

## Contents

NDS POLICIES ON SEXUAL MISCONDUCT .....	2
Systematic Training .....	2
Scope of the Policies .....	2
Principles of Ethics and Integrity.....	2
Definitions of Sexual Misconduct .....	3
Options for Reporting .....	7
Procedures for Reporting .....	7
Internal Reporting Procedures .....	7
External Reporting Procedure.....	8
Anonymous Reporting .....	10
Campus Safety Officer.....	10
Investigation Procedures and Protocols .....	10
Victim Support - Academic Accommodations and Interim Measures .....	10
Off-campus Counselors and Advocates .....	10
Some Facts about Sexual Abuse.....	11
Prevention and Awareness.....	13
APPENDIX A.....	14

## **NDS POLICIES ON SEXUAL MISCONDUCT**

Notre Dame Seminary Graduate School of Theology is committed to provide a learning, working, and living environment that promotes integrity, civility, and mutual respect in an environment free from sexual misconduct. NDS has adapted definitions, policies, and procedures on sexual misconduct from the Louisiana Board of Regents Uniform Policy on Sexual Misconduct.

NDS has implemented policies and procedures to prevent acts of sexual misconduct, whether committed by a seminarian or a person of authority, lay person or clergy, and shall take prompt and appropriate action to investigate and effectively discipline those accused of such conduct in a manner consistent with the law and due process. NDS will provide support and assistance to complainants of sexual misconduct and shall report instances of sexual misconduct in accordance with law.

### **Systematic Training**

Seminarians, students, faculty, and staff are orientated (and reoriented) to the NDS Sexual Misconduct policies each Fall, usually during orientation week. Following this review of policies, seminarians, students, faculty, and staff are required to sign a form that states, "I acknowledge reviewing the above Notre Dame Seminary policies and procedures and related information, and that it is my responsibility to familiarize myself with all information therein." These signed forms are collected annually and are kept in the appropriate office for each group (seminarians, staff, etc).

### **Scope of the Policies**

The NDS Policies on Sexual Misconduct apply to all seminarians, students, and employees of Notre Dame Seminary. These policies are consistent and portable as they apply to the various assignments and venues to which a seminarian is assigned, whether on or off campus, while attending NDS programs or activities. In addition, this policy applies to all seminary volunteers, contracted vendors, and third parties.

### **Principles of Ethics and Integrity**

The Archdiocese of New Orleans has created Principles of Ethics and Integrity in Ministry that also apply to all members of the NDS community noted above who, in this policy, are referred to as Church personnel. Excerpts applicable to this document can be found below and the entire relevant section of the Principles of Ethics and Integrity in Ministry from the Archdiocese of New Orleans Policy Manual (pages 20-25 through 20-30) can be found in Appendix A.

#### **20.12.1 Principles of Ethics and Integrity in Ministry: Code of Ethics**

Relationships among people are a foundation of Christian ministry and are central to Catholic life. Defining healthy relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships. It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Archdiocese of New Orleans. All Church personnel are asked to carefully consider each standard in the Code and within the Policy on Ethics and Integrity

in Ministry before agreeing to adhere to the standards and continue in service to the Diocese.

- Church personnel shall conduct themselves in a manner that is consistent with the discipline, norms and teachings of the Catholic Church.
- Church personnel shall exhibit the highest Christian ethical standards and personal integrity.
- Church personnel shall not abuse or neglect a minor or an adult.
- Church personnel shall provide a professional work environment that is free from harassment.
- Church personnel shall not take improper advantage of a counseling, supervisory and/or authoritative relationship for their own benefit.

#### 20.12.2.2 Types of Misconduct

For the purpose of this policy, misconduct includes the four types of behavior listed below:

- Immoral conduct: Conduct that is contrary to the discipline and teachings of the Catholic Church.
- Harassment: The inappropriate and offensive use of power where the purpose or the effect is to create a hostile or intimidating relationship.
- Exploitation: Taking advantage of a relationship for one's own benefit.
- Abuse of minors: This 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.

Scandal is an attitude or behavior which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately let into a grave offense. (Catechism of the Catholic Church, No. 2284).

