

## Frequently Asked Questions & Answers about Sexual Abuse



**Roman Catholic  
Diocese of Albany**

### **Does the Albany Diocese have a policy on clergy sexual abuse?**

A: Yes. The Albany Diocese has a zero-tolerance policy for sexual abuse by clergy or other representatives of the Diocese. Any priest against whom an allegation of sexual abuse is substantiated is removed from ministry. These decisions are made on the basis of investigations and are made public. The Diocese investigates every allegation of sexual abuse that it receives. The Diocese first adopted a policy for addressing clergy sexual abuse of minors in 1993 and appointed a review board comprised primarily of lay people to oversee the matter. The Diocese, adopting the recommendations of the review board, and a special panel of lay experts, updated the policy in 2002. When the U.S. Conference of Catholic Bishops adopted the “Charter for the Protection of Children and Young People” in 2003, the Diocese again updated its policy to ensure that it fully conformed to the Charter. The goals of the policy are to prevent sexual abuse, provide healing, support and appropriate services to victims of sexual abuse, to investigate allegations of sexual abuse and take appropriate action against offenders, and to make all Catholic places safe for children and adults.



### **How should a person report allegations sexual abuse by a church representative?**

Anyone who has information about an incident of sexual abuse by a representative of the Catholic Church is asked to call the Diocese’s Assistance Coordinator at (518) 453-6646 or to contact the police or District Attorney in your county. If the victim is represented by an attorney, the attorney can contact the Diocese directly on the victim’s behalf.

*“The first obligation of the Church with regard to the victims is for healing and reconciliation.”*

*The Charter for the Protection of Children and Young People*

### **What does the Diocese do when it receives an allegation of sexual abuse?**

The Diocese investigates all allegations of sexual abuse. If the incident is believed to have occurred within the statute of limitations, the Diocese will immediately refer the matter to criminal authorities for investigation and action. If the statute of limitations is believed to have lapsed, the Diocese’s Assistance Coordinator will meet with the victim to obtain information about the incident. The offender will be interviewed. Depending on the circumstances, the matter may be referred for further investigation to the experienced investigator who now conducts sexual abuse investigations for the Diocese. Ultimately, the matter will be reviewed by the Diocesan Sexual Misconduct Panel which will make a recommendation to the Bishop on any action that is warranted against the offender. The Assistance Coordinator will stay in touch with the victim to report progress in the investigation.

### **How long does an investigation take and what happens to the offender in the meantime?**

The first step in any investigation of sexual abuse is to confront the alleged offender. If he or she denies the allegation, an investigation begins. If he or she admits to the allegation, immediate action is taken against the offender. When they are necessary, investigations vary in length. For example, an investigation of an incident that is alleged to have occurred 25 or more years ago or that involves a deceased person(s) will necessarily take longer than an investigation of a recent incident in which all parties are available for interviews. The Diocese seeks to complete investigations in a timely manner but the special circumstances of these cases sometimes cause delays.

**Is the Diocese doing anything to prevent sexual abuse in the future?**

Yes. The Albany Diocese has published a comprehensive, step-by-step, Diocesan-wide policy for creating safe environments for children and adults and for receiving, investigating and responding to allegations of sexual abuse. Our Diocese has had a sexual misconduct policy since 1993, but this revision sets forth our protocols for all interaction with children and vulnerable adults and sets clear standards for handling allegations. We have trained more than 2,000 Diocesan employees (including teachers and staff in our Catholic schools) and parish and school volunteers to spot signs of sexual abuse in children and to create safe places for children and adults. We have developed a code of conduct for all church personnel. The Diocese has also established a process for background checks on Diocesan employees and volunteers who work with children.

**Does the Albany Diocese transfer priests accused of sexual abuse to other parishes or other Dioceses?**

No. A priest who is under investigation for sexual abuse will not be transferred within or outside – or accepted into – the Albany Diocese. A priest against whom a sexual abuse allegation has been substantiated will be removed from ministry and, therefore, is ineligible for transfer by the Diocese.

**Why does it seem that so many priests have sexually abused children?**

The U.S. Conference of Catholic Bishops has commissioned John Jay College of Criminal Justice in New York to conduct a study of the numbers of priests who have sexually abused minors since 1950. The Albany Diocese has researched its records and provided the information to John Jay. Even a single incident of sexual abuse by a priest is reprehensible. Because priests occupy a sacred position of trust, a violation of that trust is likely to receive significant public attention. We believe that the incidence of sexual abuse in the Albany Diocese is probably similar to that in many other Dioceses. It is important to note that the vast majority of priests – like the vast majority of lay people – have never sexually abused anyone.

**Does the Diocese reach confidential financial settlements with victims of abuse?**

Historically, many Dioceses, including ours, settled complaints of sexual abuse with victims by reaching negotiated agreements that were typically confidential. Even though in many cases, victims or their attorneys requested confidentiality, the existence of so-called “secret agreements” created the unfortunate specter of a cover-up. The Albany Diocese discontinued the practice of initiating confidential settlements in 2001, shortly before the U.S. Conference of Catholic Bishops adopted a policy against the practice. Some victims still request confidentiality, however, in those cases we follow the Charter which states that “Dioceses/eparchies will not enter into confidential agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement. We believe being sensitive to the needs and concerns of victims is of utmost importance. The Diocese now reports publicly on an annual, aggregate basis the amount paid in compensation to victims and the amount spent on legal, training and other costs associated with this issue.

**Does money from the Bishop’s Appeal or Capital Campaign go to sexual abuse victims or to pay attorneys’ fees, settlements or other costs associated with this issue?**

No. When you give money to a specific purpose, such as the Bishop’s Appeal or the Diocesan Capital Campaign, the money is used only for that purpose. The money for settlements, attorneys’ fees and other costs comes from the Diocesan insurance fund, which is made up of premiums paid by parishes and church related institutions which, in turn, rely on contributions from parishioners. Ultimately, the money to pay for settlements and other costs does come from parishioner contributions—the Church really has no other source of income other than what is contributed—but not from the money you may contribute to the Bishop’s Appeal or the Capital Campaign.

**Are Catholic Charities funds used for settlements or legal fees?**

No. Catholic Charities helps people in need, including victims of sexual abuse, but Catholic Charities money is not used to settle victims’ claims against the Diocese or to pay for legal fees or other costs associated with this problem.

*My Dear Sisters and Brothers in Christ:*

*Information and honest communication are two of the most powerful tools we have to prevent sexual abuse of children and adults.*

*In that spirit we have prepared this guide to provide answers to frequently asked questions about the Albany Diocese’s policy for preventing sexual abuse of children and adults and for addressing complaints of abuse.*

*The protection of children and young people; healing for victims and their families; and the removal from ministry of any clergy or Church personnel who have abused their position of sacred trust are urgent priorities for our Diocese – and the Church as a whole.*

*St. Paul tells us that when one member of the Body suffers, all suffer. I have witnessed first-hand the hurt, pain and long-term trauma that sexual abuse can cause, which is exacerbated when perpetrated by a trusted authority figure.*

*To those who have been victimized, and to their families, I again extend my sincere apology and pledge a purposeful, vigilant effort to prevent abuse from occurring to others.*

*I hope that our ongoing efforts, with God’s help, will encourage healing and the restoration of trust, and I ask for your prayers and guidance. If you have questions or suggestions for us, please visit our web site at [www.rcda.org](http://www.rcda.org); or write to me at the Diocesan Pastoral Center, 40 North Main Ave., Albany, N.Y. 12203.*

*With every best wish, I am*

*Yours in Christ,*

Howard J. Hubbard  
Bishop of Albany