

# **SEXUAL ETHICS POLICY**

## **of the**

### **Diocese of Great Falls-Billings**

#### **I. Prevention of Ethical Problems**

The most important step in dealing with problems associated with our sexuality is prevention. Prevention in turn requires awareness. Accordingly, the policy of the Diocese of Great Falls- Billings is not avoidance of sexual issues, but rather affirmation of our own humanity as sexual beings. At the same time, as we recognize our essential humanity, we also must reaffirm our commitment to the dominant spiritual values which we have knowingly embraced as the basis for the dedication of ourselves to the ministry of Jesus Christ and service to his Church.

##### **A. Emphasis on Development and Maintenance of a Strong Prayer Life**

1. The strength to embrace continually the spiritual values of our Christian lives derives in no small measure from a strong prayer life.
2. Regular celebration of the Sacrament of Penance is critical and adjunct to a strong prayer life. Sinful behavior involving our sexuality can and should be addressed through confession and penance.

##### **B. Availability of Professional and Spiritual Advice and Counseling**

We recognize that there are a range of sexual problems associated with celibacy, matrimony, and the single life that, because of our own humanity, we may be unable to approach appropriately on a spiritual level without outside assistance.

1. To assist in resolution of such problems, local lay professionals including medical doctors, psychologists and counselors will be available to all priests, religious, lay employees and volunteers in the Diocese for referral assistance, upon application to the Bishop or his designee.
2. Priests may consult with the Vicar for Priests to discuss their own perception of potential sexual problems. Religious who work in the Diocese are encouraged to consult with their superiors or to avail themselves of local counseling. Lay employees and volunteers likewise can address concerns using local professionals.

##### **C. Annual Retreat**

The required annual retreat for priests and religious is an excellent means of addressing problems related to sexuality. Participation in, and utilization of, the retreat as such a device are strongly encouraged. Lay workers, both employees and volunteers, are also encouraged to find spiritual growth opportunities.

#### **D. Periodic Workshops**

Education is an important tool towards achieving self-awareness. We are committed to a program of workshops for clerics, religious and lay employees and volunteers in the Diocese of Great Falls-Billings dealing with sexuality. Attendance is strongly encouraged, and required for school employees and school volunteers.

#### **E. Affirmation of Spiritual Values**

1. The charism of those who have embraced the same perpetual commitments can be a source of renewed strength and resolve. Therefore the members of religious communities and the presbyteral fraternity are urged to take an active part in the spiritual, professional, social and recreational activities of their respective groupings.
2. Laity are encouraged to seek out and participate in the spiritual, professional, social and recreational activities of their communities.

## **II. Definition of Inappropriate Sexual Behavior**

#### **A. Acknowledgment of Sexuality of All Persons**

All persons are sexual beings and will be treated by the Roman Catholic Church as such.

#### **B. Reaffirmation of Chastity**

1. The Church upholds the various forms of chastity (Catechism of the Catholic Church [C.C.C.] §§ 2348 – 2350) and recognizes the various offenses against chastity (C.C.C. §§ 2351 – 2359).
2. The virtue of chastity, nurtured by the sacraments and formed by the Christian conscience, applies equally to lay and religious, married and single.

#### **C. Reaffirmation of Celibacy**

1. The canonical obligation for priests remains inviolate: “Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity.” (Code of Canon Law, # 277 §1)
2. Awareness of celibacy goes beyond mere observation of celibacy. “Clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal for the faithful.” (Code of Canon Law, # 277 §2)

## **D. Specific Prohibitions**

1. It is the policy of the Diocese of Great Falls-Billings that priests, religious, lay employees and volunteers shall refrain from any involvement in any relationship or contact whereby either party receives illicit sexual gratification. Such relationships include specifically:
  - a. A heterosexual relationship between adults.
  - b. A homosexual relationship between adults.
  - c. A heterosexual relationship involving a minor.
  - d. A homosexual relationship involving a minor.

It is the policy of this diocese that this prohibition extends not simply to intimate physical relationships, but to any behavior intending to cause or resulting in illicit sexual gratification regardless of the extent of physical contact.

2. It is also the policy of the Diocese of Great Falls-Billings that priests, religious, employees, and volunteers shall at all times refrain from involvement in any relationship that gives the appearance of prohibited sexual behavior.

