

STUDENTS: Non-Discrimination

Every Catholic school in the Diocese of Jefferson City respects the dignity of each individual and, therefore, will not discriminate on the basis of race, nationality, or sex in regard to enrollment, except as permitted by law. The Diocese of Jefferson City has the obligation to publicize its non-discrimination policies, and this non-discrimination statement is to be part of each local school's handbook.

Revised August 12, 2005

May 7, 2004

STUDENTS: Admission Requirements

Entrance requirements regarding age and medical records should be consistent with the local public school district.

Catholic schools in the Diocese of Jefferson City should also use the local public school as a model for any requirements regarding the admission of students that have been previously home schooled.

STUDENTS: Admission Age

The educational laws of the State of Missouri require that each minor from seven (7) to sixteen (16) years of age enroll and regularly attend full-time academic instruction.

Although general entrance dates are pre-determined, schools are urged to screen children for readiness for kindergarten.

The meeting of general entrance dates may be certified by either a birth or baptismal certificate:

- Preschool - Children are to be three (3) or four (4) years of age before August 1.
- Kindergarten - Children are to be five (5) years of age before August 1.
- Grade 1 - Children are to be six (6) years of age before August 1.
- Other grades - Student placement will be based on records received and additional screening if warranted.

Revised August 12, 2005

May 7, 2004

STUDENTS: Special Cases

Written local policy may provide exceptions for the following special cases:

1. Children fulfilling the age requirement, but who after sufficient examination are found lacking in maturity or readiness for preschool, kindergarten, or grade 1, need not be admitted. The teacher or school administrator/principal may recommend readiness activities or other programs for the development of the child.
2. Children nearing, but not fulfilling, the age requirement, but who after examination are found to possess extraordinary maturity to enter preschool, kindergarten, or grade 1, may be accepted. The following criteria are determining factors:
  - a. Superior performance on readiness tests which indicate cognitive, affective, and psychomotor maturity;
  - b. Observation of the child in a learning situation;
  - c. Sufficient room in the school for the student;
  - d. Recommendation of preschool or kindergarten teacher;
  - e. Approval by the school administrator/principal in consultation with the pastor.
3. At the discretion of the school administrator/principal, children transferring in from a school whose entrance age is lower than Missouri guidelines, and whose educational performance is verified by the sending school, may be admitted into the school on a trial basis.

STUDENTS: Admission Decisions

The school administrator/principal, in consultation with the pastor, admits students to the school according to diocesan and school policies as well as accepted educational procedure. Schools are encouraged not to admit students until preferably after an interview with student and parents, and records have been received from the previous school.

STUDENTS: Immunization Requirements

All students must be appropriately immunized or be in the process of being immunized. The number of doses required for each disease will be in accordance with the regulations established by the Missouri Division of Health, Department of Health and Senior Services. Each school administrator/principal sees that the school has a record with the current immunization status of every student. See DSP 8000 for current Missouri Health Record Immunization Requirements and possible exemptions.

Students may not attend school unless they are in compliance with the immunization requirements or qualify for one of the stated exemptions. Each school administrator/principal is responsible for the completion and submission of the Summary Report, which is required annually by the Missouri Department of Health and Senior Services.

August 18, 2004

May 7, 2004

STUDENTS: Admission Priority

When space is limited, the school can formulate policies regarding the order of priority for admission to the school. As an example, the following list could be the criteria for such a policy:

1. Children of parishioners;
  - a. Children from families with children already enrolled;
  - b. First child now reaching school age;
  - c. Other children registered on approved waiting list;
2. Children from families new to the parish who were enrolled in Catholic school at their previous address;
3. Catholic children from non-parish families with students already enrolled;
4. Non-Catholic children from families with students already enrolled.

STUDENTS: Proof of Guardianship

The school presumes that each parent has the authority to enroll the student, consent to various activities and programs, have custody of the student, or discontinue enrollment.

In any situation where there is a custody agreement, the schools are to obtain the portion of that Agreement that stipulates custody and any other information pertinent for the school.

Schools are to indicate in their registration materials that this is a condition of enrollment. This is also to be stated in the parent/student handbook along with a statement that indicates the parents are to notify the school immediately of any change in the agreement.

When consent by both parents is required by court decree in any/all matters relating to school, the consenting parent represents that the other parent has been consulted, and he or she consents to this registration.

Visitation schedules often fluctuate and sometimes vary from the original court decree. Therefore, unless the school is specifically notified in writing to the contrary by a custodial parent, the school will presume that the student can be released into the custody of either parent upon request regardless of any visitation schedule which might be contained in a court decree.

Any non-parent having custodial rights must supply the school with complete documentation evidencing such rights.

STUDENTS: Attendance Records

The school is required to keep an accurate record of daily attendance, absence, and tardiness on attendance records approved by the superintendent of Catholic schools. All entries are made by the teacher(s) or school secretary as designated by the school administrator/principal. Attendance records must be kept in the school building at all times. Diocesan elementary attendance records appear in Appendix #5205.

STUDENTS: Absence and Tardiness

A. Absence

Excessive absenteeism may be indicative of educational neglect by the parent or guardian. Such neglect might warrant reporting in compliance with child abuse laws of the State of Missouri. (Refer to #5810.)

An absence of more than two hours is recorded as one-half day absence.

B. Tardiness

Excessive tardiness may be indicative of educational neglect by the parent or guardian. Such neglect might warrant reporting in compliance with child abuse laws of the State of Missouri. (Refer to #5810.)

The school handbook specifies times for the beginning of the morning and afternoon sessions. Any pupil who arrives after either of the stated times is considered tardy.

STUDENTS: Written Excuses

When a child has been absent, the school requires a written excuse from his/her parent or guardian. All notes concerning absence are kept on file until the end of the school year. If a pupil is absent without an excuse or if the school has reason to suspect the validity of the excuse, the school administrator/principal may investigate or delegates someone to investigate the situation.

In addition, schools are encouraged to establish or continue procedures whereby a parent is expected to phone the school if a student will be absent. This call, however, does not replace the written excuse as a matter of record.

STUDENTS: Truancy

In the case of private schools in Missouri, any official charges of truancy will be pursued by the prosecuting attorney of the county where the child resides.

STUDENTS: Requests for Family Reasons

Parents occasionally wish to take their children out of school for several days because of family plans. The school administrator/principal and teacher(s) should discuss the child's progress and make recommendations to the parent. The school administrator/principal keeps a record of the recommendations made to the parent. The final decision, however, is the responsibility of the parent. Conditions, procedures, and time limits for making up work are to be specified in writing.

STUDENTS: Student Records

Educational records are defined as those that are (1) directly related to a student; and (2) maintained by an education agency. The term does not apply to personnel records or records that are in the sole possession of the person who makes them. In addition, these regulations do not apply to records that are maintained separately from education records.

1. Student educational records mean all records relating to individual students maintained by an elementary, middle, or high school. (See also section on record keeping for HIV in Series 8000.)
  - a. Progress and Testing Records shall consist of the student's courses, grades, attendance records, standardized test results and immunization records. All Progress Records shall be kept separate from all other records. The cumulative record is a progress and history record. (See section on Cumulative Records.)
  - b. Behavioral Records means those student records which include records of conversations, and written statements relating specifically to an individual student's behavior, and any other student reports which are not Progress Records or Health Records. All Behavioral Records shall be kept separate from all other records.
  - c. Exceptional Education Records, including psychological tests and personality evaluations shall be maintained separately from all other school records and folders.
  - d. Health Records are those pertaining to the physical and mental health of the child. All health records shall be maintained separately from all other records. These records would include, but are not limited to: scoliosis screening forms, hearing and vision tests, physicals, etc. Chemical dependency records, mental health records, and HIV records are strictly confidential, are to be kept separately, and not to be transferred with physical or health records. In addition to immunization records, which are considered progress records, each school is to maintain general health information for the students enrolled. The health nurse or a designated person enters on these records the results of vision and hearing tests, periodic measures of the height and weight of pupils, and other data pertinent to the pupil's health such as allergies or conditions which require teacher awareness to assure health or safety. It is the school administrator's/principal's responsibility to see that these records are kept up to date and that provision is made for any needed communication or referrals.
2. After a student graduates or transfers to another school, the Progress Record must be retained permanently. Copies of Behavioral Records, Exceptional Educational Records and Health Records are also to be retained permanently in the original school after a student transfers or graduates. They are to be kept alphabetically in an inactive file.
3. The above information does not prohibit the maintenance of notes for personal use by a teacher, administrator, or other school-licensed professionals.
4. The transfer of records for students between both local Catholic schools and public and private schools outside the locality is to be in accordance with the following guidelines:
  - a. All folders containing student records will be exchanged directly between the two (2) schools involved. Progress Records, Behavioral Records, Exceptional Educational Records and Health Records will be under separate covers. The Missouri Department of Health recommends that the original state-required immunization record be forwarded when a student transfers to another school. The original school has no need to retain this

