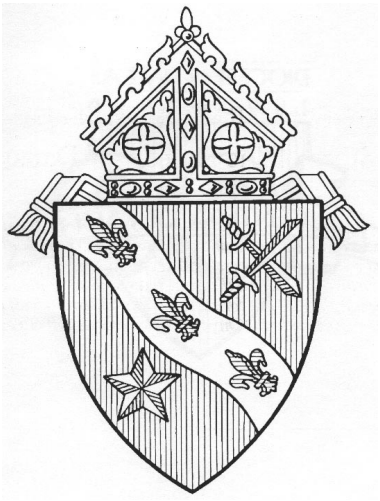
THE DIOCESE OF DALLAS



POLICY ON SEXUAL MISCONDUCT

Revised May 2014
Further revised December 2018 only to update the contact information for the Victims Assistance Coordinator

Contents

Introductory Letter

SECTION I: GENERAL PROVISIONS

ARTICLE 1
Policy Statement

ARTICLE 2
Definitions

ARTICLE 3
Implementation of Policy

ARTICLE 4
Pastoral Support and Outreach

ARTICLE 5
Education and Safe Environment

ARTICLE 6
Ministerial Code of Conduct

SECTION II: HANDLING COMPLAINTS OF SEXUAL MISCONDUCT

ARTICLE 7
Reporting Sexual Misconduct to Civil Authorities

ARTICLE 8
Reporting Sexual Misconduct to Church Authorities

ARTICLE 9
Complaints Against Diocesan Personnel: Investigation and Punishment

Appendices

A. *Policies on Counseling and Therapy Services at Parish Parochial School or Diocesan High School*

B. *Ministerial Code of Conduct*

C. *Contact Information*

Revised May 2014
Further revised December 2018 only to update the contact information for the Victims Assistance Coordinator

Revised May 2014
Further revised December 2018 only to update the contact information for the Victims Assistance Coordinator

Introductory Letter

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 persons who are most susceptible. Thus, in accordance with the *Essential Norms* promulgated by the United States Conference of Catholic Bishops ("USCCB"), the main (but not exclusive) focus of Diocesan policies on abuse has focused on minors. However, vulnerable adults are no less in need of such protection and this "Policy on Sexual Misconduct" reflects that reality. Sexual misconduct is always a tragedy and calls for the Church to promptly respond with justice and compassion toward all those persons involved, especially the victims.

Therefore, the development and implementation of this policy has as its end the protection of the vulnerable, the pastoral care for those wounded or abused 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.

SECTION I: GENERAL PROVISIONS

ARTICLE 1

Policy Statement

The Catholic Church expects its priests, deacons, women religious 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. Nevertheless, sexual misconduct by any Diocesan Personnel within any of its institutions will not be tolerated. The purpose of this Policy is, first and foremost, to protect people from all forms of sexual misconduct involving Diocesan Personnel.

Since 2002, the Church has enforced a Zero Tolerance policy on sexual abusers. 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.[1]

All Diocesan and Parochial Personnel 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. The Diocese will work with civil authorities, parents, educators and various community organizations to make and maintain the safest environment possible for minors and vulnerable adults.

The Diocese is responsible for promulgating and implementing this Policy on Sexual Misconduct in accordance with the laws of the Church. These policies and procedures are complementary of and conform to the universal law of the Church and in particular law the promulgated by the USCCB, the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.[2]

[1] CIC, c. 1395 § 2; CCEO, c. 1453 § 1; Norm 8.

[2] In 2002, the USCCB approved the *Essential Norms* and the same were promulgated by the President of the Conference on December 12, 2002, following the grant of the required recognition by the Congregation for Bishops. In 2005, the members of the USCCB approved a revised version of the text. By a decree dated January 1, 2006, and signed by His Eminence, Giovanni Battista Cardinal Re, Prefect of the Congregation for Bishops, and His Excellency, the Most Reverend Francesco Monterisi, Secretary of the Congregation, the recognition originally granted to the *Essential Norms* of 2002 was extended to the revised version *donec aliter provieatur*. The President of the USCCB promulgated the *Essential Norms* of 2005 on May 5, 2006. On May 15, 2006, these Norms obtained force and now bind all Dioceses and Eparchies of the USCCB. *See* Norm 1.

ARTICLE 2

Definitions

Child Abuse

Any form of infliction of injury to the detriment of a child's physical, mental, moral, or emotional well being.

Cleric

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.

Diocese / Diocesan Entities

The Roman Catholic Diocese of Dallas, including but are not limited to parishes, schools, agencies, and institutions with direct accountability to the Bishop of Dallas.

Diocesan or Parochial Personnel

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

Minor

Any person who has not reached his or her 18th birthday and a person who habitually lacks the use of reason.

