



Franciscan Friars
PROVINCE OF SAINT BARBARA

Maintaining Trust & Ethical Conduct

Franciscan Friars of the Province of St. Barbara
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Note: The Province of St. Barbara *Maintaining Trust & Ethical Trust* policies have been marked to reference corresponding Praesidium Standards for Accreditation. These references are clickable and linked in both the Province policies and the Praesidium standards. They appear in the Province policies in the following format: **(Std. 21, r3)**. This example references *Standard 21, requirement 3*.

Maintaining Trust and Ethical Conduct

The tragedy of child sexual abuse continues to challenge the moral fabric of our society. Recent events have heightened the scrutiny of what is being done by the Catholic Church to protect children, and to segregate and monitor the activities of those who have been credibly accused of past abuse. In the Province of Santa Barbara, we have experienced these tragedies first hand, and victims continue to receive our care and prayers in the healing process.

Our highest priority is, and will always be, the care of the victims and in doing our best to prevent further violations of trust.

As these past events unfolded, we took many steps to try and prevent further episodes of abuse; and we continue to look for opportunities to improve our policies and procedures to further minimize risk to those who place their trust in us. We want everyone to be in a safe place as we enjoy God's blessings.

There has been a lot of good work done in developing the existing policy manual "Maintaining Ethical Standards in Ministry". As new standards and best practices continue to emerge, I sponsored a holistic look at all of our policies governing abuse and misconduct and asked that we update them with an eye toward strengthening them wherever possible; while making them clearer and more accessible. Improving transparency continues to be a critical objective.

The foundation of these policies and procedures is a priority for the victims and the safety of the public; as well as a philosophy of transparency in disclosing information. They follow the norms and directives of the United States Conference of Catholic Bishops (USCCB) *Charter for the Protection of Children and Young People*. The Province is also accredited by Praesidium Religious Services Inc., for being in full compliance with the national standards regarding these matters of the Conference of Major Superiors of Men (CMSM) *Instruments of Hope and Healing* program.

We hope and pray to never have to face the realities of future violations of trust, but prayer alone will not eliminate the threat of abuse.

I ask that you take the time to familiarize yourself with these critical policies, and more importantly, your role in keeping all of God's children safe from abuse.

The Policies are now structured around the following topics:

- **Preventing the Tragedy of Abuse**
- **Violations of Sacred Trust**
- **Caring for the Victims**
- **Protecting the Public**

How we engage with the Children of God will continue to define the Friar community for generations. You are an important part of that heritage.

Fr. David Gaa, OFM and Provincial Minister
May 2019

Preventing the Tragedy of Abuse

Our society has grown acutely aware of the tragedy of child sexual abuse and sexual misconduct. The pain and confusion abuse inflict on the victims, their families, and the lay and religious community are compounded when the abuser is a religious or other trusted member of society. The Province of Saint Barbara is deeply concerned for these victims, and all those impacted, and is committed to developing and maintaining programs to help prevent any such abuse by its friar members.

Our program of prevention includes efforts around ensuring that only thoroughly vetted candidates are welcomed into our Formation program, proper oversight of our ministry environments and ongoing educational programs to inform and minimize risk:

- New Postulancy candidates will receive extensive screening, interviews and psychological evaluations by qualified professionals before being welcomed into the candidate program;
- While in Formation, the Province will assist each candidate in their ongoing growth toward healthy sexuality as a foundation for celibate chastity;
- Friars will receive training and ongoing guidance regarding the prevalence, identification, and prevention of sexual abuse of minors, with emphasis in areas relevant to life as a Franciscan friar;
- Friars will be supported with continuing education and guidance on issues of sexuality, boundaries for interacting with minors, professional sexual misconduct, and the vow of celibate chastity;
- The Provincial Minister, or his delegate, will meet annually with all friars to provide a forum for open dialogue, and the opportunity to discuss any questions or concerns;
- The Province will immediately intervene when allegations occur to protect the victims and the public safety;
- The Province has developed and will maintain formalized Policies and Procedures which outline ethical standards, roles and responsibilities for conduct and requirements for reporting any observed events of misconduct, or elevated concerns regarding a Brother friar or member of the Province community; and
- All friars are responsible to familiarize themselves with the Province Policies and Procedures regarding the Prevention of Abuse; with emphasis on their responsibilities in the program for the protection of minors and those most vulnerable, and reporting requirements under the Policies including those that may be unique to the state and/or other statutory authorities in which they reside.

Postulant Candidate Screening Process

Each Postulancy candidate shall receive PRIOR to acceptance into the program:

- 1) Specific screening for a history of sexually abusing minors or violating the boundaries of minors; [\(Std. 1, R1\)](#)
- 2) A completed background check, which includes each state/county that the Candidate has resided in for the past seven years, and a national sex offender registry check [\(Std. 1, R2a\)](#);
- 3) A minimum of three documented personal references (including at least one from a family member) and two professional references, for a total of five references [\(Std. 1, R2b\)](#);
- 4) Face-to-face interviews with at least two representatives of the Province [\(Std. 1, R2c\)](#);
- 5) A psychological evaluation conducted by a licensed psychologist, and a psycho-sexual history which was conducted by either a licensed psychologist or a licensed mental health professional with skills in conducting psycho-sexual histories and in assessing psycho-sexual health in preparation for a life of celibate chastity [\(Std. 1, R2d\)](#); and
- 6) A review of publicly accessible content on all social media, personal blog sites, and web sites associated with accounts controlled by the Candidate [\(Std. 1, R2e\)](#).

Other Postulant/ Entrance Program requirements:

- 1) Vocation directors and formation directors must be able, by education, training or experience, to identify Candidates who may be at risk to sexually abuse a minor [\(Std. 1, R4\)](#); and
- 2) The Province will maintain written policies on support and accountability for those religious (e.g. friar representation from other Provinces or diocesan priests) that may be residing in a house of community of the Province [\(Std. 3, R10\)](#).
- 3) When a friar from a different Province begins the process to transfer into the Province of Santa Barbara:
 - a) The Provincial Minister, or his delegate, shall obtain a formal letter of good standing from the previous Provincial leadership; and
 - b) Once a transfer is completed, that friar will now become subject to the rules and oversight stipulated by the Province of Santa Barbara and is required to adhere to its systems of support and accountability. [\(Std. 3, R9\)](#);

Any Candidate, or potential transferee, who has an established allegation of sexually abusing a minor in his past, or who has acquired/intentionally viewed child pornography, will be excluded from further consideration. [\(Std. 1, R3\)](#)

While in Formation

At each stage in the initial formation process, the Province will assist each candidate in their ongoing growth toward a healthy sexuality as a foundation for celibate chastity:

- 1) Candidates will receive training in how to develop a mature, integrated sexuality as a foundation for celibate chastity [\(Std. 2, R1\)](#);
- 2) Candidates will be encouraged to identify and address challenges to maintaining celibate chastity and healthy intimate relationships [\(Std. 2, R2\)](#);
- 3) Any Candidate who is unable to maintain appropriate boundaries with minors, despite guidelines and instruction, will not be permitted to continue in formation [\(Std. 2, R4\)](#); and

- 4) Any Candidate who sexually abuses a minor will be immediately dismissed and reported to appropriate civil authorities [\(Std. 2, R3\)](#).

Prevention Policy Guidelines

Education:

The Province will provide all friars with continuing education and guidance on issues of sexuality, prevention of sexual abuse of minors, professional sexual misconduct, and the vow of celibate chastity. Educational materials will include guidance and information on:

- 1) Preferential and situational type sexual offenders, including warning signs of both types of offenders [\(Std. 5, R1a\)](#);
- 2) Self-protection from false allegations of sexual abuse of a minor, including what to do if one is concerned about being falsely accused [\(Std. 5, R1b\)](#);
- 3) Child pornography, including its nature as a criminal offense and as an offense considered under the United States Conference of Catholic Bishops document, *Charter for the Protection of Children and Young People* [\(Std. 5, R1c\)](#);
- 4) Abuse involving vulnerable adults, including its nature as an offense considered under the United States Conference of Catholic Bishops document, *Charter for the Protection of Children and Young People* [\(Std. 5, R1d\)](#); and
- 5) Reporting requirements to the civil authorities of known or suspected sexual abuse of a victim who is currently a minor in the jurisdictions where the friar is assigned [\(Std. 5, R1e\)](#).
- 6) Friars who serve in public ministry, even those who only occasionally serve in public ministry, must participate in a minimum of one hour of annual sexual abuse prevention training [\(Std. 5, R2\)](#). Examples might include [\(Std. 5, R3\)](#):
 - Appropriate boundaries in ministry with adults;
 - All forms of pornography, including Internet pornography and cybersex;
 - Sexual harassment;
 - Development of chaste celibate relationships;
 - Conflict resolution;
 - Preparing religious for leadership in prevention and response to allegations of the sexual abuse of minors;
 - Prevention of sexual abuse in schools, camps, churches or social service organizations;
 - Child-to-child sexual abuse; or
 - Appropriate use of electronic communications and social media.
- 7) The Province will have an educational plan for friars who are returning from ministry outside of the U.S., as well as for international friars who are coming for ministry within the U.S. [\(Std. 5, R4\)](#).

Defining Appropriate Behaviors:

Friars have a responsibility to protect minors from all forms of abuse and neglect which are abhorrent to our way of life and the teachings of the Church. The following standards and behavioral guidelines are intended to assist friars in making decisions about interactions with minors in their ministries; and even in with their own families.

[\(Std. 4, R3\)](#) The friars must sign and affirm their understanding of the following ethical standards and will abide by them and their specific behavioral guidelines in all aspects of their ministry [\(Std. 4, R4\)](#):

For purposes of these policies, a **minor** is anyone under the age of 18. [\(Std. 4\)](#).