### **Definitions of Sexual Misconduct**

The definitions below are adapted from the Louisiana Board of Regents' Uniform Policy on Sexual Misconduct, pages two and three. NDS will use the federal and state definitions of the following terms when making all decisions regarding sexual misconduct including publication of definitions, disciplinary decisions, Clery Act reporting decisions, campus climate decisions, and training and prevention decisions.

The federal **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)** requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. The Clery Act is named in memory of Jeanne Clery who was raped and murdered in her residence hall room by a fellow student she did not know on April 5, 1986. Her parents championed laws requiring the

disclosure of campus crime information, and the federal law that now bears their daughter's name was first enacted in 1990.

**Sexual Misconduct:** A sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. Sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence and stalking.

**Sexual Assault as defined by the Clery Act:** an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program

**Sexual Assault as defined by Louisiana State Law:**

**Non-Consensual Sexual Intercourse:** Having or attempting to have sexual intercourse, cunnilingus, or fellatio without Consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.

**Non-Consensual Sexual Contact:** Any intentional sexual touching, or attempted sexual touching, without Consent.

**Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.

**Stalking as defined by Clery Act:** Intentional and repeated following OR harassing that would cause a reasonable person to feel alarmed OR that would cause a reasonable person to suffer emotional distress OR 2. Intentional and repeated uninvited presence at another person's: home, work place, school, or any other place which would cause a reasonable person to be alarmed OR would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping or any other statutory criminal act to the victim OR any member of the victim's family OR any person with whom the victim is acquainted 34 CFR 668.46(a)(ii)

**Stalking as defined by Louisiana state law:** Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. RS § 14:40.2(A) "Harassing" means the repeated pattern of verbal

communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. RS § 14:40.2(C)

**Domestic Violence definition in Clery Act:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the Alleged Victim is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

**Family violence definition in Louisiana law:** means any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. La. RS § 46.2121.1(2)

**Domestic abuse definition in Louisiana law:** Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3)

**Dating Violence definition in Clery Act:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Alleged Victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.

**Dating Violence definition in Louisiana law:** "Dating violence" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship.
- (2) The type of relationship.
- (3) The frequency of interaction between the persons involved in the relationship.

Although the following definitions are not defined by state and/or federal law, the following definitions shall also be used in institutional policy and in the implementation thereof by all Louisiana public postsecondary education institutions.

**Sexual Harassment:** Unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this Policy, the various forms of prohibited Sexual Harassment are referred to as "Sexual Misconduct."

**Retaliation:** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this Policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or Relationship Violence or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits Retaliation. For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

**Consent:** Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate Consent. Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through Coercion or from an individual whom the Alleged Offender knows or reasonably should know is incapacitated. The responsibility of obtaining Consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain Consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent. A current or previous consensual dating or sexual relationship between the Parties does not itself imply Consent or preclude a finding of responsibility.

**Incapacitation:** An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to Incapacitation; however, someone who is drunk or intoxicated is not necessarily Incapacitated, as Incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are Incapacitated. Other indicators that an individual may be Incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

**Coercion:** is the use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to Consent prior to engaging in sexual activity.

**Responsible Employee:** NDS designates and publishes the names and contact information for easily accessible institution employees as Responsible Employees who have the authority to take action to redress sexual misconduct and have been given the duty of reporting incidents of sexual misconduct or any other misconduct by students to the Campus Safety Officer or other appropriate school designee. Employees who are authorized or required by law to keep information confidential by virtue of the employee's professional role such as Counselor or Spiritual Director shall not be designated as mandated reporters of sexual harassment or as Responsible Employees.

### **Options for Reporting**

NDS students have several options in which to report a sexual assault. If you have been sexually assaulted:

- If you are in a dangerous situation and fear for your safety: Call the New Orleans Police Department at 911.
- Seek medical care. You may need to receive medical treatment for injuries, and you may even have injuries of which you are not aware of.
- We HIGHLY encourage you to seek care at the Sexual Assault Nurse Examiner (SANE) Program at University Medical Center which is a location in Orleans Parish where evidence (A Rape Kit) can be collected. You will not be required to file a police report, but by seeking this care, you will have more options available in the future if you decide to file a police report.
- Know that you are not alone. There are people who can help you process what you are experiencing and explain the options available to you.
- It is your choice to determine when and in what manner you recover from your trauma. It is up to you to make the decisions that will be best for you.
- Remember, the assault was not your fault.