Sexual Abuse

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

Sexual abuse of a minor or vulnerable adult includes sexual molestation or sexual exploitation of a minor or vulnerable adult and other behavior by which an adult uses a minor or vulnerable adult as an object of sexual gratification and as defined in Texas civil law. Also included is the acquisition, possession, or distribution by a cleric of pornographic images of minors under the

age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology. 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 or vulnerable adult is whether conduct or interaction with a minor or vulnerable adult 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.II *Preamble*, USCCB, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

Ultimately, it is the responsibility of the diocesan Bishop, with the advice of a qualified Review Board, to determine the gravity of the alleged act.

Sexual Misconduct

Includes the following types of behavior by Diocesan or Parochial Personnel:

a. Sexual contact between Diocesan or Parochial Personnel and a minor or vulnerable adult.
b. 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.
c. Sexual harassment as defined by the Equal Employment Opportunity Commission. The EEOC defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature…when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment."
d. Sexual exploitation as defined by state law. This definition includes a "pattern, practice, or scheme of conduct, which may include sexual contact, that can reasonably be construed as being for the purposes of sexual arousal or gratification or sexual abuse of any person."
e. The acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of eighteen, for purposes of sexual gratification, by whatever means or using whatever technology.

Vulnerable Adult

- Persons 18 years of age or older who, because of physical, mental, emotional or cognitive impairment, or the effects of recent life experiences are presently unable to exercise a reasonable adult's degree of physical or emotional independence or mental insight and judgment. Vulnerable adults include those who are physically unable to meet their own

needs or seek help without assistance, as well as otherwise healthy adults who are vulnerable because of recent life experiences such as those in or recovering from abusive relationships, those grieving the death of a loved one, undergoing treatment for substance abuse, suffering job loss or career difficulties, experiencing separation, divorce, family or marital discord, financial difficulties, or facing sudden illness of those for whom they are responsible.

Vulnerable Adult

Any adult that is physically, mentally, or emotionally impaired, whether temporary or long-term, or that is disabled, or that is otherwise unable to function in one or more ways that results in an impaired ability to respond as a typical adult is expected to function. A vulnerable adult may also be someone who comes for Spiritual Direction and confession depending on that person's mental, emotional or psychological frame of mind at the time as well as upon his/her physical condition.

ARTICLE 3

Implementation of Policy

A Review Board established by the Bishop will serve as a confidential consultative body that will advise and assist the Bishop as he administers these policies.[3]

- The Bishop will appoint no fewer than five persons of outstanding integrity and good judgment in full communion with the Church to serve on this Board.[4]
- A majority of the Review Board will consist of lay persons not in the employ of the diocese. At least one member will be a priest who is an experienced and respected pastor of the diocese. At least one member will have particular expertise in the treatment of the sexual abuse of minors. Each member will be appointed for a five year term, which can be renewed.[5]
- Review Board functions include, but are not limited to:

    - advising the Bishop in his assessment of allegations of sexual abuse of minors and vulnerable adults and in his determination of suitability for ministry;[6]
    - regularly reviewing diocesan policies and procedures for dealing with sexual abuse of minors and vulnerable adults;[7] and
    - offering advice on all aspects of the Policy, whether retrospectively or prospectively.[8]

The Promoter of Justice is responsible to see that the safeguards and requirements of the law are applied equitably and that the rights of the complainant and the accused are protected. The Promoter must have an unimpaired reputation, be proven in prudence and in zeal for justice, and possess a degree in canon law.[9] For cases involving a priest, the Promoter of Justice must be a priest, unless the Congregation for the Doctrine of Faith grants a special dispensation.[10] In accord with these polices and procedures, the Promoter will:

- be present, to the extent possible, at all meetings of the Review Board; [11]
- be consulted prior to imposing administrative leave during the penal process; and
- act on behalf of the complainant in all judicial penal trials.

---

[3] Norm 4.

[4] Norm 5.

[5] Norm 5.

[6] Charter, Article 2; Norm 4.

[7] Charter, Article 2; Norm 4.

[8] Norm 4; Charter, Article 2.

[9] *Code of Canon Law*, c. 1453.

[10] Pope John Paul II, SST § 12.

[11] Norm 5; Charter, Article 2.

ARTICLE 4

Pastoral Support and Outreach

The Diocese is committed to reaching out to those who have been sexually abused as minors by Diocesan or Parochial Personnel, whether the sexual abuse was recent or occurred many years ago. To this end, the Diocese shall ensure individuals who desire to report incidents of alleged or suspected sexual misconduct by Diocesan or Parochial Personnel may also, at their option, report such incidents to the Victims' Assistance Coordinator. The Victim Assistance Coordinator for the Diocese provides immediate spiritual care and support to victims as well as persons who allege sexual misconduct by Diocesan or Parochial Personnel.[12]

TO CONTACT THE VICTIMS' ASSISTANCE COORDINATOR, Contact Brenda Martinez:

By Phone: (214)379-2812
By Email: bmartinez@cathdal.org

The type of assistance offered will vary with the circumstances, and support from the Diocese will be determined in consideration of the best interests of the victim. The Bishop of the Diocese or his representative will meet with victims and their families with both openness and compassion.[13]

[12] Charter, Article 2.