Standards of Chastity:

- Friars have a responsibility to witness in all relationships the chastity appropriate to our state in life.
- Friars are to provide a safe place for young people at our various ministry sites where they can be assured that sexual boundaries will not be violated.
- Friars must avoid any covert or overt sexual behaviors with those for whom we have a professional responsibility. This includes covert or overt seductive speech or gestures as well as physical contact that sexually abuses, exploits, or harasses another person. The following are examples of behaviors that are prohibited by these standards [\(Std. 4, R1\)](#):
 - 1) Discussing sexual activities with minors unless it is a specific job requirement and the Friar is trained to discuss these matters.
 - 2) Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling.
 - 3) Being nude in the presence of minors
 - 4) Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
 - 5) Any sexually oriented or morally inappropriate communication or behavior including interactions via all forms of electronic communication such as phones or the internet and all forms of social media such as Facebook, Twitter, YouTube etc.
 - 6) Sleeping in the same beds, sleeping bags or small tents with minors.

- 7) Any inappropriate touching of a minor.
- 8) Engaging in any kind of sexual contact with minors.

Boundary Standards:

Since we who hold the greater power bear the greater burden of responsibility for maintaining appropriate boundaries in ministry, we must always model behavior that is appropriate to our state of life and that safeguards the vulnerability of minors. The following are examples of behaviors that are prohibited by these standards [\(Stnd. 4, R1\)](#):

- 1) Using, possessing, or being under the influence of federally designated illegal drugs (e.g. Marijuana) while in the presence of minors;
 - 2) Using, possessing, or being under the influence of federally designated illegal drugs (e.g. Marijuana) while supervising minors;
 - 3) Providing or allowing minors to consume alcohol or illegal drugs;
 - 4) Swearing in the presence of minors; or
 - 5) Speaking to minors in a way that could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- Friars should be aware of their own and another's vulnerability regarding sexuality, especially when working alone with another;
 - Friars must never initiate sexual behavior and must refuse it even when another invites or consents to it [\(Stnd. 4, R1\)](#);
 - Friars must give preference to the perspective and judgment of those who are vulnerable and dependent on us, in order to determine whether touching would be an appropriate expression of pastoral care [\(Stnd. 4, R1\)](#);
 - Friars should become familiar with the dynamics of transference and counter transference, which can make us vulnerable to violating sexual boundaries [\(Stnd. 4, R1\)](#);
 - Friars strive for greater self-awareness in order to recognize the sexual dynamics at work for us in pastoral relationships and to heed the warning signs in our lives, which indicate when we are approaching boundary violations;
 - Friars must show prudent discretion before touching another person, since we cannot control how physical touch will be received. That is, we are to consider how age, gender, race, ethnic background, emotional condition, prior experience, and present life situation all affect how our touching may be received and interpreted. Touching should always be age appropriate and based on the need of the minor, not on the need of the Friar. The following are examples of appropriate and prohibited forms of touch:
 - 1) Friars may never use physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes

spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors [\(Std. 4, R1\)](#);

- 2) Appropriate affection between friars and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for friars in ministry roles with minors [\(Std. 4, R2\)](#):

- Appropriate hugs
- Pats on the shoulder or back
- Hand-shakes
- “High-fives” and hand slapping
- Verbal praise
- Touching hands, faces, shoulders and arms of minors
- Arms around shoulders
- Holding hands while walking with small children
- Sitting beside small children
- Kneeling or bending down for hugs with small children
- Holding hands during prayer
- Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities)

- 3) Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are **not** to be used by friars in ministry roles with minors [\(Std. 4, R1\)](#):

- Inappropriate or lengthy hugs
- Kissing on the mouth
- Holding minors over four years old on the lap
- Touching buttocks, chests or genital areas
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
- Being in bed with a minor
- Touching knees or legs of minors
- Wrestling with minors. “Tickling” minors
- Piggyback rides
- Any type of massage given by minor to adult. Any type of massage given by adult to minor
- Any form of unwanted affection
- Compliments that relate to physique or body development

- When a Friar has repeated boundary violations with a minor or a minor is known to be in danger, the situation will be presented to the PRB and an intervention plan will be developed which outlines how the boundary violations with minors will be interrupted, and the Province will verify that the intervention plan has been implemented [\(Std. 6, R5\)](#).

- The Province will provide appropriate support to a friar who disclosed to leadership that he is attracted to minors or identified potential concern areas about the potential for boundary violations but has not behaved inappropriately with minors ([Stnd. 6, R6](#) and [Stnd. 7, R1](#)).
- The person identified as responsible for addressing boundary violation concerns will document the inappropriate behavior and the steps taken for intervention. Documentation must be maintained in a manner that is helpful for future Provincial Leaders and those who will have official responsibility for the friar ([Stnd. 6, R4](#)).

Friars should expect the Province to immediately intervene in situations of potential risk of harm to a minor, and when a Friar violates the Province's policies regarding acceptable behavior, particularly relating to boundaries with minors ([Stnd. 6, R7](#)).

Each friar or Candidate will sign the policies for boundaries with minors, which indicates he has read and understood the policies of the Province ([Stnd. 4, R4](#)).

Guidelines for Electronic Communication and Social Media: Ministries, professional work or other jobs that require electronic communication or social media interaction with minors will ensure that all such communication is done in a public and professional manner, following clear guidelines and with oversight and monitoring by administrators. All other personal and/or private social media interaction and/or electronic communication will be done in a clearly separate manner from such ministerial or professional work ([Stnd. 4, R1](#)).

In such other forms of personal communication or social interaction the friars are reminded that they still represent the Province and the Order, and they will maintain all the ethical standards and behavioral guidelines of this policy in all forms of behavior with minors ([Stnd. 4, R1](#)):

The ethical standards of this policy apply to both direct in-person interactions and all communication via the internet and/or other means of social networking such as emails, blogs, texting, Twitter, Facebook, YouTube etc. ([Stnd. 4, R1](#))

Standards of Self Care:

- Friars should satisfy their needs for affection, intimacy, attraction, and affirmation outside the pastoral relationship;
- Friars should seek supervision or other professional help to remain focused on our professional responsibilities and to hold firm to the sexual boundaries of the pastoral relationship.

Standards for Intervention:

- Friars must report clear violations of sexual misconduct to the appropriate civil authorities and to the Provincial Minister, and then help to do what we can to see that justice is done for the victim, the offender, and the community from which the victim and minister come ([Stnd. 6, R1](#));
- Friars must immediately intervene when there is evidence of the abuse of children, the elderly, or the disabled ([Stnd. 6, R1](#));

- Any friar who perceives imminent risk of sexual misconduct by a member of the Province shall promptly bring the matter to the attention of the Provincial Minister so that an appropriate intervention steps can be taken. Likewise, the Province expects that any member who may himself experience such difficulty or believes he is at risk for such professional sexual misconduct shall seek help and guidance from the Provincial Minister [\(Std. 6, R1, R2 and R3\)](#); and
- Any friar who believes another friar is exhibiting warning signs of an inappropriate pastoral or professional relationship should first discuss his concerns frankly with his friar brother. Depending on the seriousness of the warning signs observed he should also bring his concerns to his Guardian or directly to the Provincial Minister, as the case may indicate. [\(Std. 6, R3\)](#)

Other Provincial Initiatives:

- 1) The Province will maintain formalized Policies and Procedures outlining the processes, expectations, systems of support and accountability for friars within the Province [\(Std. 6, R1\)](#);
- 2) The Provincial Minister will be well versed in the systems and accountability policies and procedures for the Province. He will also utilize these policies on a consistent basis in administering province operations. [\(Std. 3, R1 and R2\)](#)
- 3) The Provincial Minister, or his designee, will communicate at least annually [\(Std. 7\)](#) to the friars regarding the Province's commitment to the protection of minors and any current initiatives and actions with respect to the protection of the vulnerable and healing for those who have been harmed by abuse. [\(Std. 7, R2\)](#) This communication will confirm the status of any accreditation program related to its program for the prevention of sexual abuse (e.g. Praesidium) [\(Std. 7, R1\)](#) and updates about any new reports or events of abuse that have occurred since the last communication. A copy of this communication will be maintained as confirmation. [\(Std. 7, R3\)](#)
- 3) The Provincial Minister, or his designee, will meet at least annually with each friar and maintain a written record of the annual meeting for those friars who are in public ministry (note: documentation of the content of the meeting is not required). [\(Std. 3, R3 and R4\)](#)
- 4) At least annually the contact information of the Provincial Minister will be communicated (via letter, telephone, electronic mail, facsimile or in person) to organizations where friars are employed or engaged in public ministry [\(Std. 3, R5\)](#).
- 5) Friars who are living outside the typical systems of Province support and accountability will be formally accounted for [\(Std. 3, R6\)](#) and engaged through one or more of the following procedures:
 - a. Implement an individualized system of support and accountability for the Friar [\(Std. 3, R7\)](#);

- b. Re-engage the Friar in the typical systems of support and accountability for the Province [\(Std. 3, R7\)](#); or
- c. Use canonical procedures to encourage the Friar to live within the normal systems of support and accountability of the Province where available. [\(Std. 3, R8\)](#)

Violations of Sacred Trust

Despite our extensive efforts at prevention, should such a tragedy occur, the Province will take immediate steps to mitigate the destructive impact of the abuse on the victim, the victim's family, and the Church community. As allegations are received and the process unfolds, we will respond pastorally with a priority to attend to the needs of victims, and to secure public safety. [\(Stnd. 6, R1 and R2\)](#)

