

Eparchial Statement of Policies and Procedures of Sexual Abuse by Priests, Deacons or Church Personnel

INTRODUCTION

1. The following document reflects the Policies and Procedures of the Eparchy of Our Lady of Lebanon of Los Angeles (hereinafter “Eparchy”) addressing allegations of sexual abuse of minors and vulnerable adults by priests, deacons and other church personnel. This document is based on the Code of Canon of the Eastern Churches (hereinafter “CCEO”) and is consistent with the United States Conference of Catholic Bishops’ Charter for the Protection of Children and Young People” (hereinafter “Charter”) and “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons and Other Church Personnel (hereinafter “Norms”). The Policies and Procedures set forth in this document are not intended to confer or create any additional canonical, legal or civil rights.
2. As a steward of the Gospel, the Eparchy understands her mission to “make disciples of all the nations” (Matthew 28:19). Guided by the Gospel’s precepts of truth, justice and love, the Eparchy proclaims the “kingdom of Christ for the glory of God” (Cf. Second Vatican Council’s Decree on the Apostolate of Lay People, §2) so that all people may have “fellowship with God and His Son Jesus Christ” (1 John 1:3).
3. To fulfill her ministerial responsibility of preaching the Gospel to men and women of all ages, the Eparchy places priests and deacons in positions of trust. These clerics are called by God to consecrate themselves to the Lord and the affairs of the Lord. In conformity with long standing traditions in the Christian Churches, the Eparchy affirms that Sacred Order is a gift of the Holy Spirit to the community, not an entitlement (Cf. Catechism of the Catholic Church, §1578). Thus, the exercise of pastoral leadership in the community of Jesus Christ should be one of service and love, not of power and control. Ordained ministers are called upon to promote the dignity of the laity and the particular part they have in the mission of the Church by channeling the gifts and experiences of lay people of all ages for the building up Christ’s community (Cf. CCEO, can. 381, §3).
4. Conscious of their role in the ministry of the Church, clerics are to abstain completely from scandals (Cf. CCEO, can. 382) that compromises the Church’s message and damage the covenant of trust within the community. It is by pursuing a life perfected in holiness for the sake of the Sacred Ministries entrusted to them (Cf. CCEO, can. 368) that they are able to carry out the work of Christ in the world.
5. Therefore, the Eparchy acknowledges that when abuse of any kind—moral, physical, sexual or emotional—occurs, the entire community of Jesus Christ suffers. Echoing the words of His Holiness, John Paul II, to the Cardinals of the United States (April 2002), it is the Eparchy’s policy that “there is no place in the priesthood and religious life for those who would harm the young.”

6. In addition to members of the clergy, all Church Personnel working in Eparchial parishes and institutions must uphold Christian values and conduct. The public and private conduct of employees and volunteers can inspire and motivate young men and women or it can undermine their faith. Unethical and illegal conduct compromises the integrity of Church ministry, violates the fundamental principles and causes serious damage to individuals and to the whole Christian community. Church personnel must at all times, be aware of the responsibilities that accompany their work.

I. DEFINITIONS

7. In accord with Canon Law and the United States Conference of Catholic Bishops' Charter and Norms, these definitions are adopted:
 - a. Minor: any person under the age of eighteen (18) is considered a minor. For purposes of Canon Law and these Policies and Procedures, "Minor" has the same meaning (Cf. CCEO, can. 909 §1).
 - b. Vulnerable Adult: a person who habitually lacks the use of reason.
 - c. Sexual Abuse: as defined by the Charter, sexual abuse of minor or vulnerable adult includes sexual molestation or sexual exploitation of a minor or a vulnerable adult and other behavior, including child pornography, by which an adult uses a minor or vulnerable adult as an object of sexual gratification. This definition rests on the obligations arising from divine commands regarding human sexual interaction prescribed by the sixth commandment of the Decalogue (Cf. CCEO, can. 1453, §1). According to this definition, sexual offense that violates this canon need not be a complete act of intercourse, nor should the term necessarily be equated with the definitions of sexual abuse or other crimes in civil law. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor or a vulnerable adult is whether conduct or interaction with a minor or a vulnerable adult qualifies as an external, objectively grave violation of the commandment (USSCB, Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical state, 1995, p. 6). Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation... unless it is otherwise apparent" (CCEO, can. 1414, §2). For purposes of this Statement of Policies and Procedures, the term "sexual misconduct" shall have the same meaning as the term "sexual abuse."
 - d. Cleric: Canon Law defines "cleric" as bishop, priest or deacon (Cf. CCEO, can. 325).
 - e. Church Personnel: includes lay employees and volunteers, seminarians of the Eparchy, and individuals who have received minor orders.

II. ESTABLISHING THE POLICY: GUIDING PRINCIPLES

8. No minor or vulnerable adult should ever be abused by an adult. However, since such abuse can happen, these policies and procedures seek to ensure that should it occur,

the abuse of minors or vulnerable adults by clerics or church personnel in the Eparchy is addressed swiftly, justly and with compassion envisioned by the Gospel.

