

Eparchy of St. Josaphat in Parma
Policy & Procedures Concerning Sexual Abuse of Minors
by Clergy or Church Personnel

Preamble

It is the position of the Eparchy of St. Josaphat in Parma (hereafter “eparchy”) that sexual abuse of minors by clergy or church personnel is contrary to Christian principles and is in violation of the conditions of employment of all personnel of the eparchy. All personnel of the Eparchy must comply with applicable laws regarding incidents of actual or suspected sexual abuse of minors, and with the requirements stated in this policy with respect to incidents of sexual abuse which occur while the work of the eparchy is being performed. All incidents of sexual abuse of minors, or sexual misconduct of any kind involving a minor, by any personnel of the eparchy, whether in the course of employment or not, will be considered grounds for suspension or termination of employment or involvement with the work of the eparchy.

“Eparchy” encompasses the Ukrainian Catholic Eparchy of Saint Josaphat in Parma in accord with canon 177.1 of the Code of Canons for the Eastern Churches. It includes all parishes and other inferior juridical persons whose competent ecclesiastical superior is the Eparch (Bishop) of St. Josaphat in Parma. The legal title of the eparchy is The Ukrainian Catholic Diocese of Parma, Inc., and is a corporation chartered by the State of Ohio that includes all parish corporations, institutions, agencies and organizations sponsored by these canonical or civil entities.

The eparchy, by this policy, will implement the norms established by the Catholic Bishops of the United States in their documents *Charter for the Protection of Children and Young People* and *Essential Norms for Diocesan/Eparchial Policies Dealing with the Allegations of Sexual Abuse of Minors by Priests or Deacons*. We will strengthen the educational program for all clergy and religious, staff, and volunteers on maintaining appropriate boundaries in ministry and on the issue of sexual abuse of children.

We will strongly support our clergy and religious, staff and volunteers serving as ministers while maintaining the right of the people to a safe and secure environment in which to worship and pray together. We are committed to continuously review and refine policies and procedures. We will comply with all laws regarding the reporting of allegations of sexual abuse against children to the proper civil authorities for investigation. When civil authorities are involved with a criminal investigation, the Eparchy will defer to the civil/criminal process and use every available means to continue the investigation of allegations.

Section One:

Prevention, Education and Reporting

1.1 Educating priests, deacons and religious.

Priests, permanent deacons and religious educated in and by the Eparchy shall attend scheduled training sessions that include the following subjects:

- a. appropriate boundaries in ministry;
- b. the nature of the problem of sexual abuse;

- c. the signs and symptoms of sexual abuse in children and youth;
- d. the policies and procedures for prevention of sexual abuse by clergy or other church personnel;
- e. the policies and procedures for the prevention of sexual abuse on any church-owned property or at church-sponsored events and activities;
- f. the policies and procedures for reporting allegations of sexual abuse;
- g. for priests, deacons and religious: formation for celibate chastity as applicable;
- h. the policies and procedures for responding to allegations of sexual abuse.

For purposes of this document, the term *sexual abuse* is defined as “any sexual activity, sexual interaction, or sexual exploitation by which an adult uses a minor as an object of sexual gratification; a minor being a person who has not yet reached his or her eighteenth birthday. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim.”

1.2 Educating staff and volunteers.

Each staff member and every volunteer who works with or has regular contact with children and young people shall be required to attend scheduled training sessions that include, but are not limited to, the following subjects:

- a. appropriate boundaries in ministry;
- b. the nature of the problem of sexual abuse with children;
- c. the signs and symptoms of sexual abuse in children and youth;
- d. the policies and procedures for the prevention of sexual abuse by clergy or other church personnel;
- e. the policies and procedures for the prevention of sexual abuse on any church-owned property or at church-sponsored events and activities;
- f. the policies and procedures for reporting allegations of sexual abuse;
- g. the policies and procedures for responding to allegations of sexual abuse.

Deadlines for completing training:

- a. before assuming duties: new staff and volunteers who will work with, or have direct contact with, children;
- b. annually, at the start of the school year: staff and volunteers who will not work directly with, or have regular contact with, children and youth;

Availability of training:

Training will be available at both the local and eparchial level. New staff and volunteers will:

- a. attend a scheduled training session the parish or the protopresbytery (deanery);
- b. arrange for individual training if no training is available in the area.

