

**POLICY ON
SEXUAL MISCONDUCT AND SEXUAL ABUSE
AGAINST MINORS**

**Metropolitan Archeparchy
of
Pittsburgh**

*Published February 2003
Revised: August, 2006, January, 2012
and February, 2014*



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Prot. No. 20/14 S

Glory to Jesus Christ! Glory Forever!

The following Policy on Sexual Misconduct and Sexual Abuse against minors was most recently studied and revised by the Review Board of the Archeparchy of Pittsburgh at its meeting on February 11, 2014.

At that same meeting the board voted to approve the policy with its revisions.

Therefore, I approve and accept this policy, written to protect the rights, safety and dignity of every person, especially children, entrusted to our pastoral care in the Archeparchy of Pittsburgh.

Effective and promulgated this 14th day of February, 2014.

+ William C. Skurla

Most Reverend William C. Skurla, D.D.
Metropolitan Archbishop of Pittsburgh

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***POLICY ON SEXUAL MISCONDUCT AND SEXUAL ABUSE AGAINST
MINORS
IN THE ARCHDIOCESE OF PITTSBURGH***

It is our desire to protect the rights, safety and dignity of every person, especially children, entrusted to our pastoral care in the Archdiocese of Pittsburgh.

The *Policy* is intended to be pastoral and administrative. It is to complement the Code of Canons of the Eastern Churches as well as to be in conformity with the Charter for the Protection of Children and Young People (revised - 2011) established by the United States Conference of Catholic Bishops.

The following procedures of the *Policy* will be followed whenever an allegation of ***sexual misconduct*** or ***sexual abuse*** against a ***minor*** by a ***cleric or anyone in church service*** is made or reported to the archdiocese or the archdiocese otherwise learns of such allegations of ***sexual misconduct*** or ***sexual abuse***.

The *Policy* will be reviewed every three years.

This *Policy* is readily available in printed and electronic form and is publicly announced at least annually.

DEFINITIONS

Advisory Statement - a statement identical to or similar to that found in the appendix of this *Policy on Sexual Misconduct and Sexual Abuse* where a complaining party acknowledges certain rights and information received from the archeparchy

Assistance Coordinator - The Archieparchial *Assistance Coordinator* is appointed by the archbishop or administrator to coordinate the immediate pastoral care of persons including *minors* who claim to have been victims of *sexual misconduct* or *sexual abuse* by a *cleric or anyone in church service*

- 1) The Archieparchial *Assistance Coordinator* is appointed for a three (3) year term that is renewable.
- 2) The Archieparchial *Assistance Coordinator* consults with and is responsible to the archbishop or the administrator or to one specifically delegated by him to act on his behalf.

Civil Authorities - Police authorities, district attorneys, and other prosecuting authorities within the jurisdiction where any claimed offenses may have taken place

Cleric or Anyone in Church Service - Priests, deacons, personnel paid or unpaid, volunteers, and anyone with contact with children and *minors*

Congregation for the Doctrine of the Faith - The Vatican Congregation which promotes and safeguards the teachings and doctrines of the Church

Minor - A person under the age of eighteen or persons who habitually lack the use of reason

Sexual Misconduct - the acquisition, possession, or distribution by a *cleric or anyone in church service* of pornographic images of *minors* for purposes of sexual gratification by whatever means or by using whatever technology

Sexual Abuse - any sexual activity committed by a *cleric or anyone in church service* against a *minor* or a person who habitually lacks the use of reason

Syncellus for Clergy - A duly appointed priest who serves as the liaison between the archbishop or the administrator and the priests of the archeparchy.