- record. The immunization record and other general health data (vision, hearing, weight, etc.) are sent to the receiving school.
- b. A copy of the Progress Record will be retained permanently.
  - c. Schools are required to transfer to another school, all student records relating to a specific student, if the school has received a written authorization from the student if he/she is an adult, or his/her parent or guardian if he/she is a minor. Once the school has received a request from the adult student or parent/guardian, as appropriate, the school shall send the requestor an "Authorization for the Release of Student Records" form. This authorization form will provide the requestor an option of requesting academic records only, or academic, disciplinary, health and behavior records. The authorization form contains a consent and hold harmless provision. This completed form, signed by the requestor, must be received by the school prior to releasing the requested records. This authorization form shall be maintained by the school and kept with the student records. (See Appendix #5230.)
5. Access to Records.
- a. An adult student, or the parent/guardian of a minor student will, upon request, be shown and provided with a copy of the student's Progress Records. The school will comply with this request within a reasonable length of time.
  - b. An adult student, or the parent/guardian of a minor student will, upon request, be shown, in the presence of a person qualified to explain and interpret the records, the student's Behavioral, Exceptional Educational, or Health Records. Such student or parent/guardian will, upon request, be provided with a copy of the records. The school will comply with this request within a reasonable length of time.
  - c. Upon the written authorization of an adult student, or the parent or guardian of a minor student, the school will make available to the person or agency named in ~~a~~the authorization form, the student's Progress Records of such portions of his Behavioral, Exceptional Education or Health Records as determined by the person authorizing the release.
  - d. Parents have a right to receive copies of their child's school records. However, this right may be limited in certain circumstances. Issues of divorce, custody and state intervention may limit a parent's right to these records. A school must release information regarding a student to his or her custodial parent, or a parent with joint custody. A school must also release such information to a noncustodial parent unless that parent has been denied visitation rights pursuant to an order. A noncustodial parent to whom visitation rights have been denied does not have a right to such information. If a noncustodial parent has been granted restricted or supervised visitation due to domestic violence or abuse by him or her, a court may order such information released absent the address of the custodial parent or child.
    - i. To ascertain the custodial status of a parent requesting a student's school records, a school should request a certified copy of the custody order and certified copies of any modifications to such order to ensure that a noncustodial parent has not been denied visitation. It is also advisable for the school to obtain a signed statement from the requesting parent stating that the school has been provided with all current court orders and modifications that pertain to the visitation rights of the noncustodial parent.

- ii. A step-parent does not have the right as a step-parent to receive copies of his or her step-child's records. Likewise, a foster parent does not have the right as a foster parent to receive copies of his or her foster child's records. The only person with the authority to authorize the release of a foster child's records is the child's guardian, who, in most instances, is an employee of the Division of Children's Services.
6. Directory data, as viewed by federal law, is information contained in an educational record of a student which would not generally be considered harmful or an invasion of privacy if disclosed to someone else.

“Directory data” means those pupil records which include the pupil's name, address, telephone listing date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received and the name of the school most recently previously attended by the pupil.

7. When a school compiles directory data about its students, it is not obligated to include everything on the above list. The above section means that a school's directory data may include all of those items.
8. Private schools may, but are not required to, release this information, to those who request it. Authorization to release directory information from an adult student or the parent(s)/guardian(s) of a minor student should be obtained prior to the release of directory data. The school is also required to give the parents a reasonable amount of time to notify the school that all or any part of the directory data pertaining to their child or children may not be released without their prior consent.
9. Cumulative Records. The school administrator/principal is responsible for maintaining permanent student records. The cumulative record is an indispensable instrument of evaluation within the school. It not only shows the student's yearly progress in the academic subjects and in personal qualities, but also indicates measurable student abilities such as those reflected by scores on standardized tests. Any comments recorded on the cumulative record card are to be specific, behaviorally oriented, and verifiable. Only cumulative record forms provided by the Diocese of Jefferson City are to be used to record permanent record information. A copy of the cumulative record form is found in Appendix #5230.
10. The school permanently retains annual school or class lists of students enrolled and class averages of standardized testing.
11. A school may charge a reasonable fee for the copying and/or transfer of records.
12. Normally records are kept in a centralized, locked, fireproof file, preferably in the office of the school administrator/principal.

STUDENTS: Records of Closed Schools

In the event a school closes, progress, behavior and health records shall be transferred to the Catholic School Office.

STUDENTS: Length of Retention of Student Records

Copies of student progress (including attendance records), behavior and health records are to be kept indefinitely, unless permission to dispose of such reports is received from the superintendent of Catholic schools.

STUDENTS: Confidentiality

Rather than strict confidentiality in regard to student-school employee communication (verbal and written), the Diocese of Jefferson City Catholic schools operate under a “spirit of confidentiality.” This means that outside of the sacramental confidentiality between priest and penitent, strict confidentiality cannot be promised to the student if the information disclosed by the student includes, but is not limited to, one or more of the following:

1. Information that concerns violation of the law;
2. Matters involving the health and safety of the student or any person;
3. Serious moral issues;
4. Any other matter that raises serious enough concern in the mind of the employee that he or she believes it is important to share the information with school administrator.

The school administrator/principal, after consultation with the Catholic School Office, may chose to disclose the information to parents, legal authorities, medical personnel or other deemed necessary personnel.

STUDENTS: Discipline

The school makes certain that students have opportunities to grow in Christian self-discipline and behavior. Students are expected to strive for Christian ideals of behavior – within and beyond the school day.

The school's concern for children requires that extreme caution and concern be exercised in disciplining students. The student's Christian dignity is to be maintained by the school's professional staff. All disciplinary actions are designed to help the students grow in an understanding of themselves and of their Christian responsibilities to others. When possible, the teacher, school administrator/principal, or counselor tries to discover the cause of any recurrent problem, communicating personally with the student(s) and others involved.

Each school is to have a written discipline procedure and school and classroom rules are to be specified, promulgated, explained, annually reviewed, and fairly applied. Some indication of the consequences for general types of infractions is to be published in the faculty and parent/student handbook. Parents of new students are made aware of the school's code of conduct prior to the registration of the students.

STUDENTS: Catholic Faith and Moral Standard

As a condition of initial and continued enrollment as a student in the diocesan schools, a student's conduct, both in and outside of school, must be consistent with Catholic faith and morals. Conduct which is inconsistent with Catholic faith and morals, which is a threat to the health, safety, and welfare of other students and/or which causes scandal, impairs or threatens to impair the reputation of the Church or its schools, is grounds for disciplinary sanctions up to and including immediate dismissal/expulsion.

Revised August 12, 2008

May 7, 2004

STUDENTS: Prohibition of Corporal Punishment

Corporal punishment is not used under any circumstances in the diocesan schools. The school administrator/principal is responsible to report immediately to the superintendent of Catholic schools any violation of this prohibition. Any extreme or unusual form of punishment or any touching of a child in a manner that is considered punitive is to be avoided.

**STUDENTS: Weapons and Dangerous Instruments**

The possession, conveyance, use, or storage of weapons or look-alikes on school property, at school-sponsored events, or in or around a school vehicle is prohibited. This ban applies to students, employees, and visitors, except for those acting in a law enforcement capacity. This prohibition expressly includes those persons licensed to carry concealed firearms. Schools are to formulate specific local policies regarding reporting weapons and dangerous instruments to law enforcement.

STUDENTS: Gangs

Realizing that gang activity is a community concern, youth gangs and gang-related activity are prohibited on school grounds and at school sponsored activities. Communication is maintained with the police department and public school officials on all matters related to gang activity within the community. Involvement and jurisdiction of school authorities in gang related incidents occurring outside the school or off school/parish property will be determined in cooperation with diocesan legal authorities and the police, and will take into consideration the nature of the incident, the safety of the student, the effect of the incident on other students, and the good order and functioning of the school.

In order to prevent the onset of gang related activity, emphasis will be placed on Christian behavior at all times. Related policies will be strictly enforced; i.e., dress code and uniform, discipline, search and seizure, etc.

STUDENTS: Violence

To maintain the health, safety, and welfare of all persons associated with the school (i.e., students, teachers, staff, parents, volunteers, etc.), any display of violent behavior, which may include but not be limited to, the verbal and/or physical threat to do harm to one's self or to another person is to be promptly and severely addressed.

