



ARCHDIOCESE OF INDIANAPOLIS

*The Church in Central and Southern Indiana*

# To Be Safe and Secure

*Policies and Procedures, Standards of Behavior  
For the Protection of Minors and Others  
from Sexual Misconduct  
by Those Ministering on Behalf of  
the Archdiocese of Indianapolis*

OCTOBER 2004



## ARCHDIOCESE OF INDIANAPOLIS

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## THE PROCESS:

### *What to expect if you are a victim of sexual misconduct and report the incident to the Archdiocese of Indianapolis*

If you are a victim of sexual misconduct by a person ministering on behalf of the Church, please contact the archdiocesan victim assistance coordinator, Suzanne L. Yakimchick, Chancellor, Archdiocese of Indianapolis, P.O. Box 1410, Indianapolis, Indiana 46206-1410, 317-236-7325 or 800-382-9836, ext. 7325.

You will be asked to meet with the victim assistance coordinator and, if a cleric is being accused, canon law requires that a priest must also be present at that meeting. The meeting can take place at the victim assistance coordinator's office in the Archbishop O'Meara Catholic Center in Indianapolis or at another mutually agreed upon location.

At all times, your report to us will be considered confidential.

You will be asked for relevant details of the incident, such as the name of the accused, the date or approximate date of the incident, and what happened.

The Church is concerned for your spiritual and emotional welfare and wants to help heal whatever spiritual or emotional wounds you may have suffered as a result of the sexual misconduct. Every individual is different in her or his ability to deal with the aftermath of sexual misconduct. Most individuals benefit from professional counseling, and the archdiocese will cover your out-of-pocket costs for such counseling provided by a licensed therapist.

The Church is also concerned for the safety and well-being of others, especially children. Your courage and cooperation in reporting incidents of sexual misconduct by those ministering on behalf of the Church will help us keep others safe and secure.

If you were younger than 18 when the sexual misconduct occurred, the archdiocese must report the incident to civil authorities. It will be necessary to give your name to those authorities, but they are required by law to hold your identity in confidence.

The victim assistance coordinator or the pastoral care worker, who works with the coordinator, will keep you informed as the investigation proceeds and will check in with you for as long as needed to see how you are doing. †

## POLICIES AND PROCEDURES AT A GLANCE

The Archdiocese of Indianapolis takes immediate and decisive action on all accusations of sexual misconduct in accordance with the pertinent provisions of the “Charter for the Protection of Children and Young People,” the “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons,” long-standing archdiocesan policy, civil law, and Church law.

These policies and procedures deal with sexual misconduct, which is broader than sexual abuse. Sexual misconduct is understood to include sexual abuse, child abuse, sexual harassment, and sexual exploitation. These policies and procedures also concern themselves with all Church personnel—not just clerics. They pertain to priests and deacons, lay employees, religious, and volunteers working or ministering on behalf of the archdiocese.

In all cases involving allegations of sexual misconduct by Church personnel, it is the policy of the Archdiocese of Indianapolis to:

- Respond promptly to all allegations of sexual misconduct.
- Reach out to victims and their families and communicate our sincere commitment to their spiritual and emotional well-being.
- Initiate a preliminary investigation and, if appropriate, promptly relieve the alleged offender of any duties.
- Report the incident, when appropriate, to proper civil authorities and cooperate with the investigation.
- Initiate an internal investigation and present findings to the Archdiocesan Review Board, which will, in turn, make recommendations to the archbishop based upon its findings and/or the findings of civil authorities.
- Deal as openly as possible with members of the community with due regard to the respect owed to the privacy and reputations of all persons involved and with respect to Church law.

