



Diocese of Little Rock

Policy Statement on Sexual Misconduct with Adults

DIOCESE OF LITTLE ROCK

POLICY STATEMENT ON THE SEXUAL ABUSE OF ADULTS¹

I. Personnel* (see appendix)

The Obligations of the Clergy

It is the expectation of the Catholic Church and her members that priests and deacons live a life in keeping with their calling. Any sexual activity by priests, whether they be diocesan or religious is deemed inappropriate and contrary to Christian morality. Any sexual activity by deacons (outside of their rights as married persons) is also deemed inappropriate and contrary to Christian morality. Because such sexual activity is considered to be against the very nature and scope of pastoral ministry it will not be tolerated in any case, under any circumstance. Therefore, keeping in mind the call to live a life of chastity according to the promises made at ordination, priests and deacons are required to adhere to these policies set down by the Diocese of Little Rock.

The Obligations of Men and Women Religious

Religious men and women are called to exercise their vocation within the evangelical counsels of poverty, chastity, and obedience. As with diocesan priests and deacons there is the expectation on part of the Church that these live a life in keeping with their calling. So too, any sexual activity by celibate men and women religious is deemed inappropriate and contrary to Christian morality. Therefore, consistent with the obligations freely undertaken with the evangelical counsel of chastity, members of religious institutes working within the Diocese of Little Rock are required to adhere to the policies stated herein.

The Obligations of the Laity Employed by the Diocese

One of the greatest gifts given by God to all human creation is that of our sexuality. The expression of genital sexuality has been consistently taught by the church to be restricted to the spousal relationship assumed in marriage. Unfortunately, we live in a society and a culture that does not always embrace the teachings of Jesus Christ or the Church in this regard. It is in following the example of Jesus Christ that we exercise of our sexuality according to our state in life, whether married, single, religious or cleric. Thus, the obligations of the laity fall within either the single or married life. As such members of the laity are either called to live a chaste life as single members of the Church, or as married members of the Church. The latter is monogamous, excluding all others. Therefore, consistent with the obligations of either state of life, members of the laity working within the Diocese of Little Rock are required to adhere to the policies stated herein.

¹ Cases involving sexual contact with minors are covered by the “Diocese of Little Rock Policy Regarding the Sexual Abuse of Minors”

II. Procedures

A. The Investigation of Sexual Misconduct* (see appendix)

In the event that an allegation is made against a priest or deacon, male or female religious, or a lay employee of the Diocese of Little Rock, the one who is making the complaint is to be referred to the Vicar General (or in his absence the Chancellor for Canonical Affairs). He will be assisted by a Pastoral Team appointed by the Bishop. The Pastoral Team will consist of the Vicar General, the Chancellor, and a priest appointed by the Bishop from the Clergy Personnel Board (in the case of a Religious, a member of a religious community appointed by the Bishop; in the case of a member of the laity, the Chancellor for Administration).

B. The Responsibilities of the Pastoral Team

First and foremost it is the responsibility of the Bishop of the Diocese acting personally or through his agent to provide for the pastoral care of all parties in cases of allegations of sexual misconduct. This is consistent with his role as shepherd and chief pastor of the flock entrusted to his care. Through his Vicar General, the Bishop will direct that appropriate pastoral care be given to the individual(s) who allege sexual misconduct by a member of the clergy, a religious, a lay employee or volunteer. Pastoral concern will also be given to the person against whom the allegations have been made, conscious that all canonical and legal laws are observed and the accused persons' rights protected. Finally, pastoral concern for those in the Christian community who have been affected by the circumstances of the sexual misconduct. It will be considered incumbent upon the Bishop and/or his agent to ensure that the public is advised of the pastoral concern for each individual affected by the sexual misconduct and the process whereby the issue is brought to a conclusion.

The Pastoral Team, appointed by the Bishop, will work under the direction of the Vicar General to:

1. **Respect and protect** the rights of all parties;
2. **Understand the Diocesan Policies** on Sexual Misconduct;
3. **Consult with the Diocesan attorneys regarding federal, state, and local laws** on Sexual Misconduct;
4. Communicate through the Vicar General the **pastoral concern** which the Diocese has for all of the parties involved;
5. Assist the Vicar General in **evaluating the evidence** presented;
6. **Recommend action**, if any, to be taken as a result of the investigation.

C. The Investigation

Upon notice of the allegations of sexual misconduct the Vicar General will make contact with the one who is making the complaint to express the pastoral concerns of the

Bishop and the Diocese for the individual(s), to advise that there is a policy and a procedure to be followed, and to assure the accuser that he/she will be kept informed of the procedure as it unfolds, protecting the rights of privacy for both the accuser and the one accused. The Vicar General will investigate the allegations, seeking advice from the Diocesan legal counsel. Should experts in this field be regarded as necessary the Vicar General will appoint them to assist in the process. Witnesses will be consulted when necessary in order to facilitate the orderly instruction of the investigation. Special care will be taken to ensure that all canonical laws are observed, including the rights of the accused to be protected. All allegations will be taken seriously.