STUDENTS: Safe School Law (SB 944)

In 2000, Missouri amended the Safe Schools Act (SB 944). The provisions discussed below apply to all private and parochial schools, including Catholic schools. In the interest of brevity, the term "private school" is used below.

Requires the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority to notify a private school when a petition is filed in a juvenile court proceeding alleging a pupil of the school has committed an act that would be a crime if committed by an adult. (Sec. 167.115, Subsection 1.)

Requires the juvenile officer or prosecuting attorney to send the private school a second notice reporting on the disposition of the case involving the pupil, including relevant findings of fact. (Sec. 167.115, Subsection 2.)

Requires the private school administrator/principal to provide information concerning the law enforcement notices to teachers and other school personnel who interact with the pupil as part of their assigned duties; information is to be kept confidential. (Sec. 167.115, Subsection 3.)

Requires the private school administrator/principal to forward the law enforcement notices concerning the pupil to any new school in which the pupil enrolls. (Sec. 167.115, Subsection 6.)

The private school administrator/principal, the designee or a school employee are not civilly liable when, acting in good faith, they forward the law enforcement notices to the new school in which the pupil enrolls. (Sec. 167.115, Subsection 8.)

Does not require a private school to forward any school-generated pupil information, including discipline records. \*

When a pupil is suspended for more than 10 days or expelled and the school is aware the pupil is under the jurisdiction of the juvenile or family court, the private school administrator/principal is to notify the court of the suspension or expulsion. (Sec. 167.115, Subsection 4.)

A private school administrator/principal may be called to serve as a consultant in a juvenile court proceeding involving one of the school's pupils. (Sec. 167.115, Subsection 5.)

Requires a public school board to invite appropriate private school officials to attend a conference where the board is considering whether to enroll a pupil who has been suspended or expelled by the private school for an act of school violence committed at the private school. (Sec. 167.171, Subsection 3.)

Gives the public school superintendent considering the enrollment of a pupil suspended or expelled by a private school the authority to make that suspension or expulsion effective in the public school district. (Sec. 167.171, Subsection 4.)

Expands the crime of unlawful use of a weapon to include carrying a loaded or unloaded firearm or other lethal weapon into any school, onto any school bus or onto the premises of any school function; applies to all schools, public and private. (Sec. 571.030.)

Creates the crime of terroristic threat, which is to include actions such as prank calls saying there is a bomb in the school. (Applies to all schools, including private schools.) (Sec. 574.150.)

\*Discipline Records: As noted above, there is no legal requirement pursuant to SB 944 for you to forward your school's discipline records to another school. Consult your diocesan school office and follow diocesan policy.

In-depth summary of safe schools law (s8 944) affecting Catholic schools can be found in Appendix #5330.

STUDENTS: Attire

Student dress is simple, neat, conducive to a learning atmosphere, and consistent with Christian values. Dress codes are recommended by the school board in consultation with the school administrator/principal, pastor, faculty, and parents, and established by the principal and pastor. A specific school dress code is published in the parent/student handbook.

August 18, 2004

May 7, 2004

STUDENTS: Detention

If detention periods are used, they must not interfere with bus or transportation schedules unless arrangements have been made in advance with parents. Moreover, detention students must be well supervised. Reasonable steps are taken that children never be left alone in the school building for any reason whatsoever.

STUDENTS: Suspension

A student is normally not to be suspended by the school administrator/principal until there has been parent notification. Exceptions can be made for immediate suspension for reasons of safety, moral welfare of others, and/or if the student poses some immediate danger to himself or others.

STUDENTS: Dismissal and Expulsion

The dismissal or expulsion of a student from a Catholic school is a very serious matter and should be invoked only in extreme cases. Care should be taken that fundamental fairness is offered the student in the process of expulsion or dismissal.

The term "expulsion" is:

Termination of a pupil as a student from the school permanently (no opportunity for reinstatement).

The term "dismissal" is:

Termination of a pupil as a student from the school less than permanently (indefinite or for a given term).

In cases of serious misconduct which could lead to expulsion, the parents are so advised immediately and in writing. They are urged to take advantage of assistance from school, parish, or social service agencies which can help the student with his/her difficulties. Careful documentation must be kept of all disciplinary proceedings.

In extreme cases of incorrigible behavior or when conduct threatens the physical or moral welfare of anyone in the school community, the school administrator/principal, normally in consultation with the pastor, can immediately suspend a student until a final decision is made. (See DSP #5355.)

After the school has exhausted all avenues of assistance for the student, a recommendation may be made to the pastor and superintendent of Catholic schools regarding the dismissal or expulsion. All dismissal and/or expulsions must be approved by the superintendent of Catholic schools for compliance with the law and diocesan policies and regulations. A statement of dismissal or expulsion is made in writing, including the reasons for the dismissal and a complete listing of dates and efforts made to help the student to avert dismissal.

STUDENTS: Dismissal and Expulsion

If a dismissal or expulsion is pending, the superintendent of Catholic schools is to be notified immediately. The superintendent of Catholic schools will review the case, consult legal counsel if necessary, and make recommendations back to the school. The superintendent of Catholic schools will then approve or deny the dismissal or expulsion.

STUDENTS: Release of Individual Students from School

Extraordinary care is taken in regard to early dismissal of individual students. Parents presume their child is under the care of the school during school hours. Consequently, an elementary student is never released early without explicit knowledge of his/her parent or legal guardian. Under no circumstance may a child be released to anyone other than the parent or guardian who is listed on the child's registration form or another person explicitly authorized in writing by the parent or guardian.

In the case where only one parent has custody of the child, the school must be apprised of any existing court order that would affect release of the student from school.

A student may never be sent home for assignments, books, or disciplinary reasons without parental communication, nor may any student be sent on errands outside the school and parish grounds for anyone.

STUDENTS: Search and Seizure

The choices presented by searching students and seizing property are difficult and expose school employees to potential legal liability. Catholic schools in Missouri, being private institutions, are not governed by the warrant and search and seizure requirements of the Fourth Amendment of the United States Constitution. Therefore, these guidelines should be carefully followed.

In carrying out the responsibility to maintain a safe and healthy environment, the school administrator/principal is sometimes faced with a decision that requires balancing the school's interest in conduct which constitutes a "search and seizure" under the law against a student's interest in freedom from intrusion into his/her privacy. The following guidelines are offered to assist the school administrator/principal in arriving at a decision.

When making a determination that reasonable grounds exist for a search, the following factors are to be considered and weighed in each instance:

1. The child's age, history and school record;
2. The prevalence and seriousness in the school of the problem to which the search is directed;
3. The urgency of requiring the search without delay;
4. The probative value and reliability of the information used as justification for the search;
5. The teacher's (or administrator's) prior experience with this particular student.

When carrying out the search, the following factors are to be considered and weighed in each instance:

1. Search of school lockers and desks:
  - a. Application of the right of privacy protections to items in lockers and desks depends upon the degree of ownership or control vested in the student vis-à-vis the school and whether the student has a reasonable expectation of freedom from intrusion for the things placed there.
  - b. School policies should include a statement regarding the authorized uses of student lockers and desks and a statement to the effect that school officials retain the right to periodically inspect student locker and desks.
  - c. Searches should be carried out with the student and a witness present.
  - d. Random searches are permissible.
2. Searches of student-owned automobiles:
  - a. Indiscriminate blanket searches are not permissible.
  - b. Unless the safety of other students requires prompt removal of dangerous items, or there is a possibility of imminent destruction or distribution of illegal substances, school officials having a "reasonable suspicion" of the presence of contraband in a vehicle in the school parking lot would be well-advised to contact the police.
  - c. Searches should be carried out with the student-owner and a witness present.
3. Searches of students:
  - a. Indiscriminate blanket searches are clearly and unequivocally not permitted;
  - b. A demand to produce the contents of pockets can be construed as a non-consensual search;

- c. Searches of students by school official are best avoided except in the most extreme circumstances, but can be conducted if immediate safety or the welfare of a student(s) is in danger. There should also be a witness present.
- d. Unless the safety of other students requires prompt removal of dangerous items, or there is a possibility of imminent destruction or distribution of illegal substances, school officials having a “reasonable suspicion” of the presence of contraband in a vehicle in the school parking lot would be well-advised to contact the police.

STUDENTS: Search and Seizure

Strip searches of pupils by any official, employee or agent of a Diocese of Jefferson City Catholic School are strictly prohibited. "Strip search" is defined as "a search in which a person's genitals, pubic area, buttock or anus, or a female person's breast, is uncovered and is either exposed to view or is touched by a person conducting the search.

**STUDENTS: Progress and Reporting**

Students' academic progress and social development are communicated to parents using required diocesan approved report forms.