All archdiocesan clergy, employees, and volunteers and religious working on behalf of the archdiocese shall comply with all pertinent reporting Indiana laws and archdiocesan reporting requirements:

- Clergy, religious, employees, and volunteers shall report any suspected instance of child abuse to two entities: Child Protection Services and the archdiocese. Indiana law requires reporting to Child Protection Services (Hotline: 800-800-5556).
- Archdiocesan policy requires reporting all suspected or alleged incidents of sexual misconduct to the archdiocese’s victim assistance coordinator (317-236-7325 or 800-382-9836, extension 7325), who serves as the archbishop’s personal representative to victims and the faith communities in which sexual misconduct has occurred. †

**To Be Safe and Secure**

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## **ABBREVIATIONS USED IN THIS DOCUMENT**

AAS: *Acta Apostolicae Sedis* (Acts of the Apostolic See), the journal of record of the Holy See

CCEO: *Codex Canonum Ecclesiarum Orientalium* (Code of Canons of the Eastern Churches): church, or canon, law for the Eastern Catholic Churches, e.g., the Byzantine Catholic Church

CIC: *Codex Iuris Canonici* (Code of Canon Law)—church, or canon, law for the Western, or Roman, Catholic Church

USCCB: United States Conference of Catholic Bishops—the bishops' conference for the United States of America



## DEFINITIONS

(For the purposes of these policies, procedures, and standards of behavior only):

**Archdiocese:** The Roman Catholic Archdiocese of Indianapolis, including all parishes, schools, agencies, and institutions with direct accountability to the archbishop of Indianapolis.

**Child/Minor:** An individual who has not yet reached his or her 18th birthday.

**Child abuse:** Any form of intentional or malicious infliction of injury that damages a child's physical, moral, or mental well-being. Child abuse includes sexual abuse of, or sexual misconduct with, a child or other individual who is legally incompetent.

**Church personnel:** Any volunteer, employee, religious, or cleric working or ministering on behalf of the Archdiocese of Indianapolis.

**Cleric:** an ordained man; a man in holy orders; a deacon (transitional or permanent), priest, or bishop.

**Faculties:** permission that is required to exercise a specific power of holy orders. For instance, a priest needs faculties, or permission, from an ecclesiastical superior (usually the local bishop) to hear confessions, witness marriages, and preach.

**Fiduciary relationship:** A relationship of trust in which one person places complete confidence in another. The relationship can be formal and legal as well as moral and personal. In a fiduciary relationship, one party, called the fiduciary, possesses superior knowledge or training compared to the other party whose trust the fiduciary enjoys.

**Professional relationship:** A relationship between a cleric, religious, employee, or volunteer working or ministering on behalf of the archdiocese and any person to whom such cler-

ic, religious, employee, or volunteer provides counseling, pastoral care, spiritual direction, spiritual guidance, mentoring, teaching, or any fiduciary relationship in which the parties to the relationship receive or exchange confidential or privileged information.

**Reason to believe:** A person is said to have "reason to believe" an accusation when evidence that, if presented to individuals of similar background and training, would cause those individuals to believe that a person had been abused.

**Religious:** a man or woman living a consecrated life in community with others under a rule of life recognized by the Church, i.e., brothers, sisters, nuns, and priests who are members of canonically established religious orders, congregations, or religious institutes.

**Review Board, Archdiocesan:** A confidential advisory body to the archbishop that assists the archbishop in assessing the credibility of allegations of sexual misconduct by Church personnel and in determining the fitness for ministry of Church personnel accused of sexual misconduct. The "Charter for the Protection of Children and Young People" requires the establishment of a review board in every diocese and eparchy in the United States and the U.S. Virgin Islands.

**Sexual abuse:** Sexual abuse 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, and these policies, procedures, and standards of behavior do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed

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<sup>1</sup>CIC, c. 1395 §2

to us by the sixth commandment.<sup>1</sup> 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.<sup>2</sup> A canonical offense against the sixth commandment<sup>3</sup> 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, moral responsibility for a canonical offense is “presumed upon external violation ... unless it is otherwise apparent.”<sup>4</sup> Ultimately, it is the responsibility of the archbishop, with the advice of the Archdiocesan Review Board, to determine the gravity of the alleged act.