[13] Charter, Article 1.

ARTICLE 5

Education and Safe Environment

As Christian adults, we are entrusted by God with the spiritual, emotional and physical well being of minors and vulnerable adults as they participate in activities within or sponsored by our Diocese. It is our responsibility and commitment to provide an environment which is safe, nurturing and in accord with Catholic morals.

In order to assist parents, guardians, caretakers and others who work with minors and vulnerable adults in preventing violations of this Policy and the other relevant policies of the Diocese, the Diocese has a Safe Environment Program.[14] In conjunction with local law enforcement and community agencies, this Program implements training, screening, background checks and other procedures that are designed to reduce the risk of sexual abuse of minors and vulnerable adults.[15]

Through the Safe Environment Program, implemented by the diocesan Vocations Office and Seminary, the Diocese evaluates the fitness of candidates for ordination. The background of all priests and deacons entering the Diocese to assume an ecclesiastical office is also evaluated.[16] The Diocese also evaluates the background of all Diocesan, Parochial, school or other paid personnel, as well as volunteers, whose duties include ongoing, unsupervised contact with minors and vulnerable adults.[17] Every parish, school and Diocesan agency has the Program and each is responsible for program implementation and continuation.

Brenda Martinez serves as Director of the Safe Environment Program and works to assure ongoing compliance with the *Charter for the Protection of Children and Young People*.

For more information about the Program, please visit the website at: *http://www.cathdal.org/pages/a-safe-environment*.

Or contact Brenda Martinez:

By Phone: (214)379-2812
By Email: bmartinez@cathdal.org

[14] *Charter for the Protection of Children and Young People* Preamble; Charter, Article 10.

[15] Charter, Article 13.

[16] Charter, Article 13.

[17] Charter, Article 13.

ARTICLE 6

Ministerial Code of Conduct

Through the *Ministerial Code of Conduct*, the Diocese sets out clear and well-publicized standards of ministerial behavior and appropriate boundaries for clergy and for Diocesan Personnel *in positions of trust who have regular contact with minors and vulnerable adults*.[18] **with regard to their contact with minors.** (The *Code* can be found in *Appendix B*)

All Diocesan and Parochial Personnel agree to adhere to the *Ministerial Code of Conduct*. Those who disregard or violate the *Code* will be subject to remedial action by the Bishop or his designated official. Corrective action may take a variety of forms from verbal reproach to removal from the ministry (as well as any other Diocesan/Parochial position) and will depend on the specific nature and circumstances of the offense and the extent of the harm.

[18] Charter, Article 6.

SECTION II: HANDLING COMPLAINTS OF SEXUAL MISCONDUCT

ARTICLE 7

Reporting Misconduct to Civil Authorities

If you suspect that a minor, elderly or disabled person has been or is being abused, your first obligation is to report to civil authorities.

Texas law requires any person having cause to believe that a minor's physical or mental health or welfare has been adversely affected by abuse or neglect by any person to IMMEDIATELY make a report to any local or state law enforcement agency or the Texas Department of Family and Protective Services that reflects his or her belief. *Texas Family Code §§ 261.101(a); 261.103*

Additional reporting requirements apply to teachers and other professionals. Under Texas law, a "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. This includes, but is not limited to, teachers, nurses, doctors, and day-care employees. *Texas Family Code §§ 261.101(b).* A professional must report suspected abuse or neglect of a minor **within 48 hours** of suspecting the minor has been or may be abused or neglected. A professional cannot delegate this duty to another person to make the report. Reporting suspected abuse makes it possible to protect the minor and for a family to get help.

A person making a report is immune from civil or criminal liability, and the name of the person
making the report is kept confidential. Any person who suspects abuse and does not report it may be guilty of a Class-A misdemeanor.

The law also requires any person who has cause to believe that a person 65 years of age or older ("elderly person") or an adult with disabilities is being abused, neglected or exploited to report the circumstances to the Department of Family and Protective Services. *Texas Human Resources Code §48.051*.

TO REPORT SUSPECTED ABUSE OR NEGLECT OF A MINOR (Person Under 18 Years of Age and a Person Who Habitually Lacks the Use of Reason), ELDERLY OR DISABLED PERSON

Contact the Texas Department of Family and Protective Services ("DFPS"):

- **1-800-252-5400**
  Toll-free 24 hours a day, 7 days a week, nationwide.