1.3 Educating parents and other adults.

It is critical that we raise the level of awareness among all adults concerning the nature and scope of the problem of child abuse and educate them about both the signs and symptoms of abuse and what to do when they suspect abuse. Each priest shall provide an opportunity for parents and other adults to attend a training session. The material provided shall include, but is not limited to, the following subjects:

- a. appropriate boundaries in ministry;
- b. the nature of the problem of sexual abuse with children;
- c. the signs and symptoms of sexual abuse in children and youth;
- d. the policies and procedures for the prevention of sexual abuse by clergy and other church personnel;
- e. the policies and procedures for the prevention of sexual abuse on any church-owned property and at church-sponsored events and activities;
- f. the policies and procedures for reporting allegations of sexual abuse;
- g. the types of disclosures by children, and how to respond to them;
- h. the policies and procedures for responding to allegations of sexual abuse.

Section Two
Civil and Canonical Responsibilities
(reporting and investigation)

2.1 State laws mandate that certain persons report suspected incidents of child sexual abuse to civil authorities. All clergy, staff and volunteers, even those not mandated by state law, must report knowledge or belief that a child is the victim of abuse to child protection or law enforcement authorities. The proper agencies and telephone numbers for reporting abuse have been made available to all clergy, staff and volunteers of the eparchy. In addition, a report should be made to the pastor, principal, or ministry supervisor, who will report the incident to the chancellor and the eparch (bishop).

Clergy, staff and volunteers, or other agents of the church or religious institution, shall report suspected abuse if he or she:

- a. has actual knowledge that a child is the victim of abuse;
- b. has *reasonable cause* to suspect that a child has been sexually abused.

Reasonable cause means a reason that would motivate a person of ordinary intelligence, based on observations or conversations, and under those circumstances, to believe that a child has been, or is being, abused.

The only exception to this policy is disclosures made to a priest in the sacrament of penance/reconciliation. However, any priest who hears the confession of someone who abuses children, or someone who is the victim of abuse, shall urge the penitent to report the abuse to the proper civil and church authorities.

2.2 The Code of Canons of the Eastern Churches and other particular law governs the relationship between the priest and the Church. Careful adherence to canon law is the Church's access to permanently removing offending clergy from ministry. The eparchy will follow the applicable canon law when making decisions about an accused person's ministry and during all investigations of allegations against clergy. (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995.)

2.3 The eparchy will strictly adhere to all procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse of minors by clergy. (Cf. "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 201)

2.4 Upon receipt of a complaint of sexual abuse of a child or minor by clergy, staff or volunteers, the eparchy will refer the matter to civil authorities and begin an internal investigation according to established procedures. If the accused is clergy, the provisions of canons 1468 – 1470 of the Code of Canons of the Eastern Churches will also be observed. When civil authorities are conducting a criminal investigation, the eparchy will defer to that investigative process.

2.5 The eparchy shall retain all records and other materials related to the matter that might be considered evidence. The records shall contain claims, intakes, investigation reports, and records of services provided to those harmed by sexual misconduct.

Files maintained on the case are confidential and may contain both privileged and non-privileged information. *Privileged* documents include records protected from disclosure by state or federal statute, such as medical records, citizenship status, etc. Access to privileged documents is limited to the eparch, the chancellor, the review board members, diocesan counsel, other necessary diocesan or organizational personnel, and those authorized through appropriate court orders.

Documents shall include:

- a. the complainant's detailed description of the allegations;
- b. the investigation report, including the accompanying witness affidavits and documentation.

Section Three

Administrative Guidelines for Dealing with a Complaint

These policies are administrative, not penal, in nature and take into account the rights and duties imposed by civil and canon law. These guidelines are not intended to create any rights in any person, to obligate the eparchy to take action, or to establish any responsibility of the eparchy.

