

**POLICY AND PROCEDURES
REGARDING
SEXUAL MISCONDUCT BY PRIESTS, DEACONS
AND MEMBERS OF RELIGIOUS COMMUNITIES**

POLICY STATEMENT

All sexual misconduct by priests, deacons, and members of religious communities (referred to collectively herein as “Church personnel”) in the Archdiocese of Detroit is strictly prohibited. Any such allegation will be handled in accordance with these published procedures.

I. INTRODUCTION

The Archdiocese is committed to investigating and appropriately addressing all complaints of sexual misconduct (including sexual abuse, harassment and exploitation) by Church personnel.

TYPES OF SEXUAL MISCONDUCT

Sexual Harassment: The unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature which creates an intimidating, hostile or offensive working environment or which is made as a condition to continuing employment or advancement.

Sexual Exploitation: Any kind of inappropriate contact between a counselor/pastoral care-giver and a client (person they are counseling), regardless of whether it was initiated by the counselor or client.

Sexual Abuse: The infliction of sexual contact on a child or vulnerable adult.

Because of the special circumstances with regard to sexual misconduct in a ministry-related setting, the Archdiocese must and will quickly take some responsive steps. However that immediate willingness by the Archdiocese to respond to a complaint or to provide assistance to those who come forward should not be interpreted as a “judgment” of the accused person. Similarly, participation by the accused person in an initial assessment does not constitute an admission of guilt.

The Archdiocese of Detroit has established this policy for the following reasons:

- To provide a program of broad-based education in order that clergymen,

administrators, staff and volunteers of the Archdiocese , or its parishes, institutions and entities, be acquainted with the policy and its requirements.

- To educate clergymen, administrators, staff and volunteers about prevention of sexual misconduct.
- To define the actions to be taken when a complaint of sexual misconduct is received.
- To ensure a prompt response in the event of an allegation or complaint.

The Evaluation Committee has been appointed by the Archbishop to implement this policy.

II. THE EVALUATION COMMITTEE

Charge: In collaboration with the Archbishop’s Delegate, this Committee will respond effectively and appropriately to allegations or instances of sexual misconduct. In this effort, the Committee will balance the rights of the victim and those of the accused person, while taking into account the interests of the public, the State and the Church.

Composition: Besides the Archbishop’s Delegate and the Director of Communications, the Assessment Committee currently consists of a woman religious, a priest-canonist, a social worker, an officer of the court, a judge, a social psychologist, and an attorney, all of whom are professionally trained or knowledgeable in the area of sexual misconduct. Other professionals are contacted on an as-needed, on-call basis. The Committee has the resources available to conduct its work.

Assessment Team: This is a subgroup of the Evaluation Committee, consisting of the Archbishop’s Delegate, an attorney and, if available, the Archdiocesan Director of Communications. Their charge is to do the initial investigation and prescription regarding the allegation.

III. RESPONSE TO COMPLAINTS AND ALLEGATIONS

A. Any clergyman, administrator, staff person or volunteer of the Archdiocese receiving or becoming aware of a complaint or allegation or sexual misconduct will:

1. Inform the person making the complaint or allegation that the Archdiocese has

both a policy and procedures to be followed in this matter and that the procedures will now be activated.

2. Report the matter immediately to the Archdiocese at 237-5848 providing details as known, including the identity and means of contacting the person making the complaint or allegation. The person receiving the report will immediately inform the Archbishop's Delegate who will contact general counsel for the Archdiocese and will also inform the Archdiocesan Director of Communications.
3. Observe the provisions of Michigan law. (See Appendix.)

B. The Investigation of Complaints and Allegations:

1. The Archbishop's Delegate will contact the individual making the complaint or allegation. The Archbishop's Delegate will contact the Assessment Team and work in collaboration with them as appropriate. Arrangements to begin the assessment and evaluation of the complaint will be made in conjunction with legal counsel. The Archbishop's Delegate will inform the Archbishop.
2. The Archbishop's Delegate, in conjunction with the Assessment Team, will begin a preliminary assessment to determine the facts by talking with complainant (if an adult), parents of the child (if applicable), the child (if deemed prudent), and the accused person.
 - a) If, after the preliminary assessment, the Archbishop's Delegate and Assessment Team find the accusation to be unfounded, they will bring their work to conclusion as quickly as possible, and make whatever recommendations for pastoral care judged appropriate, keeping in mind the well-being of both the complainant and the accused person. The Delegate will report to the Archbishop, Archdiocesan legal counsel, and the Director of Communications.
 - b) If the Assessment Team believes there is reasonable cause to suspect the complaint of sexual misconduct is true, The Archbishop's Delegate will:
 - (i) Notify the Archbishop, the Archdiocesan Director of Communications, religious order superior if appropriate, civil authorities as required by law, and Archdiocesan legal counsel.
 - (ii) Bring the assessment process to conclusion with all possible speed. Meet with the Evaluation Committee to determine direction and action.
 - (iii) Present the recommendations of the Evaluation Committee and Archbishop concerning interim assistance to the alleged victim, the alleged victim's family, the community and the accused person.

- (iv) Safeguard the confidential integrity of all the activities, proceedings and files.