All persons involved in ministry or representing the activity of the Church in any way must be acutely conscious at all times that innocent contact with members of the community perceived to be especially vulnerable should be handled with due circumspection. For example, private association with a minor child outside of a religious context can raise the appearance of impropriety. In fact, clerics who give this appearance are in violation of Canon # 277 § 2.

## **III. Reporting of Violations**

### **A. The Diocese of Great Falls-Billings Encourages the Reporting of Any Possible Violation of Its Sexual Ethics Policy.**

1. Reports are welcome from religious and lay members of the community alike.
2. All reports of violations of the Sexual Ethics Policy may be made either orally or in writing to the Diocesan Pastoral Center to the attention of the Victim Assistance Coordinator of the Diocese.
3. The Diocese shall make available in the Pastoral Center, all parishes and all schools a pre-printed complaint form by which violations of this policy can be submitted for follow-up investigation, in the manner provided below, by the Investigation Team.

### **B. Rights and Obligations of the Alleged Violator**

1. The rights of the alleged violator will be respected to the fullest extent possible without compromising the ability to carry out effectively this Sexual Ethics Policy, for the benefit of all involved parties. The rights include:

- a. The right to know the nature of the allegations.
- b. The right to defend against the allegations.
- c. The right to due process.
- d. The right not to incriminate her/himself.
- e. The right to civil and, in the case of clerics, canonical counsel.
- f. The right to discretion in the conduct of the investigation and to have her/his good name protected during the investigation.
- g. The right to know the results of the investigation.

2. The obligations include:

- a. The obligation not to interfere with the investigative process.
- b. The obligation not to have contact with the complainant during the investigative process.
- c. The obligation to observe any special provisions or restrictions imposed by the Bishop or his designee.

**C. No Repercussions to be Tolerated**

- 1. Those who are the subjects of such reports are hereby prohibited from retaliating or from taking any other adverse action against the one making a charge of a violation of the diocesan Sexual Ethics Policy.
- 2. Any perceived violation of this prohibition by a cleric shall be deemed a violation of the clerical obligation to their ordinary, the Bishop (Canon #273).

**D. Confidentiality will be Maintained if Requested by the Victim, to the Extent Possible without Compromising a Full and Fair Investigation**

- 1. The contents of any report shall be disseminated only to the appropriate diocesan representative and, in a case of a religious, to the religious superior.
- 2. Once the Bishop determines that sufficient evidence exists to support a reported violation of the Sexual Ethics Policy, the contents of the report may be shared with professional providers of care or treatment, when viewed as appropriate.

**IV. Diocesan Investigative Response**

**A. All Complaints of Inappropriate Sexual Behavior will be Immediately Investigated**

- 1. There is hereby constituted a diocesan Investigation Team, which is empowered to investigate fully all reports of possible violations of the Sexual Ethics Policy. The team consists of investigators specifically appointed by the Bishop. In each case the investigation begins by a letter of instruction from the Bishop addressed to each member of the Investigation Team.

2. All persons are requested – and clerics and diocesan employees are required – to cooperate fully with the diocesan Investigation Team in its investigation of the report. An investigation will be conducted as quickly as possible. The Investigation Team shall thereupon report the results of its preliminary investigation to the Bishop and/or the diocesan Review Board. The diocesan investigation process in its entirety is conducted in strict confidence.

**B. Immediate Suspension of Activities of Accused – Relief from Duties**

1. A cleric accused of a violation of the Sexual Ethics Policy may be required by the Bishop to refrain from any activities of his ministry during the course of the preliminary investigation. If such a requirement is imposed by the Bishop, the cleric will refrain from any such activity unless such permission is subsequently applied for and received from the Bishop.
2. Lay persons shall immediately be put on leave-of-absence status with pay during any preliminary investigation. Unpaid volunteers shall cease volunteer activities during the preliminary investigation.
3. Religious who are accused of a violation of this policy shall refrain from any activities of ministry during the preliminary investigation. Permission to continue in ministry may be granted if there is consensus between the Bishop and the religious superior.

**V. Diocesan Review Board for Cases Involving Sexual Abuse of Minors**

The Diocese has a Review Board that functions as a confidential consultative body to the Bishop. The majority of its members are lay persons not in the employ of the Diocese (see Norm 5 in Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2002). This Board will advise the diocesan bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. It will regularly review diocesan policies and procedures for dealing with sexual abuse of minors. Also, the Board can review these matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases.