- **www.txabusehotline.org**
  Make your report through the DFPS secure web site and you will receive a response within 24 hours

- In emergency situations, **Call 911**, and then report to the DFPS

Reports should reflect the reporter's belief that a minor, elderly or disabled person has been or may be abused or neglected or has died of abuse or neglect and should contain:

- The name and address of the minor or elderly or disabled person;
- The name and address of the person responsible for the care, custody, or welfare of the minor or elderly or disabled person; and
- Any other pertinent information concerning the alleged abuse or neglect

For reports concerning an elderly or disabled person ONLY, also include:

- The nature and extent of the elderly or disabled person's condition; and
- The basis of the reporter's knowledge

Definitions from § 261.001 of the Texas Family Code

"Abuse" includes the following acts or omissions by a person:

1. Mental or emotional injury to a minor that results in an observable and material impairment in the minor's growth, development, or psychological functioning;

2. Causing or permitting the minor to be in a situation in which the minor sustains a mental or emotional injury that results in an observable and material impairment in the minor's growth, development, or psychological functioning;

3. Physical injury that results in substantial harm to the minor, or the genuine threat of substantial harm from physical injury to the minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent or guardian that does not expose the minor to a substantial risk of harm;

4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the minor;

5. Sexual conduct harmful to a minor's mental, emotional, or physical welfare;

6. Failure to make a reasonable effort to prevent sexual conduct harmful to a minor;

7. Compelling or encouraging the minor to engage in sexual conduct;

8. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the minor if the person knew or should have known that the resulting photograph, film, or depiction of the minor is obscene;

9. The current use by a person of a controlled substance in a manner or to the extent that the use results in physical, mental, or emotional injury to a minor; or

10. Causing, expressly permitting, or encouraging a minor to use a controlled substance.

11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a minor

"Neglect" includes:

1. The leaving of a minor in a situation where the minor would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the minor, and the demonstration of an intent not to return by a parent or guardian of the minor;

2. The following acts or omissions by a person:

> a. Placing the minor in or failing to remove a minor from a situation that a reasonable person would realize requires judgment or actions beyond the minor's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the minor;
>
> b. Failing to seek, obtain, or follow through with medical care for a minor, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the minor;
>
> c. The failure to provide a minor with food, clothing, or shelter necessary to sustain the life of health of the minor, excluding failure caused primarily by financial inability unless relief services had been offered and refused; or
>
> d. Placing a minor in, or failing to remove the minor from, a situation in which the minor would be exposed to a substantial risk of sexual conduct harmful to the minor.

3. The failure by the person responsible for a minor's care, custody, or welfare to permit the minor to return to the minor's home without arranging for the necessary care for the minor after the minor has been absent from the home for any reason, including having been in residential placement or having run away.

<u>Diocesan Law on Reporting to Civil Authorities</u>

The requirement to report under Texas law extends to individuals whose personal communications may otherwise be privileged, including a member of the clergy **with due regard for the seal of the Sacrament of Penance.**

The Diocese requires all Diocesan and Parochial Personnel to contact the appropriate civil authorities when a person has knowledge or reasonable cause to suspect that a minor or elderly or disabled person is being, or has been, abused or neglected.

Reporting to Church authorities does not excuse any person from his or her obligation under Texas law to report suspected abuse or neglect of a minor or elderly or disabled person, except as may be allowed by civil law. When a Diocesan or Parochial Personnel receives a complaint of abuse of a minor or elderly or disabled person, the personnel should remind a person who is mandated by law that a report must be filed with civil authorities. In every instance, the Diocese supports a person's right or obligation to make a report to public authorities.[19]

[19] Norm 11.

ARTICLE 8

Reporting Sexual Misconduct to Church Authorities

As stated earlier in this Policy, any person who has cause to believe that a minor, elderly or disabled person has been or is being abused or neglected is required by law to make a report to the appropriate civil authorities. Beyond these civil requirements and regardless of whether an incident is subject to mandatory reporting under Texas law, the Diocese requires all Diocesan Personnel to report *any* suspected incidences of sexual misconduct to the Diocese pursuant to this Policy.

All Diocesan and Parochial Personnel who suspect, witness, or otherwise become aware of any incident of sexual misconduct involving Diocesan or Parochial Personnel must immediately report such information to the Chancellor. This requirement encompasses not only suspicions of sexual abuse of minors, the elderly and disabled persons, but also information regarding any other form of sexual misconduct, including the sexual exploitation or harassment of vulnerable adults.

Abuse or exploitation of vulnerable adults can occur during ministry when persons in a position of trust or authority intentionally or unintentionally misuse their position to further their own desires, or fail to act in the best interests of the person to whom they are ministering. This abuse or exploitation can take many forms, including physical, emotional, sexual, spiritual and financial abuse. It is the policy of the Diocese of Dallas that all who participate in ministry, whether by giving or receiving, shall be treated respectfully and honestly, and that safeguards shall be established to protect vulnerable adults during the period of their vulnerability. (More information on diocesan *Policies on Counseling and Therapy Services at a Parish Parochial School or Diocesan High School* can be found in *Appendix A*.)

Additionally, the Diocese prohibits all forms of sexual harassment even if such conduct was not intended to harass. Specifically, the Diocese forbids any unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, displays in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes and sending or forwarding emails which contain the above-described matter. No Diocesan or Parochial personnel shall threaten or insinuate, either explicitly or implicitly, that another's refusal to submit to sexual advances will adversely affect any condition of employment or career development such as employment, work status, evaluation, wages, advancement, assigned duties or shift assignments. This policy also applies to harassment based on race, color, national origin, age, disability, religion and any other factor prohibited by law.

