric Church Personnel. Employees and volunteers in the Diocese will be afforded the necessary educational formation on the harms of sexual misconduct and the need to be vigilant against its occurrence. The Diocese will assume the appropriate responsibility to the extent of the relationship it has with the one against whom the allegation is brought. Care will be taken that all canonical and civil laws are observed and the accused person's legal rights are protected.

Trust is fundamental in all ministerial relationships. Any abuse of the authority surrounding the pastoral role by the sexual misconduct of Non-cleric Church Personnel can be cause for employer- initiated termination if any allegation is judged to be valid after due evaluation is made as required by this policy. The willingness of the Diocese to investigate an allegation is in no way a judgment of the Non-cleric Church Personnel being accused. Innocence will be presumed until the investigation is completed.

Care for the Christian Community Affected by Sexual Misconduct

The Diocese has a special concern for parishes and other church communities served by any Church Personnel accused of sexual misconduct. Every effort will be made to provide the means by which the local community can deal with the effects of the situation and, with the help of the Holy Spirit, find consolation and healing.

PROCEDURE WHEN SEXUAL ABUSE OR MISCONDUCT IS ALLEGED

Process

When an allegation is made regarding sexual abuse or misconduct, the person reporting the complaint is to be told that the Diocese has a policy and a set of procedures to be followed. When any allegation involving sexual abuse or misconduct by Church Personnel is received, the one making the allegation is to be referred to the Chancellor of the Diocese immediately. Upon this notification the applicable Diocesan procedures will be initiated. (See Required Reporting Procedures, page 7)

When the allegation is one of sexual abuse of a minor, the mandatory Norms will be strictly followed (Refer to Appendix A).

When the allegation is one of some other form of sexual misconduct, the following process will be followed:

The Chancellor will investigate the allegation. Care will be taken to protect the rights of the accused during this process. The Diocese's legal counsel may assist in conducting the investigation. The Bishop may convene other consultants for such situations to assist in the investigation. As called for by the circumstances of a particular complaint, an expert(s) may also assist in the investigation.

The Chancellor (and legal counsel, or other experts, as may be warranted) will organize the investigation as the particular

circumstances demand and may speak directly with the parties involved. Witnesses in addition to the complainant and the accused may be interviewed. The investigation and the findings will be reported directly to the Bishop.

- (a) The Chancellor will meet with the Bishop to present a report on the investigation's findings and recommendations for action. It is the Bishop's responsibility to initiate personally or through an agent the Action Phase of this Policy and to implement the final recommended steps.
- (b) The Bishop will see that the accused and the person who brought the allegation are notified of the results of the investigation and recommendations for action.

Action Phase

When there is reasonable cause to believe that an allegation of sexual misconduct is valid, the Bishop will designate a particular Diocesan official to assume direct and on-going responsibility for the following, as necessary:

- (a) Maintain the contact already established with the victim and his/her parents or legal guardians and inform them of actions taken by the Diocese and to assist them in their process of healing.
- (b) Where applicable, inform civil authorities in accordance with legal requirements and cooperate fully with those civil authorities.
- (c) Communicate with the civil legal counsel of the Diocese.
- (d) Communicate as appropriate with those affected by the ministry of the accused.
- (e) Report the matter to the Diocesan insurance carrier.
- (f) Collaborate with the Diocesan communications personnel to prepare timely statements for the media should the need arise.

If the Accused is a Cleric of this Diocese

Canon Law establishes particular obligations applicable to the Diocese toward an incardinated Cleric. The Bishop may place the Cleric on administrative leave, in accord with the criteria established in canon 1722. The Bishop will exercise care to protect the victim's and the accused Cleric's rights to confidentiality. However, to the extent that the matter has become public and has a detrimental impact on Cleric's assignment, those closest to the Cleric's assignment, including parishioners, will be informed of the Bishop's decisions and the reason for the Cleric's absence.

Where applicable, in addition to being placed on administrative leave, the Cleric may receive psychological and/or psychiatric evaluation as determined by the Bishop. The

Cleric's status within the Diocese will depend upon the nature of the established offense and the recommendations, if any, of his therapist or therapy team.

If the Accused is a Cleric not of this Diocese

If the accused is a Cleric not of this Diocese or of a religious institute, he may have his canonical faculties in the Diocese suspended and may be relieved of all pastoral ministry. The investigation may proceed in the same way as if the Cleric had been incardinated into the Dallas Diocese. The results of

the investigation will be turned over to his proper ecclesiastical superior. The Bishop may request that the appropriate authority of the accused Cleric undertake the investigation.

If the Accused is a Non-cleric Church Personnel

If the Accused is a Non-cleric Church Personnel, the Diocese will exercise appropriate action in accord with its relationship with the accused and the particular circumstances of the situation. While pastoral concern will be shown to all persons who have engaged in sexual misconduct, appropriate action may require the termination of employment.