**A. Preliminary Investigation – Complaint Not Found to Contain Any Merit**

1. If the Review Board recommends in cases of child sexual abuse, or in other cases if the Bishop determines, based upon the preliminary investigation and such other information as may be available, that there has been no violation of the Sexual Ethics Policy, the accused person, clerical, religious or lay shall thereupon be entitled to resume all former activities without restriction. The Bishop and the Victim Assistance Coordinator may take steps to continue to work with the alleged victim. The Diocese recognizes the right of the alleged victim to initiate legal action.
2. The Diocese will assist in an effort at reconciliation, if requested by any person involved in the process, in those cases in which it is determined that there was no violation of the Sexual Ethics Policy. The participation of clerics, religious and laity,

is mandatory to the extent any other party requests an attempt at reconciliation. Such reconciliation can only take place through authorized diocesan channels.

**B. Preliminary Investigation – Existence of Evidence Satisfactory to the Review Board (for minors) and/or the Bishop (in other cases) of Inappropriate Sexual Behavior**

1. Inappropriate Sexual Behavior by Clerics:

- a. A cleric shall be referred for appropriate professional and religious counseling; his participation shall be required as a matter of clerical obedience (Canon #272).
- b. Inappropriate sexual behavior by clerics may be viewed as an illness; in any case, counseling referrals are for treatment.
- c. The goal of treatment is to confront, and hopefully overcome, behavior deemed inappropriate so that the individual will play a productive, positive role in the community in the future.
- d. However, in any case in which sexual abuse of a minor by a cleric is admitted or proven, the offending priest or deacon shall be permanently removed from ministry and, in appropriate cases, shall be subject to dismissal from the clerical state.
- e. In cases not falling within the limitations required by subparagraph (d) above, any possible future ministry will require a full sharing with the Bishop of all information developed in the course of treatment; authorization from the individual under treatment or counseling will be required in all cases to allow the professionals to communicate freely with the Bishop.
- f. Continued diocesan financial support for treatment or counseling will likewise require a full sharing of information.

2. Lay violators will be put on unpaid leave status or discharged, as may be appropriate, or, if a volunteer, will not be allowed to continue service. Counseling referrals will be considered on a case-by-case basis by the Bishop. Counseling or treatment of laity, and in the case of employees, financial support, will not automatically be provided; if it is provided, it will be conditioned upon the same level of cooperation required of clerics, as set forth above.

3. The Diocese will cooperate appropriately with civil authorities, consistent with canonical responsibilities and with an equal respect for individual rights.

- a. Any alleged violation of this Sexual Ethics Policy involving a victim who is still a minor at the time that the report is received by the Diocese shall be reported to the appropriate County Attorney or other law enforcement personnel with jurisdiction to investigate possible criminal charges, without regard to any determination as to the alleged merits or veracity of the report. The Diocese will

fully cooperate with such authorities in determining whether information or the results of an investigation involving a person who is no longer a minor should be reported to those public officials.

- b. No action will be taken to impair or impede any criminal investigation.
- c. The diocesan Investigation Team shall always advise a victim or the family member of a victim of an alleged violation of this Sexual Ethics Policy of his, her or their right to make an independent report to the appropriate public officials and shall not suggest against or otherwise impede the submission of such a report.
- d. As a general rule, the Bishop will not provide legal counsel to a cleric, religious or lay person facing criminal or civil charges arising from any alleged conduct that may also be a violation of this Sexual Ethics Policy.

### C. Victim Support

1. The Victim Assistance Coordinator shall be notified upon every report of sexual abuse of a minor.
2. The Diocese of Great Falls-Billings shall provide counseling, spiritual assistance and support to any victim of a violation of the Sexual Ethics Policy, as well as any of his or her immediate family and the faith community in which the violation has taken place.
3. All such counseling, spiritual assistance and support shall be arranged for by the diocesan Victim Assistance Coordinator, appointed by the Bishop. The Coordinator shall be immediately notified of all reports of alleged sexual abuse at the same time that a matter is referred to the Investigation Team.
4. The Diocese is willing in all cases to make recommendations for victims and immediate family members seeking appropriate professional care or treatment and, if required, will facilitate referrals. Consistent with the recognition that any violation of the diocesan Sexual Ethics Policy is neither authorized nor condoned, financial assistance for professional care or treatment for victims and immediate family members will not necessarily be provided as a matter of course. The Bishop may offer financial support for professional care or treatment, as a matter of charity and compassion. Outreach for healing and reconciliation, including the provision of counseling, spiritual assistance, support groups and other social services, will be provided in all cases involving the sexual abuse of a minor.
5. It shall not be a condition of any financial settlement made by the Diocese arising from a violation of this Sexual Ethics Policy that the settlement be kept confidential. If, however, the person or persons with whom any such settlement is made requests that it be maintained as confidential, the Diocese shall honor and observe that request.

