



ARCHDIOCESE OF ST. LOUIS

POLICY AND PROCEDURES FOR ALLEGATIONS OF ADULT SEXUAL ABUSE BY CLERICS OR CHURCH PERSONNEL

INTRODUCTION

The following policy and procedures have been adopted to address the particular situation in which a member of the clergy (Cleric(s)) or a lay employee, volunteer, men religious or women religious (“Church Personnel”) is accused of sexual abuse of an adult while working in any parish, school, agency or office of the Archdiocese of St. Louis (“Archdiocese”). For purposes of this policy an adult is a person 18 years of age or older.

Proceedings pursuant to this policy shall be conducted in compliance with civil law and in accordance with the Code of Canon Law.

1. Purpose

1.1 The purpose of the Policy and Procedures Regarding Cases of Sexual Abuse Adults by Church Personnel or Clerics (“Policy”) is to establish a subcommittee (“Committee”) of the Archdiocese of St. Louis Review Board to serve as a confidential, consultative body that provides a preliminary evaluation of sexual abuse cases reported by adults against Church Personnel or Clerics.

1.2 This Policy applies without prejudice to the rights and obligations established by the laws of State of Missouri particularly those concerning any reporting obligations to civil authorities.

1.3 For purposes of this Policy, the following terms and their respective definitions will be used by the Committee for its initial assessments of adult sexual abuse reports. However, these terms do not exclude the applicable terms defined in the sexual offenses statutes of the State of Missouri and the federal sex offense laws defined in the Code of Federal Regulations. Applicable State statutes and federal laws include, but are not limited to, those outlined in Section 6. of this Policy.

(a) **Sexual Abuse** - forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts. (*Art. 1, Motu Proprio, 2019*)

(b) **Abuse of Authority** – the misuse of a position of power to take advantage of an individual.

(c) **Consensual Relationship** - refers to any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented. For purposes of this Policy a consensual relationship shall not be considered abusive unless an abuse of authority is alleged.

2. Composition of Committee

2.1 The Committee shall be made up of three (3) persons who are current or former members of the Review Board and not in the employ of the Archdiocese of St. Louis.



2.2 The Director of the Office of Child and Youth Protection, (“Director OCYP”) shall serve as the Archbishop’s representative with respect to Committee matters.

2.3 Members of the Committee shall be appointed and replaced at the sole discretion of the Archbishop. The Archbishop may consult with the Director OCYP to identify eligible candidates for appointment to the Committee.

3. Meetings

3.1 The Archbishop, by and through the Director OCYP, has the authority to schedule meetings as necessary including convening emergency meetings.

3.2 The deliberations of the Committee will be strictly confidential and minutes shall be taken at each meeting. Such minutes shall be retained and maintained by the Director OCYP.

3.3 Any documents provided to the Committee must be returned to the Director OCYP at the conclusion of the meeting to protect the privacy of the individuals involved.

4. Review Process

4.1 The Archdiocese shall make its procedures for reporting an allegation of sexual abuse of an adult available in printed form and on the Archdiocese’s website so that those affected can readily report abuse and receive assistance. Any adult who alleges sexual abuse by a Cleric or Church Personnel, or anyone acting on behalf of an adult whom they believe has been sexually abused by a Cleric or Church Personnel, may bring a complaint by contacting one of the following individuals in writing, by telephone, or in person.

Contact information is as follows:

Archdiocesan Abuse Reporting Hotline: (314) 792-7704

Executive Director, Office of Child and Youth Protection
Archdiocese of St. Louis
20 Archbishop May Drive
St. Louis, Missouri 63119-5738
(314) 792-7271
Email: OCYPDiretor@archstl.org

Vicar for Priests
Archdiocese of St. Louis
20 Archbishop May Dr.
St. Louis, MO 63119
(314) 792-7550

4.2 Upon receipt of an allegation, the Director OCYP and/or the Vicar for Priests shall inform the Archbishop and prepare an initial report of the allegation.



4.3 If the allegation of sexual abuse involves a Cleric, a decree to open a preliminary investigation will be issued as required by Canon 1717 and the Cleric will be advised of his right to appoint a personal advocate as required by Canon 1481.

4.4 If the accused person is a Cleric from another diocese, or is a member of a religious community, the accused Cleric's diocesan bishop or major superior will be informed of the pending investigation and the protocol of the Archdiocese of St. Louis when responding to allegations of sexual abuse of an adult.

4.5 If the accused person is a lay employee of the Archdiocese, its parishes or agencies, the report shall be directed to the Archdiocese's Human Resource Department for handling.

4.6 If an allegation of sexual abuse against a member of the Clergy or Church Personnel is brought by an attorney representing the alleged victim, the allegation will be referred to the General Counsel for the Archdiocese of St. Louis.

4.7 The Committee shall receive from the Archbishop, by and through the Director OCYP, the initial report of the allegation and any information pertinent to the allegation.

4.8 The Committee will assess whether the allegation conforms to the definition of sexual abuse of an adult as outlined in this policy and whether or not there is sufficient information to support that the alleged sexual abuse may have occurred. The Committee will not determine whether a case is credible or substantiated.

4.9 If the allegation is from a third party acting on behalf of an adult whom they believe has been sexually abused, the victim will be required to make a report directly to the Archdiocese before any action is taken.

4.10 After reviewing the matter before them, the Committee shall provide a written report to the Archbishop advising him of their assessment of the allegation and make a recommendation only with regard to whether the matter should be referred to the full Review Board for further investigation or be sent to the Vicar for Priests for further handling.

4.11 Reports of vulnerable adult abuse will be reported to the proper civil authorities. For purposes of this policy, the definition of vulnerable adult is defined pursuant to Missouri law.

5. Recommendation

5.1 The Director OCYP shall deliver the Committee's written report to the Archbishop.

5.2 After considering the Committee's report and recommendation, the Archbishop shall determine what further actions or processes, if any, need to be taken to resolve the matter and any related issues. The Archbishop shall have the final decision-making authority in all cases.

6. Applicable State of Missouri Statutes & federal laws

6.1 For the purposes of this Policy and its procedures, the following terms and respective definitions are being applied. They are subject to unannounced revision with respect to changes in the Missouri statutes and Federal laws.



6.2 Sexual Abuse -

A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. MO Rev Stat § 566.100(1) (2019)

A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent. MO Rev Stat § 566.101(1) (2019)

6.3 Sexual Act -

(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(D) the intentional touching, not through the clothing, of the genitalia of another person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

6.4 Sexual conduct -

Sexual intercourse, deviate sexual intercourse or sexual contact. MO Rev Stat § 566.010(5)(2019)

6.5 Sexual contact -

Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

MO Rev Stat § 566.010(6)(2019)

6.6 Sexual intercourse -

Any penetration, however slight, of the female genitalia by the penis. MO Rev Stat § 566.010(7)(2019)

6.7 Sexual Misconduct -

A person commits the offense of sexual misconduct in the first degree if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person. MO Rev Stat § 566.093(1) (2019)

6.8 Rape -

A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. MO Rev Stat § 566.030(1)(2019)

A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent. MO Rev Stat § 566.031(1)(2019)