**Sexual exploitation:** The development of—or the attempt to develop—a sexual relationship between a cleric, religious, employee, or volunteer and any person with whom he or she has a pastoral, counseling, mentoring, or other fiduciary relationship. Sexual exploitation exists whether or not an individual consents to the relationship. Sexual exploitation includes, but is not limited to, activities such as intercourse; kissing; touching the breast, genitals, or buttocks; dating during the course of a professional relationship; verbal suggestions of sexual involvement; or sexually demeaning comments.

**Sexual harassment:** Unwelcome or offensive behavior between individuals because of gender where there is a pastoral, employment, mentoring, fiduciary, counseling, or peer relationship.

Such behavior includes but is not limited to sexually oriented humor or language, questions or comments—unrelated to a professional relationship—about sexual behavior or preference, undesired physical contact, inappropriate comments about physical appearance, or repeated requests for social engagements that create an intimidating, hostile, demeaning or offensive environment defined by the professional relationship.

**Sexual misconduct:** conduct that includes child sexual abuse or the sexual abuse of a minor, sexual exploitation, or sexual harassment.

**Substantiated:** an allegation of sexual misconduct is said to be substantiated, or established, when:

- the accused admits to or does not contest allegations, or
- there is credible evidence that sexual misconduct has occurred, or
- facts known at the time of the investigation and review of an allegation indicate that it is more probable than not that sexual misconduct has occurred. (In determining whether a case is substantiated, considerable weight should be given to the victim’s or victims’ allegations.)

**Victim Assistance Coordinator:** The person appointed by the archbishop to act as his personal representative in the immediate pastoral care of persons who report that they are victims of sexual misconduct by Church personnel. †

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<sup>1</sup>USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6

<sup>2</sup>CIC, c. 1395 §2

<sup>4</sup>CIC, c. 1321 §3; Cf. CIC, cc. 1322-1327

# I. TO PROMOTE HEALING AND RECONCILIATION WITH VICTIMS/SURVIVORS OF SEXUAL MISCONDUCT BY CHURCH PERSONNEL

## ARTICLE 1: PASTORAL OUTREACH

The Archdiocese of Indianapolis will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to victims is for healing and reconciliation. This outreach includes the provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the archdiocese. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by sexual misconduct will be fostered and encouraged by the archdiocese and its parish communities.

Through pastoral outreach to victims and their families, the archbishop or his personal representative will offer to meet with them, to hear their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by Pope John Paul II in a 2002 address to the cardinals of the United States and officers of the United States Conference of Catholic Bishops. This pastoral outreach by the archbishop or his delegate will also be directed to faith communities in which the sexual misconduct occurred.

## ARTICLE 2: RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT

The archdiocese will respond promptly to any allegation where there is reason to believe that sexual misconduct involving Church personnel has occurred.

## *Victim assistance coordinator*

An archdiocesan victim assistance coordinator will aid in the immediate pastoral care of persons who report that they are victims of sexual misconduct by Church personnel.

## *Review board*

The Archdiocesan Review Board is a confidential advisory body to the archbishop. The majority of its members are lay persons not in the employ of the archdiocese. The board will assist the archbishop in assessing the credibility of allegations and fitness for ministry and will regularly review archdiocesan policies and procedures for dealing with sexual misconduct by Church personnel.

Also, the board can review matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases.

Final decisions with respect to the recommendations of the review board are reserved to the archbishop.

## ARTICLE 3: CONFIDENTIALITY AGREEMENTS

The archdiocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement. †

## II. TO GUARANTEE AN EFFECTIVE RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT BY CHURCH PERSONNEL

### ARTICLE 4: REPORTING SEXUAL ABUSE OF MINORS

The Archdiocese of Indianapolis will report all allegations of sexual abuse of minors by Church personnel to the public authorities. The archdiocese will cooperate in any investigations in accord with the law of the jurisdiction in question.

The archdiocese will cooperate with public authorities in reporting cases even when the alleged victim is no longer a minor.