9. The following principles guide the policy and its application:
 - a. Commitment to effective ministry: The Eparchy shall honor the right of God's people to effective ministry that reflects commitment to the Christian way of life.
 - b. Minors and vulnerable adults come first: The safety of anyone entrusted to the care of clerics and Church personnel, especially minors and vulnerable adults, shall be the first priority in any pastoral assignment.
 - c. Concern for the victims: The Eparchy shall always be concerned about victims/survivors who have suffered abuse and their families. The Eparchy shall offer pastoral, psychological, social, and spiritual support to victims/survivors and their families (Cf. Charter, art. 1). Through pastoral outreach to victims and their families, the Eparchial bishop or his delegate(s) will offer to meet with them to listen with patience and compassion to their experiences and concerns.
 - d. Confidentiality agreements: The Eparchy shall not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of agreement (Cf. Charter, art. 3).
 - e. Transparency: The Eparchy's communications policy will reflect its commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individual involved, the Eparchy will work as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors or vulnerable adults (Cf. Charter, art. 7).
 - f. Concern for the accused: The Eparchy shall always address the physical and emotional care of the cleric or other Church personnel against whom an allegation(s) has been made.
 - g. All allegations reported: All allegations of sexual abuse of minors or vulnerable adults shall be reported to the proper civil authorities in accordance with State laws (Cf. Charter, art. 4).
 - h. Suitability for ministry: No cleric against whom there is an admitted or established allegation of sexual misconduct with a minor or a vulnerable adult may serve in active ministry or hold a position working in proximity to children or vulnerable adults. It is the role of the Eparchial bishop—in consultation with the Eparchial Review Board—to determine the suitability of a cleric for ministry.
 - i. Suitability for service: no Eparchial employee or volunteer against whom there is an admitted or established allegation of sexual misconduct with a minor or a vulnerable adult may serve in a position working in proximity to children or vulnerable adults in the Eparchy.
 - j. Code of Ethical Conduct for clergy, employees, and volunteers working with minors: The Eparchy has published this Code which is designed to uphold the integrity of all ministerial relationships to prevent misuse of pastoral trust in the community. All clerics and other Church personnel are required to agree to abide by the terms of this document and evidence their agreement by their signature.

POLICY

10. Sexual misconduct of a minor or a vulnerable adult by a cleric or other Church personnel violates human dignity and the mission of the Church. Therefore, the Eparchy establishes these policies and procedures to review and determine the fitness of ministry of any cleric, or fitness of service for other Church personnel, accused of sexual misconduct with a minor or with a vulnerable adult.
11. The objective of these policies and procedures is threefold: (1) the safety and protection of children and the vulnerable; (2) the well being of the community; and (3) the integrity of the mission of the Church in the world. The policies and procedures shall be fair, just, and responsive to the pastoral needs of the alleged victim, the alleged victim's family, the community, and the accused cleric of Church personnel (Cf. Charter, art. 1). The Eparchy shall pledge that the policies and procedures shall not impede cooperation with civil authorities responsible for investigating allegations of sexual misconduct (Cf. Norms, §11).
12. The policies and procedures of the Eparchy regarding sexual misconduct shall be made available to the general public, so that those affected can readily seek and receive the assistance which the policies provide (Cf. Charter, art. 2).

PROCEDURES

13. The Eparchy shall have in place sufficient and adequate human and material resources—staff, etc.—to assure the effective implementation of the policies, procedures, and programs established by these provisions.
14. The Eparchy shall establish appropriate programs regarding the nature and effect of sexual misconduct with a minor or a vulnerable adult for the education of seminarians and the continuing education of clerics.
15. The Eparchy shall establish an Eparchial Review Board to assist and advise the Eparchial bishop in his assessment of allegation of sexual abuse of minors or vulnerable adults and in his determination of the accused cleric's suitability for ministry (Cf. Norms, §4. a). the Review Board shall review the policies and procedures set forth in this document and make recommendations to the Eparchial bishop (Cf. Norms, §4. b). it is the sole authority of the Eparchial bishop to approve the recommended amendments.
16. The Eparchy shall designate a Pastoral Response Team to provide immediate pastoral care to those who claim to have been abused by a cleric (Cf. Norms, §3) or other Church personnel. The Pastoral Response Team shall minister to the alleged victims/survivors, their families or other persons affected. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services (Cf. Charter, art. 1).

PREVENTION, BACKGROUND CHECK AND SCREENING

17. The Eparchy shall establish and maintain “safe environment” programs. These programs shall promote truth, justice, transparency, and healing. The Eparchy will cooperate with parents, civil authorities, and community leaders to provide education for children, youth, parents, clerics and Church personnel, and others about ways to create and maintain a safe environment for children. The Eparchy shall make clear to clergy and all members of the community the standards of conduct for clerics and other Church personnel in positions of trust with regard to sexual abuse (Cf. Charter, art. 12).
18. The Eparchy shall evaluate the background of all clerics, Church personnel, and volunteers. Specifically, it shall utilize the resources of law enforcement and other community agencies. In addition, it shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (Cf. NSSCB, Program of Priestly Formation, 1993, no. 513). The Eparchy shall review and build upon on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual misconduct (Cf. Charter, art. 13).

EPARCHIAL CLERICS

19. Consistent with applicable ethical, canonical and legal principles, a full psychological profile of each seminary applicant and deacon candidate shall be obtained before they are accepted into the program. The psychological profile shall be maintained as part of the seminarian’s or deacon candidate’s permanent personnel file. The profile may be updated as necessary or appropriate.
20. When considering prospective seminary applicants from outside the United States of America, the Eparchy shall require that they receive a thorough psychological screening by a professionally licensed psychologist in the country of residence before admission. If accepted to the Eparchial priestly formation program, these seminarians shall be required to take additional classes and/or seminars designed to educate them about American culture and social customs, accepted social and psychological norms of behavior, and ministerial relationships unique to the American Church. The Eparchy may ask for further psychological screening of these candidates by professionally licensed psychologists in the United States before they are allowed to continue in the program.
21. The Eparchy shall mandate that seminaries and formation programs shall offer, as part of their formation programs, appropriate courses that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with Church teachings and priestly commitment. The Eparchy shall establish and publicize Eparchial standards of ministerial responsibility requirements and appropriate boundaries for clerics and other church personnel in positions of trust who have regular contact with minors and vulnerable adults (Cf. Charter, art. 6).