Progress reports on each student are issued at least quarterly. These reports provide pertinent factual information about the individual student's performance. To the extent possible, the report includes not only cognitive learning, but also the student's growth in social, affective, and physical areas.

Schools are to use the diocesan approved report cards and follow guidelines so that all diocesan report cards are completed in a consistent manner; teachers are to use the code exactly as printed on the level of report card appropriate to their students. Teachers' written comments are to be specific, behaviorally oriented, and verifiable. To affirm the importance of all aspects of schooling, teachers use the same code for all subjects. (See Appendix #5401.)

The school administrator/principal is responsible for providing school copies to all teachers for initial recording of marks, for approving all grades and comments before completion of student report cards, for maintaining accurate school copies for use in case of loss, and for establishing procedures for end-of-year transfer to cumulative records.

Mid-quarter reporting is essential for students whose progress is unsatisfactory; each school determines the process for this needed communication. The school administrator/principal is responsible for providing forms for mid-quarter reporting by teachers, for approving the teachers' mid-quarter reports regarding unsatisfactory progress before they are distributed, and for keeping copies of all mid-quarter reporting until the end of the year.

To maintain contact with a broader group of parents and to support students who are progressing satisfactorily, the school may choose to use mid-quarter reporting for all students in the school and for all students in specified grades.

In cases where schools use computer generated reporting, these must receive the prior approval of the diocese and be consistent with diocesan policy and requirements.

STUDENTS: Parent/Teacher/Student Conferences

It is highly recommended that each school plan to have conferences at reporting time at least once a year. These conferences provide the opportunity to discuss and explore various aspects of the student's growth and development.

STUDENTS: Promotion and Retention

All promotions, regular and special, are decided by the school administrator/principal in light of the teacher's recommendation and in consultation with the parents and with the child, if appropriate. Such decisions are based on a total evaluation of a student's growth in all areas of development.

If a student's progress is unsatisfactory and the teacher believes the student may not satisfactorily complete the present grade, the teacher shall discuss alternatives with the school administrator/principal. As soon as possible, the teacher and/or the school administrator/principal shall talk with the parents/guardians and, as appropriate, with the student. Although the school administrator/principal always acts in consultation with the student's teachers and parents, the final responsibility for a student's promotion or retention rests with the school administrator/principal.

During conferences and in a follow-up letter, the parents/guardians and the student are informed of the pending decision at least six weeks before it is finalized. The decision, with its rationale, is to be communicated to the parents/guardian. If the parents/guardians do not agree with the school administrator's/principal's decision, the school administrator/principal and the parents/guardians shall meet to discuss the rationale for the decision. While parent/guardian input is valued, it is ultimately the school administrator's/principal's decision whether to promote a student.

If a student with special educational needs is accepted in a school that does not offer a special education program, at the request of parents who are aware that a special education program is not offered, the school administrator/principal and parents sign a written agreement concerning promotion and retention procedures for the child as well as the type of diploma to be awarded upon termination of attendance.

STUDENTS: Eighth-Grade Graduation

Graduation ceremonies upon completion of grade 8 are to be as dignified and simple as possible. The official diocesan diploma, ordered from the Catholic School Office, is to be presented at the graduation exercises. An alternate form is also available for use, after consultation with parents, for students who cannot or have not completed standard requirements. Samples of the diocesan diploma and the alternate certificate are reproduced in Appendix #5412.

STUDENTS: First Aid

The health, safety, and well-being of students and staff should always be the primary concern of the school. Schools are to provide necessary equipment, in-service and procedure for first aid to students and staff.

Whenever possible, it is recommended that at least one staff member have basic first aid/CPR certification.

STUDENTS: First Aid

As part of a school's first aid policies and procedures, the following should be included:

1. Written procedures to be part of the staff handbook. These procedures should include the proper way of handling bodily fluids.
2. First aid kit with necessary equipment. Basic medical supplies for emergency first aid include, but are not limited to, prepared bandages, band-aids, antiseptic solution (preferably in spray container), adhesive tape (preferably non-allergenic), eye wash cup, cold and hot packs, first aid book or chart, disposable fever thermometers (or disposable covers), blanket, etc. These supplies are used by a qualified person when administering essential emergency first aid and when treating minor accidents and ailments. Such care of minor medical needs, although accepted by most legal advisors, may be refused by parents using the form located in Appendix #5570.
3. First aid kit to accompany all extra curricular activities taking place outside the school.
4. Emergency telephone numbers readily available to staff.
5. Accident reports should be filled out for every accident or injury and copies kept in the school files.
6. Teachers are not to leave students who are injured alone while getting additional help.
7. Teachers are to be in-serviced as to emergency care procedures and, if possible, at least one staff member should take a first aid and personal safety course.

STUDENTS: Injection Kits

If a parent requests that the school have available an injection kit (such as for bee stings), and that school personnel administer the injection when necessary, the following principles apply:

1. Along with a medical authorization form signed by the parents, there should be a written note from the physician.
2. It is to be clear in the authorization form that not all of the school staff will be trained to administer the injection. It can be noted which staff would be trained.
3. Teachers may volunteer, prior to the beginning of the academic year, to be the point of contact for administering the injection. It might be necessary to have more than one point of contact per school. The contact person(s) for these injections should be identified in a form maintained by the school office.

As in the case of other medication, the injection kit is to be kept in the school office.

However, if a teacher has expressed some uneasiness over the process, it would seem better to have someone else on the staff do it. It is suggested that a couple of other staff members/nurses be trained as well as the teacher. The teacher can be told he/she would not have to administer the injection unless none of the other trained personnel are available. As in the case of other medication, the injection kit is to be kept in the school office.

STUDENTS: Drug/Medication Administration

Any drug which may lawfully be sold over the counter without a prescription may be administered in compliance with the written instructions and consent of the student's parent or guardian.

Administration of a prescription drug requires written instructions from a physician, dentist or podiatrist and written consent from the student's parent or guardian.

Each school must have a written policy in regarding to oral medication administration. The policy shall include procedures for obtaining and filing in the school or other appropriate facility the written instructions and consent required. There must be procedures for the periodic review of the instructions, for the storing of the drugs, for record keeping and for the appropriate instruction of persons who may be authorized to administer the drugs. (For the proper protection of students and faculty, schools should require that the medication be kept in a locked cabinet.)

STUDENTS: Blood-borne Pathogens

In complying with OSHA Blood-borne Pathogens Standard, 29 CFR 1910.1030, all Diocese of Jefferson City Catholic schools are to have on file a written blood-borne pathogens exposure control plan on file. (A sample plan is contained in the Appendix #5530.)

All provisions of the standard (and contained in the sample plan) are to be implemented prior to the beginning of each academic year. Compliance means that the policy is reviewed and updated annually, employees receive annual training, and personal protective supplies (i.e. non-allergenic rubber gloves, antiseptic wipes, masks, bleach, towels, garbage bags, etc.) are in place.

STUDENTS: Health and Wellness Policy

Each Catholic school shall establish a local school wellness policy with the following minimum content:

1. Includes goals for nutrition education, physical activity and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;
2. Includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;
3. Provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and section 9(f)(1) and 17(a) of the Richard B Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools;
4. Establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and
5. Involves parents, students, and representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

Revised August 10, 2006  
Revised August 12, 2008

May 7, 2004

STUDENTS: Health and Wellness Policy

A copy of the school's health and wellness policy is to be in the principal and/or pastor's office and be available for parents to review upon request.

A copy of the school's health and wellness policy is to be on file in the school and/or parish office and is to be available for parents to review upon request. In addition, a copy is to be on file in the Catholic School Office.

Revised August 10, 2007  
Revised August 12, 2008

May 7, 2004

STUDENTS: Controlled Substances

Schools should help to educate students through appropriate programs on drug and alcohol abuse. Schools are to formulate local policies to prohibit any student possession, use, or sale of illegal and/or look-alike drugs or alcohol on school premises.

STUDENTS: Student Abortion

If it is found that a student has had an abortion, an act contrary to Catholic teaching, the school needs to immediately respond in a Catholic, pastoral way. The hurting child is in need of the kind of reconciliation and reaching out that a Catholic school can help to provide. The student, at this point, does not need rejection, but rather love and understanding. Therefore, procedures are to be put into place in order to bring about reconciliation, if that is possible.

STUDENTS: Student Abortion

If rumors exist or information is provided to the school about the possibility of a student abortion, the superintendent of Catholic schools is to be contacted immediately. The school should use reasonable means within a student's right to privacy, to try to find out whether or not there is any truth to the accusation, and to contact the parent(s) immediately to let them know what is being said and to try to verify facts with them.