In every instance, the archdiocese will advise victims of their right to make a report to public authorities and will support this right.

### ARTICLE 5: SEXUAL MISCONDUCT BY CLERICS

When an allegation of sexual misconduct by a priest or a deacon is received, a preliminary investigation, in harmony with canon law,<sup>5</sup> will be initiated and conducted promptly and objectively. If this investigation so indicates, the archbishop will both notify the Congregation for the Doctrine of the Faith and apply the precautionary measures mentioned in the Code of Canon Law, canon 1722, i.e., relieve the alleged offender promptly of his ministerial duties.

The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities.

If the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the accused.

When sexual misconduct by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:

- Subject to the provisions of canon law, the offending priest or deacon will be permanently removed from ministry for even a single act—past or present—of sexual abuse of a minor. Removal from ministry may include dismissal from the clerical state, if the case so warrants. In keeping with the stated purpose of the “Charter for the Protection of Children and Young People,” an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
- In every case involving canonical penalties, the processes provided for in canon law must be observed.<sup>6</sup> For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the archdiocese will supply canonical counsel to a priest or deacon.
- Also provided for in canon law are the following: a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state or a request by the archbishop for dismissal from the clerical state without the consent of the priest or deacon (cf. Canonical Delicts).

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<sup>5</sup>CIC, cc. 1717-1719

<sup>6</sup>cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001

- If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. If he is a priest or deacon, he will not be permitted (as appropriate):
  - to celebrate Mass publicly or to administer the sacraments
  - to wear clerical garb
  - to present himself publicly as a cleric.
- When canonical penal processes are not appropriate or cannot be applied, the archbishop has at his disposal at all times his executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly or diaconal ministry. Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the archbishop shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

**ARTICLE 5.1: SEXUAL MISCONDUCT BY NONCLERICAL CHURCH PERSONNEL**

When the preliminary investigation of a complaint against a noncleric so indicates, the person will promptly be relieved of his or her duties.

The alleged offender will be referred for appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities.

If an allegation of sexual misconduct by a lay employee, a volunteer, or a religious brother, sister, or nun is substantiated, the Archdiocesan Review Board may recommend to the archbishop that the accused never again be permitted to work or minister on behalf of the archdiocese.

If an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person wrongly accused.

**ARTICLE 6: OBSERVANCE OF ARCHDIOCESAN STANDARDS OF BEHAVIOR**

All Church personnel who have regular contact with children and young people are to strictly observe “Standards of Behavior Regarding Ministry to Minors.” (*See p. 11.*)

**ARTICLE 7: COMMUNICATIONS POLICY**

The communications policy of the Archdiocese of Indianapolis will reflect a commitment to transparency and openness with regard to sexual misconduct by Church personnel—clerics, religious, employees, and volunteers working on behalf of the archdiocese.

However, this commitment will be carried out with due regard to the respect owed to the privacy and reputations of all persons involved—accused, alleged victims, and others—and with respect to Church law.<sup>7</sup>

News media inquiries regarding allegations of sexual misconduct by Church personnel should be directed to the Catholic Communications Center of the Archdiocese of Indianapolis: 317-236-1585 or 800-382-9836, extension 1585. A copy of the detailed communications procedures is available upon request from the Catholic Communications Center. †

<sup>7</sup>Canon 220: No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.

Canon 1717.2: Care must be taken so that the good name of anyone is not endangered from this investigation [preliminary investigation in the penal process].

### III. TO PROTECT THE FAITHFUL IN THE FUTURE

#### ARTICLE 8: ONGOING SAFEGUARDS

As a matter of policy:

- Education and counseling opportunities shall continue to be made available to Church personnel as part of the archdiocese's continuing education and training of Church personnel.
- "Safe environment" programs will continue to be offered to children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for minors.
- Criminal background checks shall be required of all clerics, religious, employees, and volunteers who have regular contact with minors.
- Adequate screening and evaluative techniques will be employed in deciding the fitness of candidates for ordination.
- A letter from religious superiors shall continue to be required before a religious is accepted for ministry in or on behalf of the archdiocese and, in the case of a cleric, before he is given faculties (authorization to perform priestly or diaconal functions).