22. Every seminarian sponsored by the Eparchy shall certify in writing that he has read and is familiar with the Eparchial policies and procedures regarding sexual misconduct with minors and vulnerable adults. The seminarian's certification will be maintained in his personnel file.
23. The Eparchy shall pledge its complete cooperation with the Apostolic Visitation of its Eparchial priestly formation program recommended in the Interdicasterial meeting with the Cardinals of the United States and the Conference Officers in April 2002. The Eparchy shall look forward to this opportunity to strengthen its priestly formation programs so that they may provide God's people with mature and holy priests. The Eparchy shall develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out their vocation (Cf. Charter, art. 17).
24. As part of the continuing education of clergy, the Eparchy shall regularly offer educational programs for priests and deacons regarding child physical and sexual abuse, reporting laws, Eparchial policies and procedures, and Eparchial ministerial requirements. The educational component has prevention of abuse and sexual misconduct as its primary goal. This will be accomplished within the context of Church teachings, social norms and psychological foundations of human behavior.
25. The Eparchy shall assure that there is ongoing communication with clerics about child abuse issues through meetings, mailings, and Eparchial publications.
26. Clerics given new assignments in the Eparchy shall be required to consult with local civil authorities about current state laws with respect to reporting allegations of sexual misconduct with minors and vulnerable adults. It shall also be mandated that they participate in seminars and training programs offered by the local Roman Catholic Dioceses about issues pertaining to sexual behaviors and ministerial responsibility requirements.
27. All clerics and religious ministering in the Eparchy shall certify in writing that they have received and read the Eparchial *Statement of Policies and Procedures*. The cleric's certification shall be preserved in his personnel file.
28. It shall be the responsibility of pastors and agency directors to provide education and training for church personnel to enable them to understand and appropriately respond to issues of sexual abuse of minors and vulnerable adults. Pastors and agency directors shall make sure that church personnel have received and read the Eparchial *Code of Ethical Conduct*. For certification purposes, the Eparchy shall mandate that church personnel participate in training seminars about professional ethics and safe environment programs offered by the local Roman Catholic Diocese in their area.
29. As part of continuing education of church personnel, the Eparchy shall assure that there is ongoing communication with church personnel about child abuse issues through meetings, mailings, and Eparchial publications.
30. Before a cleric who is incardinated in the Eparchy is proposed to another Diocese/Eparchy for assignment, transfer, or residence, if there is anything in his background to indicate that he would be a danger to minors or vulnerable adults, an accurate and complete description of the cleric's record, including whether there is anything in his background or service that would raise questions about his fitness for

ministry, will be forwarded by the Eparchial bishop to the local ordinary/hierarchy of his new residence. This holds even if the cleric will only be living as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life. (Cf. Norms, §12).

RELIGIOUS CLERICS

31. When a religious cleric is proposed for a new assignment, transfer, or residence in the Eparchy, the sending superior will forward and the Eparchial bishop's delegate will review—before assignment—an accurate and complete description of the cleric's record, including whether there is anything in his background or service that would raise question about his fitness for ministry (Cf. Charter, art. 14).
 - a. The religious community must provide a copy of its own policies and procedures.
 - b. The presenting superior shall provide a written statement about the status, background, character and reputation of each cleric presented for faculties in the Eparchy, as provided in the model promulgated by the Conference of Major Superiors of Men (Cf. *National Conference of Catholic Bishops Guidelines on the Transfer or Assignment of Clergy and Religious*, 1993).
 - c. In the event that the proposed religious cleric completed his priestly formation in a foreign country and has never held a parochial assignment in the United States, the Eparchy may ask him to undergo psychological screening conducted by a professionally licensed psychologist. He may also be required to complete a period of residency in a parish under the supervision of a pastor.
 - d. The proposed religious cleric shall certify in writing that he has received and read the Eparchial *Statement of Policies and Procedures*.
 - e. The Eparchy shall reserve the right to deny faculties for any religious cleric proposed for assignment in the Eparchy.
32. If a religious cleric exercising public ministry or an apostolate in the Eparchy is accused of sexual misconduct with a minor or a vulnerable adult, the eparchial bishop and the competent religious superior shall confer with each other. Concerning withdrawal from ministerial assignment, the Eparchial bishop will determine whether or not the religious cleric may continue to exercise a ministry which involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (Cf. CCEO, can. 201, §1 and can 415, §1). If the Eparchial bishop determines that a religious cleric may no longer exercise such ministry in the Eparchy, his faculties will be revoked, and his proper major superior will be requested to recall the cleric immediately. The religious community retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as treatment and aftercare for the accused cleric.
33. If sexual misconduct with a minor or a vulnerable adult is alleged to have occurred, the Eparchy retains the right to initiate the process of investigation and follow-up with the Review Board and the Pastoral Response Team and take whatever action it deems appropriate. Since religious are subject to their own proper superiors and to the discipline of their institute (Cf. CCEO, can. 421), the religious community may also

choose to review the allegation in keeping with its own policies and procedures. If the religious superior removes the religious cleric from the office entrusted to him after having informed the Eparchial bishop, the religious cleric's Eparchial faculties will be revoked. However, any determination about return to ministry in the Eparchy and restoration of Eparchial faculties will be made according to the Eparchial policies and procedures in this regard.