3.1 The eparchial response to complaints and allegations is multi-faceted and includes:

- a. the pastoral care of the victim;
- b. the well-being of the community;
- c. a thorough, fair and objective investigation;
- d. the assessment and treatment of the alleged offender.

All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding and justice.

3.2 Allegations against a member of a religious institute, a society of apostolic life, or a society of common life providing services in the eparchy will be forwarded to the competent ecclesiastical superior of the member for consultation on the proper procedure to be followed.

3.3 The eparchy shall maintain a list of available resources for victims, faith communities, and those accused of abuse. Those resources shall include the following disciplines:

- a. pastoral and psychological counseling;
- b. legal issues;
- c. medical treatment;
- d. victim support groups;
- e. treatment facilities.

3.4 The eparchy shall maintain records of all complaints against clergy, staff, or volunteers.

3.5 The eparch shall establish an independent review board whose composition shall include a priest as well as lay members who have expertise in the area of child abuse. The review board's duties are outlined in Section 7.1 on this document.

3.6 Actions taken by the eparchy when an allegation is made are not an expression of judgment concerning the validity of the complaint or the veracity of the complainant. Actions are intended to indicate the serious nature of such cases and to respect the rights of all concerned.

3.7 Any person may secure legal representation to pursue claims. However, it is not necessary to retain an attorney or file a lawsuit to resolve a complaint with the eparchy.

3.8 Retaliation or discrimination against a person who makes a complaint or who reports sexual abuse of a minor is strictly prohibited and will not be tolerated.

3.9 Individual circumstances may prescribe a course of action at variance with these guidelines. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these guidelines.

Section Four Service to Victims

4.1 The eparchy offers pastoral, psychological and spiritual support to victims, their families and the faith community. Such assistance is pastoral and shall not, in any way, be considered as an indication that the eparchy is legally responsible for the actions of the accused clergy, staff or volunteers.

4.2 The eparch, assisted by his chancellor, the protopresbyters and the victim-assistance coordinator, shall organize and direct outreach to victims and the delivery of victim-assistance and support services to those who claim to have been sexually abused as minors by priests or deacons.

4.3 The eparch will

- a. be respectful of all persons bringing a complaint;
- b. help victims obtain counseling support;
- c. help victims and families obtain spiritual direction;
- d. provide printed material that outlines procedures for making a complaint.

4.4 The eparchy will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint except at the specific request of the complainant for substantial reasons. The text of the agreement shall contain the reasons for the confidentiality agreement.

4.5 While reconciliation remains desirable as a part of the healing process for victims, the eparchy will not attempt to force reconciliation between the offender and the victim. Any involvement in non-authorized reconciliation efforts by diocesan staff or agents will be considered a violation of these policies.

4.6 Families and significant others require the same consideration, compassion and sensitivity in the healing process as that for the victim.

4.7 Parishes and religious communities/institutes are also victims of child sexual abuse by clergy or other church personnel. The Church is guided by the following principles in its response to affected communities:

- a. faith communities, organizations and institutions undergo a complex process of grieving when they learn about accusations of child sexual abuse by a trusted and respected leader;
- b. a critical element in the healing is providing accurate information regarding the facts of the allegations and investigations;
- c. communication may be limited by the concern for the privacy of the victim and the victim's family, as well as the need to protect the rights of the accused, particularly when criminal charges are pending;
- d. the healing of a parish, organization or religious community/institute is a multidisciplinary challenge requiring expertise from a variety of experts;
- e. an official representative of the eparchy and/or the particular religious community/institute will meet with the affected community.

Section Five
The Accused

5.1 In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the eparchy from taking immediate, prudent action to protect the community in response to complaints even before an investigation is complete.

5.2 After an allegation is made, the eparchy or any priest involved in the investigation may not hear the sacramental confession of the accused.

5.3 When an allegation of child sexual abuse is made against a priest or deacon, the eparchy will initiate a prompt, objective, preliminary investigation in accord with canons 1468 – 1470 of the Code of Canons of the Eastern Churches. During the investigation the eparchy will take appropriate steps to protect the reputation of the accused. When there is credible evidence that the sexual abuse of a child has occurred, the eparchy will take appropriate measures to remove the cleric from ministry and place him on administrative leave. The eparchy will also notify the Congregation for the Doctrine of the Faith in cases involving a minor.