PASTORAL PROCEDURES

- 1) All allegations of *sexual misconduct* or *sexual abuse* against *minors* by any *cleric or anyone in church service* shall be reported to *civil authorities* at a minimum in accord with Pennsylvania state law or with the applicable laws of other states. The archeparchy complies with all applicable civil laws with respect to the reporting of allegations of *sexual misconduct* or *sexual abuse* against *minors* to *civil authorities* and cooperates in their investigation in accord with the law of the jurisdiction in question.
- 2) When a person reaches the age of majority in a particular jurisdiction, the archeparchy shall cooperate with *civil authorities* even when incidents have been reported at the discretion of that person and the person is no longer a *minor*.
- 3) In every instance the archeparchy advises victims of their rights to make a report to *civil authorities* and supports this right. All persons making allegations are asked to sign an *advisory statement* asserting that they have been informed of their rights to make a report to *civil authorities*. A copy of this statement is given to them.
- 4) Allegations of *sexual misconduct* or *sexual abuse* on the part of a *cleric or anyone in church service* are promptly examined by the *syncellus for clergy*, the *assistance coordinator* and/or a delegate of the archbishop or of the administrator.
- 5) The person(s) making the allegations is/are provided the opportunity to be interviewed by the *syncellus for clergy*, the *assistance coordinator* and/or a delegate of the archbishop or of the administrator in an atmosphere that ensures justice and fairness to all concerned. The individual making the allegation is also asked to put his or her allegation in writing. The accused is also provided the opportunity to be interviewed.

Utmost discretion is maintained by all involved in this process in order to proceed with a fair and thorough investigation. However, the archeparchy cannot assure strict confidentiality.

The person against whom the allegation has been made obviously will need to be informed. In addition only archieparchial staff members specifically involved in handling these matters are informed of the allegation.

- 6) After obtaining legal advice the *assistance coordinator* may provide and/or arrange for the immediate provision of counseling, spiritual assistance, support groups and social services as are reasonably determined to be appropriate in each individual circumstance, as agreed upon by the victim and the archeparchy. This pastoral outreach is to include victims/survivors, their families, and may also be directed to faith communities in which the *sexual misconduct* or *sexual abuse* occurred. Compassion, the keynote of the gospel, is the guiding principle.
- 7) The archeparchy shall not enter into settlement agreements which bind the parties to confidentiality unless the victim/survivor requests confidentiality and this request is noted in the text of the agreement.

**CANONICAL ADMINISTRATIVE PROCEDURES
FOR CLERICS AND MEMBERS OF RELIGIOUS COMMUNITIES**

- 1) When an allegation of *sexual misconduct* or *sexual abuse* against a *minor* by a priest or deacon is received, a preliminary investigation in accordance with canon law is initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468).
- 2) For the sake of canonical due process the accused is encouraged to retain the assistance of civil and canonical counsel. When necessary the archeparchy will supply canonical counsel.
- 3) It is assumed that a person is innocent until the evidence of the investigation demonstrates otherwise. However, the presumption of innocence does not preclude the archeparchy from taking prudent action regarding the assignment or employment of the accused person before any investigation is completed.
- 4) When the preliminary investigation of an allegation by the *syncellus for clergy, assistance coordinator*, and/or a delegate of the archbishop or of the administrator so indicates, the archbishop or the administrator notifies the *Congregation for the Doctrine of the Faith* and relieves the alleged offender of his ministerial duties. The alleged offender may be requested to seek and may be urged voluntarily to comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the archeparchy and to the accused.
- 5) If the *cleric* against whom an allegation has been made is a monastic or member of a religious community, the case is within the jurisdiction of the major superior(s) of the religious community of which the accused is a member.

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 archeparchy, the major superior shall inform the archbishop or the administrator 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 misconduct* or *sexual abuse* against a *minor* and any other information indicating that he has been or may be a danger to children or young people so that the archbishop or the administrator can make an informed judgment that suitable safeguards are in place for the protection of children or young people. This will be done with due recognition of the legitimate authority of the archbishop or of the administrator and of the provisions of CCEO, canons 415 § 1 and 554 §2.

- 6) When *sexual misconduct* or *sexual abuse* against a *minor* by a *cleric* is admitted or is established after an investigation in accordance with established policies and norms and in accord with canon law, the following is observed:
 - a. The offending *cleric* is offered the opportunity to permanently withdraw from priestly ministry or he is to be permanently removed from ministry.
 - b. The offending *cleric* is offered therapeutic professional assistance both for prevention and also for his own healing and well-being.

- c. In some cases the procedures may include a request by the *cleric* for dispensation from the obligation of holy orders and the loss of the clerical state *ex officio*, or a request by the archbishop or the administrator for dismissal from the clerical state even without the consent of the priest or deacon.
 - d. When 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 the Divine Liturgy publicly or to administer the holy mysteries. He is to be instructed not to wear clerical garb or to present himself publicly as a priest or deacon.
- 7) Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been the victim of *sexual misconduct* or *sexual abuse* and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to publically restore the good name of the person falsely accused.

