



Diocese of Little Rock

Policy On
Sexual Misconduct with Adults

DIOCESE OF LITTLE ROCK

POLICY ON

SEXUAL MISCONDUCT WITH ADULTS¹

The following constitutes particular law for the Diocese of Little Rock.

I. OBLIGATIONS OF PERSONNEL²

A. Obligations of Clergy

It is the expectation of the Catholic Church and her members that priests and deacons live a life in keeping with their calling. Any sexual activity by celibate priests—whether they be diocesan or religious—is deemed inappropriate and contrary to Christian morality. Any sexual activity by deacons (outside of their rights as married persons) is also deemed inappropriate and contrary to Christian morality. Because such sexual activity is considered to be against the very nature and scope of pastoral ministry, it will not be tolerated in any case or under any circumstance. Therefore, keeping in mind the call to live a life of chastity according to the promises made at ordination, priests and deacons are required to adhere to these policies promulgated for the Diocese of Little Rock.

B. Obligations of Men and Women Religious

Religious men and women are called to exercise their vocation within the evangelical counsels of poverty, chastity, and obedience. As with diocesan priests and deacons, the Church expects that religious men and women live a life in keeping with their calling. So, too, any sexual activity by celibate men and women religious is deemed inappropriate and contrary to Christian morality. Therefore, consistent with the obligations freely undertaken with the evangelical counsel of chastity, members of religious institutes working within the Diocese of Little Rock are required to adhere to these policies promulgated for the Diocese of Little Rock.

C. Obligations of Lay Employees

One of the greatest gifts given by God to all human creation is that of our sexuality. The Church has consistently taught that the expression of genital sexuality must be restricted to the spousal relationship assumed in marriage. Unfortunately, we live in a society and a culture that does not always embrace the teachings of Jesus Christ or the Church in this regard. It is in following the example of Jesus Christ that we exercise of our sexuality according to our state in life, whether married, single, religious, or cleric. Thus, the

¹ Cases involving sexual abuse of minors are covered by the “Diocese of Little Rock Policy on Allegations of Sexual Abuse of Minors”

² See Appendix for definitions of “Personnel.”

obligations of the laity fall within either the single or the married life. As such, members of the laity are called to live a chaste life either as single members of the Church or as married members of the Church. The latter is monogamous, excluding all others. Therefore, consistent with the obligations of either state of life, members of the laity employed by the Diocese of Little Rock or one of its parishes, schools, or entities are required to adhere to these policies promulgated for the Diocese of Little Rock.

II. PROCEDURES

A. Investigation of Sexual Misconduct³

An allegation of sexual misconduct with an adult against a priest, deacon, religious, or lay employee or volunteer of the Diocese of Little Rock is to be referred to the Chancellor for Canonical Affairs (hereinafter, the “Chancellor”), who conducts the investigation. If the allegation involves a member of a religious institute, the Chancellor shall coordinate his investigation with the superior of that religious institute. If the allegation involves a lay employee, the Chancellor for Canonical Affairs shall coordinate his investigation with the Chancellor for Administrative Affairs.

B. The Responsibilities of the Diocese

First and foremost, it is the responsibility of the Bishop of the Diocese acting personally or through his agent to provide for the pastoral care of all parties in cases of allegations of sexual misconduct. This is consistent with his role as shepherd and chief pastor of the flock entrusted to his care. Through his Vicar General or Chancellor, the Bishop will direct that appropriate pastoral care be given to the individual(s) who allege sexual misconduct by a member of the clergy, a religious, a lay employee or volunteer. Pastoral concern will also be given to the person against whom the allegations have been made, conscious that all canonical and legal laws are observed and the accused’s rights are protected. Finally, pastoral concern shall be directed towards those in the Christian community who have been affected by the circumstances of the sexual misconduct. It is incumbent upon the Bishop and/or his agent to ensure that the public is advised of the pastoral concern for each individual affected by the sexual misconduct and the process whereby the issue is brought to a conclusion.

The Chancellor will work under the direction of the Vicar General to:

1. **Respect and protect** the rights of all parties;
2. **Understand the diocesan policies** on sexual misconduct;
3. **Consult with the Diocesan attorneys regarding federal, state, and local laws** on sexual misconduct;
4. Communicate directly or through the Vicar General the **pastoral concern** that the Diocese has for all of the parties involved;
5. Assist the Vicar General in **evaluating the evidence** presented; and
6. **Recommend action**, if any, to be taken as a result of the investigation.

³ See Appendix for definition of “Sexual Misconduct.”

C. The Investigation

Upon notice of the allegations of sexual misconduct, the Chancellor will make contact with the one who is making the complaint to express the pastoral concerns of the Bishop and the Diocese for the individual(s), to advise that there is a policy and a procedure to be followed, and to assure the accuser that he/she will be kept informed of the procedure as it unfolds, protecting the rights of privacy for both the accuser and the one accused. The Chancellor will investigate the allegations, seeking advice from outside Diocesan legal counsel if necessary. If experts in a particular field should be regarded as necessary, the Chancellor will appoint them to assist in the process. Witnesses will be consulted when necessary in order to facilitate the orderly instruction of the investigation. Special care will be taken to ensure that all canonical laws are observed, including the protection of the rights of the accused. All allegations will be taken seriously.