If it is found that the student did have an abortion, then, in line with the policy of the Diocese of Jefferson City, the immediate response of the school is to schedule a conference with the student and her parent(s) to set up a counseling program which would necessarily include spiritual direction.

If this plan is rejected by the student and parent(s), and no corresponding program as agreed upon by the school is established, then this lack of cooperation would indicate that the presence of the student in the school would no longer be beneficial to either party. Catholic schools stand for values, and the lack of cooperation by student and parent(s) in this case would represent outright defiance of these values. Therefore, it might be in the best interest of the school and the student that the student no longer continue in the Catholic school.

STUDENTS: Student Pregnancy

If it is found that the student is pregnant, the school needs to immediately respond in a Catholic, pastoral way. It is to be the intent of the school to be supportive and not to interrupt the education of the student. The pregnant student and the father of the child are in need of the kind of reaching out that a Catholic school can provide, including love and understanding. Therefore, procedures are to be put into place to help the student within the context of the Catholic school environment.

STUDENTS: Student Pregnancy

When it is discovered that a student is pregnant, the immediate response of the school is to schedule a conference with the student and her parent(s) or guardian(s) to set up a counseling program which would include medical, spiritual, and perhaps, psychological guidance.

It is to be a joint decision of the school and parent(s) or guardian(s) as to whether or not the student should continue her education in the school, and for how long.

If the counseling plan is rejected by the student and parent(s) or guardian(s), and no corresponding program as agreed upon by the school is established, then this lack of cooperation would indicate that the presence of the student in the school would no longer be beneficial to either party. Catholic schools stand for values, and the lack of cooperation by student and parent(s) or guardian(s) in this case would represent outright defiance of these values. Therefore, it might be in the best interest of the school and student that the student no longer continue in the Catholic school.

If the father of the child is known and is a student in the Catholic school, the same above procedure is to be followed with him.

If it is discovered that a current male student is fathering a child, but the mother is not a student, the policy applies to the father in a similar way.

STUDENTS: Clinical Services

School administrators/principals are to determine the nature and extent of all clinical services available to the children of the school and advise parents of their availability. To the extent possible, the teachers and school administrator/principal identify students in need of these services, advise the parents, and help to ensure that students receive the needed service.

STUDENTS: Identification of Health Problems

The school administrator/principal arranges for personnel and supplies needed to conduct an inventory of student's health problems each year. All students are, to the extent possible, screened for visual and hearing acuity, weighed and measured, referred for dental care, tested for scoliosis, and generally observed for signs of deviation from normal health and behavior patterns. Parent/student handbooks state the school's right to send sick students home and to approve re-admission time.

All health problems which are identified are noted on the student's health record. Parents/guardians are to be informed of noted health problems and encouraged to provide the necessary professional care for their children. In cases of lice, impetigo, and other contagious conditions, the school follows the guidelines in Prevention and Control of Communicable Diseases: A Guide for School Administrators, Nurses, and Teachers by the Missouri Department of Health and Senior Services or the guidelines of the appropriate county health department. (See Section 8000.)

August 18, 2004

May 7, 2004

STUDENTS: Nurses – Paid and Volunteer

Schools whose medical professionals are provided through public health sources are to ascertain that the personnel refrain from dispensing any service or advice which would conflict with Catholic Church teaching. Schools without health nurses are urged to solicit needed volunteer help from parents or parishioners who are medical professionals.

Revised August 12, 2008

May 7, 2004

STUDENTS: Accidents and Serious Illness at School

At annual school registration, parents/guardians are to complete a form giving permission to proceed with emergency medical care for their child/ren when necessary. A copy of this form is in Appendix #5510. Each school is to have a file listing the home and business address and telephone numbers of the parents of each child as well as the name of a doctor, dentist, and hospital to be contacted in case of emergency. This file is to be easily accessible to the school administrator/principal or designated teacher in charge.

When a student becomes ill or meets with a serious accident, the school administrator/principal shall contact the parent or guardian immediately and make arrangements for medical care. If the parent or guardian cannot be reached, and/or if the child's condition demands immediate attention (e.g., severe bleeding), the school administrator/principal calls for emergency medical help (using 911 or local procedures) and directs standard first aid procedures by a qualified person if these are essential to the student's well-being. A written record giving date, time, circumstances, witnesses, and action taken is kept permanently in the student's file.

August 12, 2004

May 7, 2004

STUDENTS: Student Insurance

Parents/guardians may take out a student accident insurance policy. Schools are to arrange for a school insurance provider to provide forms for student accident insurance which covers children during school hours and when traveling between home and school.

Medical care and attention related to accidents, injuries, incidents on school grounds, and/or at school related activities are covered under the student's/parent's insurance, not the parish's or diocese's insurance.

Revised August 12, 2005

May 7, 2004

STUDENTS: Referral Limitations

Students in a Catholic school are not to be referred by either school or other private or public employees giving service to the schools to agencies for advice contrary to Church teaching and/or practice. The school administrator is to make this regulation clear to any private or public employee giving service to the schools.

STUDENTS: Eye Protection

Every student, teacher, and visitor is required by Missouri Law (RSMo 170.005) to wear an industrial quality eye protective device when participating in or observing any course involving exposure to dangerous elements including the following:

1. Chemical or physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiation or other hazards;
2. Vocational or technical laboratories using hot molten metals; milling, sawing, turning, shaping, cutting, guiding, or stamping of any solid materials; heat treatment, tempering, or kiln firing of any materials; welding; caustic or explosive materials.

STUDENTS: Bus Service

The State of Missouri does not require that students be provided transportation to and from private schools. If bussing is made available through the school, appropriate policies and requirements regarding bus drivers are to be developed. A special school bus operator's permit is required of all drivers who service their students.

The requirements and procedures are the following:

1. The individual, between the age of 21 and 70 years, must hold a valid driver's license.
2. The driver secures a medical form from the Department of Revenue, Department of Education, or from the Highway Patrol Examiners and completes the required medical exam including vision and hearing tests.
3. After the medical exam, the driver contacts a main troop of the Missouri Highway Patrol to arrange for both a written exam and for a driving exam – using a school bus provided by the driver.
4. The driver submits the results of the medical, written, and driving exam with the nominal application fee as specified to the Missouri Department of Revenue.
5. The Department of Revenue issues a temporary permit, completes a check of the person's criminal history for driving violations and convictions in sexually related areas.
6. Barring any relevant criminal record, the driver receives a laminated permit to drive a school bus which is valid for three years.

STUDENTS: Busses Owned by Parochial Schools

All busses owned by a parish or school used to transport students must meet state requirements and inspection guidelines.

STUDENTS: Traffic Safety

Before the opening of the school year, the school administrator/principal arranges with local police officials for the protection of children who cross traffic intersections on their way to and from school. Local police are given a copy of the school calendar and informed in advance about any changes in schedule.

Safety patrol members, trained and supervised by a competent teacher, supplement the services of police and crossing guards.

STUDENTS: Students with Special Needs

If a student with special needs (categorized such as EMR (Educable Mentally Retarded), EEN (exceptional educational needs), or other similar classification, or having a serious physical disability) applies for admission and/or is in need of special placement and admission is going to be denied, or a current student is being asked to withdraw, or being referred to another school, the administrator is to immediately consult the superintendent of Catholic schools so that all necessary accommodations can be made in order to meet the needs of the student and to help make a judgment as to whether or not, indeed, that is possible. Whenever possible, accommodations are to be made to meet the total needs of the student. A review committee can be convened by the Catholic School Office, if deemed necessary, before a final decision is made. The review committee can include, but not be limited to, the superintendent of Catholic schools and/or associate superintendent of schools, the local administrator(s), parent representative, counselor, pastor, and other designated professionals. It will be the purpose of the review committee to help the school make a local decision. This review committee can also be convened or reconvened by the superintendent of Catholic schools or associate superintendent, if deemed beneficial, when a parent disagrees with a local school decision.

STUDENTS: Child Abuse and Neglect

The State of Missouri has a Child Abuse and Neglect Reporting Law. The main purpose of this law is the protection of the health and welfare of children. It mandates the immediate reporting of suspected child abuse and neglect.

This law specifies that all school personnel and administrators are mandated reporters. These school personnel include, but are not limited to: school teachers, administrators, counselors, child care workers in a day institution, or child care institutions, day care providers, alcohol or drug abuse counselors, and speech therapists. Also included are health care professionals and clergy. Any other person having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with an injury and that abuse will occur may report.

Based on these legal requirements as well as moral commitments all school administrators/principals, the Diocese of Jefferson City Catholic schools are to educate their school staff members in recognizing the signs of child abuse and/or child neglect.