### **Procedures for Reporting**

NDS encourages victims of sexual violence or any form of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the seminary can respond appropriately. To aid in reporting, NDS has created internal, external, and anonymous reporting procedures.

#### **Internal Reporting Procedures**

All victims of sexual violence or any form of sexual misconduct are encouraged to report what they have witnessed, seen, or heard. There are separate procedures for reporting as employees on, or off campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." This means that they are **not required to report any information** about an incident to the Campus Safety Officer, Fr. Deogratias Ekisa, Vice-Rector of Configuration Formation, without a victim's permission.

The employees in this category would be the Spiritual Director, Fr. Jeffrey Montz, and the Counselor, Br. Stephen Synan.

- Other employees may talk to a victim in confidence, and **generally only report to the Seminary that an incident occurred without revealing any personally identifying information**. Disclosures to these employees will not trigger a Seminary investigation into an incident against the victim's wishes. While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Campus Safety Officer. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Campus Safety Officer informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Campus Safety Officer, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Campus Safety Officer.

The employees in this category would be the Academic Dean, Dr. Rebecca Maloney and the Assistant Academic Dean, Dr. James Jacobs, and the Vice-Rector of Pastoral Synthesis and Director of Pastoral Formation, Fr. Joseph Krafft.

- Thirdly, some employees are **required to report all the details of an incident** (including the identities of both the victim and alleged perpetrator) to the Campus Safety Officer. A report to these employees (called “responsible employees”) constitutes a report to the Seminary – and generally obligates the Seminary to investigate the incident and take appropriate steps to address the situation and to resolve the matter promptly and equitably. A responsible employee must report to the Campus Safety Officer all relevant details about the alleged sexual misconduct shared by the victim and that the Seminary will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement. Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the Seminary to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

These Responsible Employees include the Director of Facilities, Mr. Travis Gehrkin, the Rector-President, Fr. Joshua Rodrigue, the Vice-Rector of Configuration Formation, Fr. Deogratias Ekisa, and all NDS faculty members and staff.

### **External Reporting Procedure**

A reporting system that is outside the seminary structure would be to inform the Safe Environment Coordinator for the Archdiocese of New Orleans, Sr. Mary Ellen Wheelahan, O. Carm. She can be reached through email at [srmwheelahan@arch-no.org](mailto:srmwheelahan@arch-no.org), and by phone at (504)861-6278. The Safe Environment Coordinator will inform the NDS Campus Safety Officer that an allegation has been made, and will follow the process listed above for “responsible employees” who are required



to report all the details of an incident. This report to the Campus Safety Officer constitutes a report to the Seminary – and generally obligates the Seminary to investigate the incident and take appropriate steps to address the situation and to resolve the matter promptly and equitably.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. NDS encourages victims to talk to someone identified in one or more of these groups.

*NOTE:* While these professional and non-professional counselors and advocates may maintain a victim's confidentiality vis-à-vis the Seminary, they may have reporting or other obligations under state law.

*ALSO NOTE:* If the Seminary determines that the alleged perpetrator(s) pose a serious and immediate threat to the NDS community the Rector-President and/or the Campus Security Authorities (CSAs) may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

**If the Seminary determines that it cannot maintain a victim's confidentiality,** NDS will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the Seminary's response. NDS will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or NDS employees, will not be tolerated.

NDS will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and,
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

NDS may not require a victim to participate in any investigation or disciplinary proceeding. Because NDS is under a continuing obligation to address the issue of sexual misconduct campus-wide, reports of sexual misconduct (including non-identifying reports) will also prompt the Seminary to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices. **If NDS determines that it can respect a victim's request for confidentiality,** the Seminary will also take immediate action as necessary to protect and assist the victim.