5.4 Administrative leave will be planned and imposed consistent with the provisions of canon 1473 of the Code of Canons of the Eastern Churches. The length of time for leave will be specified along with living arrangements, location, financial support, treatment, conduct, and aftercare, where applicable. At the end of the imposed time limit, the need for, and terms of, administrative leave will be reevaluated pursuant to canon law.

5.5 The eparchy will support and assist any priest on administrative leave to find housing and other pastoral support. The eparchy shall be responsible for his financial support.

5.6 Accused clergy will be advised to retain civil and canonical counsel. When necessary, the eparchy may provide canonical counsel to the accused.

5.7 Non-clergy staff and volunteers will be placed on administrative leave during an investigation of credible complains. The length of time for imposed administrative leave will be specified and, upon expiration, will be reevaluated.

5.8 Pastoral and psychological support is essential to the support of any staff member or clergy accused of the sexual abuse of a minor.

a. The eparch may refer accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused clergy chooses not to cooperate, the eparch will be notified of that fact. The eparch, or his designee, shall make all decisions regarding the ministry and ministerial status of those who fail to cooperate in an evaluation.

b. Non-clergy staff and volunteers accused of sexual abuse may also be referred to participate in pastoral and psychological counseling as a condition of further employment or volunteer activities regardless of the outcome of the investigation.

5.9 The eparchy recognizes that if a priest or deacon is accused of sexual misconduct, his family will face enormous strain. The eparchy is committed to the emotional, psychological and spiritual support of a cleric's spouse, children, and other family members.

Section Six Legal Representation

6.1 Legal expenses of accused clergy and other church personnel:

The accused is advised to retain civil and canonical counsel independent from the eparchy. Financial assistance for legal fees incurred by the accused may be available depending on the nature of the case. There is no specific obligation on the part of the eparchy to assist with legal fees.

Section Seven Reassignment of Clergy and Religious

No priest or permanent deacon who admits to, or is judged to be guilty of, sexual activities with a minor shall be allowed to return to any ministry.

7.1 The eparch will establish a review board to assist with assessing allegations and determining the fitness for ministry of clergy and religious suspended from ministry during an investigation of accusations of sexual abuse of a minor. The board shall:

- a. report directly to the bishop or his designee;
- b. consist of not less than five (5) members appointed for a five-year, renewable terms, and the members shall include
 1. one priest who is an experienced and respected pastor;
 2. as well as lay members of integrity and good judgment who are not in the employ of the eparchy, including members from the professional community, at least one of whom shall have expertise in the area of the treatment of sexual abuse of minors.
- c. Review allegations retrospectively and prospectively, and advise the eparch as to the credibility of complaints of child sexual abuse;
- d. review and make recommendations regarding the continuation of the cleric in pastoral

- ministry, counseling, or aftercare;
- e. review and make recommendations regarding the fitness for ministry of any cleric whose ministry was restricted due to false, unsubstantiated or unverifiable accusations of misconduct.
 - f. At least every two years, review and recommend changes to current diocesan policies regarding the response to allegations of sexual abuse of a minor and the assignment of clergy.

The eparch shall appoint an administrative staff member to act as liaison to the review board, the chairperson, and other officers, and may request that the Promoter of Justice attend certain meetings of the board.

All information gained by the review board shall be considered confidential and may not be further disclosed to any party or entity unless it be required by civil and/or canon law.

7.2 When allegations are unsubstantiated, or unverifiable, the eparch, in consultation with the review board, will consider the following factors in making decisions about ministry reassignments:

- a. the completed investigation report;
- b. the assessment of the review board and delegate;
- c. the outcome of proceedings in a civil or criminal court case;
- d. the judgment, recommendation and advice of professional therapists;
- e. the well-being of the faith community and all those ministered to by the Church or religious community/institute.
- f. the concerns of complainants and their families;
- g. the ability of the eparchy or religious community/institution to assure the safety of the community or organization to be served;
- h. the ability of the clergy to provide effective ministry in light of the circumstances;
- i. the best interests of the eparchy and its people.

