

UKRAINIAN CATHOLIC DIOCESE OF PARMA: POLICY AND PROCEDURES FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

PREAMBLE

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*, to address the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e. employees and volunteers), and revised it in 2005.

To ensure that each diocese and eparchy in the United States would have procedures in place to respond promptly to all allegations of sexual abuse of minors, on November 13, 2002, the members of the United States Conference of Catholic Bishops approved as particular law the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Following the grant of the required *recognitio* by the Congregation for Bishops on December 8, 2002, the *Essential Norms* were promulgated by the President of the Conference on December 12, 2002.

A revised *Charter for the Protection of Children and Young People* was approved by the United States Conference of Catholic Bishops at its June 2005 General Meeting. On June 17, 2005, the members of the United States Conference of Catholic Bishops approved a revised text of the *Essential Norms*. By a decree dated January 1, 2006, the Congregation for Bishops extended the *recognitio*, originally granted to the *Essential Norms* of 2002, to the revised version. On May 5, 2006, the President of the Conference promulgated the *Essential Norms* of June 17, 2005, which had force of law as of May 15, 2006, binding as particular law all dioceses and eparchies of the United States Conference of Catholic Bishops.

In June 2011, the *Charter for the Protection of Children and Young People* was further revised. The *Essential Norms*, both in original and revised versions, required each diocese and eparchy to have a written policy on the sexual abuse of minors by priests and deacons and other church personnel.

For purposes of the *Essential Norms*, sexual abuse includes any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in the Code of Canons of the Eastern Church (CCEC), Canon 1453 §1.

Accordingly, the Ukrainian Catholic Diocese of Parma promulgated *Policy & Procedures Concerning Sexual Abuse of Minors by Clergy or Church Personnel* on August 5, 2003. In accordance with the revised *Charter* and revised *Essential Norms*, the Ukrainian Catholic Diocese of Parma issues this revised *Policy and Procedures for the Protection of Children and Young People*.

The Ukrainian Catholic Diocese of St. Josaphat affirms its long-standing policy that sexual abuse of minors by clergy or church personnel is a violation of the Sixth Commandment, is prohibited by civil law, and is in violation of the conditions of employment of all personnel of the eparchy and the participation of all volunteers in programs conducted by the Eparchy where such individuals may be involved with, or come into contact with, minors. All Church personnel (as that term is defined herein) of the Eparchy must comply with applicable civil and canonical laws regarding incidents of alleged, suspected, or actual sexual abuse and with the requirements stated in this Policy with respect to incidents of sexual abuse which occur while the work of the Eparchy is being performed. All incidents of sexual abuse of minors, or sexual misconduct of any kind involving a minor, by any Church personnel of the Eparchy, whether in the course of employment or otherwise, will be considered grounds for suspension or termination of employment or involvement with the work of the Eparchy.

The Eparchy, by this revised policy, implements the norms established by the United States Conference of Catholic Bishops in its revised documents: the revised Charter for the Protection of Children and Young People, the revised *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. The Eparchy continues to strengthen the educational program for all clergy and religious, staff, and volunteers for maintaining appropriate boundaries in ministry and eparchial service and on the issue of sexual abuse of minors.

The Eparchy supports its clergy, religious and church personnel who minister and serve the people of the Eparchy to provide a safe and secure environment for minors and adults in which to worship, pray, gather, and interact together. The Eparchy complies with applicable civil (including criminal) laws regarding the reporting of allegations of abuse of minors, including sexual abuse, to the required civil authorities for investigation. When civil authorities are involved with a criminal investigation, the Eparchy will cooperate fully with the civil/criminal process-while continuing to use every available means to continue the canonical investigation of allegations.

DEFINITIONS

Eparchy: **The Eparchy of St. Josaphat in Parma** for Ukrainians was canonically established on December 3, 1983, and was incorporated as an Ohio nonprofit corporation under the name The Ukrainian Catholic Diocese of Parma on March 26, 1984, at Charter Entry No. 631768. Its business office is located at 5720 State Road, P.O. Box 347180, City of Parma, Cuyahoga County, Ohio 44134. Its territorial jurisdiction includes the States of Ohio, Mississippi, West Virginia, Kentucky, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Florida and western Pennsylvania, including the counties of Potter, Clinton, Center, Mifflin, Huntington and Fulton, and all counties within the State west of them. The members are Catholics of the Byzantine Ukrainian Rite: (1) who immigrated to the United States of America from Galicia, Bucovina and other Ukrainian provinces, (2) who descend from such persons (cf. Canon 755 of the Code of Canon Law [hereinafter “CCL”]), (3) women married to men referenced in 1 and 2 above, if they comply with Canon 98, n. 4 of CCL, (4) who in accordance with Canon 98, n. 3 of CCL, changed their Rite, (5) converts to the Catholic Church of the Byzantine Ukrainian Rite, and (6) all other Catholics of the Byzantine Ukrainian Rite who are attached to parishes subject

to the jurisdiction of the Eparch of the Ukrainian Catholic Diocese of St. Josaphat in Parma. The use in this Policy of the Eparchy's title under civil law encompasses its title under ecclesiastical law.