Failure to report such incidents of sexual misconduct shall constitute grounds for discipline under the applicable Policies and Procedures pertinent to the respective Diocesan Personnel. The Diocese will never retaliate against Diocesan or Parochial Personnel who report sexual misconduct in good faith.

Any other person may report incidents of sexual misconduct to the Diocese as well. Any person who suspects, witnesses, or otherwise becomes aware of sexual misconduct involving Diocesan or Parochial Personnel is strongly encouraged to report such matter to the Chancellor immediately.

TO REPORT SEXUAL MISCONDUCT, CONTACT THE CHANCELLOR OF THE DIOCESE:

Brenda Martinez
Phone: (214)379-2812
Email: bmartinez@cathdal.org

Contents of Reports

Reports of sexual misconduct may be verbal or written and shall include sufficient information to permit the Diocese to respond to the report. Accordingly, the reporting party should attempt to provide as much information as is available, such as the name, position, and any other information identifying the person or persons concerning whom the complaint is being made; a description of the nature of the misconduct involved; the date, time, and place of the alleged incident; the name and means of contacting the person providing the information and the name(s) of any witnesses and the means of contacting those witnesses; and any other information that might serve to corroborate the allegation.

ARTICLE 9

Complaints Against Diocesan and Parochial Personnel: Investigation and Punishment

Principles for Investigating Complaints of Sexual Misconduct

The Diocese of Dallas will investigate and respond promptly to any allegation that sexual misconduct has occurred. The Diocese will act in accord with the principles of truth, honesty, and justice, while respecting confidentiality, privacy and the reputation of persons involved.

The Diocese will cooperate with civil authorities concerning investigations of a complaint of sexual misconduct involving a minor or vulnerable adult, even if the victim is no longer a minor, and will conduct its own investigations with respect for civil law.[20]

Care will always be taken to respect and protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused or harassed and of the person against whom the charge has been made.

Response to Reports

Upon receipt of a complaint of sexual misconduct, the Chancellor will notify the Bishop and assist him with the manner in which to proceed, including the undertaking of an investigation. The Bishop may immediately take necessary appropriate action to prevent further acts of sexual misconduct or harm to the victim or alleged victim, in accordance with civil and canon law. Such action may include, but not be limited to, placing the accused person on administrative leave and withdrawing permission to engage in acts of ministry. The Bishop, Chancellor or their designee will promptly assist the victim in securing appropriate pastoral and administrative care and assistance.

The Bishop will decree the initiation of a preliminary investigation when a complaint of abuse of a minor or vulnerable adult has been made.[21] An investigation will be initiated using the assistance of consultants, counsel, experts, Diocesan and Parochial Personnel and any other person deemed appropriate. The Bishop, Chancellor or their designee will determine the manner in which this information is to be communicated to the accused and any other persons.

Where the accused is a priest or deacon, investigations will be conducted in accordance with canon law. During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. An accused priest or deacon will be encouraged to retain the assistance of civil and canonical counsel. The alleged offending cleric may be requested to seek, and may be urged voluntarily to comply with, an

[20] Charter, Article 4.

[21] Norm 6.

appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and to the accused.[22]

When all of the evidence has been collected and the investigation is complete, the Chancellor will report all material facts and findings to the Bishop. The Bishop, together with the Review Board, will determine whether the alleged conduct is an act of abuse of a minor or vulnerable adult.

Procedure for Addressing Claims of Sexual Harassment

A party complaining of sexual harassment must prepare a brief, written statement about the alleged harassing conduct. This written statement must be forwarded immediately to the Chancellor of the Diocese. The Diocese will investigate the complaint with the assistance of consultants, counsel, experts, counsel, Diocesan and Parochial Personnel and any other person deemed appropriate.

The Diocese will take prompt action as warranted by the results of the investigation and the Diocese shall have discretion to appropriately respond as the facts may reveal. To the extent that remedial action is appropriate, the complainant, the alleged harasser, the pastor, the principal, and other church personnel may be involved as appropriate in working out a remedial plan of action. Steps for implementing the remedial action will be put in writing and signed by the complainant, the accused and other appropriate individuals, i.e., the pastor.

There will be no retaliation for reporting harassing conduct. The complainant may, 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 thereof.

Penal and Administrative Processes

If the Bishop determines at any time there is sufficient evidence that sexual abuse of a minor or vulnerable adult by a priest or deacon has occurred, the Bishop will promptly transmit the complaint and the findings of the investigation to the Congregation for the Doctrine of the Faith and, if he has not already done so, withdraw the accused from exercising the sacred ministry or 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.[23]

Substantiated Complaints Against Non Clerics

No person known to have abused a minor or vulnerable adult will be permitted to minister, work, or serve in a Diocesan institution. When a person admits to abuse of a minor or vulnerable adult or the abuse has been established by a lawful process or after an investigation, the Chancellor will

[22] Norm 7.