DIOCESAN DIRECTIVES

The Diocese of Dallas has established the following directives that should be known to all persons:

- (a) No minor may reside in any church rectory or other living quarters of priests.
- (b) Only priests, seminarians or their immediate family members may be overnight guests in rectories.
- (c) Church Personnel are prohibited from offering to minors any alcoholic beverage, or tobacco, and to any person drugs or other substances prohibited by law.
- (d) Church Personnel and volunteers are strongly advised not to administer medication to any person without written parental or legal guardian consent.
- (e) Church Personnel may not serve as solo chaperons for any minor who is not a member of their immediate family on a vacation trip or overnight outing.
- (f) Church Personnel may not serve as chaperons for activities that conflict with curfew laws pertaining to minors.
- (g) Church-sponsored events that are co-educational require both male and female chaperons.

The Diocese urges all parents or legal guardians to use extra prudence in any situation that includes minor children and adults.

SEXUAL HARASSMENT STATEMENT

Sexual harassment violates the mission and policies of the Roman Catholic Diocese of Dallas. The Diocese of Dallas will not tolerate sexual harassment by or toward Church Personnel. Unlawful harassment has been defined by the Equal Employment Opportunity Commission as:

"unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment

decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

The procedure for addressing claims of sexual harassment will be:

- (a) The charging party has the option to confront privately and in a peaceful manner the person whom he or she believes has engaged in harassing conduct. Anyone exercising this option has the support of the Diocese and can be assured of freedom from retaliation of any sort.
- (b) If a charging party prefers not to confront the person or attempts to do so unsuccessfully, he or she may report the conduct to his or her supervisor or the Chancellor.
- (c) The charging party must prepare a brief, written statement about the alleged harassing conduct.
- (d) This written statement must be forwarded immediately to the Chancellor of the Diocese. The Chancellor will consult the Diocese's legal counsel immediately as well as investigate the complaint.
- (e) All complaints will be taken seriously and investigated appropriately.
- (f) Prompt and effective remedial action will be taken where justified by the investigation's results.
- (g) There will be no retaliation for privately and peacefully confronting an alleged harasser or for reporting harassing conduct.
- (h) The charging party is urged to, and the alleged harasser and the person to whom the complaints are reported must, keep all information regarding the complaint and investigation confidential, except to the extent reasonably necessary to conduct the investigation and act on the results.
- (i) Harassment in the work place will be dealt with seriously.
- (j) Any violations of confidentiality will be dealt with seriously.
- (k) Any retaliation against a charging party will be dealt with seriously.
- (l) This policy also applies to harassment based on race, color, national origin, age, disability, religion and any other factor prohibited by law.

REQUIRED REPORTING PROCEDURES

The Diocese, through its schools, institutions, agencies, and

organizations, has numerous daily contacts with many children. It is, therefore, most important that all persons responsible for the care of children, particularly all staff members of parishes, schools, and agencies in the Diocese of Dallas, protect the rights of children and be alert to the possibility for child abuse. It is the policy of the Diocese of Dallas not only to fulfill the reporting law but also to cooperate fully with the investigating civil authorities.

Individuals MUST report an incident or suspicions of sexual abuse of minors to authorities. Situations involving minor children must be reported to Texas Child Protection Services at 1-800-252-5400 or in an emergency to the appropriate police authority, usually by calling 911. Individuals with knowledge about violations of Diocesan policy must call the Chancellor or the Risk Manager of the Diocese at 214-528-2240, and are encouraged to put the violation(s) in writing and send it to the Diocese of Dallas, P. O. Box 190507, Dallas, TX 75219.

A report to the Diocese of child abuse does not relieve the individual of the duty to report child abuse to civil authorities as required by the Texas State Law. In Texas, failure to report child abuse is a class "C" misdemeanor. The Texas law on reporting suspected child abuse includes:

The Texas Family Code

§ 261.101. Persons required to report; time to report:

- (a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report.
- (b) If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48th hour after the professional first suspects that the child has been or may be abused or neglected. A professional may not delegate to or rely on another person to make the report. In this subsection "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, and day-care employees.
- (c) The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, or a mental health professional.
- (d) The identity of an individual making a report under this chapter is confidential and may be disclosed only on the order of a court or to a law enforcement officer for

purposes of conducting a criminal investigation of the report.

§ 261.106. Immunities, states:

- (a) A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report petition or investigation of alleged child abuse or neglect is immune from civil or criminal liability.

PREVENTION OF SEXUAL ABUSE

The Diocese has a Safe Environment Program that implements training, screening, background checks and other procedures that are designed to reduce the risk of sexual abuse of children and vulnerable adults. Every parish, school and Diocesan agency has the program and each is responsible for program implementation and continuation.