Under the law, any person or institution who reports suspected child abuse or neglect in good faith has immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting is presumed.

(A copy of the law is included in the Appendix #5810.)

STUDENTS: Child Abuse and Neglect

Any school personnel having reasonable cause to suspect that a child has been abused and/or neglected or has been threatened with an injury or that the abuse of the child may occur shall use the following procedure to report:

1. The employee is to report the suspicion immediately to the school administrator/principal who is to immediately notify by phone the superintendent of Catholic schools or chancellor of the diocese. Unless the child's welfare and/or safety is in immediate danger, the person making the report to the superintendent of Catholic schools and/or chancellor is to wait for consultation before making the report to Missouri Division of Children's Services.
2. After consultation, review and guidance with the superintendent of Catholic schools or chancellor of the diocese, contact is then to be made with the Missouri Division of Children's Services or the police department if the Missouri Division of Children's Services is not available. This phone number is to be readily available in the school office.
3. If the child is in immediate danger and the school administrator/principal and/or superintendent of Catholic schools or chancellor of the diocese is not available, the report is to be made directly to the Missouri Division of Children's Services or police department, and the school administrator/principal and/or superintendent of Catholic schools or chancellor of the diocese is to be notified as soon as possible.
4. It is then up to the Missouri Division of Children's Services or police department to follow up on the report.
5. Employees cannot be directed by a person with higher authority to refrain from reporting a case if the employee still reasonably believes there is a case of abuse and/or neglect, nor can the person be reprimanded for making a report.
6. Any such reports are considered strictly confidential.
7. Once the report is made, the employee who originally raised the issue, is to be told when and by whom the report was made to the Missouri Division of Children's Services.

Normally, once notified, the Division of Children's Services will observe the following procedure in investigating reports as clarified November 26, 2003 in a letter to school personnel from the Missouri Division of Children's Services:

*House Bill 613 will effect agency notification to a parent when abuse/neglect occurs in a school or child care setting. When the abuse/neglect of a child happens in a school or child care setting and the parents of the child are not the alleged abusers, a parent/guardian of the child must be notified prior to the child being interviewed by the Children's Division (CD). If the parent/guardian cannot be located, the CD investigator will use his/her best judgment regarding interviewing the child without parental notification. If the alleged abuser is a school or child care facility employee, the child cannot be interviewed at his/her school or child care facility.*

The representative of the Children's Division is to see that the above paragraph is implemented. Normally Catholic school personnel are not part of the child abuse investigation interview unless requested by the Missouri Division of Children's Services.

Within five service days of the date the report is made to the Missouri Division of Children's Services, a written summary report is to be sent to the superintendent of Catholic schools stating the names, circumstances and reasons for reporting, consultation received, and when and by whom the matter was reported.

Failure to follow the above reporting procedure is considered a serious violation of diocesan policy and regulation.

STUDENTS: Harassment

## Policy:

All Catholic schools of the Diocese of Jefferson City shall maintain a learning environment that is free from harassment. No student in any school or PSR shall be subjected to any type of harassment.

Harassment is defined as any unwanted and unwelcome behavior that interferes with the student's performance or creates an intimidating, hostile or offensive learning environment. Harassment includes physical, visual, verbal and sexual forms of behavior. Instances of harassment should be addressed using appropriate disciplinary consequences, counseling methods, and parental/guardian contact and involvement in accordance with the nature and frequency of the offense.

Sexual harassment deserves special mention.

1. Sexual harassment is defined as any unwelcome sexual advances, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature. "Unwelcome verbal or physical contact of a sexual nature" includes, but is not limited to, "the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive, sexually graphic materials which is not necessary for school purposes."
2. No student shall be subject to sexual harassment as a student.
3. Any student or employee who engages in sexual harassment shall be subject to severe disciplinary measures.
4. Any student who believes that he or she is being sexually harassed shall report immediately such information to the school administrator/principal. Any information reported shall be treated as confidential. All claims of sexual harassment are to be immediately reported to the superintendent of Catholic schools and/or chancellor and/or review administrator and shall be thoroughly investigated by the school principal after consultation with and direction from the Superintendent of Catholic schools.

No student shall receive any retaliation or disciplinary action for reports of harassment made in good faith.

STUDENTS: Sexual Abuse of Minors

PASTORAL POLICY REGARDING ALLEGED CASES OF SEXUAL ABUSE OF MINORS  
BY CLERGY OR OTHER CHURCH PERSONNEL OF THE DIOCESE OF JEFFERSON CITY

INTRODUCTION

Since 1990, the Diocese of Jefferson City ("the Diocese") has had a policy and procedures to give guidance to its employees, volunteers, religious and clergy in the Diocese on the subject of child abuse and to address the needs of persons affected by child abuse. The following policy and procedures have been adopted to address the particular situation in which a member of the clergy, or an employee, volunteer or religious working in the Diocese or in any parish, school or agency of the Diocese (the latter hereinafter referred to collectively or individually as "church personnel") is accused of sexual abuse of a minor. i For the purpose of this policy, any person under 18 years of age is considered a minor. An allegation of this type of abuse has serious consequences for the person alleged to have been abused and his/her family, for the person accused, and for the larger community.

It is the policy of the Diocese that no person with a substantiated allegation ii of sexual abuse of a minor will serve as a member of the clergy in active ministry or hold a position working in proximity to children as an employee or volunteer in the Diocese or in any parish, school or agency of the Diocese. All priests, deacons and other church personnel who minister in the Diocese are expected to be familiar with this policy and to comply with the procedures adopted to implement the policy. The Diocese will make available the resources required to implement the policy and procedures. By following this policy, the Diocese hopes to offer spiritual and psychological assistance as needed to any victim/survivor and to respect the civil and canonical rights of the accused while seeking to assist him or her. Proceedings pursuant to this policy shall be conducted in compliance with civil law and in accordance with ecclesiastical law; in particular the *motu proprio*, *Sacramentorum Sanctitatis Tutela* of Pope John Paul II, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* of the USCCB, and the *Code of Canon Law*.

I. PROMOTING HEALING AND RECONCILIATION WITH VICTIMS/SURVIVORS OF  
SEXUAL ABUSE OF MINORS

In order to respond pastorally and effectively and in keeping with the requirements of ecclesiastical law, the Diocese has adopted a process for addressing allegations of sexual abuse of minors by clergy or other church personnel. This includes four elements: (1) a Review Board, established by the Bishop, whose mission is to assist the Bishop in responding to allegations and regularly reviewing the diocesan policy and procedures for addressing sexual abuse of minors; (2) a Review Administrator appointed by the Bishop to serve as the designated contact person for receiving allegations and maintaining the process of addressing allegations; (3) Review Teams which are assembled by the Review Administrator and are comprised of members of the Review Board who will conduct a fact finding investigation regarding specific allegations and forward the results with any appropriate counsel to the Bishop; (4) Assistance Coordinators who will aid in the immediate pastoral care of persons who allege that they have been sexually abused as minors by a member of the clergy or other church personnel. The Diocese will provide education and training for the members of the Review Board, the Review Administrator, and the Assistance Coordinators to enable them to understand and appropriately respond to the issue of sexual abuse of minors.

Each of these four elements will be discussed below.

#### A. REVIEW BOARD

1. The Bishop has established a Review Board whose mission is to assist him in responding to allegations of sexual abuse of minors by clergy or other church personnel. The membership of the Review Board will be comprised of at least five persons who are in full communion with the Church. At least one member will be a diocesan priest who is an experienced and respected pastor. The majority of the members will be lay persons not in the employ of the Diocese. At least one member will have particular expertise in the treatment of sexual abuse of minors. Members of the Review Board may include permanent deacons, as well as women and men religious. Members will be appointed to five-year terms which may be renewed. The diocesan Promoter of Justice is to be a participant in the meetings of the Review Board.
2. Duties of the Review Board include:
  - a. Providing counsel to the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry;
  - b. Reviewing diocesan policies for addressing sexual abuse of minors;
  - c. Providing counsel to the Diocese on all aspects of these cases whether retrospectively or prospectively;
  - d. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by clergy or other church personnel; and
  - e. Maintaining an ongoing review of unresolved cases.
3. If the allegation of sexual abuse of a minor involves a cleric, in addition to the aforementioned duties, the duties of the Review Board will also include:
  - a. Providing counsel to the Bishop regarding any further action which may appear needed when a cleric has had a psychiatric or psychological evaluation;
  - b. Providing counsel to the Bishop regarding any further action which may appear needed and, where appropriate, regarding return to ministry when a cleric has received treatment; and
  - c. Maintaining an ongoing review of clerics who are in treatment and who have either returned to ministry or who are on temporary or indefinite administrative leave.

