

POLICY AND PROCEDURES RELATING TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY PERSONNEL OF THE PRELATURE OF OPUS DEI IN THE UNITED STATES

1.0 POLICY

1.01 As part of the Catholic Church, the Prelature of the Holy Cross and Opus Dei in the United States (hereinafter, “the Prelature”) considers sexual abuse of minors to be a grave violation of Christian principles and not to be tolerated. Such offenses are particularly grievous when they are committed by persons who undertake to help others follow Jesus Christ and his teachings more closely. For this reason, this policy outlines a procedure for addressing allegations of sexual abuse of minors by Personnel of the Prelature. The procedures outlined below are based on the *Code of Canon Law* (CIC), the *Motu proprio Sacramentorum sanctitatis tutela* as revised on May 21, 2010 (Sst.), and the *Essential Norms for Diocese / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* as promulgated on May 5th, 2006 by the United States Conference of Catholic Bishops.

1.02 This policy applies to the actions of Personnel of the Prelature in the United States.

2.0 DEFINITIONS

2.01 “Sexual abuse” shall include any external, objectively grave offense against the Sixth Commandment of the Decalogue committed with a minor by Personnel of the Prelature. More detailed guidelines for what constitutes sexual abuse under this policy are found in Appendix 1. Ultimately, it is the responsibility of the Vicar with the advice of the Review Board to determine whether any particular behavior constitutes sexual abuse under this policy.

2.02 For the purposes of this policy, a minor is anyone considered to be a minor by the applicable civil law.

2.03 “Prelature” means the Prelature of the Holy Cross and Opus Dei in the United States.

2.04 “Personnel of the Prelature” includes all faithful of the Prelature, priests, deacons and lay, who, under the Vicar’s authority, are carrying out an activity of the Prelature; it does not apply to them in their professional or personal activities. It does not include lay employees and volunteers at those institutions or programs for which the Prelature oversees only the spiritual aspects of the programs. These

organizations have their own policies and procedures and codes of conduct relating to these issues and are responsible to their own boards of directors and the community at large for their upright behavior.

2.05 “Vicar” refers to the Regional Vicar for the Prelature of the Holy Cross and Opus Dei in the United States.

2.06 “Credible” allegation, accusation, or information means that, under all the circumstances known at the time of the determination, a prudent person would conclude that there is a significant possibility that an incident of sexual abuse has occurred. “Credible” is considered to have the same meaning as “the semblance of truth” as used in C.I.C., c. 1717.

3.0 REVIEW BOARD

3.01 The Prelature will maintain a Review Board that will function as a confidential consultative body to the Vicar in discharging his responsibilities with respect to allegations against Personnel of the Prelature of sexual abuse of minors. The functions of this board may include:

- A. reviewing the Prelature’s policies for dealing with sexual abuse of minors;
- B. advising the Vicar, along with the Promoter of Justice (if appointed), in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry; and
- C. offering advice on all aspects of these cases, whether retrospectively or prospectively.

3.02 The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Board will be lay persons who are not in the employ of the Prelature, although at least one member should be a priest of the Prelature with several years of pastoral experience and proven good judgment, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed by the Vicar for a term of five years, which can be renewed. The Vicar may ask the Promoter of Justice as well as a member of his council to attend the meetings of the Review Board.

4.0 REPORTING CASES OF SEXUAL ABUSE OF A MINOR

4.01 The Vicar will appoint a Child Protection Coordinator (“Coordinator”), who will be responsible for receiving notification of all allegations of sexual abuse against a minor involving Personnel of the Prelature. A telephone number for contacting the Coordinator will be posted on the Opus Dei website

(www.opusdei.org). If in a given case the Coordinator is unable to carry out his or her duties, the Vicar will appoint a substitute coordinator.

4.02 Anyone who wishes to make an allegation of sexual abuse against a minor by Personnel of the Prelature should contact the Coordinator. Any Personnel of the Prelature who learns of any sexual misconduct against a minor by other Personnel of the Prelature or has reasonable cause to suspect such misconduct should report it immediately to the Coordinator, unless to do so would violate the confidentiality of spiritual direction or the priest/penitent relationship of the sacrament of Reconciliation.

5.0 ASSISTANCE TO VICTIMS

5.01 Upon being notified by any source of a credible allegation of sexual misconduct against a minor by Personnel of the Prelature, the Coordinator will promptly initiate contact with the parents or guardian of the alleged victim. The Coordinator will coordinate assistance for the immediate pastoral care of the alleged victim and his or her family without comment as to the truth of the accusation. He will also advise the parents or guardian of the alleged victim of the procedures to be implemented under this Policy. If the alleged victim is no longer a minor when the allegation is received, the Coordinator will contact the alleged victim directly. Anonymous allegations will generally not be considered to be credible.