7.3 If the review board recommends that a priest or deacon be denied the opportunity to return to ministry and the eparch agrees, the priest or deacon may be confined to a life of prayer and penance, offered an opportunity for job training or, in the case of the aged or infirm, apply for retirement. Under no circumstances will an offender be allowed to celebrate the Divine Liturgy publicly, wear clerical garb, or present himself publicly as a priest or deacon.

7.4 If the review board recommends that a priest or deacon be confined to restricted ministry, live in a supervised setting, resign from ministry, or apply for laicization, the eparch will consider options on a case by case basis and may pursue all available courses of action permitted by the Code of Canons of the Eastern Churches.

If it is recommended that the priest or deacon be counseled out of the ministry and he refuses, canonical procedures for removal from office will be initiated and followed. If the priest holds an ecclesiastical office and refuses to resign, a formal ecclesiastical trial may be instituted.

7.5 A priest or deacon who is determined guilty of the sexual abuse of a minor will be permanently removed from ecclesiastical ministry. he will not be allowed to celebrate the Divine Liturgy publicly, wear clerical garb, or present himself publicly as a priest or deacon.

7.6 The eparchy will provide pastoral support for the priest or deacon throughout the transition from ministry to private life.

7.7 No religious or non-incardinated priest or deacon known to have sexually abused a minor will be accepted for ministry in the eparchy. Furthermore, before any priest or deacon transfers to, or takes up residence in, another eparchy or diocese for any purpose, his hierarch/ordinary shall forward an accurate and complete description of the clergy's record to the hierarch/ordinary in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

Section Eight False Accusations

When allegations are false, the eparchy will work closely with the accused and the faith community to restore trust and recreate pastoral and ministerial relationships. Particular attention will be given to the thoughts, feelings, fears, and concerns of the accused. The eparchy will provide a supportive environment and counseling or therapy to the accused to help mitigate the effects of the false accusation. The eparchy, through the review board, will work with the falsely accused person to protect or, if necessary, restore his or her good name and reputation, and create a workable plan for the future. The eparchy will inform the faith community of the results of the investigation.

8.1 The eparchy recognizes that the trauma of being falsely accused can do irreparable harm to the accused's ability to be effective in ministry. However, no person falsely accused of child sexual abuse should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result.; Therefore, when making decisions about the reassignment of clergy who are the subject of false allegations, the eparchy will consider the following factors:

- a. the completed investigation report;
- b. the recommendation of the review board and delegate;
- c. the spiritual, emotional and psychological well-being of the accused;
- d. the judgment, recommendation and advice of trained mental health professionals;
- e. the well-being of the faith community and of all those ministered to by the Church or religious community/institute;
- f. the ability of the cleric to provide effective ministry in light of the circumstances;
- g. and the best interests of the eparchy and its people.

8.2 The eparchy will serve as a link between a falsely accused priest or deacon returning to ministry and the eparchy. The eparchy shall provide pastoral support for the priest or deacon to ensure that the accused's ability to minister effectively in the wake of false accusations is fully restored.

8.3 The pastor or ministry supervisor responsible for staff or volunteers who are falsely accused of child sexual abuse shall provide continuing moral support to the individuals as they return to work or volunteer services. The eparchy will provide necessary counseling services to assist

falsely accused individuals to overcome the consequences of the accusations and to become restored to power and effectiveness in their job duties and volunteer services.

Section Nine

Screening and Selection of Clergy, Staff and Volunteers

9.1 All applicants to the priesthood and/or diaconate are required to participate in psychological screening and background checks to assess their fitness for the ministry and their fitness to work with minors.

9.2 All priests and deacons seeking incardination, and priests or religious seeking ministry or residency within the territory of the eparchy, must demonstrate their fitness to work with minors.

a. Superiors of religious congregations proposing names of individuals for ministry or residency in a church institution are required to state in writing that there is nothing in the person's history or behavior that would make him or her unsuitable for work with minors.

b. Pastors, parochial vicars and assistants, administrators or directors of Church institutions may not be granted permission for full-time, part-time or regular weekend ministry to an extern priest or deacon without prior written approval of the eparch of his designee.