“Eparchy” encompasses the Ukrainian Catholic Eparchy of Saint Josaphat in Parma in accord with canon 177.1 of the Code of Canons for the Eastern Churches. It includes all parishes and other inferior juridical persons whose competent ecclesiastical superior is the Eparch (Bishop) of St. Josaphat in Parma. The legal title of the eparchy is The Ukrainian Catholic Diocese of Parma, Inc., and is a corporation chartered by the State of Ohio that includes all parish corporations, institutions, agencies and organizations sponsored by these canonical or civil entities.

Abuser: an adult, age 21 or older; an adolescent or even another child (provided the child is four years older than the victim) who attempts or engages in sexual activity with an individual under the age of 18, regardless of consent.

Child abuse: any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in the Code of Canons of the Eastern Church (CCEC), Canon 1453 §1.

Church Personnel: includes all presbyters and deacons working for and in the Eparchy, whether incardinated or not, and not on a leave of absence for any reason; along with everyone employed directly by the Eparchy or any institution in it; as well as any volunteers who serve in any program sponsored by the Eparchy or any institution in it, whether *pro bono* or not.

Civil authorities: refers to the local law enforcement agency, whether it be the city police department, the sheriff's department, the state police post, or an area child protection agency. It is distinguished from religious authority.

Civil laws: beyond the ordinary definition of civil law as the body of laws of a state or nation regulating ordinary private matters, in this document the term shall include criminal laws.

Chancellor: the chief notary of the Eparchy, and keeper of records.

Code of Canons of the Eastern Church: as promulgated by Pope John Paul II on October 18, 1990, which came into force of law on October 1, 1991, and usually abbreviate as CCEC (i.e., *Codex Canonum Ecclesiarum Orientalum*).

Code of Conduct: the document which delineates the policies and regulations regarding deportment between the clergy, staff and volunteers working in the Eparchy and the youth they may be serving.

Code of Conduct Agreement: a document enunciating the Code of Conduct which any cleric, staff member or volunteer may be required to sign as a pledge to abide by it.

Deacon: the third rank in ministry of the Church, usually a liturgical and ministerial assistant to the bishop and presbyters.

Eparch: the Byzantine term for a ruling bishop in his diocese as distinct from an auxiliary bishop. The Eparch has the full authority to govern the Eparchy.

Ephebophile: an adult with primary or exclusive adult sexual interest in mid-to-late adolescents, generally ages 15 to 19.

Extern priest: a priest who is not incardinated in the Eparchy. He may be on loan from another diocese or institution, or visiting temporarily from another place or simply residing, temporarily or permanently, within the boundaries of the eparchy.

Hierarch: usually a bishop, whether governing an eparchy or even simply an assisting bishop.

Incardination: the term designating the enrolling of a man upon ordination as a deacon or presbyter in the eparchy or religious institute for whose service he is ordained.

Minor: a person under the age of eighteen. Reflecting the *Charter* and the *Essential Norms*, terms such as “child”, “children”, “youth”, “young people” are encompassed within this definition, and are used in this Policy.

Particular law: are those regulations enacted by a legislator promulgated in a manner determined by the legislator himself. (Cf. canon 8:2 CIC) Such law may be enacted by a bishop for his diocese, or even by a synod of bishops for a whole province. This is in distinction to the general or universal law which is promulgated by the Pope or an organ of his administration for the whole Catholic Church.

Paedophile: often spelled pedophile, broadly denotes an adult who experiences sexual attraction to children. In the strict meaning of the term it denotes an individual sexually attracted to prepubescent or early pubescent children, while a person attracted to pubescent or post-pubescent youth is termed an ephedophile.

Priest: the term by which presbyters, the second rank of the clergy, are known in the United States. They form a college of elders and are deployed for ministry by the Eparch.

Promoter of Justice: Can. 1094 CCEC stipulates that a Promoter of Justice is to be appointed in an Eparchy for contentious cases which can endanger the public good and for penal cases. The Promoter of Justice is bound by office to provide for the public good.