### **Anonymous Reporting**

Although NDS encourages victims to talk to someone, the Seminary provides a means for anonymous reporting. If a student or employee would like to anonymously report evidence of sexual misconduct, the student or employee can email the Rector-President with the information. Please know that personally identifying information from the email may serve as notice to the Seminary for the purpose of triggering an investigation. This policy prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness). If retaliation occurs, the Seminary will subject the actor to disciplinary actions up to and including dismissal from NDS.

### **Campus Safety Officer**

The NDS Campus Safety Officer is the Vice-Rector of Configuration Formation, Fr. Deogratias Ekisa. His role in this capacity is to oversee all Safety and Security documents and to receive all reports concerning sexual misconduct. These reports are relayed to Fr. Ekisa by the complainant or the NDS employees listed in the Procedures for Reporting section of this policy. If the grievance concerns the Vice-Rector, an appropriate Grievance Officer shall be appointed by the Rector-President.

### **Investigation Procedures and Protocols**

Notre Dame Seminary commits itself to guaranteeing students the right to quality intellectual and spiritual formation and aims to be responsive to seminarian and student concerns. In order to best serve the seminarians and students and to protect personal dignity, Notre Dame Seminary follows procedures for resolving complaints or reports of sexual misconduct.

If the Vice-Rector or Grievance Officer deems the allegations to have merit, a Grievance Board will be assembled to hear said grievance. This Board will be composed of the Grievance Officer and two members of the seminary community to be named by the Rector-President; one of these is appointed from a list of three drawn up by the complainant; the other is appointed from a list of three drawn up by the defendant.

Within two weeks, this Board shall hold a hearing and deliver written recommendations to the Rector-President, who will render the final decision and disseminate copies of the Board's report to the parties involved. The dignity and privacy of all parties shall be respected throughout this process. A log of all formal complaints will be kept in the office of the Vice-Rector.

### **Victim Support - Academic Accommodations and Interim Measures**

While an investigation is pending, NDS may be able to ensure the safety and well-being of the complainant by taking measures such as moving residence, altering academic schedules, allowing the seminarian or student to withdraw from/retake a class without penalty, and providing access to additional academic support (e.g., tutoring).

### **Off-campus Counselors and Advocates**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Seminary unless the victim requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus community resources:

**[Metropolitan Center for Women and Children](#)**

*Phone: (504) 837-5400*

*24/7 Crisis Hotline: (504) 837-5400*

*Toll Free: 1-888-411-1333 (Louisiana Domestic Violence Hotline)*

*Assists individuals affected by family violence, dating violence, sexual assault, and stalking*

**[New Orleans Family Justice Center](#)**

*Phone: (504) 592-4005*

*24/7 Crisis Hotline: (504) 866-9554*

*Assists individuals affected by family violence, dating violence, sexual assault, and stalking*

**[VIA Link](#)**

*Direct phone: (504) 895-5550*

*24 hour crisis call center for the Metro New Orleans Area providing short-term crisis counseling, information on social service agencies in the 10 parish service area, and comprehensive referrals to meet caller's specific needs.*

**[University Medical Center of New Orleans](#)**

*The Forensic Program is located at University Medical Center New Orleans in the Emergency Department. To access service, please come go the 2nd Floor of the Emergency Department and request a forensic consult.*

*Sexual Trauma Awareness & Response (STAR)*

*(855) 435-STAR or (504) 407-0711*

*New Orleans Family Justice Center*

*(504) 592-4005*

**[New Orleans Sexual Assault Response Team \(SART\)](#)**

*A collaboration of agencies working together to strengthen New Orleans' response to sexual assault. This site provides information about sexual assault.*

**NOTE:** While these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the Seminary, they may have reporting or other obligations under state law.

**Some Facts about Sexual Abuse**

There are many reasons why a physical exam is important after experiencing sexual abuse. Some reasons include the following:

- to determine the presence of sexually transmitted diseases, pregnancy, or DNA evidence,
- to obtain the history of occurred,
- to identify and document evidence of injury or infection,
- to diagnose and treat any injuries resulting from the attack,
- to assess safety and make a report to the police if needed,

- to document findings in such a way that information can be effectively and accurately presented, if requested by a law enforcement agency, and
- to help to ensure well being.