#### B. REVIEW ADMINISTRATOR

1. A Review Administrator appointed by the Bishop will serve as a point of contact and will ensure that the process is followed. An Alternate will also be appointed to serve in case of the unavailability or a conflict of interest on the part of the Review Administrator.
2. Duties of the Review Administrator include:
  - a. Interviewing those bringing an allegation of sexual abuse of a minor and preparing an initial report for the diocesan attorney and the Bishop;

- b. Appointing an Assistance Coordinator for the person bringing the allegation;
- c. Appointing Review Teams to investigate allegations which are deemed by the Bishop to have a semblance of truth iii and coordinating the activities of the Review Teams;
- d. Maintaining ongoing communication with persons alleged to have been abused and their Assistance Coordinators throughout the process of implementation of this policy;
- e. Attending Review Board meetings, preparing reports, answering questions and assisting the Review Board as needed;
- f. Receiving information about other possible victims/survivors; and
- g. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.

### C. REVIEW TEAMS

- 1. A Review Team will be established for each allegation which is to be investigated under these policies. It shall be comprised of members from the Review Board chosen by the Review Administrator for each case, provided that in certain cases as determined by the Review Administrator the entire Review Board may be designated to serve as a Review Team. It shall have a consultative role to the Bishop.
- 2. The Bishop, the Vicar General and the diocesan attorney may meet with the Review Team, but shall not be members.
- 3. Duties of the Review Team include:
  - a. Investigating and gathering facts regarding allegations referred to it by the Review Administrator, reporting its findings to the Bishop, and providing him any appropriate counsel;
  - b. Conducting, if necessary, a further investigation of those allegations which the Bishop deems to be serious, thereafter providing him any additional appropriate counsel as to whether the allegation bears the semblance of truth;
  - c. Meeting as needed for specific cases;
  - d. Taking all appropriate steps to protect the reputation of the accused during the review process;
  - e. Providing counsel to the Bishop regarding notification of parishioners about allegations against their parish priest, deacon, or other church personnel; and
  - f. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.

### D. ASSISTANCE COORDINATORS

- 1. An Assistance Coordinator shall be appointed for each alleged victim. The Assistance Coordinator will assist persons who allege that as minors they were sexually abused by a member of the clergy or other church personnel in making

- their claims known to the proper diocesan personnel.
2. Duties of the Assistance Coordinator include:
    - a. Listening to the individual and his or her allegations, treating the individual with respect;
    - b. Being present during meetings between the person alleged to have been abused and diocesan personnel, as requested by the individual;
    - c. Explaining the diocesan response to the specific allegations raised by the individual in order to allow the individual to select the options for assistance;
    - d. Assisting with referrals to therapists and/or support groups;
    - e. Assisting the individual with information about how to follow-up on the options chosen by the individual; and
    - f. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors by a member of the clergy or other church personnel.
  3. The Assistance Coordinator shall maintain a professional relationship with the individual and will not act as a therapist, attorney or spiritual director for the individual. A person shall not serve as the Assistance Coordinator for an individual with whom he or she has a family relationship or to whom he or she is a personal friend, or where there is any other potential conflict of interest.

## II. ENSURING AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

The Diocese has adopted a process to address allegations of sexual abuse of a minor by a member of the clergy or other church personnel. By following the steps outlined below and by working with the person alleged to have been abused, his or her family members, and appropriate civil authorities, this process will help to ensure an effective response to allegations of sexual abuse of minors.

### A. BRINGING AN ALLEGATION

1. A person may bring an allegation of sexual abuse of a minor by a member of the clergy or other church personnel by calling the Chancery Office and asking to speak with the Review Administrator or by writing to the Chancery Office. The address and telephone number are as follows:

Address:  
Chancery Office  
Diocese of Jefferson City  
605 Clark Avenue  
P.O. Box 417  
Jefferson City, Missouri 65102-0417  
Telephone: (573) 635-9127

### B. RECEIVING AN ALLEGATION

1. Any person bringing an allegation of current or past sexual abuse of a minor by a member of the clergy or other church personnel of the Diocese will be referred to the

Review Administrator. The Review Administrator will then promptly consult with the diocesan attorney and the Bishop upon receiving the allegation. If after such consultation the Bishop determines that the allegation is without any semblance of truth, a decree<sup>1</sup> is to be issued stating such, and no additional action is to be taken other than informing the person bringing the allegation, and making a record of the contact for future reference. If at that time or any other time during the review of the allegation, there is reason to suspect sexual abuse of a person who is then a minor, a report shall immediately be made to the Missouri Division of Family Services in accordance with the provisions of the laws governing child abuse and neglect.

2. If an allegation of sexual abuse of a minor is received by an employee or volunteer of a parish, school or agency of the Diocese, he or she shall report the allegation to his or her supervisor who shall immediately contact the Review Administrator, who will then contact the diocesan attorney and the Bishop. If the accused is a member of the clergy, the Vicar General will also be contacted. If the alleged victim is then a minor, the supervisor of the staff member receiving the allegation has the obligation of making a report to the Missouri Division of Family Services immediately upon making a determination that there is reasonable cause to suspect that abuse has occurred or is likely to occur.
3. Upon receiving an allegation which has the semblance of truth, the Review Administrator shall arrange a personal interview as soon as possible with the person bringing the allegation and will provide a written report of this meeting to the diocesan attorney and to the Bishop. The Review Administrator will also advise the person bringing the allegation of his or her right to bring the allegation to civil authorities.
4. If an allegation of sexual abuse by a member of the clergy or other church personnel is made first to civil authorities and the civil authorities bring the information to the Diocese, the matter shall be referred to the Review Administrator. The Review Administrator shall immediately contact the diocesan attorney, the Bishop, and the Vicar General, and the information shall then be brought to a Review Team for further investigation. The Review Administrator will be available to assist the person alleged to have been abused, to the extent he or she wishes assistance, in accord with this policy. The Diocese will cooperate with law enforcement officials investigating an allegation of sexual abuse of a minor.

#### C. REVIEW OF AN ALLEGATION

1. Within 72 hours, or as soon as circumstances permit, after meeting with the person bringing an allegation which has at least the semblance of truth and/or the person alleged to have been abused, the Review Administrator will assemble a Review Team. The Review Team, the Review Administrator, the Vicar General and the diocesan attorney will then meet to discuss the allegation which will be presented by the Review Administrator. This meeting may be held by conference telephone.

The Diocese is deeply committed to protecting children and youth from sexual abuse. After its initial review, the Review Team will take one or more of the following actions as it deems appropriate:

- a. When the accused is a member of the clergy, if there is reasonable cause to believe that a minor is presently at risk, a recommendation will be

made to the Bishop and Vicar General that the accused be immediately placed on a temporary administrative leave at a place to be determined with the Vicar General. Every effort will be made to protect the good name of the accused. The cleric shall be informed of the identity of his accuser and any information concerning the accusation against him. He shall also be informed of his right to seek civil and canonical legal counsel.

b. When the accused is a member of the church personnel and not a cleric, if there is reasonable cause to believe that a minor is presently at risk, a recommendation will be made to the person in charge of the parish, school or agency where the accused is an employee or volunteer, that the accused be immediately placed on a temporary administrative leave pending the inquiry of the Review Team. Every effort will be made to protect the good name of the accused. The employee or volunteer shall be informed of the identity of his or her accuser and any information concerning the accusation against him or her. He or she shall also be informed of his or her right to seek legal counsel.

2. If the allegation bears a semblance of truth, but is lacking in sufficient detail, the Review Administrator may be instructed by the Review Team to meet again with the person bringing the allegation. More information shall be sought or the person bringing the allegation may be referred to a professional for help in clarifying the alleged incident.

3. If after having heard the Review Team the Bishop finds that the allegation does not bear the semblance of truth, the Bishop will issue a decree to this effect, the Review Administrator will inform the person making the allegation of this conclusion and no further action will be taken.