If you see something, act with a sense of urgency

If an allegation of professional sexual misconduct against a friar is brought to any friar, the friar should immediately contact the civil authorities if the allegation involves a minor, and then the Provincial Minister. In those cases involving adults, the Provincial Minister should be contacted immediately. The alleged victim or reporting individual should be provided with the Province brochure on professional sexual misconduct which outlines the processes that will be followed and contact information for the Victims Assistance Coordinator. No friar should begin his own investigation. [\(Stnd. 6, R1 and R2; Stnd. 8, R4; Stnd. 11, R1a, R1d and R2; Stnd. 12, R1\)](#)

When the allegation involves a minor:

If any friar reasonably suspects a case of child abuse of any type (whether by a friar or a non-member of the community), he will report the incident immediately to the Child Protective Services or other appropriate civil authority in whatever State he is residing [\(Stnd. 12, R1, Stnd. 11, R1d\)](#). All friars must familiarize themselves with the laws of the state in which they live. [\(Stnd. 11, R1d\)](#) The following are links for representative states [\(Stnd. 6, R1, Stnd. 11, R1 and R2, Stnd. 12, R3\)](#):

California: <http://www.cdss.ca.gov/Reporting/Report-Abuse/Child-Protective-Services/Report-Child-Abuse>

Arizona: <https://dcs.az.gov/>

New Mexico: <https://cyfd.org/child-abuse-neglect>

Oregon: <https://www.oregon.gov/dhs/children/child-abuse/Pages/CPS.aspx>

Washington: <http://www.atg.wa.gov/child-abuse-neglect>

- Friars must also report to appropriate civil authorities known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography [\(Stnd. 12, R2, Stnd. 11, R1d and R2\)](#);
- Civil responsibility for reporting child abuse belongs to the friar with knowledge on the local level, and not to the Provincial Minister [\(Stnd. 6, R2, Stnd. 11, R1d and R2\)](#);
- After notifying civil authorities, the reporting friar must also report his suspicions to the Provincial Minister. The Provincial Minister will notify the Victims Assistance Coordinator ("VAC") and begin the investigative process [\(Stnd. 6, R2 and Stnd. 8, R1, Stnd. 11, R2\)](#);

- The Province will cooperate fully with all public, official investigating agencies, or civil authorities conducting investigations of allegations of child sexual abuse ([Stnd. 14, R1](#));
- The Province will respond pastorally and compassionately to any person who alleges sexual abuse of a minor by a friar ([Stnd. 8, R3](#));
- Anyone making an allegation of the sexual abuse of a minor (or a previous event when they were a minor) should be informed of his/her right to inform the civil authorities, no matter when the alleged abuse occurred. ([Stnd. 11, R1d and R1b, Stnd. 13, R1](#)) The Province brochure on Professional Sexual Misconduct was developed for this purpose and is available in three languages (English, Spanish and Vietnamese) ([Stnd. 8, R4; Stnd. 13, R1; Stnd. 11, R1a, R1b and R1g](#)); and
- The Province will document all reports and allegations of sexual abuse of minors by a friar and their responses to the reports and allegations; including anonymous allegations and reports ([Stnd. 8, R2, Stnd. 11, R3, Stnd. 10, R2, Stnd. 16, R1 and R2](#)).

When the allegation involves an adult
(or from an adult who was a minor when the abuse occurred):

- If an allegation of professional sexual misconduct involving an adult is brought to any friar, the friar should immediately contact the Provincial Minister and give the alleged victim the Province brochure on professional sexual misconduct. No friar should begin his own investigation ([Stnd. 8, R4, Stnd. 11, R1b and R2, Stnd. 13, R1](#));
- The Province will cooperate fully with all public, official investigating agencies, or civil authorities conducting investigations of allegations of sexual misconduct ([Stnd. 14, R1](#));
- The Province will respond pastorally and compassionately to any person who alleges sexual misconduct by a friar ([Stnd. 8, R3](#));
- Anyone making an allegation of sexual misconduct by a friar should be informed of his/her right to inform the civil authorities, no matter when the alleged misconduct occurred. The Province brochure on Professional Sexual Misconduct was developed for this purpose and is available in three languages ([Stnd. 8, R4, Stnd. 11, R1b](#)); and
- The Province will document all reports and allegations of sexual misconduct by a friar and their responses to the reports and allegations; including anonymous allegations and reports. ([Stnd. 8, R4, Stnd. 16, R1 and R2](#))

Key Resources:

Pastoral Outreach Office – Victims Assistance Coordinator ([Stnd. 8, R1, Stnd. 9, R1 and R2](#)): For the primary pastoral good of victims and their families, the Province has established the Office of Pastoral Outreach which includes the role of Victims Assistance Coordinator (“VAC”) to focus on pastoral outreach to victims, their families and their communities, and also as a contact point to receive allegations of sexual abuse of minors or professional sexual misconduct with adults against any member of the Province of Saint Barbara.

The VAC will provide ongoing pastoral care for the alleged victim, the family, and others affected. Appropriate counseling will be provided and paid for by the Province.

The VAC will make an offer to meet with the alleged victim in person as well as an offer for the alleged victim to receive personal pastoral outreach from a friar. If the alleged victim does not wish to be identified to the Province, the VAC will create an ID number for the alleged victim. Under such circumstances the name of the accused friar will be made known to the Provincial Minister. ([Stnd. 10, R1](#))

Upon the request of the alleged victim and his/her family, or through the agency of the VAC, the Province, in the person of the Provincial Minister or through a representative will make itself directly available to the alleged victim in order to provide pastoral support and assistance. ([Stnd. 10, R1](#))

Generally, allegations of professional sexual misconduct come to the VAC through the established 800 number, a letter addressed to its POB, a report from the victim or family member, from a friar, or directly from the Provincial Minister. Anonymous allegations will also be given to the VAC with the objective of gathering as much information as possible. ([Stnd. 15, R2](#), [Stnd. 16, R1](#))

When the allegation is first received by the VAC, the VAC will document the essential nature of the allegation and follow all state mandated reporting procedures. The VAC will then report the allegation to the Provincial Minister maintaining such procedures for confidentiality as those that may apply in a situation. ([Stnd. 10, R2](#), [Stnd. 15, R2](#))

The Provincial Minister will speak directly to the accused friar, informing him of his rights and obligations under the Province policies. ([Stnd. 11, R1e](#)) He will then update the VAC with any additional findings of fact.

A copy of the Position Description for the Victims Assistance Coordinator is attached as Appendix A. ([Stnd. 9, R2](#))

Professional Independent Investigators (“PII”): After an initiation review of the facts, ([Stnd. 15, R2](#)) the Province Review Board, will decide ([Stnd. 15, R2](#)) if it is necessary to hire a Professional Independent Investigator (PII) and begin a formal investigation of the allegation of professional sexual misconduct. ([Stnd. 15, R1 and R4](#), [Stnd. 11, R1g](#))

The PII is a professionally trained third party investigator whose expenses are fully covered by the Province, but who will report directly to the PRB. The person is typically a former law enforcement employee, or similarly experienced investigative professional. ([Stnd. 15, R4](#))

The PII will investigate to determine whether there is credible evidence to support the accusation and whether there may be other victims. ([Stnd. 15, R1 and R4](#), [Stnd. 11, R1g](#))

The Province will suspend its own internal investigations should a criminal investigation by civil authorities be undertaken. Decisions to move forward with investigations during a criminal investigation must be made in consultation with law enforcement. ([Stnd. 14, R2](#))

The PII will write a report of their investigation ([Std. 15, R4](#)) and their proposed determination of the type of allegation (see Investigative Results section below). The report will be given to the Provincial Minister. Typically, this report will not reveal the identities of either the alleged victim or the alleged offending friar. The Provincial Minister will give the PII report to the Province Review Board for discussion and recommendations.

Province Review Board ([Std. 11, R1h](#))

The Provincial Minister and Provincial Definitorium established a Province Review Board ("PRB") to advise the Provincial Minister and to assist the Province in complying with national norms and standards for child protection and in responding appropriately to allegations of abuse of a minor or of professional sexual misconduct brought against a friar of the Province.

The PRB shall consist of at least five members and should include people with backgrounds and expertise in the following areas: social science and mental health, law and law enforcement. It should include lay persons (preferably parents) and vowed religious men or women, but no more than two members from the Province. ([Std. 17, R1](#)) PRB members agree to volunteer their time free of charge, but the Province will offer to them a stipend for travel.

The Provincial Minister will consult the PRB regarding all Province policies and procedures related to professional sexual misconduct or child sexual misconduct. The Provincial Minister will also consult the PRB regarding the treatment and supervision of offending friars. ([Std. 20, R1](#))

The PRB may recommend steps to address the needs of the accuser, the accuser's family, the friar who has been accused ([Std. 11, R1c](#)), the Province and the community of friars. The PRB may advise the Provincial Minister on strategies to be followed when it is determined that an allegation is not credible or cannot be substantiated. ([Std. 17, R2](#))

Upon recommendation of the VAC, at the request of an alleged victim, or at the request of any PRB member, the PRB may choose to deliberate in Executive Session with only independent members present; i.e. without the Provincial Minister, his delegate, or any members of the Province community in the room.