Victims over 18 years old should remember that even if they do have a full exam and a rape kit is completed, they are not obligated to make a police report.

Once a decision is made to get an exam done, the following information could help:

- There are several hospitals in this area that are specially equipped to help victims of sexual assault.
- In New Orleans, University Hospital at 2000 Canal Street has a forensic program to assist adult victims. Children's Hospital has a CARE program for child victims of sexual assault. If the assault has occurred within 72 hours, the child needs to be seen in the ER. If the assault is older than 72 hours, it is best that the child is seen in a clinic type setting of the CARE cottage.
- Once the victim arrives at any hospital, the victim should ask for a SANE nurse or the person who handles sexual assault cases.
- The nurse will explain options available to victims, and will give information about the available Safe centers.
- Victims over 18 years old should remember that even if they do have a full exam and a rape kit is completed, they are not obligated to make a police report.
- If the victim decides to file a report, the SANE nurse will contact the police.

If the victim decides to call the police after the assault, the following information could help:

- Remember, the first officers arriving on the scene are there to help, to ensure safety, and to gather information.
- Who, what, and where are the most common questions the police might ask. They know talking about the assault might be difficult, but the information can be used to be able to provide the appropriate resources.
- The victim should ensure her/ his own safety before calling the police; this is the police's first concern.
- The 911 operator will fill a complaint and will ask questions about the incident. This will help the officers assist the victim better.
- Avoid bathing, urinating, wiping, eating or drinking because such actions could cause evidence to be destroyed. Do not discard the clothing worn during the attack. If a change of clothes is necessary, the clothes worn during the attack should be put in a paper bag and given to the police officers.
- In most sex crimes a detective will be called to the scene. If the victim has not gone to the hospital for a medical exam yet, the detective will transport you. The detective will also interview any witnesses, exam the scene, and attempt to apprehend the perpetrator.
- If questioned about the investigation, direct questions to the director or supervisor of the case. Any questions after the arrest can be directed to the District Attorney handling the case.

**If sexual assault victims have any questions, need services, or need someone to talk to, please call the Metro 24-hour crisis hotline: 504-837-5400.**

*The information above was taken from the Metropolitan Center for Women and Children website: <http://www.mccagno.org/get-help/sexual-assault/>*

## **Prevention and Awareness**

NDS requires annual participation of their seminarians and students in a Safety and Security presentation during orientation at the beginning of each Fall semester. This presentation is conducted by the Campus Safety Officer and the Academic Dean. The purpose of this presentation is to increase community knowledge and share information and resources to promote safety and reduce sexual misconduct. It also includes recognizing situations of potential harm, understanding institutional structures and conditions that facilitate misconduct, and overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Seminarians meet frequently with their formation advisors, spiritual directors, and diocesan or religious vocation directors to discuss their progress and the culture of the seminary. This direct contact allows seminarians to discuss a broad range of potentially improper relationships throughout the NDS community. Additionally, relevant topics are brought up in Formation Conferences conducted by the NDS administration and faculty each semester. NDS maintains a record of all presentations and Formation Conferences.

## **APPENDIX A**

### **20.12 PRINCIPLES OF ETHICS AND INTEGRITY IN MINISTRY**

#### **20.12.1 Principles of Ethics and Integrity in Ministry: Code of Ethics**

Relationships among people are a foundation of Christian ministry and are central to Catholic life. Defining healthy relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships. It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Archdiocese of New Orleans. All Church personnel are asked to carefully consider each standard in the Code and within the Policy on Ethics and Integrity in Ministry before agreeing to adhere to the standards and continue in service to the Diocese.

