



**POLICY ON SEXUAL MISCONDUCT**

**FOR THE**

**DIOCESE OF DALLAS**

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**SEXUAL MISCONDUCT**  
**FOR THE DIOCESE OF DALLAS**

**POLICY**

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

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

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

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

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

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

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

## **IMPLEMENTING THE POLICY**

### **DEFINITIONS**

#### ***Church Personnel***

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

#### ***Clerics***

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

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

#### ***Minor***

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

#### ***Norms***

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

#### ***Sexual Abuse***

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

*Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways. [This policy] adopt[s][the] definition provided in [Texas] civil law. [The] transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p.6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent” (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.” Preamble, USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.*

### ***Sexual Misconduct***

The following types of behavior by Church Personnel:

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

## **THE CHURCH'S PASTORAL CONCERN FOR ALL**

### ***Care of the One Who Alleges Sexual Misconduct***

The Diocese of Dallas will respond promptly to investigate any accusation of sexual misconduct. It is always important for all members of the Church to be sensitive to the needs and feelings of those who allege sexual misconduct.

The Diocese of Dallas will provide any victim of sexual misconduct by Church Personnel with appropriate pastoral assistance to enable healing. The assistance for an individual victim will vary with circumstances, and support from the Diocese will be determined in proportion to any defined course of therapy.

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

### ***Concern for a Person Accused of Sexual Misconduct***

#### **Accusation Against a Cleric**

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

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

An allegation of sexual misconduct involving a Cleric will be taken seriously, and the process of investigation described in this policy will be initiated. As the policy indicates, several persons may be involved in this investigation, but the Bishop will authorize all final decisions regarding the Cleric who has been accused of sexual misconduct. The willingness of the Diocese to investigate an allegation is in no way a judgment of the Cleric being accused. Innocence will be presumed until the investigation is completed.

#### **Accusation Against Non-cleric Church Personnel**

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

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

## *Care for the Christian Community Affected by Sexual Misconduct*

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

### **PROCEDURE WHEN SEXUAL ABUSE OR MISCONDUCT IS ALLEGED**

#### *Process*

When an allegation is made regarding sexual abuse or misconduct, the person reporting the complaint is to be told that the Diocese has a policy and a set of procedures to be followed. When any allegation involving sexual abuse or misconduct by Church Personnel is received, the one making the allegation is to be referred to the Chancellor of the Diocese immediately. Upon this notification the applicable Diocesan procedures will be initiated. **(See Required Reporting Procedures, page 9)**

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

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

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

The Chancellor (and legal counsel, or other experts, as may be warranted) will organize the investigation as the particular circumstances demand and may speak directly with the parties involved. Witnesses in addition to the complainant and the accused may be interviewed. The investigation and the findings will be reported directly to the Bishop.

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

### ***Action Phase***

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

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

#### **If the Accused is a Cleric of this Diocese**

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

Where applicable, in addition to being placed on administrative leave, the Cleric may receive psychological and/or psychiatric evaluation as determined by the Bishop. The Cleric's status within the Diocese will depend upon the nature of the established offense and the recommendations, if any, of his therapist or therapy team.

#### **If the Accused is a Cleric not of this Diocese**

If the accused is a Cleric not of this Diocese or of a religious institute, he may have his canonical faculties in the Diocese suspended and may be relieved of all pastoral ministry. The investigation may proceed in the same way as if the Cleric had been incardinated into the Dallas Diocese. The results of the investigation will be turned over to his proper ecclesiastical superior. The Bishop may request that the appropriate authority of the accused Cleric undertake the investigation.



### **If the Accused is a Non-cleric Church Personnel**

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

### **DIOCESAN DIRECTIVES**

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

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

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

### **SEXUAL HARASSMENT STATEMENT**

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

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

rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

The procedure for addressing claims of sexual harassment will be:

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

## **REQUIRED REPORTING PROCEDURES**

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

Individuals **MUST** report an incident or suspicions of sexual abuse of minors to authorities. Situations involving minor children must be reported to Texas Child Protection Services at **1-800-252-5400** or in an emergency to the appropriate police authority, usually by calling 911.

Individuals with knowledge about violations of Diocesan policy must call the Chancellor or the Risk Manager of the Diocese at **214-528-2240**, and are encouraged to put the violation(s) in writing and send it to the Diocese of Dallas, P. O. Box 190507, Dallas, TX 75219.

A report to the Diocese of child abuse does not relieve the individual of the duty to report child abuse to civil authorities as required by the Texas State Law. In Texas, failure to report child abuse is a class “C” misdemeanor.

The Texas law on reporting suspected child abuse includes:

### **The Texas Family Code - § 261.101. Persons required to report; time to report:**

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

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

**§ 261.106. Immunities, states:**

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

**PREVENTION OF SEXUAL ABUSE**

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

# **Appendix A**

## APPENDIX A

### United States Conference of Catholic Bishops

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

*Approved by the Congregation for Bishops, December 8, 2002*

#### Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.<sup>i</sup> These norms are complementary to the universal law of the Church, which has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offence against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation... unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.<sup>ii</sup>

## Norms

1. Having received the *recognitio* of the Apostolic See on December 8, 2002, and having been legitimately promulgated in accordance with the practice of this Episcopal Conference on December 12, 2002, these Norms constitute particular law for all the dioceses/eparchies of the United States of America.<sup>iii</sup> Two years after *recognitio* has been received, these norms will be evaluated by the plenary assembly of the United States Conference of Catholic Bishops.
2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.
3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.
4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include
  - A. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
  - B. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
  - C. offering advice on all aspects of these cases, whether retrospectively or prospectively.
5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.
6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 468). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.
8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (CIC, c. 1395 §2; CCEO, c. 1453 §1).<sup>iv</sup>
  - A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch how to proceed (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.
  - B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.
9. At all times, the diocesan bishop/eparch has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.<sup>v</sup> Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.<sup>vi</sup>
10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.
11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person's right to make a report to public authorities.<sup>vii</sup>
12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse



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

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

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<sup>i</sup> In applying these Norms to religious priest and deacons, the term “religious ordinary” shall be substituted for the term “bishop/eparch” *mutates mutandis*.

<sup>ii</sup> If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (Canonical Delicts, p.6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

<sup>iii</sup> Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

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

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

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

- a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
- b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).

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- c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c.764; CCEO, c. 610 §§2-3).
  - d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
  - e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1-1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

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

<sup>vii</sup> The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

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