Protopresbyter: an eparchy is divided into districts called a protopresbyterate, which is presided over by a protopresbyter (i.e. first or senior presbyter) who has rights and duties of supervision. This district and its supervisor is sometimes called a deanery, and its dean. The title may also be given as an honor with no responsibilities attached. (cf: Pastoral Guide of the UCC in the USA)

Religious: members of a community or association recognized as a religious order, congregation, community or association by the Catholic Church, usually living a communal life and professing vows or promises. (Cf. Title XII, CCEC)

Reporting: the obligation to bring to the attention of an authority the reasonable suspicion or actual knowledge of a civil crime or ecclesiastical offense as laid out in this document. For the purposes of this document, reporting is limited to the sexual abuse of children and youth and does not embrace the broader array of conditions such as malnutrition, physical bruising, etc., except were required by civil law, as in the State of Pennsylvania.

Review Board: a committee mandated by #4 & #5 of the *Essential Norms*, appointed by the Eparch as a confidential consultative body to assist him in discharging his responsibilities.

Safe environment: a term used to refer to a wide assortment of practices that contribute to preventing child abuse of any kind.

Safe Environment Coordinator: a designated official of the Eparchy that the Eparchy is required to have per the *Charter for the Protection of Children and Young People*.

Sexual abuse: any sexual activity, sexual interaction, or sexual exploitation by which an adult uses a minor as an object of sexual gratification; a minor being a person who has not yet reached his or her eighteenth birthday.

Significant Others: individuals who may play an important role in the life of a victim but who are not necessarily related by blood or marriage; for example, godparents and close family friends, and “honorary” uncles and aunts.

Victim/survivor: a person who has abuse of any kind in his/her background and has or is working to overcome the negative effects of that abuse.

Victim Assistance Coordinator: an agent of the Eparchy responsible for supervising the immediate care of a child or youth alleged to have been sexually abused.

Section One:

Education, Prevention, and Reporting

1.1 Education

The Eparch, or the one who takes his place by law, is responsible to insure the proper education of the clergy, religious and volunteers working, or resident, in the Eparchy. This responsibility may be delegated to another by the Eparch. Priests, permanent deacons and religious of, or resident in, the Eparchy shall attend scheduled training sessions that include the following subjects:

- a. appropriate boundaries in ministry;
- b. the nature of the problem of sexual abuse of children and youth;
- c. the signs and symptoms of sexual abuse in children and youth;
- d. the policies and procedures for prevention of sexual abuse by clergy, religious or other church personnel.
- e. the policies and procedures for the prevention of sexual abuse on any church-owned property or at off-site church-sponsored events and activities;
- f. formation for celibate chastity as applicable;
- g. the policies and procedures for responding to allegations of sexual abuse
- h. the policies and procedures for reporting allegations of sexual abuse to the Eparchy and to civil authorities;
- i. the policies and procedures for the investigation of allegations of sexual abuse

1.2 Educating staff and volunteers.

The Eparch, as chief shepherd of the Eparchy, is responsible to see that each staff member and every volunteer who may have unsupervised contact with children and young people in the course of parochial work, or in events sponsored by the Eparchy, attend scheduled training sessions that include, but are not limited to, the following subjects:

- a. appropriate boundaries in ministry;
- b. the nature of the problem of sexual abuse of children;
- c. the signs and symptoms of sexual abuse in children and youth;
- d. the policies and procedures for the prevention of sexual abuse by clergy or other church personnel;
- e. the policies and procedures for the prevention of sexual abuse on any church-owned property or at off-site church-sponsored events and activities;
- f. the policies and procedures for reporting allegations of sexual abuse to the Eparchy and to civil authorities;
- g. the policies and procedures for responding to allegations of sexual abuse.
- h. the policies and procedures for investigation of allegations of sexual abuse.

1.3 Deadlines for completion of training by priests, deacons, religious, staff and volunteers

- a. before assuming duties: clergy and religious, who will have unsupervised access to children and youth in their work shall participate in a program to be determined by the Eparchy, while new lay staff and volunteers will be directed to a specific training program, or provided with approved options for their training.
- b. annually, at the start of the school year: staff and volunteers who will not work directly with, or have regular contact with, children and youth shall be provided with appropriate training.