- Church personnel shall conduct themselves in a manner that is consistent with the discipline, norms and teachings of the Catholic Church.
- Church personnel shall exhibit the highest Christian ethical standards and personal integrity.
- Church personnel shall not abuse or neglect a minor or an adult.
- Church personnel shall provide a professional work environment that is free from harassment.
- Church personnel shall not take improper advantage of a counseling, supervisory and/or authoritative relationship for their own benefit.
- Church personnel shall report immediately all concerns about suspicions of inappropriate behavior or physical, emotional, psychological, or sexual boundary violations to their pastor, their principal, the chancellor, or the Vicar General.
- Church personnel shall adhere to reporting laws of the state of Louisiana when they have cause to believe an incident of abuse or neglect of a minor has occurred; they shall also follow the requirements of the Archdiocesan Policy Concerning the Abuse and Neglect of Minors.

#### **20.12.2 General Definitions**

##### **20.12.2.1 Church Personnel**

For the purposes of this policy, the following are included in the definition of Church personnel:

- **Priests and Deacons (Clerics):** Any cleric of or in the Archdiocese of New Orleans.
- **Seminarians, Aspirants, Deacon Candidates and Religious in Formation:** All seminarians who provide ministerial service in the Archdiocese and are legitimately enrolled in the seminary program of the Archdiocese; those who are enrolled in the permanent

diaconate formation program; all members of religious institutes and societies of apostolic life who are in formation.

- Lay Faithful:
  - o All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools or other agencies.
  - o All volunteers includes any person who enters into or offers himself/herself for a Catholic Church related service of his/her own free will.
  - o Members of religious institutes or societies of apostolic life who are working for the Archdiocese, its parishes, schools or agencies, or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate (Canon 678).
  - o Hermits and consecrated virgins residing within the Archdiocese.

#### 20.12.2.2 Types of Misconduct

For the purpose of this policy, misconduct includes the four types of behavior listed below:

- Immoral conduct: Conduct that is contrary to the discipline and teachings of the Catholic Church.
- Harassment: The inappropriate and offensive use of power where the purpose or the effect is to create a hostile or intimidating relationship.
- Exploitation: Taking advantage of a relationship for one's own benefit.
- Abuse of minors: The definition of abuse of minors is further defined above.

Scandal is an attitude or behavior which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately let into a grave offense. (Catechism of the Catholic Church, No. 2284).

#### 20.12.2.3 Standards of the Archdiocese as to Prevention of Immoral Conduct

- Church personnel must be worthy of public trust and confidence. It is essential that Church personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that inappropriate or immoral conduct exists. All Church personnel have a responsibility to strive to uphold the standards of the Catholic Church in their personal lives and day-to-day ministry.
- Further, it is fundamental to the mission of the Archdiocese that Church personnel exhibit the highest ethical standards and personal integrity. The purpose of this policy is to ensure that all Church personnel follow the ethical standards of the Catholic Church. Therefore, Church personnel are prohibited from engaging in the following conduct:
  - o Conduct not in keeping with the morals and teachings of the Catholic Church.

- o Actions that are disruptive to the ministry and public worship.
- o Procurement or participation in the procurement of abortion, committing homicide or euthanasia.
- o Possession or distribution of pornographic material.
- o Adultery, promiscuity or illicit co-habitation.
- o Abuse or distribution of alcohol, drugs, gambling, or pornography.
- o Stealing or any other form of theft, including but not limited to misappropriation of Church funds.
- o Sexual harassment, exploitation or abuse.
- o Physical assault and fighting.
- o Inappropriate use of electronic media, as defined in the Electronic Media Policy of the Archdiocese of New Orleans.
- Church personnel should not harm the reputation of others by:
  - o Disclosing, without legitimate cause, any information, faults or failings of others to persons who have no cause to know them.
  - o Making false allegations against another.

#### 20.12.2.4 Prevention of Harassment: Guidelines for Professionalism Among Church Personnel and Other Adults

##### Definitions

- Sexual harassment includes sexual behavior that fails to respect the rights of others, that lowers morale and that, therefore, interferes with ministry effectiveness. Harassment may take different forms, including, but not limited to:
  - o Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats;
  - o Non-verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
  - o Physical: inappropriate physical contact, including touching, pinching, brushing the body, pushing, patting, feeling, tickling, massaging.
  - o Harassment must be severe and/or pervasive and must be measured objectively, not subjectively.



