

General Policy Concerning Sexual Misconduct
By Clergy or Religious
Catholic Diocese of Jackson

This is the Policy of the Diocese of Jackson pertaining to allegations of sexual misconduct against a member of the clergy or of a religious order in the area of sexual exploitation and sexual harassment. The prime concern of this policy is the well-being of the abused. The Church wants its members and personnel to respect the dignity of every person and never engage in exploitation of any kind. The Church also recognizes its obligation to priests, deacons and members of a religious order ("priests") against whom allegations are made to ensure that they are treated fairly when accusations are made against them.

I. Introduction

Knowing that the Lord is "gracious and merciful", (Ps. 111,4) the church attempts to draw from its experience and internal legal system, the caring, compassion and sensitivity needed to protect the rights of the alleged victim(s), his or her family and the accused. The Church engages in a ministry of healing the hurts that have been inflicted.

The issue of sexual misconduct is of significant concern in our society. Such misconduct is especially destructive when the allegations involve a cleric or religious and will not be tolerated. In such cases there are complex pastoral and human issues in addition to civil and canon law concerns. This policy cannot address all of the issues involved. It will, however, attempt to address the pastoral and canonical issues with appropriate reference to civil law where applicable.

This policy deals with sexual misconduct in general. It should be noted that a separate policy is in effect when the victim is a minor or vulnerable adult (POLICY AGAINST SEXUAL MISCONDUCT WITH A MINOR BY CLERGY OR RELIGIOUS, CATHOLIC DIOCESE OF JACKSON).

At all stages of the proceedings addressed by this policy, the Catholic Diocese of Jackson will cooperate with civil authorities and will administer this policy with compassion, as well as firmness, sensitivity and confidentiality. The policy sets forth a process of internal church governance and is not determinative of any civil or criminal liability of the accused, the Diocese, or any religious order involved.

This policy is to be communicated to all priests, deacons and religious who are exercising ministry on behalf of the Diocese, its parishes, or incorporated apostolates, or who are seeking assignment for work in the Diocese. They are to acknowledge in writing, that they have received a copy of this policy and that they are indeed aware of its implications.

In the case of priests, the communication of this policy is the responsibility of the Director of Priest Personnel. The acknowledgment form of receipt will be kept in the diocesan personnel file. In the case of religious brothers and sisters, the communication of this policy is the responsibility of those who head any employing institution or agency within the Diocese that is responsible for hiring personnel and is to be accomplished at the time of hiring. A form of acknowledgement is to be signed and kept on record at the place of employment. A copy of this policy should also be available at the central office of each of these institutions or agencies. Sexual misconduct by clergy or religious is contrary to moral instruction, doctrine and canon law of the church and is obviously outside the duties of church ministry. Such misconduct is expressly prohibited.

II. Definitions

For the purpose of this policy only, sexual misconduct includes sexual exploitation and sexual harassment as defined below.

A. "Sexual exploitation," as it applies to any formal or informal relationship, is defined as any kind of inappropriate contact or sexual interaction between a counselor/pastoral care-giver and a client (person they are counseling), regardless of whether it was initiated by the counselor or client.

B. "Sexual harassment" is defined as unwelcome sexual advances, sexual solicitation or requests for sexual favors, physical advances, and other verbal or physical conduct of a sexual nature which creates an intimidating, hostile or offensive working environment, educational environment, counseling environment, or otherwise is made as a condition to continuing or advancement of employment, counseling, or is otherwise in connection with clergy's or religious' role within the diocese. Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts. Sexual harassment includes, but is not limited to the following:

1. verbal harassment or abuse;
2. written harassment or abuse;
3. pressure for sexual activity;
4. repeated remarks to a person with sexual or demeaning implications;
5. unwelcome touching; and
6. suggestions or demands of sexual involvement accompanied by implied or explicit threats concerning one's position, employment, grades, counseling, or any other similar suggestions or threats.

Reporting

A. The Bishop will appoint an Investigative Associate who will be a woman and who will collaborate with the Director of Priest Personnel in receiving and investigating allegations under this policy. There

shall be appointed a priest to be the Bishop's Delegate who shall have the same duties and functions as the Director of Priest Personnel in the latter's absence or unavailability. (References to the Director of Priest Personnel hereafter regarding investigating the complaint refer to either the Director of Priests Personnel or the Bishop's Delegate and the Investigative Associate.)

B. Allegations of sexual misconduct should be reported preferably in writing to the Director of Priest Personnel, the Bishop's Delegate, or the Investigative Associate, whether such allegations are a matter of fact or of serious suspicion.