Availability of training:

Training will be available at both the local, i.e the parish or deanery level; as well as the eparchial level at a placer to be determined by the Eparchy. If no training is available in the area of the person's residence, arrangements shall be made for individual training

1.4 Educating parents and other adults.

In so important an issue as the physical, emotional and spiritual safety of children and youth, the Eparchy shall take pains to raise the level of awareness among all adults concerning the nature and scope of the problem of child abuse and educate them about both the signs and symptoms of abuse and what to do when they suspect abuse. Each priest or administrator of a parish shall provide an opportunity for parents and other adults to attend training sessions, which shall include, but is not limited to, the following subjects:

- a. appropriate boundaries in ministry;
- b. the nature of the problem of sexual abuse of children;
- c. the signs and symptoms of sexual abuse in children and youth;
- d. the policies and procedures for the prevention of sexual abuse by clergy and other church personnel;
- e. the policies and procedures for the prevention of sexual abuse on any church-owned property and at church-sponsored events and activities;
- f. the policies and procedures for reporting allegations of sexual abuse;
- g. the types of disclosures by children, and how to respond to them;
- h. the policies and procedures for responding to allegations of sexual abuse.

Section Two:

Canonical and Civil Responsibilities (reporting and investigation)

2.1 Federal and State laws may mandate that certain persons report to civil authorities (except when the matter becomes known in Sacramental Confession) suspected child abuse even beyond the scope of sexual abuse. Many states require the reporting of the inflicting, or creating of an imminent

risk, of physical injury, mental injury, harmful physical neglect, as well as sexual abuse of/to a child. All clergy, staff and volunteers, must report knowledge or belief that a child is the victim of abuse to child protection or law enforcement authorities as mandated by applicable civil law, and so all pastors and administrators must know the law in this regard in the place where the parish or mission is located. This information must be kept in the parish office for easy reference and for the benefit of substituting clergy and lay training, and inspected by the protopresbyter at his visitation. Every pastor or administrator is also required to keep in the parish office a list of law enforcement and public welfare agencies that deal with children, along with the pertinent contact information, and which the protopresbyters are also obligated to review during their visitations. Moreover, an allegation made to the pastor, principal, or ministry supervisor, will be reported immediately to the Eparch's office, the Victim Assistance Coordinator, and the Child Protection Officer, as well as to civil agencies as required by applicable law. Contact information for these and other avenues of reporting are to be published in the parish bulletin at least quarterly in each calendar year, and a copy of the information is to be displayed in the parish office as well as on the bulletin board of the church. Clergy, staff and volunteers, or other agents of the church or religious institution, shall report suspected abuse if he or she:

- a. has actual knowledge that a child is the victim of abuse;
- b. has reasonable cause to suspect that a child has been sexually abused.

Reasonable cause means a reason that would motivate a person of ordinary intelligence, based on observations or conversations, and under those circumstances, to believe that a child has been, or is being, abused. The only exception to this policy is disclosures made to a priest in the sacrament of penance/reconciliation, whose confidentiality must remain inviolable. (Cf. Canon 733 CCEC. This canonical exception is recognized in state law by statute and case law decisions.) However, any priest who hears the confession of someone who abuses children, or someone who is the victim of abuse, shall urge the penitent to report the abuse to the proper church and civil authorities

2.2 The Code of Canons of the Eastern Churches and other particular law, such as the Essential Norms for Diocesan/Eparchial Policies, governs the relationship between the priest and the Church. Careful adherence to canon law is the Church's access to permanently removing offending clergy from ministry. The eparchy will follow the applicable canon law, Charter, and Essential Norms, when making decisions about an accused person's ministry and during all investigations of allegations against clergy. (cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995.)

2.3 The eparchy will strictly adhere to all procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse of minors by clergy. (Cf. Procedural Norms for Motu Proprio *Sacramentorum sanctitatis tutela*, AAS, 93, 201)

2.4 Upon receipt of a complaint of sexual abuse of a child or minor by clergy, staff or volunteers, without prejudice to an individual's right to appeal directly to the Eparch, the local pastor or administrator will immediately report the matter to the Eparch's office, the Victim Assistance Coordinator, and the Child Protection Officer, as well as to civil authorities and agencies as required by applicable law and begin an internal investigation according to established procedures. If the accused is clergy, the provisions of canons 1468-1470 of the Code of Canons of the Eastern Churches will also be observed regarding the investigation of the complaint, the findings and the records thereof. When civil authorities are conducting a criminal investigation the eparchy will cooperate fully with them while continuing with the ecclesiastical investigation.

2.5 The eparchy shall retain all records and other materials related to the matter that might be considered evidence. The records shall contain claims, intakes, investigation reports, and records of services provided to those harmed by sexual misconduct.

Files maintained on the case are confidential and may contain both privileged and non-privileged information. Privileged documents include records protected from disclosure by state or federal statute, such as medical records, citizenship status, etc. Access to privileged documents is limited to the eparch, the chancellor, the review board members, diocesan counsel, other necessary diocesan or organizational personnel, and those authorized through appropriate court orders.