- o Severe conduct is sufficient to alter a workplace environment even though it may occur only once.
- o Pervasive conduct is a persistent pattern of harassment that affects the work place.

#### Standards of the Archdiocese as to Prevention of Harassment

- The Archdiocese of New Orleans will work to protect the rights of all who serve and are served in the Archdiocese.
- Church personnel shall provide a professional work environment that is free from harassment.
- Church personnel shall not engage in harassment and shall not tolerate harassment by other Church personnel.
- Allegations of harassment shall be taken seriously and reported to the immediate supervisor. If, in the event the allegation of harassment is by the immediate supervisor, the report shall be made to the Director of Human Resources.

#### 20.12.2.5 Prevention of Exploitation: Guidelines for Counseling

##### Definitions

- Counseling occurs when any Church personnel offers advice concerning moral, spiritual or personal matters.
- Exploitation occurs when Church personnel take advantage of the counseling relationship for the benefit of the counselor.
- A conflict of interest occurs when Church personnel take advantage of counseling relationships in order to further their own interest.
- Sexual exploitation is sexual contact between Church personnel and the recipient of their counseling, regardless of who initiates the contact.

#### Standards of the Archdiocese in Prevention of Exploitation

Church personnel shall set and maintain clear, appropriate boundaries in all counseling relationships, including but not limited to the following:

- Counseling should be conducted in appropriate settings at appropriate times and should not be held in places or times that would cause confusion about the nature of the relationship for the person being counseled.
- No counseling should be conducted in private living quarters.

- Church personnel shall recognize their limitations in counseling situations and shall refer people to other professionals when appropriate.
- Church personnel should not engage in dating, romantic relationships, exploitation, sexual exploitation, and/or sexual intimacies with persons whom they counsel. Church personnel are also prohibited from engaging in situations or conduct that can give the appearance of exploitation, sexual exploitation, or sexual intimacies with persons whom they counsel or have counseled.

#### Standards of the Archdiocese as to Confidentiality

- Information of a confidential nature disclosed to Church personnel during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible, with due regard for the restrictions of confidentiality in civil and/or canon law.
- In accordance with the norm of canon law (c.983), the sacramental seal is inviolable by divine mandate; therefore, it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way and for any reason. This is applicable forever, even after the penitent has died.
- Church personnel shall discuss the nature of confidentiality, including its limitations, with each person who seeks counseling whenever possible and appropriate.
- Information learned by clergy and religious who engage in pastoral counseling is confidential and not ordinarily subject to disclosure.
- While church personnel may and should strive to keep information confidential, depending on the nature of the information that they receive, they also may be obligated by Louisiana law to inform the civil authorities of abuse or neglect of a minor or be obligated morally (if not also civilly) to report that either the person being counseled or another person is in danger of physical harm.
- It may result in such church personnel being mandatory reporters in regard to abuse or neglect of a child under Louisiana law. Similarly, if they receive information that a person is suicidal or homicidal in circumstances that are other than pastoral or spiritual, the priest, deacon or religious has a moral obligation (and possibly a responsibility under civil law) to report such information to persons who need to know, e.g. police and/or parents of a child, to prevent any harm from occurring.
- If disclosure must be made, when appropriate, the Church personnel should inform the person being counseled about the disclosure.
- With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from counseling may be used in teaching, delivering homilies, or other public presentations only when effective measures have been taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

- If Church personnel discover, while counseling a minor, that there is a serious threat to the physical or moral welfare of the minor and that communication of confidential information to a parent, legal guardian, or legal authority is essential to the child's health and well-being, the Church personnel should disclose only the information necessary to protect the health and well-being of the minor.
- Any questions should be discussed with the pastor, supervisor, or the Safe Environment Coordinator.

#### Standards of the Archdiocese as to Conflicts of Interest

- Church personnel shall establish clear, appropriate boundaries with anyone with whom they have a spiritual, ministerial, business, professional, or social relationship.
- Church personnel shall avoid pastoral counseling, situations, or encounters that might present a conflict of interest. Even the appearance of a conflict of interest can call into question integrity and professional conduct.
- Resolution of conflict of interest issues must protect the person being counseled.