IV. PROCEDURES TO FOLLOW WHEN THE PERSON BEING ACCUSED OF SEXUAL ABUSE OR EXPLOITATION IS A PRIEST OR DEACON

- A. Following the preliminary assessment, when there is reasonable cause to suspect sexual abuse or exploitation, the Archbishop or his Delegate will:
 - 1. Decree an administrative leave for the priest or deacon pending a resolution of the complaint.
 - 2. Move the priest or deacon from his current assignment to another place.
 - 3. Mandate a thorough evaluation, by competent personnel, for the priest or deacon, using all available tests from the medical, psychological, and spiritual arenas as well as investigating for substance abuse and drug abuse. The priest or deacon will be asked to sign a contractual agreement with the Archdiocese of Detroit to comply with the proposed evaluation.
 - a) If the evaluation indicates that the accusation is unfounded, the Delegate will bring the case to a closure as quickly as possible making appropriate recommendations for pastoral care, keeping in mind the well-being of both the person who was accused and the complainant.
 - b) The Delegate will report to the Archbishop, legal counsel and the Director of Communications.
- B. If the evaluation indicates that there is reasonable cause to believe the accusation is well founded, the Delegate will:
 - 1. Meet and consult with the Evaluation Committee with regard to
 - a) the rights and care of the complainant;
 - b) the placement and treatment of the person being accused;
 - c) the relationship of the person being accused to his parish or place of assignment.
 - d) other issues as required.
 - 2. Direct the person being accused to sign a contractual agreement with the Archdiocese of Detroit to participate in a treatment plan as outlined by medical authorities.
 - 3. Address legal counsel and canon lawyers with regard to civil and canonical

issues related to the case.

4. Advise the priest or deacon who was accused of his right to retain legal counsel of his own choosing and request his cooperation in the investigation of the accusation by fulfilling the contractual terms of the psychological evaluation and/or treatment plan as outlined by medical authorities and approved by the Archbishop.
5. If the accused priest or deacon does not fulfill the contractual agreement, due either to noncooperation or to psychological inability to assume its obligations, the Archbishop or his Delegate will meet with the person being accused and inform him of the right to apply for laicization or the right of the Archdiocese to proceed with a canonical trial which can result in canonical consequences, up to and including laicization.
6. The Archbishop or his Delegate can review and determine the level of financial support from the priest or deacon to cover medical and legal costs involved with these procedures.

V. PROCEDURES TO FOLLOW IF THE PERSON BEING ACCUSED OF SEXUAL ABUSE OR EXPLOITATION IS A MEMBER OF A RELIGIOUS COMMUNITY

- A. The Archbishop or his Delegate will contact the major superior and arrange for the accused person to be returned to the immediate supervision of the superior.
- B. The religious superior will be apprised of the necessity to remove the accused religious from his/her current assignment to another place where access to potential victims is reduced and, if at all possible, eliminated.
- C. In the case of a religious priest or deacon, the Archbishop or his Delegate will immediately remove any faculties the accused may have been granted.

VI. PROCEDURES TO BE FOLLOWED IF THE PERSON BEING ACCUSED OF SEXUAL HARASSMENT IS A PRIEST OR DEACON

- A. Following the preliminary assessment, when there is reasonable cause to suspect sexual harassment, the Archbishop or his Delegate will:

1. Consider appropriate action as to the priest or deacon pending a resolution of the complaint, up to and including an administrative leave.
2. To the extent appropriate, implement some or all of the steps described in section IV, above, or take other appropriate action.

VII. PROCEDURES TO BE FOLLOWED IF THE PERSON BEING ACCUSED OF SEXUAL HARASSMENT IS A MEMBER OF A RELIGIOUS COMMUNITY

- A. Consider appropriate action as to the accused person pending a resolution of the complaint, up to and including an administrative leave.
- B. Notify the religious superior of the accused person.
- C. To the extent appropriate, implement some or all of the steps described in section V, above, or take other appropriate action.

VIII. PUBLIC COMMUNICATION AND MEDIA

The Archdiocesan Director of Communication is appointed as the official , first-line spokesperson for the Archbishop and the Archdiocese in matters and personnel involved with this policy and will:

- A. Serve as the primary spokesperson to the news media both in answering questions about a particular case and in addressing the broader questions raised by such cases. Release of public information will preserve and protect the integrity of the policy and respect the rights of those involved.
- B. Coordinate public communications from pastoral or school staff with the general community.
- C. Provide assistance to the Archbishop's Delegate, the Assessment Team, and the Evaluation Committee concerning public communication.

IX. AFTER CARE

The pledge to follow up and offer pastoral care to all involved is firm.

- A. The Archdiocese of Detroit, through the Archbishop's Delegate, will assist in the pastoral and professional care, both immediate and ongoing, of the victim and/or the family.

- B. The Archdiocese of Detroit will assist in finding competent spiritual and psychological help and direction to address any damage to the victim's relationship to God and his/her faith community.
- C. The Archdiocese of Detroit may require ongoing treatment and/or evaluation for the accused. During the after-care period, there may be clear restrictions on what sort of ministry, if any, the accused can exercise.

X. PREVENTION

- A. The appropriate Archdiocesan Departments will sponsor in-service days for clergy, lay employees, and religious.
- B. Behavior commonly associated with sexual misconduct will be named and condemned.
- C. These policies and procedures will be published and disseminated to Archdiocesan personnel, clergy, administrators and institutions.

XI. PROCEDURES TO BE FOLLOWED IF THE PERSON BEING ACCUSED OF SEXUAL IMPROPRIETY IS A LAY PERSON

- A. The commitment to investigate and address the complaint stands.
- B. Reference is made to the procedures which have been adopted for the local church-related place of employment (e.g., parish, school, institutions, etc.)

XII. APPENDIX

Michigan Law (e.g., MCL 722.621-623 et seq.)

Approved: Presbyteral Council
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