PROTECTION FOR THE FAITHFUL

- 1) The archeparchy maintains Safe Environment Programs deemed by the archbishop or the administrator to be in accord with Catholic moral principles for all parishes and institutions. This includes education and training for children, youth, parents, ministers, educators and others in cooperation with parents, *civil authorities*, educators and community organizations. Standards of conduct for *clerics* and *anyone in church service* are communicated to *clerics*, *anyone in church service*, and members of the community. These programs focus on the means to maintain a safe environment for children and youth.
- 2) The archbishop or administrator and major superiors of clerical institutes or their delegates meet periodically to coordinate their roles concerning the issue of allegations made against a *cleric* member of a religious community ministering or in residence in the archeparchy.
- 3) The archeparchy promotes programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores Dabo Vobis*, *the Program of Priestly Formation*, and *the Basic Plan for the Ongoing Formation of Priests*. The archeparchy is committed to employ adequate screening and evaluative techniques at a minimum including criminal background checks and child abuse history clearances for all *clerics*, candidates for ordination, and for *anyone in church service* within the archeparchy.
- 4) No *cleric* who has committed an act of *sexual misconduct* or *sexual abuse* against a *minor* may be transferred for ministerial assignment in another (arch)eparchy/diocese. Prior to accepting a *cleric* from outside his jurisdiction, the archbishop or administrator will obtain the necessary information regarding any past act of *sexual misconduct* or *sexual abuse* against a *minor* by the *cleric* in question.

- 5) Regarding new assignments, transfers or residence including retirement into another (arch)eparchy/diocese, an accurate and complete description of a *cleric's* record, including whether there is anything in his background or service that would raise questions about his fitness for ministry, is to be forwarded in a confidential manner by the archbishop or the administrator to the bishop of the receiving jurisdiction. Such documentation is necessary before allowing a new assignment, transfer or residence in the archeparchy to any *cleric* from another (arch)eparchy/diocese.
- 6) The communications policy of the archeparchy reflects transparency and openness that enables the utmost efforts for the protection of children, young people and all the faithful of the archeparchy.

ARCHIEPARCHIAL REVIEW BOARD

The Review Board functions as a confidential consultative body to assist the archbishop or the administrator in the discharge of his duties. The board advises the archbishop or the administrator in his assessment of allegations of *sexual misconduct* or *sexual abuse* against *minors* and in his determination of a *cleric's* suitability for ministry.

- 1) The Review Board consists of at least five members of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members are lay persons who are not in the employ of the archeparchy and at least one member is a priest who is an experienced and respected pastor of the archeparchy. The membership should include persons who are learned in civil and canon law or the human sciences and who meet any other qualifications which the archbishop or administrator may establish. Qualified resource persons with expertise in these matters may be consulted.

The Review Board acts both retrospectively and prospectively on these matters and gives advice on all aspects of responses in connection with these cases.

- 2) The Review Board also assists the archbishop or the administrator in periodically reviewing archieparchial policies and procedures for dealing with allegations of *sexual misconduct* or *sexual abuse* against a *minor*. Periodic reviews of policies occur every three years.
- 3) The Review Board is appointed and convened only by the archbishop or the administrator or by one specifically delegated by him to act on his behalf. The Review Board is appointed for a (5) five year term that is renewable.

COMMUNICATIONS POLICY ON SEXUAL MISCONDUCT (EXCERPTS)

The purpose of this policy is to ensure that communications from and throughout the Archeparchy of Pittsburgh on issues related to the protection of children and reports of *sexual misconduct* or *sexual abuse* on the part of a *cleric or anyone in church service* of the archeparchy are coordinated, effectively managed and responsive to the diverse information needs of the members of the archeparchy and the general public.