Documents shall include:

- a. the complainant's detailed description of the allegations;
- b. the investigation report, including the accompanying witness affidavits and documentation.

Section Three:

Administrative Guidelines for Dealing with a Complaint

These policies are administrative, not penal, in nature and take into account the rights and duties imposed by civil and canon law. These guidelines are not intended to create any rights in any person, to obligate the eparchy to take action, or to establish any responsibility of the eparchy.

3.1 The eparchial response to complaints and allegations is multi-faceted and includes:

- a. the pastoral care of the victim;
- b. the well-being of the community;
- c. a thorough, fair and objective investigation;
- d. the assessment and treatment of the alleged offender.

All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding and justice.

3.2 Allegations against a member of a religious institute, a society of apostolic life, or a society of common life providing services in the eparchy will be forwarded immediately to the Eparch who shall forward them to the competent ecclesiastical superior of the member for action on the matter. The officer of the Eparchy who first receives the allegation shall report it to the civil authorities or agencies as required by civil law.

3.3 The eparchy shall maintain a list of available resources for victim, faith communities, and those accused of abuse. Those resources shall include the following disciplines:

- a. pastoral and psychological counseling;
- b. legal issues;
- c. medical treatment;
- d. victim support groups;
- e. treatment facilities

3.4 The eparchy shall maintain records of all complaints against clergy, staff, or volunteers.

3.5 The eparch shall establish an independent review board whose composition shall include a priest as well as lay members who have expertise in the area of child abuse. The review board's duties are outlined in Section 7.1 in this document.

3.6 Actions taken by the eparchy when an allegation is made are not an expression of judgment concerning the validity of the complaint or the veracity of the complainant. Actions are intended to indicate the serious nature of such cases and to respect the rights of all concerned.

3.7 Any person may secure legal representation to pursue claims. However, it is not necessary to retain an attorney or file a lawsuit to resolve a complaint with the eparchy.

3.8 Retaliation or discrimination against a person who makes a complaint or who reports sexual abuse of a minor is strictly prohibited and will not be permitted.

3.9 Individual circumstances may prescribe a course of action at variance with these guidelines. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these guidelines.

Section Four:

Service to Victims

4.1 The eparchy offers pastoral, psychological and spiritual support to victims, their families and the faith community. Such assistance is pastoral and shall not, in any way, be considered as an indication that the eparchy is legally responsible for the actions of the accused clergy, staff or volunteers.

4.2 The Eparch, assisted by the Victim-Assistance Coordinator, the Promoter of Justice, the protopresbyters, and any he deems to be useful, shall organize and direct outreach to victims and the delivery of victim-assistance and support services to those who claim to have been sexually abused as minors by priests or deacons.

4.3 The eparch will

- a. be respectful of all persons bringing a complaint;
- b. help victims obtain counseling support;
- c. help victims and families obtain spiritual direction;
- d. provide printed materials, including a copy of this document, that outlines procedures for making a complaint.

4.4 The eparchy will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint except at the specific request of the complainant for substantial reasons. The text of the agreement shall contain the reasons for the confidentiality agreement.

4.5 While reconciliation remains desirable as a part of the healing process for victims, the eparchy will not attempt to force reconciliation between the offender and the victim. Any involvement in non-authorized reconciliation efforts by diocesan staff or agents is a violation of these policies.

4.6 Families and significant others require the same consideration, compassion and sensitivity in the healing process as that for the victim.

4.7 Parishes and religious communities/institutes are also victims of child sexual abuse by clergy or other church personnel. The Church is guided by the following principles in its response to affected communities:

- a. faith communities, organizations and institutions undergo a complex process of grieving when they learn about accusations of child sexual abuse by a trusted and respected leader;
- b. a critical element in the healing is providing accurate information regarding the facts of the allegations and investigations;

- c. communication may be limited by the concern for the privacy of the victim and the victim's family, as well as the need to protect the rights of the accused, particularly when criminal charges are pending;
- d. the healing of a parish, organization or religious community/institute is a multidisciplinary challenge requiring expertise from a variety of experts;
- e. an official representative of the eparchy and/or the particular religious community/institute will meet with the affected community.

Section Five:
The Accused

5.1 In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the eparchy from taking immediate, prudent action to protect the community in response to complaints even before an investigation is complete.

5.2 After an allegation is made, the eparchy or any priest involved in the investigation may not hear the sacramental confession of the accused.