C. If the report involves a member of a religious order, the Bishop will consult immediately with

D. the relevant religious superior and together they will decide an appropriate course of action.

If the report involves an extern priest maintaining faculties of the Diocese of Jackson, the Bishop will consult immediately with the priest's proper ordinary and together they will decide an appropriate course of action.

III. Assistance To Those Affected

A. The Diocese shall make assistance appropriate to the circumstances available to those who may be affected by the alleged sexual misconduct. This shall include the designation of a Victim Assistance Coordinator who shall attend to the needs of the alleged victim, the alleged victim's family and where necessary other persons affected. The Victim Assistance Coordinator shall identify appropriate professional help or other resources and make them available to aid in the care of an alleged victim or other person.

B. The alleged victim is encouraged to have a Victim's Advocate. The purpose of the Victim's Advocate is to support him/her through the difficult process of revealing his/her complaint. Should the victim request a Victim's Advocate, a list may be provided from which he/she may choose.

C. If requested, the Director of Priest Personnel will make available an appropriate person to the accused priest who will provide assistance, advice and support, as well as facilitating referrals to resource persons, advocates and other professionals, as necessary.

V. Preliminary Investigation

A. The Director of Priest Personnel or the Bishop's Delegate and the Investigative Associate shall investigate and evaluate discreetly and pastorally any allegation of sexual misconduct within 48 hours of receipt of the allegation, or as soon as thereafter possible, in order to determine if there are reasonable and probable grounds to believe that there has been sexual misconduct.

Such inquiry may include, but not be limited to, consultation with the accused specified in the allegations, consultation with the reporting party, and, in the exercise of pastoral concern, consultation

with persons and families involved with the allegations. It will be the duty of the Director of Priest Personnel and the Investigative Associate to ascertain that the allegations have some substance or a probable cause. At a minimum, the initial allegation must have three elements: 1) a generally identifiable accuser; 2) a specified accused; 3) some particularization of the charges. Specific facts and such corroboration as is available must be alleged by the accuser. Without such, the basis for evaluating an accusation is missing.

B. The duties of the Director of Priest Personnel in the preliminary investigation shall include the following:

1. In making the preliminary investigation, the Director of Priest Personnel shall decide whether the nature and/or gravity of the complaint warrants the intervention of the Fitness Review Administrator and the Fitness Review Committee listed in the POLICY AGAINST SEXUAL MISCONDUCT WITH A MINOR BY CLERGY OR RELIGIOUS, CATHOLIC DIOCESE OF JACKSON. If such is the case, the principles outlined in said policy shall be followed.

2. If the allegation is not referred to the Fitness Review Committee, the preliminary investigation will be conducted by the Director of Priest Personnel who shall be empowered at any time to carry out his responsibility personally, or to appoint any number of persons who may or may not be members of the Fitness Review Committee to assist in conducting a preliminary inquiry into the allegation.

3. If the allegation was not initially referred to the Fitness Committee, the fact of all allegations will be reported to the Fitness Review Committee and the Fitness Review Committee will review the Director of Priest Personnel's action at its next meeting. This report will be made in such a way that the anonymity of both the person making the allegation and the cleric who is accused is preserved.

4. The Director of Priest Personnel will receive and analyze the information. To the extent possible, the person making the report should provide the Director of Priest Personnel with the name of the priest 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.

5. The Director of Priest Personnel shall report the allegation to the Victim Assistance Coordinator if the case warrants it.

6. The Director of Priest Personnel shall report the allegation to the Bishop with a recommendation whether the priest should be put on administrative leave until the allegations are proved or disproved.

7. The Director of Priest Personnel shall inform the priest and request his explanation and provide him with information sufficient to enable him to respond to the allegation.

C. At all stages of the investigation and any subsequent proceedings, the accused must be advised to retain personal counsel, both civil and canonical. Any legal personnel conducting the investigation represent the Bishop and the Diocese of Jackson only.

D. In civil law and canon law, a person is presumed innocent until proven otherwise. Therefore, care should be taken to ensure that this principle is always observed, even when encouraging a thorough yet sensitive inquiry.

E. Since the seal of confession is inviolable (Canon 983 par. 1), at no time after the allegation has been made shall the Bishop or any of the priests involved in the process hear the sacramental confession of the accused.

F. The accused person is not bound to admit to an offense, nor may an oath be administered to the accused (Canon 1728, #2, cf. Fifth Amendment). The person shall be informed of this right before being questioned, even in a preliminary inquiry.

G. In the event of civil or criminal action against the cleric or religious, the accused is directly responsible for providing himself/herself with legal counsel who shall not be the diocesan lawyer.