[23] Norm 6.

direct the appropriate supervisor to remove the person immediately from ministry, terminate the contract of an employee or independent contractor, or dismiss a volunteer, in accord with Church law and these Policies. The Chancellor will also direct the appropriate supervisor to communicate the prohibitions from any future employment or service of the accused in connection with any Diocesan or Parochial Entity. An appeal of a dismissal can be made to the Vicar General within ten (10) business days of notification of the decision.

Substantiated Complaints Against Clerics

In every case involving canonical penalties, the processes provided for in canon law will be observed, and the various provisions of canon law will be considered. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel.

At all times, the Bishop has the executive power of governance, within the parameters of the universal law of the Church, 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.[24] The priest or deacon may at any time request dispensation from the obligations of the clerical state. In exceptional cases, the Bishop 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.[25]

When even a single act of sexual abuse of a minor or vulnerable adult by a priest or deacon is admitted or is established after an appropriate process in accordance 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.[26]

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.[27]

When it is determined that the complaint is false or that it cannot be substantiated, every step possible will be taken to restore the good name of the person falsely accused and every effort will be made to return the individual to employment or service in the Diocese.[28]

[24] Norm 9.

[25] Norm 10.

[26] Norm 8.

[27] Norm 8b.

[28] Norm 13.

Transfers for Ministerial Assignments Between Dioceses[29]

No priest or deacon who has committed an act of sexual abuse of a minor or vulnerable adult will be transferred for a **ministerial assignment** in another diocese/eparchy. Should the Bishop receive a priest or deacon from outside his jurisdiction, he will obtain the necessary information regarding any past act of sexual abuse of a minor or vulnerable adult by the priest or deacon in question.

Before such a diocesan priest or deacon can be transferred **for residence** to another diocese, the Bishop will forward to the bishop of the proposed place of residence, in a confidential manner, any and all information concerning any act of sexual abuse of a minor or vulnerable adult and any other information indicating that he has been or may be a danger to minors or others.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within the Diocese, the major superior shall inform the Bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor or vulnerable adult and any other information indicating that he has been or may be a danger to minors or vulnerable adults so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of such persons. This will be done with due recognition of the legitimate authority of the Bishop; of the provisions of CIC, canon 678, (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).[30]

Release of Information

The Diocese will not enter into settlements which bind the parties to confidentiality unless the victim or survivor requests confidentiality and this request is noted in the text of the agreement.[31]

The Bishop and all Diocesan and Parochial Personnel charged with implementing this policy will be as open as possible with the people in our parish and community about instances of sexual abuse of minors and vulnerable adults, with respect always for the privacy and the reputation of the individuals involved.[32]

[29] Norm 12.

[30] Norm 12.

[31] Charter, Article 3.

[32] Norms, Preamble.

APPENDIX A

Policies on Counseling and Therapy Services at a Parish Parochial School or Diocesan High School

Texas law requires all Marriage and Family Therapists, Licensed Professional Counselors and Licensed Clinical Social Workers working within the state to obtain a license. Limited exceptions to this general rule apply. For instance, a "recognized religious practitioner, acting within the scope of administerial duties and dealing solely with religious, moral or spiritual counseling, teaching and instructions to members of the religious organization are exempt from licensing." Any person not licensed may not use the title of, or hold himself or herself out as a licensed counselor or therapist.

Persons acting as professional counselors or therapists can be exposed to personal liability for counseling a client for various reasons. Employers of persons acting in this manner can also be exposed to liability.

Based upon the applicable state statutes, and the exemptions provided therein, religious, moral and spiritual counseling ("Spiritual Counseling"), may be provided at a parish, parochial school or diocesan high school (collectively hereafter referred to as "Diocesan Entities") by priests, deacons and spiritual directors (lay and cleric). Other forms of counseling ("secular counseling") by a minister or religious practitioner are not exempt from licensing or protected from civil liability under the ministerial exception.

If a Diocesan Entity chooses to make counseling or therapy available as a ministry to parishioners, staff and/or students for non-religious issues ("secular counseling"), the following minimum standards apply:

a. The counselor or therapist must be licensed, whether or not licensing is absolutely required by the state. (If the persons providing counseling services are not licensed, they are prohibited from calling themselves licensed or professional counselors or therapists.) Counselors will comply with all ethical and legal standards associated with their respective licensures. This compliance will include areas of confidentiality and privacy, record documentation, record stage fees, practice disclosure and after hours coverage.

b. The counselor or therapist must provide a certificate of professional liability insurance in his or her name in the minimum amount of $1,000,000 per claim and $3,000,000 in the aggregate, naming the Diocesan Entities and the diocese as the certificate holder and "additional insured."

c. The counselor or therapist may or may not be an employee of the Diocesan Entity.

d. If the counselor or therapist is not an employee of the Diocesan Entity, the counselor may charge and collect fees and should pay rent to the Diocesan Entity or satisfy other negotiated arrangements if Diocesan Entity facilities are being used. No payment of fees should be payable to the Diocesan Entity or the Diocese of Dallas.