5.02 The Coordinator will ensure that the Personnel of the Prelature comply with all applicable laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the Coordinator will support a person's right to make a report to public authorities.

5.03 The Coordinator will ask the person who has notified him of the alleged sexual abuse to send a written report of the allegation (see Appendix 2). He will request the same of the parents or guardian of the alleged victim, unless the alleged victim is no longer a minor. If necessary, the Coordinator can fill out the form and ask the parent or guardian to sign it.

5.04 When an allegation involves a lay employee or volunteer at an institution or program for which the Prelature oversees only the spiritual aspects of the program, the Coordinator will refer the complainant to that institution, since it is responsible for that person's conduct.

5.05 The Coordinator will maintain a log of all reports or statements he receives and of all conversations he has with alleged victims, their families or guardians and anyone who reports possible sexual abuse.

6.0 PRELIMINARY INVESTIGATION

6.01 When a report of sexual abuse of a minor is received by the Child Protection Coordinator, he will immediately notify the Vicar. The Vicar will make a determination as to the credibility of the allegation. He will make no determination that an allegation is not credible without first consulting with the Review Board and the Promoter of Justice. In accord with C.I.C., c. 1717, if the Vicar determines that the report is credible (has at least the semblance of truth), he will open the preliminary investigation by issuing a decree. He or a person(s) appointed by him and named in the decree will inquire carefully about the facts and circumstances, and imputability of the alleged offence, unless such an inquiry seems entirely superfluous (c. 1717, § 1). The Vicar may delay the opening of the preliminary investigation in order to avoid interference with a civil or criminal action. In accord with CIC, c. 1722, the Vicar may, if he considers it prudent, limit the ministry or assignments of the accused.

6.02 All appropriate steps shall be taken to protect the reputations of the alleged victim and the accused during the preliminary investigation (c. 1717, § 2). The accused will be informed of the allegation and any evidence supporting it, unless the Vicar, after consulting the Review Board, decides that it would better to withhold some information. In cases involving the sacrament of Penance, the accuser has the right not to have his name revealed to the accused priest (Sst., art. 24). The accused will be given the chance to respond in writing and may retain the assistance of civil and canonical counsel if he desires. The accused has no obligation to confess a crime or take an oath (c. 1728, § 2). If the accused admits that the allegations are true, the Vicar will apply the measures indicated in 6.05.

6.03 Once the Vicar or the person appointed by him has completed his inquiry (cf. 6.01), the allegation of sexual abuse and the findings of the inquiry shall be presented in writing to the Review Board, which will meet expeditiously. After reviewing all the findings and asking for further information as it deems necessary, the Review Board will submit in writing to the Vicar its evaluation of the evidence for the alleged sexual abuse, and may offer the Vicar its recommendations regarding medical and psychological evaluations of the accused as well as appropriate penalties.

6.04 If the Vicar, upon receiving the report of the Review Board, decides that there is not sufficient evidence of sexual abuse, he will close the matter by issuing a decree which states this decision. The accused will be promptly informed and subjected to no adverse actions.

6.05 If the Vicar, upon receiving the report of the Review Board, determines that there is sufficient evidence of sexual abuse, he will immediately notify the accused and will remove him from participation in any activity of the Prelature involving

minors. In the case of a priest or deacon, the Vicar will remove him from all pastoral activities and he will not exercise his ministry outside the center where he resides. The Vicar will notify the Bishops of the dioceses where the alleged sexual abuse occurred and where the accused resides. He will also send the acts of the preliminary investigation to the Prelate of Opus Dei so that the Congregation for the Doctrine of the Faith may be notified. The Prelate will determine any further processes in accordance with Canon Law.

6.06 The accused may be requested to seek, and may be urged to comply voluntarily with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Vicar and to the accused.

6.07 Those involved in the investigation and subsequent disposition of a claim of sexual abuse of a minor will exercise due confidentiality with respect to any information obtained in the course of the investigation. Any public statements concerning this information or any action taken in response to it may be made only with the explicit approval of the Vicar. Any media contact or inquiry regarding an incident of sexual abuse by Personnel of the Prelature must be directed to the office of the Vicar.

6.08 During the preliminary investigation the accused shall enjoy a presumption of innocence, and unless he admits committing the alleged acts, there shall be no judgment of guilt before an appropriate canonical process has been completed.