PRB members shall maintain complete confidentiality in all matters under PRB review. ([Std. 17, R6a](#))

A copy of the Province Review Board Charter is attached as Appendix B. ([Std. 17, R6](#) and [R7](#), [Std. 11, R1h](#))

Additional Steps to be Followed:

- When the allegation involves the alleged abuse of a minor, the accused friar will be immediately removed from ministry involving minors pending the investigation results; ([Stnd. 15, R1](#) and [R3](#), [Stnd. 11, R1c](#) and [R1g](#))
- When an alleged offender friar is placed on administrative leave or is otherwise restricted in his ministry ([Stnd. 15, R3](#)) the Provincial Minister will:
 - Advise the local Ordinary of the reasons for these actions and the procedures that are being followed in connection to them;
 - Inform the applicable diocesan bishop as to where the allegation took place, and where the friar under investigation is residing (if appropriate); and
 - Inform any employer or ministry leader where the friar under investigation is engaged, including details as to where the alleged abuse took place.
- Where appropriate, the Provincial Minister or his delegate will recommend that the alleged offender friar engage legal counsel and/or a pastoral advisor to advise him of his constitutional and canonical rights. Upon request, each friar will be provided with a friar companion who may accompany him at various times throughout the investigation and evaluation, testing, and determination for ministry. The companion friar, however, will not be present during any psychological evaluation of the alleged offender friar. The alleged offender friar will be reminded that an investigation does not imply guilt. Any friar who feels he is being accused unjustly is encouraged to discuss his concerns with the Provincial Minister while cooperating fully with the investigation process; ([Stnd. 15, R1](#), [Stnd. 5, R1b](#), [Stnd. 11, R1f](#) and [R1c](#))
- As part of the investigation ([Stnd. 15, R4](#)), the alleged offender friar may be required to undergo a psychosexual evaluation by a mental health professional specializing in sexual offending behavior and approved by the Provincial Minister after consultation with the PRB. The completed psychosexual evaluation report will be kept by the professional doing the evaluation to ensure patient client privilege. Only a summary of the evaluation report will be sent to the Provincial Minister. This summary will specify the diagnosis and recommendations for treatment and behavioral restrictions. The accused friar will be informed that only the summary will be sent to the Provincial Minister, and the accused friar will sign a statement approving release of the summary to the Provincial Minister and all those to whom the Provincial Minister may decide to provide the summary. ([Stnd. 11, R1g](#))
- Depending on the circumstances of the case, other specific tests may be required to be performed such as a polygraph, neuropsychological assessment, etc. ([Stnd. 15, R4](#), [Stnd. 11, R1g](#))

- The rights of the individual friar to privacy and confidentiality will be respected; he will be informed in a timely fashion and consulted throughout the process. At the same time, the Provincial Minister's responsibility to inquire about the health of the friar and to maintain vigilance in pastoral ministry should be explained. ([Stnd. 15, R1](#) and [Stnd. 11, R1f](#))
- Province investigations of allegations of abuse shall be documented and the reports shall be maintained in the office of the Provincial Minister. ([Stnd. 15, R1](#) and [R5](#)) Access to these files is strictly limited. At the discretion of the Provincial Minister, a summary of a Province investigation or a note referring to where such documentation is filed will be kept in the personnel file of a friar who is the subject of such an investigation. The Provincial Minister will keep all records concerning an allegation of abuse and its subsequent investigation in a confidential manner. Great care will be taken to protect the reputation of the accused friar during the entire process. Documentation of Province investigations is the property of the Province and shall remain in the office of the Provincial Minister following the election of a new Provincial Minister. ([Stnd. 15, R1](#) and [R5](#), [Stnd. 16, R4](#), [Stnd. 11, R1g](#))
- The Provincial Minister or his delegate may share appropriate information about allegations and investigations with the Provincial Definitorium.
- A credibly accused friar will be provided with fraternal and pastoral support in the eventuality of any penalties imposed upon him by the legal system. ([Stnd. 11, R1f](#))

Investigative Results:

Each allegation will be evaluated under the following standard ([Stnd. 11, R1g](#), [Stnd. 15, R1](#)):

An allegation will be deemed “credible” if there is a preponderance of evidence that the allegation is more likely true than not after investigation. Credibility can also be established by conviction in a court, or by the admission of the truth of the allegation by the accused friar.

In cases involving the sexual abuse of a minor, the Provincial Minister, in consultation with the PRB, will determine ([Stnd. 15, R1](#)) whether the allegation is credible. For purposes of next steps, an assessment of credible shall be defined as “Credibly Accused”:

If a friar is determined to have been credibly accused of sexual with a minor, the Provincial Minister, in consultation with the Definitorium and the PRB, will take specific steps to eliminate risk to the victims and the public of further abuse, including;

- Removing the credibly accused friar from all ecclesial ministry, or any work assignment that may involve interaction with minors;
- Potentially moving the offending friar to a lower risk environment;

- The Provincial Minister will require the offending friar to enter the Province's Aftercare Program and to follow an individualized personal safety plan as part of that program. Should a credibly accused friar refuse to enter the Aftercare program, the Provincial Minister will begin the canonical process for dismissal from the Order.
- For the good of his health and that of any alleged victims, the offending friar may be required to receive testing for the HIV virus. If there is concern on the part of the victim that he/she was placed at risk, the Province will work with the VAC to resolve the situation in as pastorally sensitive a way as possible. If it is determined that the behavior in question risked communicating the virus, while weighing issues of personal confidentiality and privacy, the Province will try to act on a case by case basis in favor of the victim(s) and the public safety.
- The Province will inform the leadership of any organization or ministry in which the friar has been credibly accused involving the sexual abuse of a minor. ([Stnd. 11, R1j](#)) Documentation of these communications (or rationale if communication was not possible) will be maintained. ([Stnd. 18, R1 and R2](#))
- The Provincial Minister will also document communication with the appropriate diocesan officials ([Stnd. 11, R1i](#)) regarding a credibly accused allegation of professional sexual misconduct and the friar's removal from or restriction in ministry and his current living assignment. With the consultation of the Definitorium, and the VAC, the Provincial Minister will support appropriate outreach and healing for those in the Province and the faith community who have been hurt or scandalized by the misconduct. ([Stnd. 11, R1k](#))

When the Provincial Minister, in consultation with the PRB deems the allegation not credible:

If the allegation is determined to be not credible, the Provincial Minister may reinstate the accused friar to ministry and work toward restitution of his good name. If after considering the facts of the case and deliberation with the PRB and the Definitorium, the Provincial may adjust the ministry work of the accused friar to reduce risk to the public. The Provincial Minister will communicate in an appropriate manner and extent to all knowledgeable parties concerned including the Province, the ministry placement and the diocese that the allegation was determined to be not credible. ([Stnd. 11, R1j](#) and [R1k](#))

Caring for the Victims

When the tragedy of sexual abuse strikes, the pain, confusion and suffering that victims, their families, and the lay and religious communities endure are deep rooted and life changing. The feelings of betrayal are intensified when the abuser is a religious or other trusted member of society. The Province of Saint Barbara is deeply committed to prevent any such abuse by its friar members. Despite our best efforts at prevention, should such a tragedy occur, the Province will take immediate steps to mitigate the destructive impact of the abuse... Our priorities and our prayers will always be with the victims and their families.

- The Province will respond pastorally and compassionately to any person who alleges sexual abuse of a minor by a friar in the Province; ([Stnd. 8](#))
- The Province has developed specific procedures that must be followed to ensure a comprehensive program of support is provided by qualified individuals to those involved; ([Stnd. 11, R1 and R2](#), [Stnd. 15, R1](#), [Stnd. 12, R1](#), [Stnd. 9, R1 and R2](#))
- The Province will document the allegation and responses to all individuals who report the sexual abuse of a minor. Responses will demonstrate respect, dignity and compassion for the alleged victim; ([Stnd. 8, R2 and R3](#))
- When an allegation of the sexual abuse of a minor surfaces within the Province, the person coming forward will be provided with information which outlines the reporting process, and the procedures the Province typically will follow to respond to the allegation. The Province brochure “A Response to Sexual Misconduct” was created for this purpose and is available in three languages. Copies are including in the Appendix section of this manual; ([Stnd. 8, R4](#))
- To support the pastoral and emotional needs of victims and their families, the Province established the Office of Pastoral Outreach and the role of Victims Assistance Coordinator (“VAC”) to focus on pastoral outreach to victims, their families and their communities; ([Stnd. 8, R1 and R3](#), [Stnd. 9, R1 and R2](#)),
 - The VAC role is documented with written guidelines for fulfilling the role ([Stnd. 9, R2](#));
 - The VAC is highly trained third party lay professional whose priority is the healing process in support of the victims and their families ([Stnd. 8, R1](#));
 - All victims will be supported with extensive counselling, appropriate financial consideration and ongoing support coordinated through the VAC. The Province will generally accept financial responsibility for this care as recommended by the VAC; ([Stnd. 8](#))

- The VAC will offer to meet with the alleged victim in person as well as an offer for the alleged victim to receive personal pastoral outreach from a friar. ([Stnd. 10, R1](#)) If the alleged victim does not wish to be identified to the Province, the VAC will create an ID number for the alleged victim. Under such circumstances, only the name of the accused friar will be made known to the Provincial Minister.
- Upon the request of the alleged victim and his/her family, or through the agency of the VAC, the Province, in the person of the Provincial Minister or through a representative will make itself directly available to the alleged victim in order to provide pastoral support and assistance. ([Stnd. 10, R1](#))
- The files of the VAC shall be held by the Pastoral Outreach Coordinator on behalf of the Province of St. Barbara, and they are to be maintained with a high degree of confidentiality. File content is the property of the Province of St Barbara and may be shared only with the Provincial Minister, or others subject to his authorization. The VAC may release files only to the extent required by law and pursuant to lawful process. If the VAC is unable to hold files, the files shall be sealed and delivered to the Province Review Board to be held on behalf of the Province of St. Barbara. In the case that the position of Victims Assistance Coordinator falls vacant, the VAC's files shall be sealed and delivered to the Province Review Board to be held on behalf of the Province of St. Barbara. ([Stnd. 23, R2](#), [Stnd. 16, R4](#), [Stnd. 17, R6a](#))

Protecting the Public

Once it has been determined by credible, substantiated reports that a friar has engaged in acts of sexual abuse of minors, or other illegal sexual acts (“credibly accused”), they have demonstrated serious inappropriate behavior and impaired judgement. To protect the victims, public, religious communities and the friar fraternity from further risk, credibly accused friars must subject themselves to severe restrictions and supervised conditions to remain in the order.