e. FEES PAID FOR COUNSELING ARE NOT TAX DEDUCTIBLE AS CONTRIBUTIONS.

f. If counseling or therapy is provided on Diocesan Entity property or the counselor or therapist is an employee, the counselor must comply with all Safe Environment policies of the diocese and the Diocesan Entity. [A special release must be obtained relative to the two-adult rule when a child will be alone with a counselor.]

g. Anyone providing Spiritual Counseling at a Diocesan Entity must understand and be accountable to the established authority of the church.

h. If the counselor or therapist is an employee of the Diocesan Entity, and fees are charged for counseling, the person receiving counseling must be provided an appropriate invoice or receipt for services rendered, clearly indicating payment is not a contribution to the Diocesan Entity.

i. Before initiating a counseling and/or therapy session or process, the person being counseled must sign a statement disclosing that the person offering the counseling service is or is not licensed by the state of Texas and acknowledging that the counseling fee is not a tax deductible contribution.

j. The Diocesan Entity's arrangements with counselors and therapists must be in writing and the agreement approved by the Diocesan Chief Financial Officer and the Risk Manager of the Diocese.

k. If the Diocesan Entity provides regular counseling or therapy programs, or regularly refers parishioners, staff or students to a recognized religious practitioner (as defined by statute) or other counselors, the pastor or principal and the business manager of the Diocesan Entity should consult with the Diocesan Risk Manager relative to insurance coverage.

l. In making referrals for counseling, reasonable care should be taken that the counselor is generally appropriate for the need and the referred person should be advised to make the final determination on his or her own.

m. The pastor, principal or the high school president or principal is responsible for assuring that procedures are in place and operating to assure compliance with these policies.

APPENDIX B

Ministerial Code of Conduct

Preamble

In order to maintain the highest level of accountability, there must be a clear and unambiguous blueprint of appropriate and inappropriate behavior. The intent of this *Code of Conduct* is to provide a set of normative standards of conduct for all clergy, employees, and volunteers (collectively "Church Personnel") engaged in ministerial and other Church related situations in the Diocese of Dallas (collectively "Ministerial Work"). While this *Code* is not exhaustive in the variety of situations specifically mentioned, it is to be understood that the standards set out herein are to be considered normative for every pastoral or other Church related setting.

Responsibility

Responsibility for adherence to the *Code of Conduct* rests with the individual. Any Church Personnel who violate the *Code* will be subject to appropriate remedial action by the competent authority in each case. Corrective action may take various forms depending on the specific nature and circumstance of the offense, including but not limited to, an oral or written citation or even removal from Ministerial Work, termination of employment or of one's volunteer efforts.

Standards for Church Personnel

1: **Personal and Professional Interactions**

All Church Personnel must maintain a presence of mind about their proper role in the circumstance in which they find themselves.

1.1 Church Personnel must always protect the interests and rights of those who are most vulnerable, especially minors[33] or vulnerable adults[34].

1.2 Explicitly sexual interactions by Church Personnel or even sexually suggestive interactions with persons who are served or with whom one works are never appropriate to the ministerial setting. All Church Personnel are expected to conduct themselves chastely according to their state of life.

[33] A "minor" is any person who has not reached his or her 18th birthday and a person who habitually lacks the use of reason.

[34] A "vulnerable adult" is any adult that is physically, mentally, or emotionally impaired, whether temporary or long-term, or that is disabled, or that is otherwise unable to function in one or more ways that results in an impaired ability to respond as a typical adult is expected to function. A vulnerable adult may also be someone who comes for Spiritual Direction and confession depending on that person's mental, emotional, or psychological frame of mind at the time, as well as upon his/her physical condition.

1.3 Church Personnel must protect the confidentiality and privacy rights of others at all times.

2. **Conduct for Pastoral Counselors – (See Diocesan Counseling Policy)**

3: **Conduct for Ministerial Work**

3.1 In connection with Ministerial Work, Church Personnel shall:

a. Adhere to the teachings and precepts of the Catholic Church.

b. Respect the rights, dignity, and worth of each person from conception to natural death.

c. Conduct relationships with others free of deception, manipulation, exploitation, or intimidation.

d. Work to ensure just treatment for colleagues, employees, volunteers, parishioners and others with whom they interact.

e. Seek to provide an environment that is non-discriminatory, free from all forms of abuse and promotes respect, self-control, and personal safety.

f. Make no false accusations against another or reveal the faults and failings of another to those who have no right to know.

g. Be responsible stewards of the human, temporal, and financial resources of the Church.

h. Maintain a high level of competence in their designated role in the Church and prudently attend to the physical, spiritual, mental, and emotional well-being of those with whom they interact.

i. Church Personnel are prohibited from speaking in a manner that is derogatory or demeaning in performing their Ministerial Work. This includes refraining from swearing or using foul language.

j. Church Personnel are prohibited from possessing any sexually explicit or morally inappropriate materials on Church property, at Church sponsored events, or in the presence of minors or vulnerable adults. Such materials include, but are not limited to: magazines, videos, films, recordings, computer software, computer games, or printed materials. In addition, Church Personnel must refrain from engaging in topics of conversation or entertainment in connection

k. with Ministerial Work, which is inappropriate for minors or vulnerable adults.

l. Church Personnel are to refrain from sexually offensive humor and conversation in connection with their Ministerial Work.

