

occurred, the Eparchy will take appropriate measures to remove the cleric from ministry and place him on administrative leave. The Eparchy will also notify the Congregation for the Doctrine of the Faith in cases involving a minor.

5.4 Administrative leave will be planned and imposed consistent with the provisions of Canon 1473 of the Code of Eastern Churches. 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 Bishop 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.

5.7 Non-clergy, staff, and volunteers will be placed on administrative leave 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 sexual abuse.

a. The Bishop may refer accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused clergy chooses not to cooperate, the Bishop will be notified of the lack of cooperation. The Bishop or his designee 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 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, psychosocial, and spiritual support of a cleric's spouse, children, and other family members.

Section 6:

Legal Representation

6.1 Legal expenses of accused clergy and other Church personnel:

a. 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. There is no specific obligation on the part of the Eparchy to assist with legal fees.

Section 7:

Reassignment of Clergy and Religious

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

7.1 The Bishop shall establish a re-

view 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. The board shall:

a. Report directly to the Bishop or his designee.

b. Consist of not less than five members appointed for five-year, renewable terms. Membership in the review board shall include:

One priest who is an experienced and respected pastor.

Lay members of integrity and good judgment who are not in the employ of the Eparchy and are in full communion with the church including:

Members from the professional community, one of whom has expertise in the area of the treatment of sexual abuse of minors.

c. Retrospectively and prospectively review allegations and advise the Bishop 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. At least every two years, review and recommend changes to current diocesan policies regarding the response to allegations of sexual abuse and the assignment of clergy.

The Bishop 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 Bishop, in consultation with the review board, will consider the following factors in making decisions about ministry reassignment:

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 Church or religious community/institute 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 Bishop 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 Bishop 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 to be guilty of sexual abuse 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 Bishop 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 diocese for any purpose, his ordinary/hierarchy shall forward an accurate and complete description of the cleric's record to the ordinary/hierarchy in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

Section 8:

False Accusations

When allegations are false, the Eparchy will work closely with the accused and the faith community to restore trust and recreate the 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'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 of a false accusation. Therefore, when making decisions about the reassignment of clergy who are the subject of false allegations, the Bishop 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.