#### **D. Reconciliation**

1. The Diocese will not require an attempt at reconciliation between violator and victim.
2. If either party, following appropriate treatment or counseling and only upon clearance by professional providers, requests reconciliation, the Diocese will serve as the vehicle for communication of such a request to the other party or parties and will provide the structure and format for reconciliation efforts, if both parties do express a desire to attempt it.
3. Such reconciliation can only take place through diocesan-authorized channels.
4. The involvement of any diocesan personnel in non-authorized reconciliation efforts will itself be treated as a violation of this policy, subjecting the violator to an appropriate disciplinary response. The intent of this prohibition is to protect victims and their families from unwelcome contact with the offending party.
5. While reconciliation remains a desirable outcome, the Diocese will in no sense require participation as a condition for further involvement in the Church community.

#### **VI. Prevention of Sexual Abuse**

- A.** There shall be a diocesan Safe Environment program by which education and training shall be provided by the Diocese for children, youth, parents, ministers, educators and all other persons having a role in any of the ministries of the Diocese as to available means and methods to make and maintain a safe environment for children.
- B.** All employees of the Diocese, whether lay or religious, who have regular contact with minors shall be screened prior to hiring by making direct inquiry of the candidate and by performing a background check seeking disclosable information maintained by public authorities. Such persons shall also be evaluated both before and after hiring as to their continued suitability for contact with minors. Similar efforts shall be undertaken whenever feasible for persons who have similar contact with minors but do so on a volunteer basis.
- C.** Persons from this diocese seeking admission to a seminary for training to assume the clerical state shall be required to submit to such screening as shall be feasible to determine his suitability for such ministry. The fitness of all candidates for ordination shall also be evaluated.
- D.** No cleric shall be sent to an assignment out of this diocese without the Bishop having first sent to the ordinary where it is proposed that the cleric will work a complete description of his record, including anything in his background which would raise questions about his fitness for ministry. No cleric from outside this diocese shall be permitted to assume any role in ministry in this diocese without the Bishop having first received the same information from the bishop or ordinary under whom the cleric has been most recently assigned.

## **VII. Governing Principles**

This Sexual Ethics Policy shall be interpreted and applied in a manner that is fully consistent with the Charter for the Protection of Children and Young People, adopted by the United States Conference of Catholic Bishops (Charter) in November 2002, and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Norms), approved by the Congregation of Bishops in December 2002. In the event of any inconsistency between the terms of this policy and the provisions of the said Charter or Norms, as they now exist or may from time to time be amended or modified, the provisions of the Charter and Norms shall govern.

August 20, 1995  
Revised November 2000  
Revised September 2001  
Revised October 2002  
Revised October 2003



## DIOCESE OF GREAT FALLS-BILLINGS

### Statement of Receipt and Agreement

Priests, Deacons, Religious, Paid Employees, School Employees, Cum Christo/Step II Leadership:

By signing this statement I acknowledge that I have received the **Diocese of Great Falls-Billings Sexual Ethics Policy**. I have been given the opportunity to read and ask questions about the policy.

Further, by signing this statement, I agree to abide by all the provisions contained in it. I understand that this agreement is required for me to serve in any capacity of ministry, or to be employed by the Diocese of Great Falls-Billings, its parishes, schools, institutions, offices, or programs. I understand that failure to comply with the policy subjects me to the responses outlined there, including termination.

I hereby acknowledge receipt of the **Diocese of Great Falls-Billings Sexual Ethics Policy** and I agree to abide by its provisions.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Parish/School & Town*

\_\_\_\_\_  
*Signature of Witness*

**Original Signed Form to be returned to:  
Pastoral Center, PO Box 1399, Great Falls, MT 59403**