H. If the Director of Priest Personnel has reason to believe that there may be an allegation against an extern priest or religious who does not hold an appointment from the Bishop, the Director of Priest Personnel shall immediately communicate with and advise the ecclesiastical superior of that person regarding the possible allegation.

I. In the case where the accused person holding an appointment in the Diocese is a religious, the relevant superior is ultimately responsible for the accused and shall participate with the diocesan authorities in the application of the diocesan procedures. The Director of Priest Personnel shall report the outcome to the superior, and shall answer such legitimate inquiries about the progress of the matter that the superior may make.

If, on the other hand, the religious order's own procedures for dealing with such matters have been invoked, a report of the outcome shall be made to the Director of Priest Personnel and the superior shall from time to time answer any legitimate inquiries that the Director of Priest Personnel may make.

No matter which policy is used a spirit of mutual cooperation will be followed in order to achieve the justice this situation demands.

VI. Actions Following The Preliminary Investigation

A. Upon completion of the preliminary inquiry, a meeting with the following will be held: the Bishop, the Director of Priest Personnel, the diocesan lawyer, the accused and counsel for the accused. Counsel for the accused may include both civil and canonical council. At this time, an interim

disposition would be made regarding the functions of the accused in the Diocese.

B. If civil legal proceedings have been initiated or threatened, or if there is reason to believe an attorney has been retained by the alleged victim, further canonical inquiry may be stayed until the matter has been resolved before the civil courts.

C. If on the other hand, there are no secular proceedings, and if the accused admits that the allegations are true, the Director of Priest Personnel shall immediately present a report on the investigation to the Bishop.

D. If the accused admits the allegations, or if the Director of Priest Personnel finds that the investigation should continue, the accused may be given an administrative leave within twenty-four hours or as soon as possible thereafter, and an appropriate place chosen for him/her to reside pending the outcome of the inquiry. At no time, though, should the accused return to the parish or to the pastoral work where he/she is assigned (if such is the case) or approach the persons involved. If appropriate, an ecclesiastical order shall be issued to this effect (Canon 1319). The priest's faculties to preach (c. 764) and to hear confessions (c. 974, #1) may be removed. He may also be directed not to celebrate Mass publicly. While such measures will be painful, they are necessary to protect the good of the community.

E. If the Director of Priest Personnel determines the allegation to be unfounded, the inquiry will be terminated and the Bishop, the accused and the person making the allegation will be so informed. If the accused is a religious, the relevant superior shall also be informed.

If, however, in the meantime, the allegation has become public, appropriate steps must be taken to repair damage done to the reputation of the accused where possible.

F. If appropriate, the Bishop and/or the Director of Priest Personnel shall visit the parish and/or institution at the conclusion of the preliminary investigation. For example, such a visit would be inappropriate if it would merely give publicity to an unfounded and heretofore unpublicized accusation. If such a meeting is held, it will be conducted with discretion and sensitivity for both the accused and the person making the accusation. It will inform parishioners about what happened in as full and accurate a way as possible. This information sharing may help other victims to come forward and will begin the healing process in the parish or institution.

Likewise, pastoral and professional assistance should be continued for those directly involved until such time as there is agreement or it is determined that this is no longer necessary or appropriate.

VII. Action Following The Investigation

If the allegation is substantiated, a decision must be made concerning the priest's future

activity. This decision will include one or more of the following options:

- A. An admonition from the Bishop to the cleric regarding his behavior which may or may not be a written precept;
- B. Requirement for education or other remedial counseling;
- C. Assignment to a treatment program;
- D. Reassignment to a monitored situation;
- E. Limitation on ministerial service;
- F. Initiation of a canonical process for removal from ministry;
- G. Invitation for the cleric to resign from ministry.

VIII. Return To Ministry

Placement of religious priests or religious men and women is the primary responsibility of the relevant religious superior. Placement of any extern priest who exercised faculties in the name of the Diocese of Jackson is the responsibility of that priest's proper ordinary. The following procedures pertain only to the return to ministry of diocesan priests.

A. The decision regarding the reintegration of a diocesan priest into pastoral ministry is reserved to the Bishop who is encouraged, however, to seek advice from competent lay persons and clerics before making any decision. Each case must be looked at individually. A written record should be kept of all steps leading to re-admission or to a decision not to re-admit.

