



# ARCHDIOCESE OF NEW YORK

## POLICY RELATING TO SEXUAL MISCONDUCT

### SUMMARY

#### **Introduction**

On June 2002, the United States Conference of Catholic Bishops (“USCCB”) promulgated the *Charter for the Protection of Children and Young People* in order to address the issue of clergy sexual abuse of children and young people (the “Bishops’ Charter”). The Bishops’ Charter, as amended, was given recognition by the Holy See and became particular church law for the United States.

The Archdiocese of New York has adopted a policy relating to sexual misconduct. The policy, summarized here, provides guidelines to help prevent sexual misconduct and to help Archdiocesan personnel in responding to allegations of sexual misconduct, if any do occur.

Sexual misconduct is contrary to Christian principles and is in violation of the conditions of employment of all paid and unpaid personnel of the Archdiocese. Therefore, all Archdiocesan personnel must comply with applicable civil and canon law regarding incidents of actual or suspected sexual misconduct and with the requirements of this policy.

It is understood that sexual misconduct encompasses sexual harassment which is prohibited by Federal and state law; and that sexual misconduct by any personnel of the Archdiocese, whether in the course of work or not, will be considered grounds for suspension or termination of employment or involvement with the work of the Archdiocese.

#### **How is Sexual Misconduct Defined?**

Sexual misconduct means any actions or words of a sexual nature which are contrary to the moral doctrine, teachings and canon law of the Catholic Church and are proscribed by Federal, State or local law or cause harm to another. Sexual harassment, included in the category of sexual misconduct, refers to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which explicitly or implicitly becomes a term or condition of an individual’s employment or a basis for employment decisions affecting the individual or whose purpose or effect is to interfere substantially with an individual’s work performance or to create an intimidating, hostile or offensive working environment.

#### **Who is Required to Report Sexual Misconduct and to Whom?**

If any Archdiocesan personnel receives a report of alleged sexual abuse of a minor by any Archdiocesan personnel, they shall advise the person (or their parent or guardian) to immediately report the incident to the appropriate District Attorney’s Office, and should notify the Office of Legal Affairs or the Safe Environment Office immediately. If the report is received from an alleged victim or family member, they shall also refer the person directly to the Archdiocesan Victim’s Assistance Coordinator. The Archdiocese will take whatever steps are necessary to protect children and minors while the matter is under investigation after consultation with the district attorneys.

If any Archdiocesan personnel receives a report of alleged child abuse or neglect that occurred outside of an Archdiocesan program, they shall immediately report the incident to their supervisor, who should report it to the New York State Child Abuse Hotline and to the appropriate local police agency. If they can't confirm that the supervisor has called the Hotline, they should do so immediately themselves.

### **How Will the Reports be Handled?**

When accusations are made of sexual misconduct involving personnel of the Archdiocese, contact by a representative of the Archbishop with the alleged victim and family, if applicable, will be promptly initiated. Medical, psychological and spiritual assistance, and, in appropriate circumstances, economic assistance may be offered in the spirit of Christian justice and charity.

### **What About the Accused Person?**

The accused person will be assisted in obtaining legal advice. If the alleged claim appears substantiated, the accused person may be relieved from the exercise of any function or responsibility or ministry and/or employment in the Archdiocese and placed on administrative leave pending the outcome of the internal and any outside investigation, such leave to be with or without pay and/or benefits, as competent diocesan authorities may decide.

Any personnel of the Archdiocese who admit to, do not contest, or are found guilty of an incident of sexual misconduct shall be relieved immediately from the exercise of any function or responsibility of ministry and/or employment in the Archdiocese of New York. Subject to the conditions of any applicable contracts or terms of employment and at the discretion of diocesan authorities, such personnel may be assisted with any required rehabilitative or convalescent care.

### **Do We Need More Education on this Topic?**

Yes, we certainly do. To help support each adult's responsibility for his or her own sexual growth and maturity, the Archdiocese, from time to time, may be able to arrange programs providing additional information and training concerning this sensitive topic.

### **What About False Accusations and Unsubstantiated Claims?**

There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. Civil law provides penalties for the crime of falsehood in which individuals become victims of false denunciations and calumny. The courts often impose financial reparations in such cases. Canon law also makes provision for canonical sanctions in various cases of falsehood and calumny.

**Please note:** This document is a summary of the policy relating to sexual misconduct for the Archdiocese of New York. It is designed to make you aware of the existence of the policy but does not give you all of the details. All employees and volunteers of the Archdiocese of New York are urged to read and become familiar with the policy as a whole. The full policy is available from your agency, and can also be found at [www.archny.org/pastoral/safe-environment-program/safe-environment-policies](http://www.archny.org/pastoral/safe-environment-program/safe-environment-policies).