References shall continue to be required as part of the hiring process. Reference checks must be made on all potential employees.

Through the publication and distribution of these policies, procedures, and standards of behavior and through other means of communications, the archdiocese will make clear to clergy, religious, employees, volunteers, and all members of the community the standards of conduct for persons ministering on behalf of the archdiocese with regard to sexual abuse.

#### ARTICLE 9: GUIDELINES FOR TRANSFER OF CLERGY AND RELIGIOUS

No priest or deacon who has committed an act of sexual misconduct with a minor may be transferred for ministerial assignment to another diocese or religious province. Before a priest or deacon can be transferred for residence in another diocese or religious province, his bishop or religious ordinary shall forward, in a confidential manner, to the local bishop and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual misconduct with a minor and any other information that he has been or may be a danger to children or young people.<sup>8</sup>

#### ARTICLE 10: REVIEW OF FORMATION PROGRAMS

The archdiocese will systematically review its priestly and diaconal formation programs in keeping with the recent United States Conference of Catholic Bishops document *Basic Plan for the Ongoing Formation of Priests* (2001) and other pertinent documents so as to assist priests and deacons in the living out of their vocation.

#### ARTICLE 11: INDIANA REPORTING REQUIREMENTS

Indiana law requires that any individual who has reason to believe that a child is a victim of abuse or neglect must report immediately to:

- The local Child Protection Services agency (Hotline: 800-800-5556), or
- A local law enforcement agency.

Under Indiana law, it is a criminal act not to make such a report. This law applies to *all persons without exception*.

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<sup>8</sup>Cf. National Conference of Catholic Bishops and Conference of Major Superiors of Men, Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, 1993

Supervisors and administrators must familiarize themselves with the telephone numbers and procedures of the local Child Protection Services agency. In some counties, the Office of Family and Social Services or the county prosecutor has issued instructional materials. These should be obtained and kept on file.

In the case of doubt as to whom to notify, call the victim assistance coordinator of the Archdiocese of Indianapolis: 317-236-7325 or 800-382-9836, extension 7325.

#### ARTICLE 12: APPLICABILITY OF POLICIES TO RELIGIOUS COMMUNITIES

Priests and other persons belonging to religious orders, congregations, or religious institutes who minister on behalf of the Archdiocese of Indianapolis must also follow archdiocesan reporting procedures regarding sexual misconduct. If a report is made concerning a member of a religious order, congregation, or religious institute, an additional report must be made immediately to the person's religious ordinary, for example, the provincial. †



## IV. PROCEDURES

### Following a report to the victim assistance coordinator

Upon receipt of a report of an incident involving sexual misconduct, the victim assistance coordinator will immediately take the following steps:

1. Gather appropriate information.
2. Determine if further investigation is warranted and conduct a preliminary investigation if necessary.
3. Make the required report to Child Protection Services and/or the appropriate law enforcement agencies in accordance with Indiana law.
4. Take appropriate action (as outlined below).

In order to manage the flow of information, gain access to potential sources of information, and analyze and document information concerning an allegation of sexual misconduct, an investigation will be conducted by the Investigative Resource Team. This group serves as staff to the Archdiocesan Review Board and conducts the investigation to assist the board in making its recommendations to the archbishop. The victim assistance coordinator chairs this group, which may consist of the vicar general; an archdiocesan attorney; the vicar for clergy and parish life coordinators; the director of human resources; and other professionals as needed.

The individuals serving as resource team members will be determined on a case-by-case, as-needed basis. If the accused is a cleric, canon law requires that a priest be a member of the resource team.