34. If a religious cleric exercising a ministry strictly internal to the religious community without Eparchial faculties is accused of sexual misconduct with a minor or vulnerable adult, the religious community may choose to review the allegation in keeping with its own policies and procedures. Any subsequent presentation for Eparchial faculties is subject to Eparchial policies and procedures. In any case, the Eparchial bishop retains the right for a most grave cause to prohibit a member of a religious institute from residing in the Eparchy if the cleric's major superior has not made provision after having been informed; such matters may be referred to the Patriarch or the Holy See (Cf. CCEO, can 417).

EXTERN PRIESTS AND DEACONS

35. The Eparchy shall maintain and periodically review its policies affecting extern priests and deacons who seek or maintain faculties in the Eparchy. When a cleric is proposed for a new assignment, transfer, or residence in the Eparchy, the sending Eparchial bishop or bishop will forward and the Eparchial bishop's delegate will review—before assignment—an accurate and complete description of the cleric's record, including whether there is anything in his background or service that would raise questions about his fitness for ministry. The cleric's proper ordinary/hierarchy shall certify whether he is aware of anything in the cleric's background which would render him unsuitable for ministry. In the case of any incident of sexual misconduct with a minor or vulnerable adult, the cleric's proper ordinary/hierarchy shall submit to the Eparchial bishop or his delegate a comprehensive report of the allegation and its outcome.
36. If an extern cleric received his seminary education in a foreign country and has never held a parochial assignment in the United States, the Eparchy may ask him to undergo psychological screening conducted by a professionally licensed psychologist in the United States before assignment. He may also be required to complete a period of residency in a parish under the supervision of a pastor.
37. If an extern cleric lawfully assigned by the Eparchial bishop to a public ministry in the Eparchy is accused of sexual misconduct with a minor or vulnerable adult, the Eparchy must consult with the competent ordinary/hierarchy. The Eparchy will determine whether or not the cleric may continue to exercise and form of ministry in the Eparchy. If the Eparchy determines that an extern cleric may no longer exercise any ministry in the Eparchy, his faculties will be revoked, and his proper ordinary/hierarchy will be requested to recall him immediately.
38. If sexual misconduct with a minor or vulnerable adult is alleged to have occurred, the Eparchy retains the right to initiate the process of investigation and follow-up with the

Review Board and the Pastoral Response Team and take whatever action it deems appropriate. Any determination about return and restoration of faculties will be made according to Eparchial policies and procedures.

OTHER CHURCH PERSONNEL

39. The Eparchy shall evaluate the background of all church personnel. Specifically, it shall utilize the resources of law enforcement and other community agencies. In addition, it shall employ adequate screening and evaluation techniques when hiring new employees or accepting volunteers for ministry in the Eparchy. The Eparchy shall review and build upon on-going programs for the screening and education of church personnel in matters related to sexual abuse of minors and vulnerable adults.

III. ADDRESSING ALLEGATIONS OF SEXUAL ABUSE OF MINORS OR VULNERABLE ADULTS

POLICY

40. In order to respond pastorally and effectively and in keeping with the requirements of ecclesiastical law, the Eparchy has adopted a process for addressing allegations of sexual abuse of minors or vulnerable adults by clerics or other church personnel. This includes two elements: (1) a review Board established by the Eparchial bishop whose mission is to assist the Eparchial bishop in responding to allegations by conducting fact finding investigations regarding specific allegations and forwarding the results with any appropriate counsel to the Eparchial bishop as well as regularly reviewing Eparchial policies and procedures for addressing sexual misconduct with minors or vulnerable adults; and (2) a Pastoral response Team which shall be composed of a Professional Case Administrator and a Victim Assistance Coordinator, each of whom shall be appointed by the Eparchial bishop to serve as the designated contacts for receiving allegations and maintaining the process of addressing allegations. The Eparchy will provide education and training for the members of the Review Board and the members of the Pastoral Response Team to enable them to understand and appropriately respond to the issue of sexual abuse of minors and vulnerable adults.

REVIEW BOARD

41. The Eparchial bishop has established a Review Board whose mission is to assist him in responding to allegations against clerics or other church personnel of sexual misconduct with minors or vulnerable adults. The Review Board shall make recommendations to the Eparchial bishop regarding the fitness for ministry of the accused cleric (Cf. Charter, art. 2; Norms, §4).

42. The composition of the Review Board shall consist of at least eight (8) members and will include the Eparchial vicar for clergy, one religious cleric, and lay individuals with specialized backgrounds in psychology, health, social counseling and pastoral ministry, parenting and law. The majority of the Review Board's members shall not be in the employ of the Eparchy. At least one of the members should have particular expertise in the treatment of the sexual abuse of minors (Cf. Charter, art. 2; Norms, §5).
43. The Review Board's members shall be appointed by the Eparchial bishop to five (5) year terms which may be renewed (Cf. Norms, §5).
44. The Review Board's members shall not be compensated for their services, but may be reimbursed for their necessary expenses.
45. A chairperson and vice chairperson shall be designated by the Eparchial bishop for five (5) year terms which may be renewed. The chairperson shall ordinarily convene and preside at meetings of the Review Board in accordance with the will of the Review Board. The vice chairperson will perform the same duties in the absence of the chairperson.
46. The Review Board shall serve as the principal agent of the Eparchial bishop in making the determinations contemplated by these policies and procedures.
47. A majority of the members of the Review Board shall constitute a quorum and the concurrence of not less than a majority of the members of the Review Board shall be necessary to a determination or recommendation.
48. The Review Board shall meet monthly or as often as necessary to carry out its mission. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. The meetings are not hearings or court proceedings. They are sessions at which the Review Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Review Board may, in its discretion, limit the information it receives or considers, and the rules of evidence shall not strictly apply.
49. The Review Board shall conduct its business in person but may meet by telephone conference call.
50. The members of the Review Board shall not discuss the business of the Review Board or information presented to the Review Board outside the Review Board meetings, except that the the Professional Case Administrator may communicate with Review Board members are required by this process or as otherwise appears appropriate.
51. The Eparchial bishop, his delegate, Eparchial legal counsel and other persons designated by the Eparchial bishop, and the Professional Case Administrator may attend meetings of the Review Board. All other persons may attend meetings only upon the invitation or with the consent of the Review Board and subject to such limitations as the Review Board might require.
52. The person making an accusation and the accused cleric or church personnel member each have a right to meet individually and separately with the Review Board before the review is concluded.
53. The Review Board shall meet with the person bringing the allegations. If the alleged victim is a minor or a vulnerable adult, the presence of a parent or legal guardian may be required.