To administer to the needs of the offending friar and protect the community from further risk, the Province of St Barbara has developed a formal “Aftercare” Program with specific policies and procedures detailed below:

The essential purposes of the Aftercare Program are:

- Protection of the victims, larger secular and religious communities, the fraternity and the offending friar (“Aftercare Friar”) through a long-term, comprehensive relapse-prevention program that will significantly reduce the risk of any further offense; and,
- Rehabilitation of the Aftercare Friar through treatment, monitoring and a collaborative effort to define and implement steps leading to the friar’s return to the most functional and productive position possible, consistent with relapse-prevention and public safety.

The operational goals of the Aftercare Program are as follows:

- Protection of actual and potential victims;
- Reassurance to existing victims, family members and the larger community that Aftercare Friars are receiving appropriate treatment and supervision;
- Consistent, serious attention to each Aftercare friar’s therapeutic treatment needs and requirements;
- Reintegration of Aftercare friars into appropriately supervised community life;
- Return of each Aftercare friar to fullest potential for a productive life, including return to limited, safe and meaningful work where appropriate, consistent with the safety of others and the well-being of the fraternity.

Overview of the Aftercare Program

The Aftercare program has been evolving since its inception in the mid 90's; and it continues to evolve to incorporate best practices to further reduce risk. The following guidelines for assessment, treatment and treatment goals are standard in the field. The present guidelines agree with the stance taken by the Association for the Treatment of Sex Abusers (ATSA). Likewise, these guidelines follow those set forth by the National Adolescent Perpetrator Network. The Province believes that the adherence to such therapeutic guidelines will optimally decrease the possibility of at-risk friars sexually re-offending. The Program has many layers of supervision that includes the following roles:

Aftercare Friar: Friars are always under the direct authority of the Provincial Minister; Aftercare friars are no exception. Friars enter the Aftercare Program, in accordance with canon law, only after signing a written consent form. The Aftercare Friar, as the central figure in the Aftercare Program, has primary responsibility to fully participate in the program, i.e., work diligently in therapy with his therapist(s) in following the applicable treatment plan, and engage willingly and meaningfully in his individual and group therapy; abide by the restrictions and duties of his placement as dictated by the Provincial Minister and/or the Provincial Delegate; meet regularly and cooperate fully with the External Monitor; and, if, as and when appropriate, participate with the Aftercare Consultant in the Return to Limited Safe and Meaningful Work process; and, in general, develop and implement an acceptable and effective relapse-prevention plan.

Safety Plan: Each friar in the Aftercare Program will have an individualized Safety Plan that follows the criteria set forth in standard #19 of the *Instruments of Hope and Healing* program. This Safety Plan will be reviewed once a year by the Aftercare Consultant, the Provincial Minister and/or his delegate and by the Province Review Board. ([Stnd. 21, R2](#)) Each Safety Plan will include, as a minimum:

- A summary of the problem behaviors, which at a minimum will detail the number of victims, and the age and gender of the victim(s) and any other known compulsive or addictive behaviors (such as substance abuse); ([Stnd. 19, R1a](#), [Stnd. 23, R1](#))
- A summary of the friar's risk assessment and the risk-reduction strategies, including 1) limitations on the friar's access to minors and how any such access is supervised, 2) issues of personal relationships with friends and family, to ensure that the friar does not have unsupervised access to minors, 3) monitoring of the friar's use of electronic communications, social media and internet access, 4) issues of financial accountability, and 5) the friar's current living situation. ([Stnd. 19, R1d](#))
- Information about how the friar will spend most of his time, including details regarding any appropriate work assignments; ([Stnd. 19, R1b](#) and [Stnd. 20, R2](#))
- Any applicable sex offender registry requirements, including parole and probation; ([Stnd. 19, R1c](#))

- Identification of the person(s) responsible for the implementation of each risk-reduction strategy; ([Stnd. 19, R1e](#))
- Implementation date of the Safety Plan ([Stnd. 19, R3](#)) and dates of review(s) by the PRB. ([Stnd. 19, R1g](#))
- the consequences for non-compliance with its terms. ([Stnd. 19, R1f](#))
- The signature of the credibly accused friar and the Provincial Minister, and at least one other individual who will be directly involved in supervising the offending friar; ([Stnd. 19, R2](#))
- The dates on which the Safety Plan has been reviewed by the Review Board. ([Stnd. 19, R3](#))
- History of compliance with plan requirements. ([Stnd. 23, R1](#))
- Status related to any treatment programs ([Stnd. 23, R1](#))
- If a friar is determined to be “high risk”, any related program accrediting agency (e.g. Praesidium) will be notified of the existence of a new high-risk Safety Plan within thirty (30) days of implementation. ([Stnd. 19, R4](#))
- Where friars and/or the Province may be subject to criminal and/or civil liabilities, the Province may consult with legal counsel about the text and implementation of the Safety Plan. ([Stnd. 19, R5](#))

External Monitor: The External Monitor is directly responsible to the Aftercare Consultant. The External Monitor is an experienced and trained lay person, charged with supervision and support of the Aftercare Friars. Use of a lay person is designed to remove the monitoring functions from other members of the fraternity, thereby preserving the supportive relationships among the Aftercare Friar and the friars with whom he lives. ([Stnd. 22, R4](#)) The External Monitor will help the Aftercare Friar in his effort to reduce the risk of re-offending. With consistent monitoring and supervision, the motivated Aftercare Friar will have the opportunity to progress more rapidly through his treatment and Aftercare Programs, thus improving his chances of returning to meaningful limited work.

The role of the External Monitor is to (1) meet with the Aftercare Friar on a regular basis, no less frequently than monthly (2) collect pertinent information about the Aftercare Friar’s compliance ([Stnd. 24, R2](#)) with restrictions and with treatment goals and requirements and (3) provide consistent and thorough information to the Aftercare Friar’s guardian or internal monitor, therapist(s), the Provincial Delegate and the Aftercare Consultant. ([Stnd. 22, R1](#)) It is not the role of the External Monitor to enforce the Aftercare Friar’s restrictions and treatment requirements. Enforcement of such restrictions and requirements falls upon the Provincial Delegate and the Provincial Minister. The External Monitor will, however, make recommendations regarding these subjects to the Provincial Delegate and/or the Provincial Minister.

Therapist(s): The therapist is a licensed mental health professional, selected because of a demonstrable specialty in assessment and treatment of sexual offending behavior. Each Aftercare Friar will have an individual therapist, and, most often, a group therapist, who may be the same or a different mental health professional. The primary role of the individual therapist is to work with the Aftercare Friar in designing and implementing the treatment plan, e.g., to support the friar in addressing the salient factors that contributed to the incident(s) for which he was placed in the Aftercare Program, to help the friar recognize and overcome denial and thinking errors; and, at the appropriate time to work with the friar in addressing the requirements of the Therapeutic Guidelines for Return to Limited, Safe and Meaningful Work, which encompass the development of a comprehensive and suitable relapse-prevention plan for the Aftercare Friar. A summary of the Aftercare friar's psychosexual evaluation report will be made available to his therapist. This summary will specify the diagnosis and recommendations for treatment and behavioral restrictions.

Guardian/ Internal Monitor: The Guardian is the friar whose primary role in the Aftercare System is the traditional one of responsibility for the overall health and welfare of the Aftercare Friar and of the community in which the Aftercare Friar resides. [\(Stnd. 22, R4\)](#) With regard to these matters, he is directly responsible to the Provincial Minister and to the Provincial Minister's Delegate. The Guardian has a collaborative relationship with the External Monitor and the other members of the Aftercare System. He is the Internal Monitor and is a resource to the External Monitor and the Aftercare Friar and maintains current familiarity with the Aftercare Friar's status and progress with respect to rehabilitation. As he sees fit, the Provincial Minister may appoint another friar in the community to act as the Internal Monitor for an Aftercare Friar residing in that community.

Provincial Delegate: The friar appointed by the Provincial Minister as his delegate is known as the Provincial Delegate. In consultation with Aftercare Consultant and the External Monitor, he has direct responsibility for the day-to-day operation and functioning of the Aftercare Program. [\(Stnd. 22, R4\)](#) He keeps the Provincial Minister informed on all aspects of the Aftercare Program. The Provincial Delegate also regularly collaborates and consults with the Aftercare Consultant about individual and programmatic issues and questions, with an eye towards enhancing the quality of the program and the progress of any given friar, whenever and wherever possible. In this regard he consults with the Aftercare Consultant about the restrictions and therapy of the Aftercare Friars. In the event of difficulty of an Aftercare Friar with compliance with applicable restrictions or therapy requirements, the Provincial Delegate will be involved and intervene as necessary to resolve the problems, in consultation with the Provincial Minister.