APPENDIX A

United States Conference of Catholic Bishops

Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

Approved by the Congregation for Bishops,
December 8, 2002

Preamble

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 priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They 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. They 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/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.ⁱ These norms are complementary to the universal law of the Church, which has traditionally considered the sexual abuse of minors a grave

delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

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 ratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offence against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) 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 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416. ii

Norms

1. Having received the *recognitio* of the Apostolic See on December 8, 2002, and having been legitimately promulgated in accordance with the practice of this Episcopa I Conference on December 12, 2002, these Norms constitute particular law for all the dioceses/eparchies of the United States of America.iii Two years after *recognitio* has been received, these norms will be evaluated by the plenary assembly of the United States Conference of Catholic Bishops.
2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717- 1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.
3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.
4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include:
 - A. advising the diocesan bishop/eparch in his assessment of allegations of sexual

abuse of minors and in his determination of suitability for ministry;

B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and

C. offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 468). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. 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/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., remove the accused from the 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.

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. 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 (CIC, c. 1395 §2; CCEO, c. 1453 §1).iv

A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; 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 diocesan bishop/eparch how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop/eparch 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 accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, 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 ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch 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 ministry. v Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) 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 diocesan bishop/eparch 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.vi

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.vii

12. No 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. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious

province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

(i.) In applying these Norms to religious priest and deacons, the term "religious ordinary" shall be substituted for the term "bishop/eparch" *mutates mutandis*.

(ii.) 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, 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.

(iii.) Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

(iv.) Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment.

(v.) Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512§§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, 1389-1396.

(vi.) The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff; CCEO, cc. 178, 979ff):

(a) He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187- 189; CCEO, cc. 967-971).

(b) Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).

(c) For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c.764; CCEO, c. 610 §§2-3).

(d) The diocesan bishop/eparch 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 (CIC, 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.

(e) Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff; CCEO, cc. 999ff).

(vii.) 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.

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**ST. PATRICK CHURCH
SAFE ENVIRONMENT PROGRAM**

CODE OF CONDUCT

I understand that this Code of Conduct is intended as a statement of values and behaviors to be observed in all aspects of children and youth ministry and in all work and interactions with minors and vulnerable adults.

I

I COMMIT myself to respecting and protecting the inherent human dignity of each of the young people with whom I have the privilege to work. I will strive to treat all with the respect due children of God.

THEREFORE, I SHALL never discriminate among young people based on gender, race, color, ethnic background or sexual orientation.

II

I COMMIT myself to serving as a model of mature Catholic Christian witness by my speech and actions as well as by the presentation I give to the Catholic faith, in solidarity with the particular expression given by our Bishop and Pastor of our community.

THEREFORE, I SHALL

1. Never fail to give witness by my example, opportunities and attentiveness to the centrality of worship in the life of the Catholic Church.
2. Never depart from the designated goals and objectives of the curriculum, as agreed upon by the coordinator and program director and facilitated by the curriculum materials.
3. Never impart theories, teachings or personal beliefs to young people, nor encourage their acting in ways that are contrary to the recognized teaching of the Catholic Church.
4. Never introduce doctrinal materials, pamphlets, devotional articles or materials that are not provided nor specifically approved by ministry directors, as delegated by the Pastor.

III

I COMMIT myself to interaction which is affirming of the goodness of the young people and adds to their positive self image and which enables mutual acceptance among themselves.

THEREFORE, I SHALL

1. Never touch inappropriately in a disciplinary fashion.
2. Never encourage or permit teasing or bullying of one young person by another.

3. Never verbally abuse or deride.
4. Never raise my voice inappropriately or use language that is demeaning, crude or derisive.

IV

I COMMIT myself to affirming the Church's positive teaching on the role of human sexuality and the grace of human relationships.

THEREFORE, I SHALL

1. Never touch (or solicit a touch) inappropriately in a sexual manner.
2. Never make inappropriate sexual comments using innuendo, jokes, inference or solicitations.
3. Never act in a fashion that could be easily interpreted by a minor to be a sexual advance or threat.
4. Never demean the beauty and holiness of human sexuality, marriage or human physical and sexual interaction.
5. Never forget the vulnerability of young people to misinterpreting sexual information or references.
6. Never forget that sexual abuse is not only in the intention of the perpetrator but also in the perception of the receiver.

V

I COMMIT myself to the building up of this community as a sign of God's presence and God's Kingdom in which all may feel secure and valued.

THEREFORE, I SHALL

1. Adhere to the "adequate supervision" (minimum two cleared adults) rule in all applicable cases.
2. Never fail to keep the safety of young people as a priority in all situations, including classroom activities, retreats, recreation, excursions and transportation.
3. Never fail to respect the students and fellow ministers with whom I have the privilege to serve by gossiping about or deriding students, staff, fellow ministers or the clergy.
4. Never break the confidence, intimacy and trust of the small group or of a particular student except in such cases where the health or safety of the student is genuinely threatened.