7.0 RESPONSE TO CONFIRMED INCIDENTS OF SEXUAL ABUSE OF MINORS

7.01 When even a single act of sexual abuse of a minor by Personnel of the Prelature is admitted or is established after an appropriate process in accord with Canon Law, the Vicar will determine the person's suitability for continuing in the Prelature. In accord with the Statutes of Opus Dei (*Codex iuris particularis seu Statuta Praelaturae Sanctae Crucis et Operis Dei*), nn. 28-35, he may suggest to the offending person that he seek to be dispensed from his incorporation into the Prelature or suggest to the Prelate that the person be dismissed from the Prelature. In all cases the rights of the person under the Statutes of Opus Dei and Canon Law will be respected.

7.02 The norms established by the Holy See concerning the prescription of acts of sexual abuse against minors will be observed. For grave reasons, however, the Vicar may petition the Congregation for the Doctrine of the Faith for a derogation from the prescription (see *Essential Norms*, no. 8).

7.03 A priest or deacon who has committed an act of sexual abuse against a minor may at any time request a dispensation from the obligations of the clerical state. In

exceptional cases, the Prelate of Opus Dei may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without his consent.

7.04 The Ordinary of the diocese in which the abuse occurred will be informed of the resolution of the matter.

7.05 No priest or deacon of the Prelature who has committed an act of sexual abuse against a minor may be assigned to ministry within another diocese or transferred for ministerial assignment to another diocese, unless the Vicar previously fully informs the Ordinary of that diocese about the act of sexual abuse and any other information indicating that he has been or may be a danger to children or young people.

7.06 Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. In every case, the accused, the alleged victim and his or her family will be informed of the final disposition of the allegation.

8.0 PRESERVATION OF DOCUMENTS

8.01 All documents related to allegations of sexual abuse and the investigation of such allegations shall be preserved in accord with C.I.C. c. 489 and c. 1719.

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Appendix 1: Description of Sexual Abuse

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. This includes, but is not limited to, sexual contact with the intimate parts of a minor for the purpose of sexual gratification or arousal or for the purpose of degrading or humiliating the minor. Deliberate touching of the intimate parts of a minor, a request to touch the intimate parts of the adult, the exposure of the intimate parts of the adult to a minor, or requesting the minor to expose his or her intimate parts also constitute sexual abuse. The acquisition, possession, or distribution of pornographic images of minors for purposes of sexual gratification, by whatever means or using whatever technology, are considered to be sexual abuse.

The transgressions in question relate to obligations arising from Divine commands regarding human sexual interaction as conveyed to us by the Sixth Commandment

of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the Sixth Commandment (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, USCCB, 1995, p. 6).

A canonical offence against the Sixth Commandment (c. 1395, §2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, imputability (moral responsibility) for a canonical offense “is presumed upon external violation” (C.I.C. c. 1321, §3; cf. cc. 1322-27).

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians may be consulted and the opinions of recognized experts may be obtained (*Canonical Delicts*, p. 6).

Appendix 2: Report of Suspected Sexual Abuse of a Minor by Personnel of the Prelature of Opus Dei in the United States (attached)

**REPORT OF SUSPECTED SEXUAL ABUSE OF A MINOR BY PERSONNEL OF THE PRELATURE
OF OPUS DEI IN THE UNITED STATES**

It is not necessary to have all the information requested before reporting the incident.

1) This report is being submitted by:

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____ Email: _____

2) Person suspected of abuse:

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Age: _____ Sex: Male _____ Female _____

3) Suspected victim:

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Age: _____ Sex: Male _____ Female _____ Age at time of alleged abuse: _____

4) Contact information of victim's parents/guardians if victim still a minor:

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____ Email: _____

5) Name and contact information of eyewitness to the alleged abuse (use another sheet if needed):

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____ Email: _____

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____ Email: _____

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____ Email: _____

6) Name and contact information of any individuals to whom the incident was reported (use another sheet if needed):

Name (and title): _____ Phone: _____

Name (and title): _____ Phone: _____

Name (and title): _____ Phone: _____

7) On a separate sheet of paper, please type or print neatly with ink a description of the alleged sexual abuse, including the following information:

- the nature of the alleged act(s)
- date(s) and time(s) when the alleged act(s) occurred
- the location(s)/address(es) where the alleged act(s) took place
- any other information you deem important

Please *sign your name* to the description and staple it to this sheet.

Signature of Person Reporting Alleged Abuse: _____

Date: _____