Aftercare Consultant: The Aftercare Consultant acts as a resource to and supervisor of the External Monitor and consults with the Provincial Delegate in order to handle day-to-day questions and concerns of the individual friars. [\(Stnd. 22, R4\)](#) The Aftercare Consultant interfaces with assigned therapists on therapeutic issues or questions regarding the treatment plan, compliance therewith, and, as appropriate, regarding the therapist's and friar's understanding and work on the requirements set forth in the Guidelines for Return to Limited, Safe and Meaningful Work. The Aftercare Consultant reviews each individual Safety Plan once a year. A summary of the Aftercare friar's psychosexual evaluation report will be made available

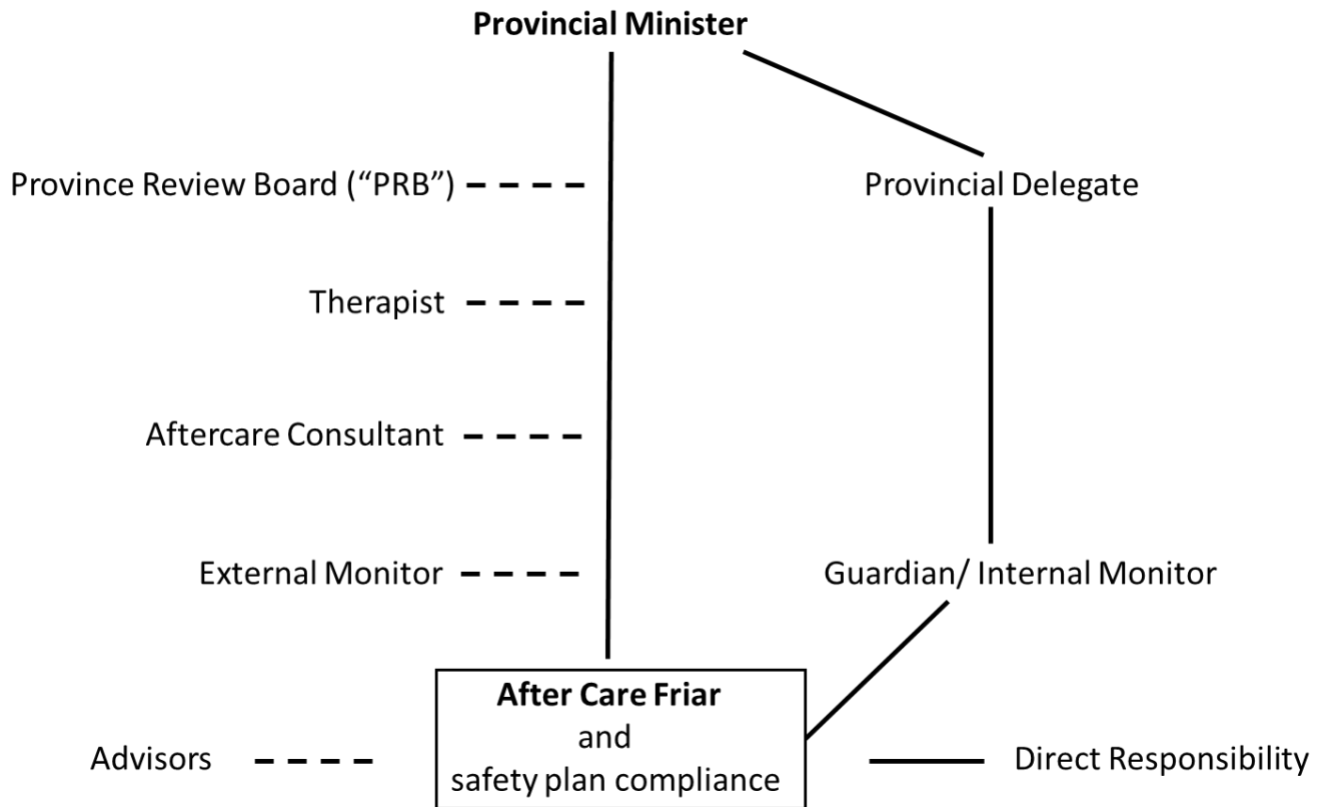
to the Aftercare Consultant. This summary will specify the diagnosis and recommendations for treatment and behavioral restrictions.

The Province Review Board: The Province Review Board (PRB) acts as an advisory board to the Provincial Minister regarding all aspects of Professional Sexual Misconduct or Child Sexual Abuse by a friar of the province. This includes reviewing all Province policies and procedures regarding these matters. The PRB makes recommendations to the Provincial Minister for the treatment and supervision of offending friars, including Safety planning and potential work assignments ([Stnd. 20, R1](#)) To that end they consult with the Aftercare Consultant and the Provincial Delegate. Once a year the PRB reviews the individual Safety Plan of each friar in the Aftercare Program. ([Stnd. 21, R2](#))

The Provincial Minister: The Provincial Minister is directly responsible for all the friars including the Aftercare Friars. He also holds final responsibility for the functioning and operation of the Aftercare Program, and for designating and directing the Provincial Delegate. After due consultation with the delegate and the PRB (as well as legal counsel, when and if appropriate), the Provincial Minister makes final decisions with respect to placement, restrictions, therapy and therapists, and return to limited, safe and meaningful work of individual Aftercare Friars. Before assigning an Aftercare Friar to a friary, the Provincial Minister will consult with the PRB and the Aftercare Consultant about the suitability of the placement. The Provincial Minister will also consult the Local Ordinary, and those responsible for other ministries at the chosen location such as the Retreat Director, and/or the Pastor, depending on the location. In the event of an unresolved problem of compliance, quality of treatment, placement or assignment, the Provincial Minister will render a final decision. The Provincial Minister also consults with the PRB and the Definitorium regarding policies and procedures and systemic enhancements for the Aftercare Program. ([Stnd. 22, R1](#))

On the following page is a graphical depiction of the Aftercare Program stakeholders:

Province of St. Barbara – Aftercare Program Stakeholders



Process, Procedures and Timelines

- **Risk Assessment:** The Provincial Minister, in consultation with the Province Review Board, will assess the risk associated with each Aftercare friar based on the individual circumstances and evidence of the case. ([Stnd. 25, R1](#)) The rating scale will include “High”, “Medium” or “Low” High being considered the most serious risk of recurrence. Communities that house high risk friars will be visited by the External Monitor on an unannounced basis at least every six months ([Stnd. 25, R2](#)) at the location designated as the Aftercare friar’s home community designated in the safety plan.
- Friars who have Safety Plans will live in a supervised setting with individuals who provide oversight, support and accountability; ([Stnd. 22, R4](#))
- Those with direct supervisory responsibilities over friars in the Aftercare program will have access to all pertinent information regarding the offending friar including the respective Safety Plan ([Stnd. 23, R1](#)). They will receive written guidelines regarding their role and procedures for supervision (including compliance documentation requirements ([Stnd. 23, R2](#), [Stnd. 22, R1](#)), receive adequate training to perform the duties involved ([Stnd. 22, R2](#)), and be assessed as physically and emotionally capable to execute their role. ([Stnd. 22, R3](#))
- **External Monitor’s Meetings with Aftercare Friar:** The External Monitor will meet initially with the Aftercare Friar on a weekly basis. Thereafter, depending on the friar’s level of functioning, meetings could vary from weekly to monthly, as determined by the External Monitor, in consultation with the Aftercare Consultant and the Provincial Delegate. Meetings may be by phone, but the External Monitor must meet with the Aftercare Friar at least annually in person at the location designated as the Aftercare friar’s home community designated in the safety plan.
- **Periodic Reports:** The External Monitor will submit quarterly written reports to the Provincial Delegate and to the Aftercare Consultant summarizing the Aftercare Friar’s compliance ([Stnd. 24, R2](#)) with applicable restrictions and treatment requirements, and progress towards his individual goals. Therapist reports will be developed during the initial assessment period, and may continue on an ad hoc basis, or more structured schedule as circumstances dictate over the Aftercare friar’s duration in the program. Any follow up therapy reports will be included in the PRB agenda materials.
- **Safety Plan Continuing Review Process:** The safety plan is a critical document in defining boundaries, clarifying acceptable conduct and providing the foundation to monitor compliance. It is important that this document receive appropriate periodic review, compliance reporting and updates on changes. In support of this objective:
 - The Provincial Minister, or his delegate, will evaluate and document compliance with Safety Plans at least once each year. ([Stnd. 24, R1](#))
 - The initial Safety plan will be reviewed promptly by the Provincial Minister and PRB, and then at least annually by the Province Review Board who may propose any changes or updates to the Provincial Minister. As part of that review, the PRB will review any supporting reporting from the External Monitor, the Aftercare Consultant, therapists and/or any other relevant information on compliance or changes in circumstances.

([Stnd. 21, R1 and R3](#)) The Provincial Minister or his delegate will be present at this review to answer any questions PRB members may have concerning these Safety Plans.

- If a friar on a Safety Plan experiences any significant change in behavior, or a new allegation surfaces, the Aftercare Consultant and the External Monitor will be informed immediately. The friar's Safety Plan will be reviewed by the Provincial Minister and PRB as soon as possible. Any adjustments made to the friar's Safety Plan for managing risk will be communicated to his Internal Monitor and to the Province Review Board immediately. ([Stnd. 24, R3](#))
- **Return to Limited, Safe and Meaningful Work:** The Guidelines for Return to Limited, Safe and Meaningful Work in Cases of Sexual Misconduct, are contained in the Province's Administrative Friary Handbook. This document comprehensively sets forth the substantive goals of treatment which must be mastered by the Aftercare Friar who seeks to advance towards a less restrictive position of active and meaningful contribution through work in a limited and safe setting.
- **Post Aftercare Supervision:** Friars who have successfully completed the above process and have been returned to limited, safe and meaningful work are still participants in the Aftercare Program. They will not be required to formally engage in treatment. Such friars will be expected, as part of their relapse-prevention plan, to develop with the Provincial Delegate and the Aftercare Consultant, a specific individualized program of regular check-ins with the External Monitor, periodic testing, and periodic contact with their therapists.

