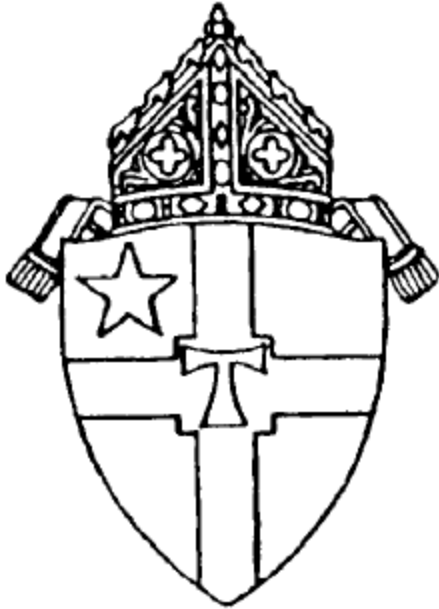


**POLICY ON SEXUAL ABUSE
ON THE PART OF CHURCH PERSONNEL
OF THE
ARCHDIOCESE OF SAN ANTONIO**



**JUNE 1994
(REVISED JANUARY 3, 1995,
DECEMBER 1998)**

The Catholic Church expects its 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 and serve the people of God.

Thus, sexual abuse by church personnel of the Archdiocese of San Antonio is contrary to Christian morals and civil law. It is obviously outside the scope of the duties of church ministry and employment for all personnel of the Archdiocese, its parishes, schools and other agencies, and will not under any circumstances be tolerated.

All personnel of the Archdiocese, its parishes, schools and other agencies must comply with all applicable church, federal, state and local laws regarding incidents of actual, alleged or suspected sexual abuse, and with the procedures outlined in this document.

Sexual abuse is a transgression of civil, criminal and canon law. A violation of the criminal law of the State of Texas can subject the perpetrator to a prison sentence and/or a fine. An act of sexual abuse can also be the basis for a civil suit for monetary damages.

To assist in the implementation of this policy, the Archbishop has established a Crisis Intervention Committee, which will act immediately on any complaint to the Archdiocese of sexual abuse on the part of church personnel.

A. Sexual Abuse

For the purpose of this policy, Sexual Abuse will be defined as sexual contact with a minor or legally protected adult, and also includes:

1. Sexual Harassment (inflicting unwanted sexual attention on a co-worker). (See Archdiocese Statement on Sexual Harassment).
2. Sexual Exploitation (sexual contact between a pastoral care giver and the recipient of his or her pastoral care).

B. Church Personnel

The following are included in the definition of church personnel:

1. Priests incardinated in the Archdiocese of San Antonio.
2. Priests who are members of religious institutes assigned to pastoral work in the Archdiocese.
3. Priests of other jurisdictions who are assigned to pastoral work in this Archdiocese; priests seeking incardination in this Archdiocese; other priests, including those who are retired, who request canonical faculties to do part-time or supply ministry.

4. Permanent and transitional deacons incardinated in this Archdiocese; permanent deacons incardinated in other dioceses but with canonical faculties to function in this Archdiocese; those enrolled in the Permanent Diaconate Formation Program.

5. Women religious and religious brothers working for the Archdiocese, its parishes, schools or agencies.

6. All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools or other agencies; also, those who contract their services to church agencies.

7. Volunteers - any person who enters into or offers himself/herself for a church related service of his/her own free will, while acting in that capacity.

II. THE CHURCH'S PASTORAL CONCERN FOR ALL

A. Care of the One Who Alleges Sexual Abuse

The Archdiocese will always cooperate fully with civil authorities and follow reporting requirements as determined by Texas Law.

Nothing in this policy shall be construed as conflicting with the responsibility to report any incident of child sexual abuse according to law.

The Archdiocese of San Antonio will respond immediately and effectively to deal with any accusation of sexual abuse brought against a church minister or church personnel. The willingness of the Archdiocese to respond to an allegation is in no way a judgment of the person being accused. Innocence is always presumed unless facts prove otherwise. At all times it is expected that an allegation brought by the one directly involved or by that person's parent or legal guardian, is based on fact, and is an honest representation of the truth. It is always important for all members of the church to be sensitive to the needs and feelings of those who allege sexual abuse.

The Church will offer pastoral assistance to the victim of sexual abuse to enable healing. This assistance for an individual victim will vary with circumstances and support from the Archdiocese will be determined in proportion to the defined course of therapy. The Archdiocese will provide reasonable assistance as the need arises.