5.3 When an allegation of child sexual abuse is made against a priest or deacon, the eparchy will initiate a prompt, objective, preliminary investigation in accord with canons 1468-1470 of the Code of Canons of the Eastern Churches. During the investigation the eparchy will take appropriate steps to protect the reputation of the accused. When there is credible evidence that the sexual abuse of a child has occurred, the eparchy will take appropriate measures to remove the cleric from ministry and place him on administrative leave. In cases involving a minor, the eparchy will also notify the Congregation for the Doctrine of the Faith.

5.4 Administrative leave will be planned and imposed consistent with the provisions of canon 1473 of the Code of Canons of the Eastern Churches, authorizing precautionary restrictions, such as limitations on ministry, public appearances, etc. The length of time for leave will be specified along with living arrangements, location, financial support, treatment, conduct, and aftercare, where applicable. At the end of the imposed time limit, the need for, and terms of, administrative leave will be reevaluated pursuant to canon law.

5.5 The eparchy will support and assist any priest on administrative leave to find housing and other pastoral support. The eparchy shall be responsible for his financial support.

5.6 Accused clergy will be advised to retain civil and canonical counsel. When necessary, the eparchy may provide canonical counsel to the accused, as stipulated in canon #1474 CCEO.

5.7 Non-clergy staff and volunteers will be placed on administrative leave without pay during an investigation of credible complaints. The length of time for imposed administrative leave will be specified and, upon expiration, will be reevaluated.

5.8 Pastoral and psychological support is essential to the support of any staff member or clergy accused of the sexual abuse of a minor.

a. The eparchy may refer accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused clergy chooses not to cooperate, the eparchy will be notified of that fact. The eparchy, or his delegate, shall make all decisions regarding the ministry and ministerial status of those who fail to cooperate in an evaluation.

b. Non-clergy staff and volunteers accused of sexual abuse may also be referred and required to participate in pastoral and psychological counseling as a condition of further employment or volunteer activities regardless of the outcome of the investigation.

5.9 The eparchy recognizes that if a priest or deacon is accused of sexual misconduct, his family will face enormous strain. The eparchy is committed to the emotional, psychological and spiritual support of a cleric's spouse, children, and other family members, and financial aid on a case by case basis if circumstances warrant.

Section Six

Legal Representation

6.1 Legal expenses of accused clergy and other church personnel:

The accused is advised to retain civil and canonical counsel independent from the eparchy. Financial assistance for legal fees incurred by the accused may be available depending on the nature of the case. The eparchy is not legally obligated to assist with legal fees, and depending upon the development of civil and/or criminal cases involving allegations of abuse, may be required to undertake direct legal action against the accused in order to protect the eparchy.

Section Seven

Reassignment of Clergy and Religious

No priest or permanent deacon who admits to, or is judged to be guilty of, sexual activities with a minor shall be allowed to return to any ministry.

7.1 The eparch will establish a Review Board to assist with assessing allegations and determining the fitness for ministry of clergy and religious suspended from ministry during an investigation of accusations of sexual abuse of a minor. The board shall:

- a. report directly to the Eparch or his designee;
- b. consist of not less than five (5) members appointed for a five-year, renewable terms, and the members shall include
 1. one priest who is an experienced and respected pastor;
 2. as well as lay members of integrity and good judgment who are not in the employ of the eparchy, including members from the professional community, at least one of whom shall have expertise in the area of the treatment of sexual abuse of minors;
- c. review allegations retrospectively and prospectively, and advise the Eparch as to the credibility of complaints of child sexual abuse;
- d. review and make recommendations regarding the continuation of the cleric in pastoral ministry, counseling, or aftercare;
- e. review and make recommendations regarding the fitness for ministry of any cleric whose ministry was restricted due to false, unsubstantiated or unverifiable accusations of misconduct;
- f. shall review and recommend changes to current diocesan policies regarding the response to allegations of sexual abuse of a minor and the assignment of clergy each year.

The eparch shall appoint an administrative staff member to act as liaison to the review board, the chairperson, and other officers, and may request that the Promoter of Justice attend certain meetings of the board.

All information gained by the review board shall be considered confidential and may not be further disclosed to any party or entity unless it be required by civil and/or canon law.

7.2 When allegations are unsubstantiated, or unverifiable, the Eparchy, in consultation with the review board, will consider the following factors in making decisions about ministry reassignments:

- a. the completed investigation report;
- b. the assessment of the review board and delegate;
- c. the outcome of proceedings in a civil or criminal court case;
- d. the judgment, recommendation and advice of professional therapists;
- e. the well-being of the faith community and all those ministered to by the Church or religious community/institute.
- f. the concerns of complainants and their families;
- g. the ability of the eparchy or religious community/institution to assure the safety of the community or organization to be served;
- h. the ability of the clergy to provide effective ministry in light of the circumstances;
- i. the best interests of the eparchy and its people.