General Aftercare Policies

1. **Vacations:** In general, vacation issues, such as appropriate people, places and situations to visit, risks and red flags, escape plans, etc. should be discussed with the therapist annually in or around May as part of the treatment plan. Specific vacations which are consistent with the treatment plan, e.g., regular visits to family or friends, must be planned in advance by the friar in consultation with his Guardian or Internal Monitor, his therapist and the External Monitor. Any request for a special, non-routine vacation, e.g., an extended trip, a solo trip, or a trip to a locale with an increased level of potential risk, must be approved by his Guardian or Internal Monitor and then submitted by the Aftercare Friar to both the Provincial Delegate and the Aftercare Consultant at least sixty (60) days in advance of the desired departure date, or the date upon which any tickets or other travel provisions must be purchased, whichever date is earlier.
2. **Emergencies, Death etc.** In the case of an emergency such as serious illness or death of a close friend or family member, the Aftercare Friar is to consult with his Guardian, the Provincial Delegate, and the External Monitor about travel plans.
3. **New Allegations:** When new allegations or reports of possible abuse come first to the attention of the Provincial Minister, he will report them immediately to the Victims Assistance Coordinator (VAC) and the PRB. When such new allegations or reports first come to the attention of the VAC, the VAC will immediately inform the Provincial Minister, who will inform the PRB. In the event of any new allegations the Province process of investigation will take place with the usual procedure of recommendations to the Provincial Minister.
4. **Mandated Reporting:** In every circumstance, all mandated child abuse reports shall be made, and any ensuing investigations by child protective or other governmental authorities will receive full cooperation by Provincial personnel.
5. **Compliance Problems or Conflicts:** In the event that there are problems with the Aftercare Friar's compliance with applicable restrictions or therapeutic requirements, or in the event of conflicts between the Aftercare Friar and the External Monitor or the treating therapist, the Provincial Delegate will be notified immediately by the External Monitor or the therapist. The Provincial Delegate will consult with the Aftercare Consultant, and together they will undertake to resolve the problem as fairly and efficiently as possible. The Provincial Minister will make the final decision.
6. **Confidentiality:** All documentation, including evaluations and reports, belong to the Provincial Minister, who has direct responsibility for the Aftercare Program and the friars who participate in it. For the good of the program, however, it is understood that the Provincial Minister, the Provincial Delegate, the Aftercare Consultant and treating therapist(s) all have access to and share among themselves the summary of the psychosexual evaluations, test reports, and therapists' reports. Information will be judiciously shared with the priorities being first and foremost protecting the victims and the public. Heightened safety for the larger secular and religious communities, security and well-being of the fraternity and consideration for the safety and rehabilitation of the Aftercare friar are also important factors.

Summary

The Aftercare Program was designed to deal with a very challenging situation, and to the fullest extent possible, it seeks to ensure that the tragedy of sexual abuse and exploitation never again afflicts this Province. Over the years, with experience, the Aftercare system has matured, and its participants have developed increasingly effective collaborative relationships. It is hoped that these procedures, with its attempt to clearly and concisely describe the system and its key components, will further enhance the operation of the Aftercare Program, by:

- Educating the Province so that its members can better offer support and guidance for the rehabilitation of Aftercare Friars;
- Assisting Aftercare Friars to more fully participate in the system, and to better use it to reach their individual goals of meaningful contribution, consistent with their relapse-prevention plans.

Appendix A - Victims Assistance Coordinator Job Description

St. Barbara Province Pastoral Outreach

Victims Assistance Coordinator Job Description ([Stnd. 9, R2](#))

Updated March, 2019

Position Summary

The purpose of this role is to reach out to assist those who have been sexually abused as minors or adults, and those who have been impacted secondarily, by anyone serving the Province in ministry, employment, or in a volunteer position, whether the sexual abuse was recent or occurred many years ago. There is also a commitment to the pastoral and spiritual care of parishioners in the Province who have been affected by the sexual misconduct.

The Victims Assistance Coordinator has three primary areas of responsibility:

1. receiving complaints of sexual misconduct and initiating the process to respond to such complaints;
2. offering pastoral assistance to those who suffered abuse and managing the ongoing care offered to them;
3. managing ongoing pastoral outreach and education to primary and secondary victims, including parish and community members and the Franciscan community; and
4. ensuring allegations of abuse involving minors are reported to civil authorities and informing those making allegations of abuse or misconduct of their right to report such abuse directly to the civil authorities.

Duties and Responsibilities

- Monitor the toll-free number and website or other vehicles established by the Province to facilitate receiving and acting upon complaints of abusive behavior.
- Receive complaints of abuse lodged against any friar or other employee or representative of the Province of St. Barbara, and gather initial information.
- Adhere to Province policies regarding abuse and misconduct including reporting allegations of abuse involving a minor to civil authorities and informing those making allegations of abuse or misconduct of their right to directly report such abuse to the civil authorities.
- Comply with national standards of the Instruments of Hope and Healing that pertain to the pastoral agent. Consult with, and when appropriate, collaborate with the Provincial Minister or his delegate, in fulfilling the requirements of these standards. The following standards refer specifically to the duties of the Victims Assistance Coordinator role:
 - **Standard #8:** *Representatives of the Institute will respond pastorally and compassionately to any person who alleges sexual abuse of a minor by a Member of the Institute.*

- **Standard #9:** *Representatives of the Institute who are responsible for assisting individuals who have alleged child sexual abuse as a minor will be educated regarding the nature of their role.*
- **Standard #10:** *Representatives of the Institute will make a significant effort to promote the healing process for individuals who allege being sexually abused as a minor.*
- Upon receipt of a complaint, the Province Report Form must be completed and a copy to the Provincial Office.
- Cooperate with the Province Independent Investigator and Province Review Board (“PRB”) in the investigation of the complaint:
 - Attend interviews of the victim when appropriate and necessary;
 - Ensure that the counseling needs of the victims are prioritized during the process; and
- Meet in person or by phone with the victim to provide information and make appropriate referrals for therapy, counseling, support groups, spiritual direction and other services to extend the Province’s pastoral support.
- Serve as the principle point of communication with the victim, therapists, family members, and others providing ministerial support.
- Work with victims’/survivors’ attorneys as necessary to extend assistance and support to the victim/survivor.
- Coordinate appropriate responses to address the needs of other persons in the Province (such as members of parish and school communities) who may be affected by reports of abuse.
- Subject to prior approval of the Provincial Minister or his delegate, work with media as appropriate to facilitate accuracy of reporting regarding incidents of abuse.
- Where appropriate, foster support groups for survivors and others (secondarily) affected by the abuse (including friars).
- Assist in maintaining formal guidelines and procedures for responding to complaints of sexual abuse in coordination with the Provincial Minister.
- Treat information provided respectfully and discretely to assure that no further victimization results from unnecessary disclosure.
- Maintain a list of qualified therapists for referral to victims seeking therapy.
- Maintain appropriate relationships with survivor groups (e.g. SafeNet) to extend outreach and support victims/survivors and secondary victims/survivors.
- Enhance skill levels through training and continuing education programs to deepen the knowledge and skills necessary to fulfill this ministry; such as attending the annual conference of Victim Assistance Coordinators.

Confidentiality and Maintaining Records and Files

- Maintain confidential documentation regarding all contacts with victims, family members, therapists, and service agencies.
- Follow the “Province of St. Barbara Policy on Confidentiality” regarding the storage and access to all abuse related materials.

Qualifications:

Required:

- Advanced Degree in Psychology or related field;
- At least five years’ clinical experience in grief and/or family counseling;
- Clinically competent in working with issues of sexual abuse, specifically with minors and adults who were sexually abused as children;
- Experience with victim engagement and advocacy, including extended family, community and other key stakeholders;
- Ability to engage pastorally and with a high degree of compassion with victims and members of the extended community.

Additional Preferred:

- Understanding of unique wounding related to clergy sexual abuse of a child
- Exposure to religious order life;
- Familiarity with the challenges of the sexual abuse challenges facing the Catholic Church

Appendix B - Charter of the Province Review Board

The Provincial Minister and Provincial Definitorium established a Province Review Board ("PRB") to advise the Provincial Minister and to assist the Province in complying with national norms and standards for child protection and in responding appropriately to allegations of abuse of a minor or of professional sexual misconduct brought against a friar of the Province.

- 1) All allegations and reports of the sexual abuse of minors will be presented to the PRB; ([Stnd. 17, R6i](#) and [Stnd. 17, R7](#)).
- 2) The PRB will engage and direct the activities of the Professional Independent Investigator at their discretion, with all expenses of the PII billed directly to the Province.
- 3) The PRB will provide a recommendation to the Provincial Minister within 60 days after receiving the results of the investigation of the allegation; ([Stnd. 17, R6k](#))
- 4) The PRB shall consist of at least five members and should include people with backgrounds and expertise in the following areas: social science and mental health, law and law enforcement. ([Stnd. 17, R6b](#)) It should include lay persons (preferably parents) and vowed religious men or women (but no more than two members of the Province). ([Stnd. 17, R1](#)) PRB members agree to volunteer their time free of charge, but the Province will offer to them a stipend for travel.
- 5) The Provincial Minister and the Definitorium appoint the members of the PRB and designate the Chairperson.
- 6) A member may be removed by the Provincial Minister in consultation with the PRB Chairperson and the Definitorium. Such removal would be accomplished by a letter from the Provincial Minister indicating the reasons for removal. ([Stnd. 17, R6c](#))
- 7) A PRB member will ordinarily serve a term of five years ([Stnd. 17, R6c](#)), or until a successor is appointed. Members may be reappointed. Vacancies caused by departure of PRB members shall be filled by appointment of the Provincial Minister in consultation with the Definitorium.
- 8) Review Board members must be familiar with the following documents: *Charter for the Protection of Children and Young People*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002 CMSM *Statement of the Assembly*, the Province's Policies and the CMSM *Accreditation Standards*. ([Stnd. 17, R5](#) and [R6g](#))
- 9) Review Board members must complete a minimum of one hour of abuse or treatment related training each year. Continuing Professional Education ("CPE") credits in support of any individual professional related licensing will qualify. ([Stnd. 17, R6g](#))