D. The Determination

1. If the investigation determines that there lacks just reason to accept the allegation of sexual misconduct, the Vicar General will notify the Bishop, who will notify both the accused and the individual(s) who brought the allegation;
2. If the Pastoral Team determines there is just reason to accept the allegations of sexual misconduct, a detailed report will be given to the Bishop by the Vicar General, along with recommendations for action. The Bishop, exercising his responsibility in this area will direct the Vicar General (or another agent of his choosing) to carry out the recommendations of the Pastoral Team.

E. The Action Taken In All Cases

In the event that the Pastoral Team determines that there is just reason to accept the allegation of sexual misconduct, the Bishop will direct the Vicar General to fulfill the following responsibilities:

1. Continue the pastoral relationship with the victim and his/her family to a) advise them of the actions taken and b) to assure them of the intent of the Diocese to assist them in their healing process;
2. Communicate the findings to Diocesan counsel and insurance carrier;
3. To consult with diocesan attorneys regarding any applicable state, federal or local laws;
4. Work with Diocesan spokesperson and Director of Communications to handle the public statements, which may have to be made.

F. The Action Taken in Cases Involving a Cleric

In the event that the Pastoral Team finds that there is justification to the allegations against a cleric, the following actions will take place:

1. The cleric will be placed on administrative leave. His financial status will not change, although his residence will be away from potential victims. To the best of their ability the Bishop and the Pastoral Team will exercise due care in protecting the cleric's confidentiality.
2. Should the occurrence become public the Bishop will inform those closest to the situation, the parishioners, etc. of his decisions regarding the cleric.
3. While on administrative leave the cleric will be expected to avail himself of a psychiatric evaluation at an approved facility of the Bishop's choice. This will be done as soon as possible. A process of monitoring the cleric's progress, ongoing therapy and aftercare will determine both the prognosis for the cleric and his suitability or unsuitability for further assignment.
4. There are other options which might be explored at a time when it is determined that the cleric is unsuitable for further ministry. Any canonical procedure will be followed with full respect for the cleric's rights as outlined in The Code of Canon Law.
5. Clerics who belong to other dioceses will have their faculties to minister in the Diocese of Little Rock revoked.

G. The Action Taken in Cases Involving a Religious

In the event that the Pastoral Team determines that there is justification to the allegations against a Religious, the following actions will take place:

Respecting the rights of all parties in such cases, the Superior of the Religious man or woman who has engaged in sexual misconduct will be requested to remove him or her from the Diocese. If the Religious man or woman is employed by the Diocese, the employment will be terminated. If the Superior neglects to act, the matter will be referred to the Holy See under canon 679 of the Code of Canon Law.

H. The Action Taken in Cases Involving the Laity

Respecting the rights of all parties, members of the laity who engage in sexual misconduct will have their employment terminated. Likewise, volunteers who engage in sexual misconduct will no longer be able to act in this capacity.

Appendix:

1. Personnel:

a. Clergy: the following are classified as clerics in the Catholic Diocese of Little Rock:

- Men ordained to the Roman Catholic priesthood or diaconate
- Clerics who are members of Religious Institutes assigned to Pastoral work in the Diocese of Little Rock
- Clerics of other Dioceses who are assigned to Pastoral work in the Diocese of Little Rock
- Clerics of other Dioceses who are retired, but request faculties to do pastoral work in the Diocese of Little Rock
- Clerics who are seeking incardination in the Diocese of Little Rock

b. Religious: the following are classified as Religious in the Catholic Diocese of Little Rock:

- Members of Religious Institutes doing pastoral work in the Diocese of Little Rock
- Members of Societies of Apostolic Life doing pastoral work in the Diocese of Little Rock

c. Laity: the following are classified as members of the Laity of the Diocese of Little Rock:

- All paid and volunteer personnel working for the Diocese of Little Rock, or in parishes, schools, ministries or their agencies
- Seminarians who are studying for the Priesthood for the Diocese of Little Rock
- Those who are studying for the Diaconate for the Diocese of Little Rock
- Those who have been accepted as Interns for the Pastoral Ministry Program in the Diocese of Little Rock as well as those appointed Pastoral Administrators
- Members of Private or Public Associations of the Faithful engaged in any form of pastoral ministry in the Diocese of Little Rock

2. Sexual Misconduct:

a. Clerics and Religious:

- Sexual contact between a celibate cleric or religious and an adult, regardless of who initiated contact, and whether consensual or not
- Sexual harassment as defined below

b. Lay Employees:

- Sexual contact between a lay employee and an adult other than his or her spouse, regardless of who initiated contact, and whether consensual or not
- Sexual harassment as defined below

c. “Sexual Harassment” defined as follows is sexual misconduct:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.”