

**POLICY ON SEXUAL MISCONDUCT
ON THE PART OF PERSONNEL
OF THE DIOCESE OF FORT WORTH**

INTRODUCTION

The opening pages of Sacred Scripture tell us of God's wondrous creation of a universe that was good. The culmination of the whole of creation occurred when God breathed the divine spirit into the clay of the earth and brought forth humankind created in God's 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 -- incarnate and sexual, 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. It must, however, 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, the Church is deeply concerned for the well-being of all people, and has a special concern for those who are most vulnerable. Sexual misconduct is a serious breach of the trust that should exist among all the members of the Church, and especially those who serve others as church ministers and employees. Sexual misconduct is always a tragedy and calls for the Church to respond with compassion toward all those persons involved.

The Catholic Church expects all those who minister in the name of the church 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. Sexual misconduct by church personnel is contrary to Christian morals and civil law and will not under any circumstances be tolerated in the Diocese of Fort Worth.

In November, 2002, the bishops of the United States adopted the *Charter for the Protection of Children and Young People*. The *Charter* requires that every diocese have procedures in place to respond promptly to reports of sexual misconduct. It also mandates that each diocese employ a Victims' Assistance Coordinator to provide pastoral care for those who report they have been sexually abused, and that there be a review board that will function as a consultative body to the bishop to advise him in handling these reports. The Diocese of Fort Worth has these provisions in place.

The State of Texas requires that every case of the sexual abuse of a minor be reported immediately to the proper authorities. The *Charter* reiterates this obligation. Therefore, all personnel of the Diocese, its parishes, schools and other agencies must comply with state law regarding reporting the sexual abuse of minors. In addition, they must also follow the procedures stated below in this policy.

IMPLEMENTING THE POLICY

Any proven allegation of sexual abuse of a minor will permanently disqualify any individual from ministry in the name of the church. Other forms of sexual misconduct may also result in termination of service in the church. The Review Board will make recommendations to the bishop regarding cases of sexual abuse and sexual misconduct.

I. DEFINITIONS

A. Sexual Misconduct

For the purpose of this policy, sexual misconduct is defined as any of the following:

- Sexual Abuse -- Sexual contact between church personnel and a minor or vulnerable adult, as defined by the laws of the State of Texas;
- Sexual Exploitation -- Sexual interaction between church personnel and a person receiving pastoral assistance, whether initiated by one or the other;
- Sexual Harassment -- Unwanted sexual advances, conduct or language between persons in the work environment of a parish, school or diocesan agency.

All three forms of misconduct are addressed simultaneously since they cause injustice by the abuse of authority and are contrary to the doctrines, moral teaching, and canon law of the Catholic Church.

B. Church Personnel

The term “church personnel” is defined as any of the following:

1. Priests incardinated in the Diocese of Fort Worth.
2. Priests who are members of religious institutes, assigned to pastoral work in the Diocese of Fort Worth.
3. Priests of other jurisdictions who are assigned to pastoral work in this diocese; priests who seek incardination in this diocese; 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 the diocese; permanent deacons incardinated in other dioceses but with canonical faculties to function in this diocese; those enrolled in the Permanent Deacon Formation Program.
5. Women religious and religious brothers working for the diocese, its parishes, schools or agencies.
6. Seminarians studying for the priesthood under the sponsorship of the diocese.
7. All paid personnel and volunteers while engaged in areas of ministry or other kinds of services for the diocese, its parishes, schools or other agencies.

C. Contractors

Contractors are defined as those non-employee providers of any service to the diocese, its parishes, school or other agencies. Although not considered church personnel as such, contractors and contract staff will be held to the code of behavior outlined in this policy.

D. Victims' Assistance Coordinator

The Victims' Assistance Coordinator provides pastoral care and support to all victims of sexual misconduct, including assistance to access counseling, support groups, and spiritual direction resources. Whenever appropriate, the Victims' Assistance Coordinator provides similar assistance to victims' family members.

E. Sexual Misconduct Review Board

The Sexual Misconduct Review Board, composed of a majority of lay men and women, reviews allegations of sexual misconduct. The board presents to the bishop the results of its deliberations, based on the facts of each case.

F. Code of Conduct and Behavior Standards

The Diocese of Fort Worth has a Code of Conduct and Behavior Standards for all who minister in the church. In addition, personnel receive a copy of an examination of conscience, Ethical Conduct for Those Who Serve in the Church.

II. THE CHURCH'S RESPONSE TO REPORTS OF MISCONDUCT

A. Procedures When Sexual Abuse is Reported

When an allegation of sexual abuse of minors or vulnerable adults or of other sexual misconduct comes to the diocese, immediate action will be taken. The Victims' Assistance Coordinator will offer assistance to the person reporting the misconduct. The Sexual Misconduct Review Board will take the necessary steps to investigate the allegation, with the more serious matters being investigated by a third party. Once the investigation is completed, the board reports its recommendations to the bishop who will take appropriate action.

B. Care of the One Who Reports Sexual Misconduct

The Diocese of Fort Worth will respond immediately to any accusation of sexual misconduct. This response is not a judgment of the person being accused, and innocence is presumed unless facts indicate otherwise. It is expected that an allegation be brought by the one directly involved or by that person's parent or legal guardian, that it be based on fact, and that it be an honest representation of the truth. It is important for members of the Church to be sensitive to those who allege sexual misconduct.

The diocese will cooperate with civil authorities and will follow the reporting requirements of Texas law. The diocese will report all cases of sexual abuse that involve a minor or vulnerable adult.

Victims of sexual misconduct and their family members have the right to receive pastoral assistance from the Church. Assistance and support will vary with circumstances and will be provided in consultation with mental health professionals.

C. Care of Those Who Are Accused of Sexual Misconduct

1. Sexual misconduct by anyone who serves in the church is a serious violation of a sacred trust. Should an allegation of sexual misconduct be made, the Diocese of Fort Worth will show compassion toward both the accused and the accuser. The diocesan response to an allegation is in no way a judgment of the accused, and innocence is presumed unless facts prove otherwise.
2. Although several persons may be involved in an investigation, the bishop will make the final decision regarding the disposition of the accused.*
3. The diocese will protect the legal rights of the accused and will observe all canonical and civil laws.
4. Proven allegations of misconduct, according to this policy, will result in termination.

*In the case of an accusation of sexual misconduct by a priest or deacon with a person under 18 the steps required by Canon Law and by instructions from the Holy See, which might result in laicization, will be followed.

D. Care of the Christian Community Affected by Sexual Misconduct

The diocese has special concern for parishes, schools, agencies and other church communities served by personnel accused of sexual misconduct. While respecting the privacy of those directly involved in an allegation, when an incident becomes public, every effort will be made to communicate with, inform and assist the local community.

E. Safe Environment Program

The diocese promotes the safety of individuals, especially children, youth, and vulnerable adults, by establishing Safe Environment Programs in parishes and schools. Safe Environment Programs provide education, training, and procedures for safeguarding the physical, emotional, and spiritual well-being of all members of the community.

July 1, 1993
Revised May 1, 1996
Revised December 3, 2002
Revised July, 2003