

**POLICY ON SEXUAL MISCONDUCT**

**FOR THE**

**CATHOLIC PRO-LIFE COMMUNITY**

## **SEXUAL MISCONDUCT FOR THE CATHOLIC PRO-LIFE COMMUNITY**

### **POLICY**

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, Catholic Pro-Life Community (CPLC) is deeply concerned for the well being of all people and has a special concern for those who are most vulnerable, particularly children. Sexual misconduct is always a tragedy and calls for the CPLC to respond with justice and compassion toward all those persons involved.

Therefore, the development and implementation of this policy has as its end the protection of the vulnerable, the pastoral care for those wounded by misconduct, the protection of the rights of the accused, the appropriate action toward those responsible for sexual misconduct, and the respect due the CPLC as a faith-community.

Sexual misconduct is contrary to Christian morals and may violate civil law. Sexual misconduct is obviously outside the scope of the duties of CPLC ministry and will not be tolerated.

All CPLC staff and volunteers 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.

## IMPLEMENTING THE POLICY

### **DEFINITIONS**

#### ***CPLC Staff and Volunteers***

CPLC Employees and volunteers, whether cleric or lay.

#### ***Clerics***

Men ordained to the Roman Catholic priesthood or diaconate.

#### ***Minor***

Any person who has not reached his/her 18th birthday.

#### ***Sexual Abuse***

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

*Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways. [This policy] adopt[s][the] definition provided in [Texas] civil law. [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 is whether conduct or interaction with a minor 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”*

#### ***Sexual Misconduct***

The following types of behavior by CPLC Staff or Volunteers:

- a. Sexual contact between CPLC Staff or Volunteers and a minor (“minor” as defined by the laws of the State of Texas).
- b. Sexual Harassment as defined by the Equal Employment Opportunity Commission.

## **THE CPLC'S PASTORAL CONCERN FOR ALL**

### ***Care of the One Who Alleges Sexual Misconduct***

The CPLC will respond promptly to investigate any accusation of sexual misconduct. It is always important for all members of the CPLC to be sensitive to the needs and feelings of those who allege sexual misconduct.

The CPLC will provide any victim of sexual misconduct by CPLC Staff or Volunteers with appropriate pastoral assistance to enable healing. The assistance for an individual victim will vary with circumstances, and support from the CPLC will be determined in proportion to any defined course of therapy.

The CPLC will assign one person (designated as the "Liaison") to be the primary source of ongoing communication with the person or that person's parents or legal guardians who allege sexual misconduct. The Liaison will be responsible for ensuring that the accusing person's special spiritual needs are being met during the investigation.

### ***Concern for a Person Accused of Sexual Misconduct***

#### **Accusation Against CPLC Staff or Volunteer**

The CPLC has a concern for any sexual misconduct by CPLC staff or volunteer. Employees and volunteers for CPLC will be afforded the necessary educational formation on the harms of sexual misconduct and the need to be vigilant against its occurrence. The CPLC will assume the 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 protected.

Trust is fundamental in all ministerial relationships. Any abuse of the authority surrounding the pastoral role by the sexual misconduct of CPLC staff or volunteer can be cause for employer-initiated termination if any allegation is judged to be valid after due evaluation is made as required by this policy. The willingness of the CPLC to investigate an allegation is in no way a judgment of CPLC staff or volunteer being accused. Innocence will be presumed until the investigation is completed.

### ***Care for the Christian Community Affected by Sexual Misconduct***

The CPLC has a special concern for those served by CPLC staff or volunteers accused of sexual misconduct. Every effort will be made to provide how the local community can deal with the effects of the situation and, with the help of the Holy Spirit, find consolation and healing.

## **PROCEDURE WHEN SEXUAL ABUSE OR MISCONDUCT IS ALLEGED**

### ***Process***

When an allegation is made regarding sexual abuse or misconduct, the person reporting the complaint is to be told that the CPLC has a policy and a set of procedures to be followed. When any allegation involving sexual abuse or misconduct by CPLC Staff or Volunteers is received, the one making the allegation is to be referred to the CPLC Safety Director and / or Executive Director immediately. Upon this notification the applicable CPLC procedures will be initiated. (See Page 7, Required Reporting Procedures)

When the allegation is one of **sexual abuse of a minor**, the mandatory requirements will be strictly followed

When the allegation is one of **some other form of sexual misconduct**, the following process will be followed:

The Safety Director and / or Executive Director will investigate the allegation. Care will be taken to protect the rights of the accused during this process. The CPLC's legal counsel may assist in conducting the investigation. The Executive Director may approve convening other consultants for such situations to assist in the investigation. As called for by the circumstances of a particular complaint, an expert(s) may also assist in the investigation.

The Safety Director and / or Executive Director (and legal counsel, or other experts, as may be warranted) will organize the investigation as the particular circumstances demand and may speak directly with the parties involved. Witnesses in addition to the complainant and the accused may be interviewed. The investigation and the findings will be reported directly to the Executive Director.

- a. The Safety Director will meet with the Executive Director to present a report on the investigation's findings and recommendations for action. It is the Executive Director's responsibility to initiate personally or through an agent the Action Phase of this Policy and to implement the final recommended steps.
- b. The Executive Director will see that the accused and the person who brought the allegation are notified of the results of the investigation and recommendations for action.