3.2: In addition to these rules, Church Personnel shall abide by all applicable professional codes of conduct, ethical norms, canon, and civil laws.

4: **Conduct when working with Minors/Vulnerable Adults**

All clergy, staff, and volunteers of the Diocese will observe the following for dealing with minors other than their immediate family.

4.1 No minor may reside in any church rectory or other living quarters of priest other than a son or daughter of the resident priest.

4.2 Only priest, seminarians, or their immediate family members may be overnight guests in rectories.

4.3 Do not provide minors with alcoholic beverage, tobacco, drugs or anything that is prohibited by law.

4.4 Do not serve as a chaperone for activities that conflict with curfew laws pertaining to minors.

4.5 Touching should be age appropriate and based on the need of the minor and not on the need of the adult. Avoid physical contact when alone with a minor. If a minor initiates physical contact, an appropriate, limited response is proper.

4.6 Do not engage in the physical discipline of a minor. Discipline problems should be handled in coordination with your supervisor and/or the parents of the minor. Corporal punishment is **never** acceptable.

4.7 Do not be alone with a minor in a residence, sleeping facility, locker room, rest room, dressing facility, or other closed room or isolated area that is inappropriate to a ministry relationship.

4.8 Do not take an overnight trip alone with a minor who is not a member of your immediate family.

4.9 Do not sleep in the same hotel room with a minor. If adult supervisors stay in a dorm room or other sleeping room with a group of minors, the two supervisors must sleep in their own beds using a roll away or cot if necessary.

4.10 Topics, vocabulary, recordings, films, games or the use of computer software or any other form or personal interaction or entertainment that could not be used in the presence of parents should not be employed with minors. Acquisition, possession or distribution of pornographic material is never appropriate.

4.11 Do not administer medication of any kind without written parental permission.

4.12 If you recognize inappropriate personal or physical attraction developing between yourself and a minor, maintain clear professional boundaries between yourself and the minor or refer the minor to another adult supervisor.

4.13 If one-on-one pastoral care of a minor should be necessary, avoid meeting in isolated environments. Schedule meetings at times and use locations that create accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parents of the meetings.

4.14 Do not give minors keys to a diocesan entity.

4.15 Do not drive a church or school vehicle unless you have received prior authorization and have the appropriate license and/or certification.

4.16 Do not permit minors to cross a road by themselves while they are in your custodial care.

4.17 Do not take photographs of minors while they are unclothed or dressing (e.g. in a locker room or bathing facility).

4.18 If you observe anyone (adult or minor) abusing a minor, take appropriate steps to immediately intervene and to provide a safe environment for the minor. Report the misconduct (See Reporting Procedures).

4.19 If you are accused of engaging in inappropriate conduct, immediately notify the Diocese (Chancellor or Safe Environment Director.)

4.20 Having two or more screened and cleared adults present will reduce the probability of false accusations.

5. Supervision Procedures

5.1 Have adequate number of screened and trained adults present at events involving minors and vulnerable adults. Screened and trained adults supervision should increase in the proportion to the risk of the activity.

5.2 Monitor facilities during church services and all school or other activities.

5.3 In the absence of written consent, release children only to parent or guardian.

5.4 Obtain written parental permission, including a signed medical treatment form, before taking minors off campus.

5.5 Qualified drivers, who have passed all state requirements to drive the vehicle used and who have a safe driving record, will be the only ones who may drive any church or school vehicle or any other vehicle that has been chartered, rented or leased on behalf of the diocesan entity.

5.6 Obtain written parental approval before permitting any minor to participate in organized athletic events or any activity that involves potential risk.

5.7 Have minors use a "buddy system" whenever they go on trips away from church property.

5.8 All adult leadership and sponsors must be screened and trained and must also be approved in advance by the appropriate chief administrator for any activities that involve risk.

5.9 Teen aides may not supervise minors without screened and trained adults present.

5.10 "Supervision" is considered to extend to periods before and after an event, including when minors are waiting for transportation outside the approved church entrance.

6: **Harassment**

Church personnel must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other church personnel.

6. l Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

6.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:

a. Physical or mental abuse.

b. Racial insults.

c. Derogatory ethnic slurs.

d. Unwelcome sexual advances or touching.

e. Sexual comments or sexual jokes.

f. Requests for sexual favors used as:

- A condition of employment, or
- To affect other personnel decisions, such as promotion or compensation.

APPENDIX C

Contact Information

Safe Environment Director: Brenda Martinez
Phone: (214)379-2812
Email: bmartinez@cathdal.org

Revised May 2014
Further revised December 2018 only to update the contact information for the Victims Assistance Coordinator