54. The Review Board shall advise the accused cleric about his right to have legal or canonical counsel. The accused cleric will be encouraged to retain the assistance of civil and canonical representation and will be promptly notified of the preliminary findings of the investigation (Cf. Norms, §7).
55. If the accused is an incardinated cleric of the Eparchy who lacks the financial means to hire suitable legal and canonical representation, a request for funds from the Eparchy may be submitted to the Eparchial bishop or his delegate.
56. The Review Board shall advise the accused church personnel about his/her right to have legal or canonical counsel.
57. The Review Board shall have the duties and responsibilities to:
 - a. Recommend to the Eparchial bishop a candidate for the position of professional case administrator;
 - b. Recommend to the Eparchial bishop a candidate for the position of victim assistance coordinator;
 - c. Supervise the pastoral response team;
 - d. Assess allegations of sexual abuse of minors or vulnerable adults by clerics or other church personnel in order to advise the Eparchial bishop on whether or not the allegations appear to be credible; the assessment will be communicated to the victim and the accused; the Review Board can act both retrospectively and prospectively on these matters (Cf. Norms, §4. a);
 - e. Initiate and conduct inquiries as may be appropriate in accord with canon law—the preliminary investigation of a complaint (Cf. CCEO, cc 1468-1470)—or the inquiry in the procedure for removal from office (Cf. CCEO, can 1473) or other ministry (Cf. Charter, art. 5);
 - f. Develop, implement and monitor programs for treatment, rehabilitation or supervision of clerics and report to the Eparchial bishop about these programs;
 - g. Review matters brought to its attention by the pastoral response team and make recommendations to the Eparchial bishop concerning fitness for ministry (Cf. Norms, §4. c);
 - h. Make such other recommendations which the Review Board in its sole discretion believes to be appropriate to reduce the risk to children or vulnerable adults;
 - i. Recommend guidelines for the inquiries of the professional case administrator, the proceedings of the Review Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;
 - j. Review these policies and procedures at least every two years in order to recommend to the Eparchial bishop such amendments to these policies and procedures as the Review Board believes helpful (Cf. Norms, §4. b);
 - k. Ensure that the Eparchy is developing and implementing educational programs for creating safe work environment for minors and vulnerable adults, and that clerics and other church personnel are participating in these programs; and
 - l. Seek the advice of such experts and consultants as the Review Board deems necessary and appropriate.

PASTORAL RESPONSE TEAM

58. The Pastoral Response Team shall manage the flow of information, gain access to potential sources of information, and analyze and document information concerning an allegation of sexual misconduct with a minor, or a vulnerable adult, by a cleric or other church personnel. The pastoral response team shall also be responsible for assisting in the investigation of allegations, providing pastoral care and arranging for professional assistance to the victims/survivors and their families, and aid for the accused cleric or other church personnel. The pastoral response team shall assist the Review Board in the performance of its duties and shall be composed of a professional case administrator and a victim assistance coordinator. They are appointed by the Eparchial bishop upon the recommendation of the Review Board.
59. The professional case administrator shall be appointed by the Eparchial bishop out of a list of candidates submitted to him by the Review Board and shall serve as the Eparchial bishop's point of contact. The professional case administrator shall possess appropriate qualifications and experience in investigating and analyzing allegations of sexual abuse of minors or vulnerable adults. Under the guidance and supervision of the Review Board, the professional case administrator shall gather and lead the work of the pastoral response team. The duties and responsibilities of the professional case administrator include:
- a. Interviewing those bringing an allegation of sexual abuse of a minor or vulnerable adult and preparing an initial report to the Eparchial attorney and the Eparchial bishop;
 - b. In compliance with applicable state laws, reporting to the appropriate public authorities any allegation of sexual abuse of a person who is currently a minor or vulnerable adult and cooperating with their investigation. In every instance, the Eparchy will advise and support a person's right to make a report to public authorities (Cf. Charter, art. 4, and Norms, §10);
 - c. Communicating in an appropriate manner with the alleged victim or person bringing an allegation, the other members of the pastoral response team, the community, the Eparchial bishop, the Review Board and such other persons as the Eparchial bishop or Review Board may designate;
 - d. Providing the accused cleric or accused church personnel member with information sufficient to enable the person to respond to the allegation;
 - e. Providing the alleged victim and the accused cleric or accused church personnel member with appropriate and timely information about the Review Board's determinations and recommendations and the eparchial bishop's actions;
 - f. Attending Review Board meetings, preparing reports, answering questions and assisting the Review Board;
 - g. Maintaining all information with confidentiality and developing an appropriate record keeping system to ensure accountability for and security of the information;