D. The Determination

The Vicar General or the Chancellor will provide a report to the Bishop regarding the investigation and any recommended actions. It is for the Bishop to make an ultimate determination on credibility.

If the investigation determines that the allegation of sexual misconduct is *not* credible, the Bishop himself or through his delegate will notify both the accused and the individual(s) who brought the allegation.

If the investigation determines that the allegation of sexual misconduct is credible, the Bishop will direct the Vicar General or Chancellor to carry out the Bishop's decision.

III. THE ACTIONS TAKEN

A. In All Cases

If the investigation determines that the allegation of sexual misconduct is credible, the Bishop will direct the Vicar General or the Chancellor to:

1. Continue the pastoral relationship with the victim and his/her family to (a) advise them of the actions taken and (b) assure them of the intent of the Diocese to assist them in their healing process;
2. Communicate the findings to diocesan outside legal counsel and insurance carrier;
3. Consult with outside diocesan legal counsel regarding any applicable state, federal, or local laws;
4. Work with diocesan spokesperson to handle any public statements that may have to be made.

B. In Cases Involving a Cleric

If a credible allegation is against a cleric, the following actions will be taken:

1. The cleric will be placed on administrative leave. His financial status will not change, although his residence will be away from potential victims. To the best of their ability, the Bishop will exercise due care in protecting the cleric's continued right to a good reputation.
2. Should the occurrence become public, the Bishop will inform those closest to the situation, including but not limited to the parishioners affected, of his decisions regarding the cleric.
3. While on administrative leave, the cleric will be strongly encouraged to avail himself of a psychiatric evaluation at an approved facility of the Bishop's choice. The cleric will be encouraged to do so as soon as possible. If and when the cleric undergoes evaluation and treatment, his prognosis and suitability (or lack thereof) for further assignment will be based in part on the cleric's progress, ongoing therapy, and aftercare.
4. If it is determined that the cleric is unsuitable for further ministry, other canonical options will be explored. Any canonical procedure will be followed with full respect for the cleric's rights as outlined in the Code of Canon Law.
5. Clerics who are incardinated in other dioceses will have their faculties to minister in the Diocese of Little Rock revoked.

C. In Cases Involving a Religious

If a credible allegation is against a religious, the following actions will be taken:

1. Respecting the rights of all parties in such cases, the pertinent Superior will be requested to remove from the diocese the religious man or woman who has engaged in sexual misconduct.
2. If the Religious man or woman is employed by the Diocese, the employment will be terminated immediately.
3. If the pertinent Superior neglects to act, the matter will be referred to the Holy See pursuant to canon 679 of the Code of Canon Law.

D. In Cases Involving the Laity

Respecting the rights of all parties, if a credible allegation is against a lay employee, his/her employment will be terminated immediately. Likewise, if a credible allegation is against a lay volunteer, he/she shall be removed from his/her volunteer position effective immediately.

APPENDIX

“Personnel”

Clergy: the following are classified as clerics in the Catholic Diocese of Little Rock:

- Men ordained to the Roman Catholic priesthood or diaconate
- Clerics who are members of Religious Institutes assigned to Pastoral work in the Diocese of Little Rock
- Clerics of other Dioceses who are assigned to Pastoral work in the Diocese of Little Rock
- Clerics of other Dioceses who are retired, but request faculties to do pastoral work in the Diocese of Little Rock
- Clerics who are seeking incardination in the Diocese of Little Rock

Religious: the following are classified as Religious in the Catholic Diocese of Little Rock:

- Members of Religious Institutes doing pastoral work or assigned within in the Diocese of Little Rock
- Members of Societies of Apostolic Life doing pastoral work or assigned within in the Diocese of Little Rock

Laity: the following are classified as members of the Laity of the Diocese of Little Rock:

- All paid and volunteer personnel working for the Diocese of Little Rock, or in parishes, schools, ministries or their agencies
- Seminarians who are studying for the Priesthood for the Diocese of Little Rock
- Those who are studying for the Diaconate for the Diocese of Little Rock
- Those who have been accepted as Interns for the Pastoral Ministry Program in the Diocese of Little Rock as well as those appointed Pastoral Administrators
- Members of Private or Public Associations of the Faithful engaged in any form of pastoral ministry in the Diocese of Little Rock

“Sexual Misconduct”

For Clerics and Religious:

- Sexual contact between a celibate cleric or religious and an adult, regardless of who initiated contact, and whether consensual or not. This includes sexual contact with a “vulnerable person,” which is defined as “any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense” (see *Vos Estis Lux Mundi*, art. 1 §2).
- Sexual harassment, as defined below

For Lay Employees:

- Sexual contact between a lay employee and an adult other than his or her spouse, regardless of who initiated contact, and whether consensual or not
- Sexual harassment, as defined below

“Sexual Harassment” is defined as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

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