The review board itself will comprise at least five persons, one of whom is a priest who is an experienced and respected pastor; the majority of the board are to be laity not in the employ of the archdiocese. These persons, appointed by the archbishop, are to be of outstanding

integrity and good judgment and in full communion with the Church. At least one member should have particular expertise in the treatment of the sexual abuse of minors. Members are appointed for five years, which can be renewed.

The archdiocesan promoter of justice shall participate in the meetings of the review board.

The work of the review board is confidential.

Here are the general courses of action that may be taken by the Investigative Resource Team after careful review on reported incidents of sexual misconduct by Church personnel. (It should be noted that reports of alleged sexual misconduct by their very nature must be treated as separate and unique incidents. This requires some variation in the course of action taken.)

If the team determines that the reported conduct does not fall within the definitions of sexual misconduct but does potentially represent unprofessional or inappropriate conduct or conduct leading to an impression of impropriety, then the victim assistance coordinator, or someone delegated by the victim assistance coordinator, will schedule a warning meeting with the accused to guard against further incidents. The victim assistance coordinator will also notify the alleged victim and/or the victim's family of steps taken by the archdiocese and may offer appropriate assistance, including professional counseling and spiritual direction, as needed, at archdiocesan expense.

If the Investigative Resource Team determines that the reported conduct does, in fact, fall within the definitions of sexual misconduct, the victim assistance coordinator:

- will notify the alleged victim and/or the family of actions taken by the archdiocese and offer appropriate assistance, including

- professional counseling and spiritual direction, as needed, at archdiocesan expense
- in the case of child abuse, will report the allegation to the appropriate Child Protection Services agency or law enforcement agency in accordance with civil law
- will initiate the process with the accused.

Again, if there is reason to believe that the sexual misconduct incident is a case of child abuse, a report to the victim assistance coordinator does not relieve an individual of the obligation of reporting the incident to Child Protection Services (800-800-5556) or local law enforcement agency as required by Indiana law.

#### Process involving clerics

The Investigative Resource Team, acting as staff to the Archdiocesan Review Board, will prepare a report for the board and present the facts as it has gathered them to the board for review. If the review board substantiates the allegation that a cleric has abused a minor, the board is to notify the archbishop. With this notification, the board may include recommendations on action or actions that the archbishop should eventually take.

If the case and the investigation so warrant, the archbishop will notify the Congregation for the Doctrine of the Faith that sufficient evidence exists of sexual abuse of a minor and that canonical penal processes should be invoked.

The archbishop shall then apply the precautionary measures mentioned in canon 1722—i.e., removal of the accused from ministry or from any ecclesiastical office or function, imposition or prohibition of residence in a given place or territory, and prohibition of public participation in the Mass—pending the outcome of the process.

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 archdiocese and the accused.

When even a single act of sexual abuse of a minor by a cleric is admitted or is substantiated after an appropriate process in accord with canon law, the offending cleric is to be permanently removed from ecclesiastical ministry, including dismissal from the clerical state, if the case so warrants.

In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered.<sup>9</sup> Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the archbishop how to proceed.<sup>10</sup> If the case would otherwise be barred by prescription (e.g., a statute of limitations), because sexual abuse of a minor is a grave offense, the archbishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, giving appropriate pastoral reasons for the dispensation request.

For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the archdiocese will supply canonical counsel to a priest or deacon.

If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. If he is a priest or deacon, he will not be permitted (as appropriate):

- to celebrate Mass publicly or to administer the sacraments
- to wear clerical garb
- to present himself publicly as a cleric.

<sup>9</sup>cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001

<sup>10</sup>Article 13, “Procedural Norms” for Motu proprio Sacramentorum sanctitatis tutela, AAS, 93, 2001, p. 787

The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the archbishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

#### **Administrative acts**

At all times, the archbishop has at his disposal his executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of ministry. Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church<sup>11</sup> and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the archbishop shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.<sup>12</sup>

#### **Process involving nonclerics working or ministering on behalf of the archdiocese**

If an accusation of sexual misconduct by a non-clerical religious (brother, sister, nun) is substantiated, the review board may recommend to the archbishop that the accused never again be permitted to minister on behalf of the archdiocese.