- h. Providing access to all information to the Review Board, the Eparchial bishop, the Eparchial bishop's delegate and other persons the Eparchial bishop may designate;
 - i. Providing access to all information to the competent superior in connection with allegations about a member of a religious community or another Diocese/Eparchy; and
 - j. Performing such other duties as may be prescribed by the Eparchial bishop, his delegate, or Review Board from time to time.
60. The victim assistance coordinator shall assist persons who allege that as minors, or as vulnerable adults, they were sexually abused by a cleric or other church personnel in making their claims known to the proper Eparchial personnel. The victim assistance coordinator is to be catholic and a professional with sufficient experiential and clinical knowledge of sexual abuse of children. The victim 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 victim assistance coordinator for an individual with whom he or she has a family relationship, or of whom he or she is a personal friend, or where there is any other potential conflict of interest.
61. The victim assistance coordinator shall also be the accused cleric's pastoral, spiritual, and emotional support person by providing a network of professional resources and referrals to help the accused cleric deal with the emotional and psychological distress caused by the allegations. The victim assistance coordinator shall be primarily responsible for pastoral and spiritual life concerns and treatment questions that require confidentiality and show consideration for the cleric's right to privacy. The duties of the victim assistance coordinator shall 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 the Review Board or other appropriate Eparchial personnel, as requested by the individual;
 - c. Explaining the Eparchial response to the specific allegations raised by the individual in order to allow the individual to select the options for assistance;
 - d. Ensuring that the Eparchy is justly and adequately responding to the physical, psychological and emotional needs of the accused cleric or church personnel member;
 - e. Taking appropriate steps to deal with the parish or institution where the accused cleric has been assigned or where the accused church personnel has been serving;
 - f. Assisting with referrals to therapists and/or support groups;
 - g. Assisting individuals with information about how to follow up on the options chosen by the individuals;
 - h. Making sure that, while the civil and/or criminal investigation is still in progress, the victims/survivors and their families receive appropriate counseling to avoid further emotional distress and trauma; and

- i. Maintaining the confidentiality of all information relating to any and all allegations of sexual abuse of minors or vulnerable adults by a cleric or other church personnel.

IV. BRINGING AN ALLEGATION

POLICY

62. All persons associated with the Eparchy are expected to cooperate with civil authorities, comply with legally established reporting requirements, and otherwise conduct themselves as good citizens. In addition, all Eparchial clergy and all religious, employees and volunteers working for the Eparchy shall comply fully with the letter and spirit of this process. These personnel are also expected promptly to report allegations of sexual misconduct of a minor or vulnerable adult by a cleric or other church personnel to the professional case administrator.

PROCEDURES

63. Allegations that a cleric or other church personnel of the Eparchy engaged in sexual misconduct with a minor or with a vulnerable adult may be reported to the Eparchy either by telephone or in writing, or by meeting in person with the victim assistance coordinator.
64. To the extent possible, the person making the report should provide the victim assistance coordinator with the name of the person who is the subject of the allegation, the name or names of the alleged victim or victims, an accurate description of the alleged misconduct, the relevant dates, times and circumstances in which the misconduct allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged misconduct.
65. If an allegation becomes publicly known through the media or through some other means, the pastoral response team shall make appropriate inquiries and proceed substantially in the same manner as with any other allegation.
66. The pastoral response team ordinarily will not process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry. The professional case administrator shall report all such allegations to the Review Board at its next regularly scheduled meeting and the Board shall review the professional case administrator's action.
67. All allegations against a cleric who has resigned from active ministry or is deceased shall proceed in the same manner as any other allegations to the extent necessary to make a determination whether there is reasonable cause to suspect that the accused had engaged in sexual misconduct with a minor, or vulnerable adult, during the time he was serving as a cleric of the Eparchy and to facilitate the outreach of those affected as contemplated by these policies. If the whereabouts of a resigned cleric against whom an accusation is made are known or can reasonably be determined, the professional case

administrator shall contact the accused and request his response. If the whereabouts of the accused cleric are not known or if he is deceased, the Eparchial bishop may take such action as he deems warranted to protect the good name and reputation of the cleric.

68. If the allegation does not involve a cleric, rather it involves church personnel, canonical procedures reserved to cases involving members of the clergy and religious may not apply to church personnel.

V. ENSURING AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS OR VULNERABLE ADULTS

POLICY

69. The Eparchy has adopted a process to address allegations of sexual misconduct and sexual abuse of a minor or a vulnerable adult by a member of the clergy or other church personnel. By following the procedures outlined below and by working with the person alleged to have been accused, his or her family members and appropriate civil authorities, this process will help ensure an effective response to allegations of sexual abuse of minors. Information generated in connection with this process shall be maintained in a confidential manner.

PROCEDURES

70. Upon receipt of an allegation, the professional case administrator shall inform the person bringing the allegation that the Eparchy has both a policy and procedures to be followed in this matter and that this process will now be activated.
71. The professional case administrator shall inform the person bringing the allegation that the person may report the allegation to the proper civil authorities if he/she has not already done so.
72. If the victim is a minor or a vulnerable adult at the time the alleged allegation is brought forward, applicable state law shall be followed in reporting the allegation to civil authorities, even if the allegation is not of recent occurrence.
73. The professional case administrator shall contact the Eparchial bishop, the chairperson of the Review Board, and the Eparchial attorney, to whom he/she shall provide the details as known, including the identity of the alleged perpetrator and the alleged victim.
74. If after due consultation with the Review Board, the Eparchial bishop finds the allegation against a church personnel member to bear the semblance of truth, the pastor or agency director, as applicable, will be informed and the accused will be placed on temporary administrative leave in accordance with Eparchial personnel policies, as applicable.