7.3 If the review board recommends that a priest or deacon be denied the opportunity to return to ministry and the Eparchy agrees, the priest or deacon may be confined to a life of prayer and penance, offered an opportunity for job training or, in the case of the aged or infirm, apply for retirement. Under no circumstances will an offender be allowed to celebrate the Divine Liturgy publicly, wear clerical garb, or present himself publicly as a priest or deacon.

7.4 If the review board recommends that a priest or deacon be confined to restricted ministry, live in a supervised setting, resign from ministry, or apply for laicization, the Eparchy will consider options on a case by case basis and may pursue all available courses of action permitted by the Code of Canons of the Eastern Churches.

If it is recommended that the priest or deacon be counseled out of the ministry and he refuses, canonical procedures for removal from office will be initiated and followed. If the priest holds an ecclesiastical office and refuses to resign, a formal ecclesiastical trial may be instituted.

7.5 A priest or deacon who is determined guilty of the sexual abuse of a minor will be permanently removed from ecclesiastical ministry. He will not be allowed to celebrate the Divine Liturgy publicly, wear clerical garb, or present himself publicly as a priest or deacon.

7.6 The eparchy will provide pastoral support for the priest or deacon throughout the transition from ministry to private life.

7.7 No religious or non-incardinated priest or deacon known to have sexually abused a minor will be accepted for ministry in the eparchy. Furthermore, before any priest or deacon transfers to, or takes up residence in, another eparchy or diocese for any purpose, his hierarch/ordinary shall forward an accurate and complete description of the cleric's record to the hierarch/ordinary in the new location. The description shall include any information in the transferee's background indicting that he could be a danger to children or young people. This applies in all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

Section Eight:

False Accusations

When allegations are false, the eparchy will work closely with the accused and the faith community to restore trust and create anew pastoral and ministerial relationships. Particular attention will be given to the thoughts, feelings, fears, and concerns of the accused. The eparchy will provide a supportive environment and counseling or therapy to the accused to help mitigate the effects of the false accusation. The eparchy, through the review board, will work with the falsely accused person to protect or, if necessary, restore his or her good name and reputation, and create a workable plan for the future. The eparchy will inform the faith community of the results of the investigation.

8.1 The eparchy recognizes that the trauma of being falsely accused can do irreparable harm to the accused cleric's or staff person's ability to be effective in ministry. However, no person falsely accused of child sexual abuse should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result. Therefore, when making decisions about the reassignment of clergy or the continued employment of staff or the use of volunteers who are the subject of false allegations, the eparch will consider the following factors:

- a. the completed investigation report;
- b. the recommendation of the review board and delegate;
- c. the spiritual, emotional and psychological well-being of the accused;
- d. the judgment, recommendation and advice of trained mental health professionals;
- e. the well-being of the faith community and of all those ministered to by the Church or religious community/institute;
- f. the ability of the accused to provide effective ministry in light of the circumstances;
- g. and the best interests of the eparchy and its people.

8.2 The eparch will serve as a link between a falsely accused priest or deacon returning to ministry and the eparchy. The eparch shall provide pastoral support for the priest or deacon to ensure that the accused's ability to minister effectively in the wake of false accusations is fully restored.

8.3 The pastor or ministry supervisor responsible for staff or volunteers who are falsely accused of child sexual abuse shall provide continuing moral support to the individuals as they return to work or volunteer services. The eparchy will provide necessary counseling services to assist falsely accused individuals to overcome the consequences of the accusations and to become restored to power and effectiveness in their job duties and volunteer services.

Section Nine:

Screening and Selection of Clergy, Staff and Volunteers

9.1 All applicants to the priesthood and/or diaconate are required to participate in psychological screening and background checks to assess their fitness for the ministry and their fitness to work with minors.

9.2 All priests and deacons seeking incardination, and priests or religious seeking ministry or residency within the territory of the eparchy, must demonstrate their fitness to work with minors.

a. Superiors of religious congregations proposing names of individuals for ministry or residency in a church institution are required to forward an accurate and complete description of the cleric's or religious' record, stating in writing that there is nothing in the person's history or behavior that would make him or her unsuitable for work with minors.

b. Pastors, parochial vicars and assistants, administrators or directors of Church institutions may not be granted permission for full-time, part-time or regular weekend ministry to an extern priest or deacon without prior written approval of the Eparch or his designee.