### ***Action Phase***

When there is reasonable cause to believe that an allegation of sexual misconduct is valid, the Executive Director will designate a CPLC official to assume direct and on-going responsibility for the following, as necessary:

- a. Maintain the contact already established with the victim and his/her parents or legal guardians and inform them of actions taken by the CPLC and to assist them in their process of healing.
- b. Where applicable, inform civil authorities in accordance with legal requirements and cooperate fully with those civil authorities.

- c. Communicate with the civil legal counsel of the CPLC.
- d. Communicate as appropriate with those affected by the ministry of the accused.
- e. Report the matter to the CPLC insurance carrier.
- f. Collaborate with the CPLC communications personnel to prepare timely statements for the media should the need arise.

### **If the Accused is CPLC Staff or Volunteer**

If the Accused is a CPLC Staff or Volunteer, the Safety Director and / or Executive Director will exercise appropriate action in accord with its relationship with the accused and the circumstances of the situation. While pastoral concern will be shown to all persons who have engaged in sexual misconduct, appropriate action may require the termination of employment.

### **CPLC DIRECTIVES**

The CPLC has established the following directives that should be known to all persons:

- a. CPLC Staff and Volunteers are prohibited from offering to minors any alcoholic beverage, or tobacco, and to any person drugs or other substances prohibited by law.
- b. CPLC Staff and Volunteers are strongly advised not to administer medication to any person without written parental or legal guardian consent.
- c. CPLC Staff and Volunteers may not serve as solo chaperons for any minor who is not a member of their immediate family on a vacation trip or overnight outing.
- d. CPLC Staff and Volunteers may not serve as chaperons for activities that conflict with curfew laws pertaining to minors.
- e. CPLC-sponsored events that are co-educational require both male and female chaperons. The CPLC urges all parents or legal guardians to use extra prudence in any situation that includes minor children and adults.

### **SEXUAL HARASSMENT STATEMENT**

Sexual harassment violates the mission and policies of the Catholic Pro-Life Community. The CPLC will not tolerate sexual harassment by or toward CPLC Staff. Unlawful harassment has been defined by the Equal Employment Opportunity Commission as:

"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 the 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."

**The procedure for addressing claims of sexual harassment will be:**

- a. The charging party has the option to confront privately and in a peaceful manner the person whom he or she believes has engaged in harassing conduct. Anyone exercising this option has the support of the CPLC and can be assured of freedom from retaliation of any sort.
- b. If a charging party prefers not to confront the person or attempts to do so unsuccessfully, he or she may report the conduct to his or her supervisor or the Safety Director and / or Executive Director.
- c. The charging party must prepare a brief, written statement about the alleged harassing conduct.
- d. This written statement must be forwarded immediately to the Safety Director and / or Executive Director of the CPLC. The Executive Director will consult with CPLC's legal counsel immediately as well as investigate the complaint.
- e. All complaints will be taken seriously and investigated appropriately.
- f. Prompt and effective remedial action will be taken where justified by the investigation's results.
- g. There will be no retaliation for privately and peacefully confronting an alleged harasser or for reporting harassing conduct.
- h. The charging party is urged to, 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.
- i. Harassment in the work place will be dealt with seriously.
- j. Any violations of confidentiality will be dealt with seriously.
- k. Any retaliation against a charging party will be dealt with seriously.
- l. This policy also applies to harassment based on race, color, national origin, age, disability, religion and any other factor prohibited by law.

**REQUIRED REPORTING PROCEDURES**

The CPLC through its ministries, has numerous contacts with children, youth or vulnerable adults. It is, therefore, most important that all persons responsible for the care of them, particularly all CPLC staff members and volunteers, protect the rights of children and be alert to the possibility for child abuse. It is the policy of the CPLC not only to fulfill the reporting law but also to cooperate fully with the investigating **civil** authorities.

Individuals **MUST** report an incident or suspicions of sexual abuse of minors to authorities. Situations involving minor children must be reported to Texas Child Protection Services at **1-800-252-5400** or in an emergency to the appropriate police authority, usually by calling 911.

Individuals with knowledge about violations of CPLC policy must call the Executive Director at **972-267-5433** or the Safety Director of the CPLC at **972-267-5433** and are encouraged to put the violation(s) in writing and send it to the Catholic Pro-Life Community, ATTN: Safety Director, 17177 Preston Rd., Suite 310, Dallas, Texas 75248.

A report to the CPLC of child abuse does not relieve the individual of the duty to report child abuse to civil authorities as required by the Texas State Law. In Texas, failure to report child abuse is a class “B” misdemeanor.

The Texas law on reporting suspected child abuse includes The Texas Family Code - § 261.101.

**Persons required to report; time to report:**

- a. A person having cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report.
- b. If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48<sup>th</sup> hour after the professional first suspects that the child has been or may be abused or neglected. A professional may not delegate to or rely on another person to make the report. In this subsection “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. The term includes teachers, nurses, doctors, and day-care employees.
- c. The requirement to report under this section applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, or a mental health professional.
- d. The identity of an individual making a report under this chapter is confidential and may be disclosed only on the order of a court or to a law enforcement officer for purposes of conducting a criminal investigation of the report.

**§ 261.106. Immunities, states:**

- a. A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report petition or investigation of alleged child abuse or neglect is immune from civil or criminal liability.

**PREVENTION OF SEXUAL ABUSE**

The CPLC has a Safe Environment Program that implements training, screening, background checks and other procedures that are designed to reduce the risk of sexual abuse of children and vulnerable adults.