9.3 All staff and all volunteers who work with, or have regular contact with, children shall be screened for their fitness to work with minors. The eparchy shall screen potential staff and conduct background checks on potential staff prior to extending an offer of employment. Applicants who refuse to grant permission or the background check and other screening will not be considered for any staff position in the eparchy.

9.4 The basic screening program for all staff and volunteers shall include:

- a. a completed employment/volunteer questionnaire;
- b. a completed background check;
- c. a personal interview with the applicant;
- d. a signed *code of conduct* agreement.

9.5 No individual who has sexually abused a minor will be employed or engaged as a volunteer for/within the eparchy. The eparchy will immediately terminate any staff member or volunteer if it discovers evidence of previous child sexual abuse by that person.

9.6 The eparchy will adopt a *code of conduct* for clergy, staff and volunteers. The code of conduct will establish guidelines for appropriate interactions between Church personnel and those that they serve, and will establish disciplinary consequences for violations of the code of conduct.

Section Ten

The Media

10.1 There shall be a designated spokesperson for the eparchy. This spokesperson shall be responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse of minors.

10.2 The spokesperson shall be informed immediately upon receipt of any allegations.

10.3 All complaints to the eparchy are treated as confidential until such time as the allegation becomes public record as a result of charges being filed, a civil suit begun, etc., or the matter has become public knowledge through the press of in its own right.

10.4 Within the confines of respect for the privacy and the reputation of the individuals involved, the eparchy will deal as openly as possible with members of the community. (Cf. Article 7 of *The Charter*.) The eparchial communications policy will be a commitment to transparency and openness.

Section Eleven
Insurance

11.1 Eparchial insurance covers individuals acting within the scope of their ministry or employment within the Church.

11.2 Eparchial insurers shall be notified of incidents, concerns or allegations in accordance with the terms of applicable insurance contracts.

11.3 The eparch or his designee shall notify the eparchial attorney and insurance carrier.

Section Twelve
Conclusion

12.1 These policies will be reviewed every two (2) years by the eparchial review board, along with representatives designated by the eparch.

12.2 Recommendations for revisions shall be presented to the eparch.

*By mandate of the Eparch,
5 August 2003*

Procedures for Filing a Complaint of Sexual Abuse of a Minor

1. All clergy, staff and volunteers must report knowledge or belief that a child is the victim of sexual abuse. (Cf. Eparchial Sexual Abuse Policy, sec. 2, *supra*.)
2. All complaints or knowledge of abuse should first be brought to the attention of the pastor or the parish, the principal of the school, the head of a religious community, or the supervisor of the particular ministry or organization.
3. If a victim, or a victim's family, is making a direct complaint on his/her/their own, they will meet with the pastor of the parish, the principal of the school, the superior of the religious community, or the supervisor in charge of the activity. At all times a victim or complainant may report directly to the eparchial bishop
4. The person hearing the complaint will make a record of the victim's name and address, the person being accused, the place where the incident occurred, the time when the incident occurred and a general description of the nature of the offense.
5. Upon receiving the preliminary information noted above, it is mandated that the pastor, principal, religious superior, or ministry supervisor forward the report of abuse to:
 - a) the eparch and the chancellor of the eparchy
 - b) the local police department for the place where the offense occurred (even via 911)
 - c) the Child Protection Agency or Hot Line for the area. This information can be obtained from the local city or municipal government. In some phone directories it is found in the "blue pages.")
6. Upon receiving a complaint, the eparch and chancellor will contact the victim-assistance coordinator, the special review board for child protection, the local protopresbyter (dean), the eparchial attorney, the eparchial insurance company and the designated spokesperson for these matters.
7. The eparch will meet personally with all victims and their families.
8. The eparch will begin a preliminary internal investigation of the incident in accordance with canons 1468 – 1470 of the Code of Canons for the Eastern Churches.

If there is credible evidence that sexual abuse has occurred, appropriate measures will be taken to remove the offender from ministry and place him or her on administrative leave in accordance with the provisions of canon law.