9.3 All staff and all volunteers who work with, or have regular contact with, children shall be screened for their fitness to work with minors. The eparchy shall screen potential staff and conduct background checks on potential staff prior to extending an offer of employment. Applicants who refuse to grant permission or the background check and other screening will not be considered for any staff position in the eparchy.

9.4 The basic screening program for all staff and volunteers shall include:

- a. a completed employment/volunteer questionnaire;
- b. a completed background check;
- c. a personal interview with the applicant;
- d. a signed Code of Conduct Agreement.

9.5 No individual who has sexually abused a minor will be employed or engaged as a volunteer for/within the eparchy. The eparchy will immediately terminate any staff member or volunteer if it discovers evidence of previous child sexual abuse by that person.

9.6 The eparchy has in place a Code of Conduct for all church personnel, including clergy, staff and volunteers. The Code of Conduct establishes guidelines for appropriate interactions between Church personnel and those that they serve, and establishes disciplinary consequences for violations of the Code of Conduct.

Section Ten

The Media

10.1 There is a designated spokesperson for the eparchy. This spokesperson shall be responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse of minors.

10.2 The spokesperson shall be informed immediately upon receipt of any allegations.

10.3 All complaints to the eparchy are treated as confidential until such time as the allegation becomes public record as a result of charges being filed, a civil suit begun, etc., or the matter has become public knowledge through the press of or in its own right.

10.4 Within the confines of respect for the privacy and the reputation of the individuals involved, the eparchy will deal as openly as possible with members of the community. (Cf. Article 7 of the *Charter*.) The eparchial communications policy will be a commitment to transparency and openness.

Section Eleven

Insurance

11.1 Eparchial insurance covers individuals acting within the scope of their ministry or employment within the Church, clergy, staff and volunteers.

11.2 Eparchial insurers shall be notified of incidents, concerns or allegations in accordance with the terms of applicable insurance contracts.

11.3 The Eparch or his designee shall notify the eparchial attorney and insurance carrier.

Section Twelve

MISCELLANEOUS

12. 1 Any words or terms used herein in the singular shall be read as if written in the plural, or vice versa, when appropriate. Words of masculine, feminine, or neuter import shall be read as if written in the neuter or masculine or feminine when appropriate.

Section Thirteen

Conclusion

12.1 This Policy and Procedures will be reviewed each year by the eparchial review board, and any recommendations or emendations shall be forwarded to the Eparch for his consideration and action.

Revised and promulgated by the Most Reverend Bohdan J. Danylo
Bishop of St. Josaphat Eparchy in Parma

A handwritten signature in blue ink, appearing to read '+ Bohdan J. Danylo'. The signature is written in a cursive style with a cross at the beginning.

29 May 2015, to have the force of law on 1 July 2015:

Procedures for Filing a Complaint of Sexual Abuse of a Minor

1. All clergy, staff and volunteers must report knowledge or belief that a child is the victim of sexual abuse. (Cf. Eparchial Sexual Abuse Policy, sec. 2, supra.)
2. All complaints or knowledge of abuse should first be brought to the attention of the pastor of the parish, the principal of the school, the head of a religious community, or the supervisor of the particular ministry or organization.
3. If a victim, or a victim's family, is making a direct complaint on his/her/their own, they will meet with the pastor of the parish, the principal of the school, the superior of the religious community, or the supervisor in charge of the activity. At all times a victim or complainant may report directly to the eparchial bishop
4. The person hearing the complaint will make a record of the victim's name and address, the person being accused, the place where the incident occurred, the time when the incident occurred and a general description of the nature of the offense.
5. Upon receiving the preliminary information noted above, it is mandated that the pastor, principal, religious superior, or ministry supervisor forward the report of abuse to:
 - a) the Eparch and the chancellor of the eparchy
 - b) the local police department for the place where the offense occurred (even via 911)
 - c) the Child Protection Agency or Hot Line for the area. This information can be obtained from the local city or municipal government. In some phone directories it is found in the "blue pages."
6. Upon receiving a complaint, the Eparch or chancellor will contact the victim-assistance coordinator, the special review board for child protection, the local protopresbyter (dean), the eparchial attorney, the eparchial insurance company and the designated spokesperson for these matters.
7. The Eparch will meet personally with all victims and their families.
8. The Eparch will begin a preliminary internal investigation of the incident in accordance with canons 1468-1470 of the Code of Canons for the Eastern Churches. If there is credible evidence that sexual abuse has occurred, appropriate measures will be taken to remove the offender from ministry and place him or her on administrative leave in accordance with the provisions of canon law.