75. If the accused is a religious cleric, the professional case administrator shall consult with the Eparchial bishop who will contact the proper religious superior to apprise him of the allegation and that the Eparchial policy and procedures for handling such complaints has been activated.
76. The pastoral response team shall make a recommendation to the Eparchial bishop as to whether they believe the safety of children and vulnerable adults requires the immediate withdrawal of the cleric from his ministerial assignment.
77. The victim assistance coordinator, in cooperation with the professional case administrator, shall oversee the pastoral care of the alleged victim and his or her family, the accused cleric or church personnel member, and the affected community/communities.
78. The professional case administrator shall contact the accused. The professional case administrator will communicate to the accused the details of the accusation and the name of the accuser. Prior to meeting with the professional case administrator, the accused is to be offered pastoral assistance and be encouraged to seek civil and canonical assistance.
79. The professional case administrator shall obtain from the cleric's or church personnel member's personnel file or background, make appropriate inquiries about the allegation, and prepare a written report of all available information for presentation to the Review Board at the preliminary inquiries meeting.
80. When the preliminary investigation of a complaint (Cf. CCEO, cc. 1468-1470) against a cleric so indicates, the Eparchial bishop will relieve the accused promptly of his ministerial duties after hearing the promoter of justice and citing the accused (Cf. CCEO, can. 1473). The Eparchial bishop shall also notify the Congregation of the Doctrine of Faith. The accused will be referred for appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities (Cf. Charter, art. 5).
81. The pastoral response team shall compile a written report verifying that each of these steps has been taken.
82. Within five days after the pastoral response team has compiled their written report, 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 Board, the professional case administrator and the Eparchial attorney will then meet to discuss the allegation which will be presented by the professional case administrator. This meeting may be held by conference telephone. The allegation is considered to have been received after the professional case administrator has gathered all possible information from the victim and has given the accused a reasonable opportunity to respond to the allegation.
83. If the allegation bears a semblance of truth, but is lacking in sufficient detail, the professional case administrator may be instructed by the Review Board 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.

84. If after consultation with the Review Board, the Eparchial bishop finds that an allegation involving a cleric does not bear the semblance of truth, the Eparchial bishop will issue a decree to this effect.
85. If after consulting with the Review Board, the Eparchial bishop finds that an allegation against a church personnel member does not bear the semblance of truth, the professional case administrator will inform the person making the allegation and the accused of this conclusion and no further action will be taken.
86. The following procedures shall be followed in cases of allegations involving a cleric or other church personnel if, after hearing the results of the Review Board's investigation, the Eparchial bishop judges an allegation to bear the semblance of truth:
 - a. The Review Board will typically meet with the person alleged to have been accused and, if he or she is a minor or a vulnerable adult, with his or her parents/guardian. The Review Board will listen to the account of the allegation, gathering any additional facts and information which may be available.
 - b. The Review Board will typically meet with the accused. In the meeting, the Review Board 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 may retain the assistance of civil and canonical counsel.
87. The Review Board may recommend to the Eparchial bishop delaying the commencement of its review to await the completion of the investigation conducted by the civil authorities. The Review Board's inquiries shall specifically address:
 - a. Whether the steps taken by the pastoral response team have been appropriate and in compliance with Eparchial policies and procedures; and
 - b. What further actions to be taken with respect to the allegation(s).
88. The Review Board shall assess whether there is a reasonable cause to suspect that the accused engaged in sexual abuse with a minor or with a vulnerable adult, and on the basis of this assessment shall make recommendations to the Eparchial bishop about the following:
 - a. If the cleric or other church personnel member has already been temporarily withdrawn from ministry or service pending inquiry, whether such withdrawal should continue if the withdrawal should not continue, whether any restrictions should be imposed on a cleric returning to ministry or church personnel returning to service;
 - b. If the cleric or other church personnel member has not been temporarily withdrawn from ministry or service, whether he or she should be withdrawn, whether he or she should continue in his/her assignment and, if any restrictions should be imposed upon him/her;
 - c. Whether the preliminary actions taken by the pastoral response team were appropriate and whether further actions should be contemplated;
 - d. Whether the investigation should be concluded or held pending action by civil authorities; and
 - e. If the cleric's or church personnel member's conduct does not constitute sexual misconduct with a minor or a vulnerable adult but is otherwise inappropriate, whether further action is warranted and suggestions as to such action.

89. The Review Board will prepare a complete report of the facts of the case and provide it to the Eparchial bishop along with any additional appropriate counsel. The Eparchial bishop will review the report, make a judgment on the merits of the allegation.

Possible Outcomes

90. In compiling information for the Review Board pursuant to its investigation, the pastoral response team shall take into account the outcome of any civil investigation. There are three possible outcomes from Eparchial investigation and assessment process:
- a. The allegation may be found substantiated either through the admission or lack of denial of the accused or through the civil investigation or through the Eparchial assessment of the allegation.
 - b. The allegation may be found unsubstantiated.
 - c. The evidence supporting the allegation may be inconclusive to support a finding either that the allegation was substantiated or was not substantiated.