It is the policy of the Archeparchy of Pittsburgh to:

- * Provide members of the archeparchy and the public with timely, accurate, and complete information about its policies, programs, services and initiatives regarding the implementation of its *Policy on Sexual Misconduct*, adopted February 2003 and revised in 2006, 2012 and 2014. As noted in the Charter for the Protection of Children and Young People (adopted by the United States Conference of Catholic Bishops in November 2002 and revised in June, 2005, and again in June, 2011) within the confines of respect for the privacy and reputation of the individuals involved, the Archeparchy of Pittsburgh is to deal as openly as possible with members of the community. This means that the archeparchy will share information unless there is a serious reason to maintain confidentiality. Matters under litigation, unsubstantiated allegations, and information which a victim has asked the archeparchy to keep private are examples of possible exemptions. Decisions on exemptions will be made by the Director of Communications in consultation with key archieparchial staff.
- * Ensure that members of the archeparchy have access to information on how to report *sexual misconduct* or *sexual abuse*, how to obtain needed assistance, and what the archeparchy is doing to ensure “safe environments” for children and young people within its parishes and organizations. The archeparchy will disseminate information as it is available and repeat it annually to ensure the broadest possible awareness of programs and key contacts, employing a variety of ways and means to communicate. Information will be provided in multiple formats to accommodate diverse needs, including but not limited to parish bulletin inserts, the archieparchial newspaper and website, and secular media where appropriate.
- * Identify and address communication needs and issues routinely in the development, implementation and evaluation of policies and programs and in responding to individual cases reported. Internal (parish communities) and external (general public) communication needs must be identified and met when planning, managing or reviewing policies, programs and actions resulting from reported cases of *sexual misconduct* or *sexual abuse*.
- * Safeguard the Church community’s trust and confidence in the integrity and pastoral concern of the archeparchy. Members of the entire Church community especially need to know that the Archeparchy of Pittsburgh is genuinely committed to the protection of children and young people and to dealing justly and compassionately with victims, the accused and perpetrators of *sexual misconduct* or *sexual abuse*.

- * Informing and serving the members of the archeparchy takes precedence in all communications concerns. When the archeparchy takes any action regarding a matter of *sexual misconduct* or *sexual abuse* impacting a specific parish community, the community will be informed first by the archbishop or administrator or his designated delegate before any public statement or communication is made.
- * The archeparchy will make every reasonable effort to respond effectively in a 24-hour media environment. As much as possible with existing resources, the Director of Communications will be able, on short notice, to reach, inform and respond to the media, especially on serious issues relating to the protection of children and young people.
- * The Director of Communications is the principal spokesperson of the Metropolitan Archeparchy of Pittsburgh and the official liaison with the media regarding matters relating to the archeparchy's policies and efforts regarding the protection of children and young people. On occasion as appropriate and available, the archbishop or administrator or a designated delegate may speak with the media on behalf of the archeparchy.
- * All requests for interviews, information and other materials from journalists and other media representatives should be directed to the Director of Communications.
- * The archeparchy will identify appropriate opportunities to inform the public about significant initiatives of the archeparchy as needed. Public events and announcements, including news conferences, may be arranged from time to time for communication purposes.

APPENDIX

ADVISORY STATEMENT FOR REPORT OF SEXUAL MISCONDUCT OR SEXUAL ABUSE

I (please print name) _____, acknowledge that at the time I contacted the Byzantine Catholic Archeparchy of Pittsburgh concerning alleged *sexual misconduct* or *sexual abuse* on the part of a *cleric* or *anyone in church service* of the Byzantine Catholic Archeparchy of Pittsburgh, the under-signed representative of the Archeparchy informed me of the following before hearing my complaint:

*that I have the right to report alleged *sexual misconduct* or *sexual abuse* directly to the *civil authorities*;

*that I have the right to seek counsel from an attorney of my own choosing;

*that in receiving information from me, the undersigned representative of the Archeparchy of Pittsburgh did not give me any legal advice as to how I should proceed in this matter.

Signature of the Person Reporting

Address

City/State/zip

Signature and Title of Representative of the Archeparchy

Place and Date

“Let there be no doubt or confusion
on anyone’s part:
for us, your bishops,
our obligation to protect children and young people
and to prevent sexual abuse
flows from the mission and example
given to us by Jesus Christ himself in whose name we serve”

Charter for the Protection of Children and Young People

(revised 2011)

U.S. Conference of Catholic Bishops
Washington DC