If an accusation of sexual misconduct by a lay employee is substantiated, the review board may recommend to the archbishop that the employee be terminated and never rehired by the archdiocese.

If an accusation of sexual misconduct by a lay volunteer is substantiated, the review board may recommend to the archbishop that the accused be relieved of his or her volunteer position and every effort be made to see that he or she is never again permitted to volunteer on behalf of the archdiocese in any ministry.

#### **Unsubstantiated allegations**

If the review board determines, after careful review and consultation, that the allegations of sexual misconduct cannot be substantiated or that they are false, the board may recommend to the archbishop that:

- The accused be notified that the allegations have been found to be unsubstantiated or false and promptly remove any restrictions that may have been placed on the accused's duties or status.
- The alleged victim and/or the family be notified and offered appropriate professional counseling and/or assistance at archdiocesan expense.
- The accused be provided with appropriate assistance and support to allay any personal hurt or injury to reputation that may have resulted from the unsubstantiated or false accusation.
- The accused's religious superior be notified if the accused is a member of a religious order, congregation, or religious institute.

#### **Pastoral outreach**

In all cases, the archdiocese shall reach out to victims and their families in a pastoral way. Likewise, persons falsely accused shall be provided for.

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<sup>11</sup>CIC, c. 1395 §2; CCEO, c. 1453 §1

<sup>12</sup>The archbishop may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff):

1. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189).
2. Should the accused decline to resign and should the archbishop judge the accused to be truly not suitable (CIC, c. 149 §1) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747).
3. For a cleric who holds no office in the archdiocese, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764).

**Reporting to, cooperating with, civil authorities**

The archdiocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the archdiocese will advise and support a person's obligation to make a report to public authorities.

**Protection of rights**

Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. †

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4. The archbishop may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The archbishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments for the good of the Church and for his own good.
  5. Depending on the gravity of the case, the archbishop may also dispense (CIC, cc. 85-88) the cleric from the obligation of wearing clerical attire (CIC, c. 284) and may urge that he not do so for the good of the Church and for his own good.

## V. STANDARDS OF BEHAVIOR REGARDING MINISTRY TO MINORS

Because of its extensive ministries to young people, the Church perhaps has more involvement with minors than any other organization. Minors have no choice but to be dependent on adults, particularly those adults in positions of trust and leadership. It is vitally important, therefore, that prudence be exercised by all adults in both ministerial and social relationships with minors. In the case of troubled youngsters, who are extremely vulnerable, adults should be particularly cautious. It is expected that those who deal with troubled youth consult regularly with their supervisors.

The following standards of behavior shall be observed by all clergy, religious, employees, and volunteers ministering on behalf of the archdiocese in dealing with minors. These standards are not intended to prevent anyone from performing her or his ministry. They are meant to be of assistance in helping those who minister to young people to employ good sense in dealing with minors. If it is necessary to depart from these standards, the minister should be prepared to justify the reason for his or her departure. There are times when one-on-one involvement with minors is unavoidable. In those cases, those who minister to minors should use extreme discretion in their relationships with young people.

All clergy, religious, employees, and volunteers ministering on behalf of the archdiocese shall observe the following standards of behavior when dealing with minors:

1. Avoid unnecessary physical contact with a minor, especially when alone with him or her. In other situations where physical contact is proper, such as in the administration of the sacraments, use sound discretion and moderation. If a minor initiates physical contact out of affection, an appropriate response is proper if it is not prolonged.
2. Do not be alone with a minor in a vehicle, a residence, a sleeping facility, a locker room, a rest room, a dressing facility, or any other closed areas that are inappropriate in a ministry relationship.
3. Seek responsible adults to be present at events involving minors, such as games and athletic activities.
4. Youth group trips must have enough adult chaperones to provide adequate supervision for the type of activity involved.
5. Do not take an overnight trip alone with a minor.
6. Topics or vocabulary that could not be used comfortably in the presence of parents are not to be employed with minors.
7. Do not provide alcohol to anyone under the age of 21. Alcohol should not be used by adult supervisors if activities with minors are scheduled.
8. Do not provide drugs or intoxicants that may impair judgment to minors.
9. Drugs that impair judgment—prescribed or otherwise—or intoxicants should not be used by adult supervisors if activities with minors are scheduled.
10. Always maintain a professional attitude when dealing with minors, avoiding emotional attachment and being aware of the powerful attraction of adults in positions of authority and trust. If a personal or physical attraction begins to develop, the minor is to be referred to another qualified adult. This is particularly important in counseling situations.

11. If the one-on-one pastoral care of a youth requires frequent or regular appointments, parents should be notified that these appointments are occurring. If the subject matter precludes notification, the minister should consult his or her supervisor on the local or archdiocesan level.
12. Do not allow minors to have, or assist minors in gaining, access to inappropriate Web sites, movies, videotapes, audiotapes, DVDs, or compact disks.
13. Do not allow minors to have, or assist minors in gaining, access to pornographic materials of any type.
14. Use permission slips to promote good communication with parents and guardians. Permission slips should include the type, place, and times of the planned activity involving minors and emergency contact numbers. Plans for adult supervision should also be communicated to parents and guardians.
15. Everyone has an obligation to protect minors, particularly when they are in the care of the Church. If another adult is observed violating these standards, that adult should be challenged in a forthright manner. Anyone who has reason to believe that child abuse is occurring or has occurred shall report the matter to a superior and to civil authorities. Archdiocesan policies and procedures regarding sexual misconduct shall be followed. This includes following Indiana law regarding child abuse, particularly in making reports to the proper authorities. †

—“Standards of Behavior Regarding Ministry to Minors”  
Approved November 19, 1996  
by the Council of Priests  
Archdiocese of Indianapolis

*To Be Safe and Secure*  
“Standards of Behavior Regarding Ministry to Minors”  
—Revised by the Archdiocesan Review Board and Recommended for Approval  
July 28, 2003

Approved July 28, 2003  
Most Rev. Daniel Buechlein, O.S.B.  
Archbishop of Indianapolis

Revised by Archdiocesan Review Board and Recommended for Approval  
October 12, 2004

Approved October 13, 2004  
Most Rev. Daniel M. Buechlein, O.S.B.  
Archbishop of Indianapolis

# PARISH/AGENCY POLICY RECEIPT FORM

*(To be kept on file at the parish or agency)*

I have received a copy of *To Be Safe and Secure*, the policies, procedures, and standards of behavior regarding sexual misconduct by those ministering on behalf of the Archdiocese of Indianapolis. I have read *To Be Safe and Secure*, and I agree to follow the directives and procedures contained in them.

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*Name (Signed)*

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*Name (Printed)*

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*Parish/Agency*

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*Date*

## **Who should I contact if I would like to report a case of abuse to the archdiocese?**

You can contact: Suzanne L. Yakimchick

Victim Assistance Coordinator and Chancellor

Archdiocese of Indianapolis

P.O. Box 1410

Indianapolis, IN 46206-1410

317-236-7325 or 800-382-9836, ext. 7325

## **Indiana Law**

Indiana law requires suspected child abuse or neglect to be reported to:

the local Child Protective Services agency hotline: 800-800-5556 or a local law enforcement agency.

## **Dissemination of policies, procedures, and standards of behavior**

These policies, procedures, and protocols are applicable to all volunteers, employees, religious, and clergy who work or minister in or on behalf of the Archdiocese of Indianapolis. These policies, procedures, and protocols shall be distributed to all Church personnel by their immediate supervisors who will request an appropriate acknowledgment of their receipt, understanding, and acceptance.



ARCHDIOCESE OF INDIANAPOLIS

*The Church in Central and Southern Indiana*