Specifics to the Accused Cleric

91. If the accusation involves a cleric, the Eparchial bishop shall issue that judgment by means of a decree which concludes the preliminary investigation. When there appears sufficient evidence that sexual abuse of a minor or vulnerable adult has occurred, the Eparchial bishop is then to make the facts of the case known, along with his votum, to the Congregation for the Doctrine of Faith of 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.
92. When a report of the allegation has been made to the Holy See, the cleric is to be placed by decree of the Eparchial 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 Eparchial bishop or his designee will make contacts to assure immediate assistance and support for the cleric.
93. The Eparchial 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 Eparchial 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 Eparchial bishop or he may decline to do so. He may further agree to have the information made available to the Review Board. Any such information shall be kept confidential by those receiving it, except as it may be required by law to be revealed.
94. If the allegation 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.

95. If the Review Board concludes that the evidence of sexual abuse of a minor or of a vulnerable adult by a cleric is insufficient and inconclusive but nevertheless finds the cleric to be partially imputable for indiscreet actions, the cleric's faculties may be suspended by the Eparchial bishop, at least temporarily while he is provided a thorough psychological evaluation and, if necessary, treatment. The cleric's future role in pastoral ministry shall be determined by the Eparchial bishop in consultation with the Review Board.
- a. Monitoring programs for clerics who have been found partially imputable for indiscreet actions with minors or vulnerable adults must reflect the Primary's goals of protecting children, the vulnerable and the integrity of the Church.
 - b. These clerics should expect to be appropriately monitored for the remainder of their lives as clerics of the Eparchy.
96. If, after consultation, the Eparchial bishop has judged that there does not appear to be sufficient evidence that sexual abuse of a minor or a vulnerable adult has occurred, the following shall occur:
- a. Every step will be taken to restore the good name of the accused (Cf. Norms, §12).
 - b. The Eparchial bishop will make a decision regarding the ministry assignment of the cleric.

Specific to the Accused Church Personnel Member

97. If an allegation of sexual abuse of minor(s) or vulnerable adult(s) is found to be substantiated, the accused shall be relieved of his/her employment or volunteer responsibilities and may be subject to the sanctions of criminal and/or civil law. The professional case administrator shall inform the parties regarding the outcome of the investigation.
98. If an allegation of sexual abuse is found to be unsubstantiated, the professional case administrator shall inform the parties of the outcome of the investigation. If necessary, continued efforts shall be made to maintain the good name of the accused and provide for his/her well-being. Further, the professional case administrator and the victim assistance coordinator will make appropriate arrangements for the pastoral care of the complainant. If there are any future steps that can be taken to assure a return to normal relationships in the parish or agency involved, the Review Board shall consider these steps.
99. If the evidence is inconclusive as to the validity of an allegation of sexual abuse, the following factors must be balanced: (1) the safety and well being of the alleged victim; (2) the safety and well being of children, vulnerable adults and of the community; and (3) the rights of the accused. Based upon available information, accused church personnel may be placed on corrective action or terminated under the personnel policies of the Eparchy. It lies with the prudential and balanced judgment of the Review Board to require psychological evaluation and treatment of the person accused. The professional case administrator shall inform the parties of the outcome and make

efforts to minimize the impact on the victim and the community. In these cases, the Review Board may refer the alleged victim for follow-up with pastoral care and psychological counseling, as appropriate.

VI. CANONICAL PROCEDURES INVOLVING CLERICS

100. Where sexual misconduct with a minor or a vulnerable adult by a cleric is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain.
101. In the event of even a single act of sexual abuse of a minor or a vulnerable adult—past, present, or future—the offending priest or deacon will be permanently removed from ministry (Cf. Charter, art. 5). In keeping with the purpose of these policies and procedures, an offending cleric will be offered professional assistance for his own healing and well being, as well as for the purpose of prevention. While affording every opportunity to the cleric for conversion of heart and forgiveness through sacramental reconciliation, and recognizing the abundant mercy of God’s infinite grace, the Church also acknowledges the need to do penance for one’s sins, that there are consequences for wrongful actions, and that the safety of children and the vulnerable adults requires certain measures to be taken even after there is forgiveness.
102. In every case, the process provided for in canon law must be observed, and the various provisions of canon law must be considered (Cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; *Graviora Delicta*, Letter from the Congregation for the Doctrine of Faith, May 18, 2001). These provisions may include a request by the cleric for dispensation from the obligations of holy orders and the loss of the clerical state, or a request by the Eparchial bishop for dismissal from the clerical state even without the consent of the priest or deacon. For the sake of due process, the cleric is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Eparchy will supply canonical counsel to a priest.
103. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the cleric is to lead a life of prayer and penance. He will not be permitted to celebrate Divine Liturgy publicly, to wear clerical garb, or to present himself publicly as a priest (Cf. Charter, art. 5; Norms, §9).
104. A cleric described in Section VI, and who has not been dismissed from the clerical state, may live in a supervised setting designated by the Eparchy or resign from active ministry as a cleric and petition for laicization. The Eparchy ordinarily will offer such resigned clerics an opportunity for continuing therapy as part of an appropriate severance program. If the cleric does not express a desire to live in such a supervised setting or petition for laicization, the Eparchy may pursue appropriate course of action permitted under canon law.
105. A cleric who is assigned to live a supervised setting must sign a written agreement with the Eparchy. The agreement must include such provisions as to his restrictions, residence, therapy, supervision and other matters as may be recommended by his therapists or the Review Board, or required by the Eparchial bishop. The cleric’s

compliance with the terms of the agreement and overall performance will be monitored from time to time by the Review Board. The Review Board will present written reports to the monitoring to the Eparchial bishop. Either the Review Board, the Eparchial bishop or cleric may initiate a supplementary review of the situation in accordance with the procedures of this policy.

106. A cleric's failure to comply with the agreement he has signed or any of the relevant conditions or restrictions imposed shall be the basis for the initiation of a supplementary review which may result in such other action as the Review Board deems appropriate.