4. a. The following procedures shall be followed in cases of allegations involving a member of the clergy if, after hearing the results of the Review Team's investigation, the Bishop judges an allegation to bear the semblance of truth:

i. The Review Team will typically meet with the person alleged to have been abused and, if a minor, with his or her parents. The Review Team will listen to the account of the allegation, gathering any additional pertinent facts and information which may be available.

ii. The Review Team will typically meet with the cleric who has been accused. In the meeting the Review Team will communicate to the cleric the details of the accusation and the name of the accuser. Prior to the meeting, the cleric is to be informed that he may retain the assistance of civil and canonical counsel.

iii. The Review Team will prepare a complete report of the facts of the case and provide it to the Bishop along with any additional appropriate counsel. The Bishop will review the report, make a judgment on the merits of the allegation, and issue that judgment by means of a decree which concludes the preliminary investigation. When there appears to be sufficient evidence that sexual abuse of a minor has occurred, the Bishop is then to make the facts of the case known, along with his *votum*, to the Congregation for the Doctrine of the Faith at the Holy See. The determination of the need for a canonical trial, the venue for such, and the determination of any further definitive action to be taken against the accused cleric are henceforth subject to whatever directive is received from the Holy See.

iv. When a report of the allegation has been made to the Holy See, the cleric is to be placed by decree of the Bishop on temporary leave from his present assignment, effective immediately and pending the outcome of a canonical trial or the issuance of any other decree from the Holy See. The Bishop or his designee will make contacts to assure immediate assistance and support for the cleric.

v. The Bishop or his designee may encourage the accused cleric to undergo a comprehensive evaluation. The accused cleric is free not to undergo an evaluation. If the cleric agrees to undergo an evaluation, the Bishop or his designee will arrange for the evaluation. Information resulting from such an evaluation is the property of the accused cleric. He may agree to make it available to the Bishop or he may decline to do so. He may further agree to have the information made available to the Review Team. Any such information shall be kept confidential by those receiving it, except as it may be required by law to be revealed.

b. The following procedures shall be followed in the case of an allegation involving a member of church personnel who is not a cleric if after due consultation with the Review Team the Bishop finds an allegation. to bear the semblance of truth:

i. The Review Team will typically meet with the person alleged to have been abused and, if he or she is a minor, with his or her parents. The Review Team will listen to the account of the allegation and may inquire as to whether others are alleged to have been abused.

ii. The pastor, Superintendent of Schools or agency director, as applicable, will be informed and the accused will be placed on temporary administrative leave in accordance with the personnel policy for the parish, school or agency, as applicable.

iii. The Review Team will typically meet with the person against whom the allegation has been made and present him or her with the details of the allegation. He or she shall be advised of his or her right to legal counsel. This shall be done in coordination with the pastor, Superintendent of Schools, or his or her designee, or agency director to assure that applicable personnel policies are followed.

iv. The accused may be provided immediate assistance and support as determined to be appropriate, consistent with applicable personnel policies and benefit plans.

c. The Bishop may direct the formation of a task force to communicate with the parish and/or school community and to offer help in dealing with the alleged abuse and its effects on the community at large. Spiritual and pastoral care will always be offered.

5. If an accused cleric is from another diocese or is a member of a religious community, the Review Administrator will make a report of the allegation to the Bishop or his designee and to the diocesan attorney. The diocesan bishop or major superior of the accused cleric will be informed of the pending investigation and the diocesan protocol in response to such allegations. The diocesan bishop or major superior of the accused cleric will be asked to provide full cooperation throughout the process. With the permission of the Bishop, the Review Administrator will make a full report to the diocesan bishop or major superior when necessary.

#### D. REVIEW OUTCOME

1. If the allegation is against a cleric and has, according to the process outlined above, been referred to the Holy See, any eventual outcome, including the determination of penalties to be applied to the cleric, will result wholly from either

a canonical trial or from a decree of the Holy See.

2. If, after due consultation, the Bishop has judged that there does not appear to be sufficient evidence that sexual abuse of a minor has occurred, the following shall occur:

- a. Every step will be taken to restore the good name of the accused.
- b. If the allegation is against a cleric, the Bishop will make a decision regarding the ministry assignment of the cleric.

#### E. CARE FOR THE PERSON AFFECTED BY ABUSE

1. From the time an allegation is perceived or determined to be credible, the Review Administrator will encourage the victim/survivor to seek psychological treatment and/or pastoral counseling, or to continue, when useful, if treatment has already begun. The duties of the Review Administrator in working with victims/survivors shall be carried out in coordination with the Assistance Coordinator. The Assistance Coordinator works directly with the victim/survivor in the process of presenting his or her allegation and receiving appropriate assistance. The Review Administrator will maintain a current list of those experienced in the pastoral counseling and psychological treatment of victims/survivors.

2. If a victim/survivor wishes to begin treatment, the Review Administrator will request that he or she obtain a diagnostic evaluation and treatment plan and sign appropriate forms for release of this information to the Review Administrator which will be limited to that which is necessary for the assessment of the needs of the victim. Upon receiving this information, the Review Administrator will refer this information to the Review Team which will make a recommendation to the Bishop regarding an assistance plan.

3. The Review Administrator will communicate with the victim/survivor the details of any assistance plan offered by the Diocese. After having consulted with the Review Team and the Bishop, the Review Administrator will attempt to bring about an agreement between the victim/survivor and the Diocese concerning the assistance plan. When the victim/survivor is represented by legal counsel, the communication will be between the diocesan attorney and the attorney for the victim/survivor. If a written agreement is entered into, it will not contain a confidentiality provision unless one is specifically requested by the victim/survivor.

#### F. CARE FOR THE CLERIC

When a priest is placed on indefinite administrative leave from his assignment because of a substantiated accusation of sexual abuse of a minor, the Bishop or his designee will assist him in finding housing, arrange for his financial support and encourage him to receive pastoral and psychological support during the time immediately following the accusation. A permanent deacon in this circumstance will be assisted by, the Vicar for the Permanent Diaconate in obtaining appropriate pastoral and psychological support.

## G. CLERGY OR OTHER CHURCH PERSONNEL FROM OTHER DIOCESES OR OTHER STATES

1. When a priest or deacon from another diocese or a member of a religious community requests faculties in the Diocese, the Chancellor shall receive from the priest's or deacon's proper ordinary certification that the latter is unaware of anything in the priest's or deacon's background which would render him unsuitable to work with minors.

In the case of a report of any previous allegation of sexual abuse of a minor, the Chancellor shall obtain from the proper ordinary a comprehensive report of the allegation and its disposition. If the report indicates that the priest has had a substantiated case of sexual abuse of a minor, he shall not be granted faculties to exercise any ministry in the Diocese. In cases where an allegation of sexual abuse of a minor has not been substantiated, the Bishop shall use his discretion deciding whether to grant faculties to the priest or deacon for the exercise of ministry in the Diocese.

The Chancellor shall provide the proper ordinaries of extern priests with a copy of the policy and procedures of the Diocese.

2. When any other church personnel from another diocese or another state are to be employed or are to serve as volunteers, other than on an occasional basis, the Diocese or the parish, school or agency which is to employ them or have them as a volunteer shall check the references given and the agency in the state of their former residence with responsibility for maintenance of child abuse investigation records to verify that the individual does not have a history of sexual abuse of a minor or other history that would indicate that he or she may pose a danger to children.

## H. COMMUNICATION

Inquiries from members of the media about this policy and its implementation should be addressed to the Director of Communications of the Diocese. If statements or information are to be released concerning an allegation of sexual abuse of a minor by a member of the clergy or other church personnel, that information shall be made available by the Office of Communications in collaboration with the Bishop, or his designee, and the diocesan attorney.

### Footnotes:

<sup>i</sup> According to the Essential Norms, 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.

<sup>ii</sup> An allegation is deemed to be substantiated when based upon a preponderance of evidence and, after assessing all available information, the allegation is believed to be true.

<sup>iii</sup> The term "semblance of truth" as used herein in the context of an allegation, means that, based on the information provided, the allegation appears that it may be credible.

<sup>iv</sup> The term "decree" as used in this document refers to a statement of the disposition of the matter.

<sup>v</sup> See Chapters 210.110-210.192 Revised Statutes of Missouri.

STUDENTS: Grievance

Any serious grievance that cannot be solved through an informal process using the local chain of command (teacher, principal, pastor) shall be resolved through the Administrative Recourse Procedure. Since the parish school board is an advisory board, it is not part of the process of reconciling differences, unless a pastor decides to consult some or all of the board for advice on a serious issue. The Administrative Recourse Procedure shall constitute the exclusive method for resolving such disputes after informal attempts at reconciliation have failed. The parties are bound by its determination as final and binding. The Administrative Recourse Procedure is specifically limited to "Grievances" as defined within the Administrative Recourse Procedure policy and regulation.

See DSR 1901 for specific regulations regarding the procedure.

STUDENTS: Penalty Status During Administrative Recourse

The penalty for a violation of a school or diocesan policy or regulation is to be enforced during the recourse procedure. However, a request can be made to the superintendent of Catholic schools to speed up the procedure. Either the person(s) registering the complaint or the person(s) to whom the complaint is registered can make this request. The request can be granted or denied.