B. Whether or not the Fitness Review Administrator and the Fitness Review Committee were involved in the investigation of any priest who was withdrawn from ministry and found guilty of the allegation, the priest cannot return to ministry except in accordance with the following provisions:

1. He has undergone psychological evaluation by a source designated by the Diocese, and made the result of that examination available to the Bishop and to those investigating the allegation;

2. He has undergone a treatment program designated by the Diocese and the prognosis of those responsible for his treatment is positive, if such a treatment program had been prescribed;

3. He agrees to undertake a supervised after-care program designated by the Diocese, if one is prescribed;

4. He has not engaged in any further sexual misconduct since the allegation was made;

5. The priest who is returned to restricted ministry must sign a written agreement with the Diocese. The agreement must include relevant provisions as to his restrictions, residence, therapy, supervision and other matters as may be recommended by his therapists or the Fitness Review Committee, or required by the Bishop. The priest's compliance with the terms of the agreement and overall performance will be monitored from time to time by the Director of Priest Personnel.

C. If a priest does not express a desire to attempt to return to restricted ministry, or if the Diocese does not permit him to attempt to do so, he may either live in a supervised setting designed by the Diocese or resign from active ministry as a priest and petition for laicization. The Diocese ordinarily will offer such priests an opportunity for continuing therapy as part of an appropriate severance program. If the priest does not express a desire to return to restricted ministry or to live in such a supervised setting, or to resign from active ministry and seek laicization, the Diocese may pursue appropriate courses of action permitted under the Code of Canon Law including dismissal from the clerical state.

D. A priest who is not readmitted to ministry and who asks to resign may receive financial support (i.e., salary, realistic living and educational expenses) for a reasonable period of time to enable him to prepare himself for suitable employment. The Bishop may encourage him to seek laicization.

E. Upon consideration of a return of the priest to active ministry, it would be important for the diocesan authorities to provide appropriate information to those having a need to know. Before any return takes place, appropriate contact between the Bishop or the Director of Priest Personnel and the victims of the sexual misconduct and, if applicable, persons of their choosing should take place. If the priest is authorized to return to ministry, provision should be made for him to participate in appropriate self-help or support groups as well as ongoing professional counseling.

F. The priest should have a Personal Monitor, distinct from his confessor or spiritual director, acceptable to both the Bishop and the priest, with whom he would meet regularly as prescribed. The Personal Monitor would have appropriate freedom to report to the Bishop and to advise him concerning the individual's behavior. The Personal Monitor would also have the right to make suitable recommendations concerning the individual.

G. With suitable consultation, attention should be focused on identifying those facets of ministry that could be appropriate in the particular case. In certain cases, it might be appropriate not to restore all the priest's privileges and responsibilities, but only those necessary for the assigned ministry.

IX. Ongoing Safeguards

A. Religious superiors or Bishops who present clerics for assignment in the Diocese of Jackson will be asked to reveal to the Bishop any condition or circumstance which would render the person's ministry harmful to the people served, the Diocese or religious order.

B. Prior to acceptance into a seminary program to study for the Diocese of Jackson, every prospective candidate shall undergo such testing and evaluation as deemed appropriate to ascertain that he possesses the necessary physical, psychological and mental qualities in accordance with Canon 1029.

X. Ongoing Healing And Spiritual Growth For The Whole Faith

A. The Bishop must take great care to ensure that every effort is made to address ongoing long-term effects of sexual misconduct. The continued care and concern for all parties must not end with the readmission of a priest to ministry, or with the decision to discontinue active ministry. An on-going process of healing and spiritual growth is necessary for the whole faith community. The Bishop will be sensitive to any segment of the faith community which may be particularly hurting.

B. Since the faith community is itself an agent of reconciliation, it should be encourage to participate in the recovery process thereby enabling it to develop means to understand these problems and help those affected by them.

XI. Conclusion

A. The issues of sexual misconduct is of significant concern in our society. Such misconduct is especially destructive when allegations involve a cleric or religious and will not be tolerated.

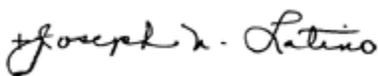
B. There is no easy solution to such painful situations as are addressed in this policy. The procedures outlined herein must respect the dignity of all involved.

C. The experience which the Church has acquired in dealing with such tragedies can help the entire community to grow and develop, especially assisting it in combating the scourge of sexually abusive conduct.

D. In particular, special care should be taken to demonstrate the Church's concern for the victims and their families.

E. The well-being of all persons affected by sexual misconduct is of primary concern -
"The salvation of souls is the supreme law." (c. 1752).

Given at Jackson, Mississippi, this the 14th day of November, 2009



Joseph N. Latino
Bishop of Jackson



Elvin H. Sunds
Chancellor