B. Care of a Priest Accused of Sexual Abuse

Sexual abuse by a priest is a serious failure of the responsibilities for the care of souls inherent in the pastoral office. Because of the nature of the priest's role in the church and within a parish community, there is a sacred trust established between the priest and his

parishioners. This trust is essential for his effectiveness as a priest and pastor.

We have come to understand that some forms of sexual abuse are a manifestation of a spectrum of illnesses. It is the policy of the Archdiocese that priests be afforded the necessary education, formation and opportunities for growth necessary to maintain a healthy, celibate lifestyle. Should an allegation of sexual abuse arise, compassion will always be exercised toward the accused as well as toward the person making the accusation.

Any credible allegation of sexual abuse involving a priest will be taken seriously and the process of evaluation described in this policy will be initiated. As the policy indicates, several persons may be involved in this evaluation, but in so far as church law is concerned, the Archbishop will make all final decisions regarding the priest who has been accused.

C. Care of Other Church Personnel Accused of Sexual Abuse

The Archdiocese of San Antonio has a similar concern for any sexual abuse by other church personnel and will apply the same process concerning the evaluation and action as in the case of a priest.

The Archdiocese will assume appropriate responsibility to the extent of the relationship it has with the one against whom the allegation is brought.

Care will be taken that all canonical and civil laws are observed and the accused person's legal rights are upheld.

Trust is fundamental in all ministerial relationships. Any abuse of the authority surrounding the pastoral role by sexual abuse by church personnel is cause for employer initiated termination if any allegation is judged to be valid after due evaluation as required by this policy.

D. Care of the Christian Community
Affected by Sexual Abuse

The Archdiocese will have a special concern for parishes and other church communities served by personnel who are accused of sexual abuse. To the extent consistent with the right to privacy of those directly involved in an allegation, the church will make every effort to keep the local community informed about what is taking place and to provide the means by which the community can deal with the ensuing trauma and, with the help of the Holy Spirit, find consolation and healing.

III.. PROCEDURE WHEN SEXUAL ABUSE IS
ALLEGED

A. When an Allegation of Sexual Abuse is
Made

When an allegation is made regarding sexual abuse, the person reporting the complaint is to be told that the Archdiocese has a policy and a set of procedures to be followed. When any

allegation involving sexual abuse by any church personnel is received, the Archbishop is to be notified immediately. His office telephone number is (210) 734-2620. In the Archbishop's absence, or if he cannot otherwise be reached, the notification is to be given to one of his Auxiliary Bishops or the Moderator of the Curia.

The Archbishop (or the person acting in his absence) will immediately direct the Crisis Intervention Committee (made up of clergy and laity) to begin a prompt and thorough evaluation of the alleged abuse. Within three working days this committee will report to the Archbishop its preliminary findings and the schedule of interviews to be conducted as part of the evaluation. Care will be taken to avoid endangering anyone's good name during this process.

The committee will organize the evaluation as the particular circumstances demand and speak directly with the parties involved. Persons other than the accuser and the accused may be consulted. The committee will prepare a written record of the evaluation and present their findings directly to the Archbishop.

1. If the claim is judged to be unfounded: If there is no probable cause to believe that the accused has engaged in sexual abuse and the claim is judged not to be a valid allegation, the Archbishop is so notified and he suspends the process. The Archbishop sees that the accused is notified and the person who brought the allegation is also notified of the conclusion of the evaluation.

2. If the committee determines that there is probable cause: If a valid claim is judged to exist, the committee will meet with the Archbishop and present their written report of evaluation containing their findings of fact and their recommendation to proceed with action. It is the Archbishop's responsibility to initiate the action phase and to implement final recommendations.

B. Action Phase if Allegations Seem Founded

1. At the time the Archbishop accepts the report from the committee that there is probable cause to believe that an allegation of sexual abuse is valid, he will designate a particular Archdiocesan Official, normally the Moderator of the Curia, to assume direct, on-going responsibility for the following:

a. Cooperating with civil authorities in accordance with the provisions set forth in Texas law as applicable to a particular allegation.

b. Reporting the matter to the Archdiocesan insurance carrier.

c. Collaborating with the Archdiocesan Communications Director to prepare timely statements for the media should the need arise. The Communications Director will be the sole person to deal with the public media.

d. Approaching those affected by the ministry of the accused to initiate a process of healing.

e. Maintaining contact, already established in the earlier phase, with the victim and/or family to inform them of actions taken by the archdiocese and to assist them in their process of healing.

2. If the Accused is a Priest/Deacon of the Archdiocese: Because Canon Law sets out particular obligations of the Archdiocese toward an incardinated priest/deacon, the Archbishop will act accordingly. He will place the priest/deacon on administrative leave with his remuneration intact, away from his official assignment. Care must be taken lest anyone's good name be endangered by this evaluation. At the same time consistent with the rights of all concerned, those closest to the priest's/deacon's assignment, including parishioners, have the right to be informed of the Archbishop's decisions and the reason for the priest's/deacon's absence.

Upon being placed on administrative leave, the priest/ deacon will receive psychological and/or psychiatric evaluation in a recognized facility of the Archbishop's choice as quickly as scheduling permits. The priest will not receive any further assignment while a resolution of an allegation is pending. His activities will be closely monitored during that time. Upon receipt of the written report of the psychological and/or psychiatric evaluation with its recommended action, the Archbishop will determine what further action is to be taken.

A priest/deacon who has engaged in sexual abuse, upon the completion of therapy and aftercare, depending on the nature of the offense and the prognosis of future behavior, may be assisted to resign from all priestly/ diaconal ministry, assigned to a ministry outside the parish setting, or may be assigned to continue in parochial ministry. However, before a priest/deacon is returned to active ministry, the recommendations of the therapist will be defined in writing. There will be an appropriate level of disclosure of the priest's/deacon's aftercare in the ministerial setting and effective monitoring of his activity.

The foregoing is not to be interpreted to be in any way prejudicial to or in derogation from the right and responsibility of the Most Reverend Archbishop to deal with this matter in accordance with the appropriate Canons on Penal Procedure (Canons 1717-31).

3. If the accused is a priest not of the Archdiocese: If the accused is a priest of another diocese or of a religious congregation, he will have his canonical faculties in the Archdiocese suspended and be relieved of all pastoral ministry. The results of the evaluation will be turned over to his proper ecclesiastical superiors.

4. If the accused is not a priest or a deacon of the Archdiocese, the Archdiocese will exercise appropriate action in accord with its relationship with the accused and the particular circumstances of the situation. While pastoral concern will be shown to all persons who have engaged in sexual abuse, appropriate action may require the termination of employment.

**ARCHDIOCESE OF SAN ANTONIO
2718 West Woodlawn
San Antonio, Texas**

**STATEMENT OF SEXUAL HARASSMENT
DECEMBER 1998**

THE ARCHDIOCESE OF SAN ANTONIO WILL NOT TOLERATE SEXUAL HARASSMENT OF ANY FORM BY ITS PERSONNEL. VIOLATIONS OF THIS POLICY WILL LEAD TO DISCIPLINARY MEASURES, TERMINATION OF EMPLOYMENT AND POSSIBLY A CRIMINAL COMPLAINT OR CIVIL SUIT FOR MONETARY DAMAGES.

DEFINITIONS:

For the purpose of this policy, sexual harassment will be defined as:

- Inflicting unwanted sexual attention on another person, whether verbal, physical or both.
- Creating a hostile, intimidating, or offensive work environment for a person, whether by demeaning a person simply on the basis of his or her gender, or by unwanted sexual attention.
- Causing tangible adverse job consequences on the basis of gender or unwanted sexual attention.
- Sexual harassment is prohibited regardless of the gender of the victim and perpetrator. Sexual harassment can be male to female, male to male, female to female.



INFLICTION OR SEXUAL HARASSMENT BY A SUPERIOR OR SUPERVISOR ON A PERSON OVER WHOM HE OR SHE HAS AUTHORITY WILL BE DEALT WITH MOST SEVERELY.

COMPLAINT PROCEDURE:

When an allegation of sexual harassment is made, the following steps must be taken:

NOTIFICATION OF ARCHBISHOP - Any employee or volunteer who believes that he or she is or has been the victim of sexual harassment should immediately report such abuse to the Archbishop. His office telephone number is (210) 734-2620. If he is unavailable or cannot be contacted for any reason, or if the victim prefers, such abuse should be reported to any of the following individuals, preference being in the order listed:

An Auxiliary Bishop; the Vicar General; the Chancellor; any Priest serving in the Archdiocese; School Principal; any Agency Supervisor.

IF A SPECIFIC ALLEGATION OF SEXUAL HARASSMENT IS RECEIVED BY ONE OF THE ABOVE-MENTIONED PERSONS OR BY ANY EMPLOYEE OF THE ARCHDIOCESE, THIS INFORMATION MUST BE REPORTED IMMEDIATELY TO THE ARCHBISHOP, OR IF HE IS FOR ANY REASON UNAVAILABLE, TO AN AUXILIARY BISHOP OR THE VICAR GENERAL OR THE CHANCELLOR.