- 10) The PRB will meet at least annually ([Stnd. 17, R1](#) and [R6d](#)) and provide recommendations regarding the response to all reports and allegations of sexual abuse of a minor by a friar. ([Stnd. 17, R2](#)) The Provincial Minister, the Provincial Minister's delegate or the Chairperson may call meetings of the PRB. Sufficient notice in advance of the meeting should be provided to allow key stakeholders to prepare reports or other compliance materials for the PRC agenda. ([Stnd. 21, R4](#)) The Chairperson maintains frequent communication with the Provincial Minister or his delegate. The PRB may meet with or without the Provincial Minister or his delegate, as needed and determined by the Chairperson. ([Stnd. 17, R6i](#))
- 11) At the conclusion of each meeting, the PRB Chair will send a confirmation email to the Provincial Minister documenting any recommendations made during the session. If no recommendations were proposed at the meeting, a confirmation email confirming that fact will be sent. ([Stnd. 21, R5](#))
- 12) The Provincial Minister will consult the PRB regarding all Province policies and procedures related to professional sexual misconduct or child sexual misconduct. ([Stnd. 17, R6i](#)) The Provincial Minister will also consult the PRB regarding the treatment and supervision of offending friars. ([Stnd. 20, R1](#))
- 13) Province Review Board members will be provided with the following: a) the original report or allegation of sexual abuse of a minor by a friar that was submitted to the Province, b) the final report of an investigation, c) all other allegations of sexual abuse by that friar, and d) any relevant disciplinary actions that have been taken in the past in regard to that friar and the reasons for the actions. ([Stnd. 17, R3](#))
- 14) Interim updates and/or new allegation information will be provided to PRB members via email. Each PRB member will be provided with a binder of meeting materials at each meeting. ([Stnd. 17, R6h](#))
- 15) In cases where alleged sexual abuse of a minor or other form of sexual misconduct by a friar cannot be investigated or established, the Review Board will provide consultation regarding the disposition of the case. ([Stnd. 17, R4](#))
- 16) The PRB may recommend steps to address the needs of the accuser, the accuser's family, the friar who has been accused, the Province and the community of friars. The PRB may advise the Provincial Minister on strategies to be followed when it is determined that an allegation is not credible or cannot be substantiated. ([Stnd. 17, R6j](#))
- 17) Upon recommendation of the VAC, at the request of an alleged victim, or at the request of any PRB member, the PRB may choose to deliberate in Executive Session with only independent members present; i.e. without the Provincial Minister, his delegate, or any members of the Province community in the room. The PRB will have access to legal and canonical counsel for its deliberations if such counsel is specifically requested. ([Stnd. 17, R6l](#) and [R6i](#))
- 18) PRB members shall maintain complete confidentiality ([Stnd. 17, R6a](#)) in all matters under PRB review. Information the PRB receives in the course of its work may be shared only with the Provincial Minister or his appointed delegate(s) and disclosed only at the discretion of the Provincial Minister. Individual opinions of any PRB members shall not

be disclosed or recorded. The PRB shall firmly protect the confidentiality of any information shared with the members, including reports related to treatment for substance abuse, HIV testing, AIDS treatment and other health matters. ([Stnd. 17, R6i](#)) PRB members are not authorized to engage the media directly or issue any formal communications without prior approval of the Provincial Minister. ([Stnd. 17, R6e](#))

- 19) A written report of advice may be given to the Provincial Minister from the Chairperson, expressing the majority opinion of the PRB, when a situation demanding such a report arises and if the Provincial Minister requests it. The Chairperson may also choose to report minority opinions. ([Stnd. 17, R6f](#)) Such reports will be retained in the files of, and at the discretion of, the Provincial Minister, not by the Chairperson or any member of the PRB. The PRB members may keep statements such as this policy for reference but will not keep any material about a specific allegation of abuse or misconduct. ([Stnd. 17, R6f](#))
- 20) Complaint files, which include all related material (e.g. original complaint, investigative results, psychographic evaluation summaries), will be maintained by the Province for a period of 50 years and made available to PRB members upon request. ([Stnd. 17, R6f](#))
- 21) Conflicts of Interest: Any PRB member who may be related by blood or marriage or related through employment, financial or business relationships or any kind of profession or spiritual counseling with an accuser or an accused friar shall inform the PRB chairperson of the conflict and recuse him- or herself from all deliberations concerning that situation. A PRB member, who has a conflict of interest with the Province or with the work of the PRB, or for any other legitimate reason, should submit his or her resignation to the Provincial Minister. ([Stnd. 17, R6i](#))

Appendix C – Sexual Misconduct Brochure

This is the text of the Province brochure on misconduct. Copies are displayed in English, Spanish and Vietnamese at all ministry sites in the Province:

Responding to Sexual Misconduct

“The Light Shines in the Darkness and the Darkness has not overcome it.” (John 1:5)

The Franciscan Friars of the Saint Barbara Province

The Franciscan Province of Santa Barbara recognizes that sexual misconduct by friars has devastating consequences for victims and their families, for the lay and religious communities, and for the perpetrators. During the last decade, we have become increasingly aware of the effects of this tragic behavior and have developed a steadfast commitment to helping those affected.

This brochure is intended to provide basic information and (1) how the Province defines sexual misconduct within ministerial relationships, (2) what its procedures are for responding to complaints of sexually inappropriate behavior, and (3) to whom those subjected to sexual misconduct can turn for help.

SEXUAL MISCONDUCT IN A MINISTERIAL RELATIONSHIP

A ministerial relationship is one which a person receives pastoral care from a religious, including:

- Clergy
- Members of religious communities
- Spiritual directors and pastoral counselors

Sexual misconduct is a general term that encompasses sexual harassment, sexual exploitation, and sexual abuse.

Sexual harassment is defined as unwanted sexualized conduct or language between co-workers in the church setting. It may include, but is not limited to:

- Unsolicited sexual advances and propositions
- The use of sexually degrading words to describe an individual or his/her body
- The telling of inappropriate or sexually-charged jokes
- Retaliation against a co-worker who refuses sexual advances
- Offers of preferential treatment such as promotions, positive performance evaluations or favorably assigned duties or shifts in exchange for sexual favors.

Sexual exploitation consists of sexual contact between a religious and person receiving pastoral care from him.

Sexual abuse is sexual contact between a religious and minor (under 18) or vulnerable adult.

Sexual exploitation or sexual abuse can include physical contact or actions such as:

- Sexual touch or other physical contact that makes the person being touched feel uncomfortable
- Giving a sexually charged gift (such as lingerie)
- A prolonged hug when a brief hug is customary behavior
- Kissing on the lips when a kiss on the cheek would be appropriate
- Showing sexually suggestive objects or pornography
- Sexual intercourse, anal, or oral sex

Sexual exploitation or sexual abuse can also include verbal behavior such as:

- Innuendo or sexual talk
- Suggestive comments
- Descriptions of sexual experiences, fantasies, or conflicts
- Sexual propositions

To be clear, the Franciscan Province of Santa Barbara's stance is this: **Sexual misconduct**, whether harassment, exploitation, or abuse-by friars, employees, and volunteers is contrary to Catholic morals, doctrine, and canon law. It is **never acceptable in a pastoral relationship** with a parishioner, employee, spiritual directee, counseling client, or anyone who has sought the church's ministry.

It is not uncommon for those who seek the church's ministry to feel attracted to a religious or to be flattered by his attention. A layperson's attraction to a friar or enjoyment in being the object of his sexual interest does not excuse any form of sexual misconduct on his part, however. **It is entirely the responsibility of the religious to maintain appropriate emotional and sexual boundaries with those with whom he works and/or serves.**

HOW THE PROVINCE RESPONDS TO COMPLAINTS OF SEXUAL MISCONDUCT

The Province of St. Barbara responds to all allegations of sexual misconduct with great care. To ensure that we handle each instance promptly, thoroughly, and compassionately, the Province has established an Office of Pastoral Outreach. The Victims Assistance Coordinator (VAC") works within the Pastoral Outreach group and is a lay professional who will listen, understand, and offer help, including appropriate psychological counseling for those affected by friar misconduct.

The Province, through the VAC and independent investigators will respond swiftly to evaluate and investigate any accusation of sexual misconduct by a friar. Any friars who have engaged in the sexual abuse of a minor will join the province Aftercare Program. This rigorous relapse prevention program provides appropriate psychological treatment specific for offenders and entails ongoing monitoring and supervision for the rest of their lives in the Order.

The Province, consistent with the directives of the Catholic Bishop's *Charter for the Protection of Children and Young People*, has also established the Province Review Board (PRB). This interdisciplinary board of lay professionals and advises the Province on all matters related to sexual misconduct.

PREVENTING SEXUAL MISCONDUCT

In addition to establishing procedures for responding to sexual misconduct, the Province has undertaken a series of measures to prevent future incidents of abuse. These include extensive mandatory psychological evaluation of seminarians and novices before they enter formation and the provision of continuing education programs for friars about issues of sexuality and personal conduct.

CONCLUSION

It is our firm belief that religious must maintain appropriate boundaries with laypersons in order to preserve the integrity of the ministerial relationship. Moreover, we call upon those with knowledge of a friar's inappropriate behavior-whether past or present-to come forward with this information so that innocent victims may be spared from further harm. In short, we ask everyone to join with us to protect the safety of children, women, and men, and with firm determination, to promote healing where there is pain.

WHERE TO TURN FOR HELP

If you or someone you know believes that a friar has violated the boundaries outlined in this pamphlet, we urge you to report such behavior immediately to the Provincial Minister, or the Victims Assistance Coordinator. Your case will be handled with the strictest sensitivity and confidentiality. This is the contact information for the Province and the Pastoral Outreach Office:

Provincial Office

1500 34th Ave.

Oakland, CA. 94601

(510) 536-3722

Pastoral Outreach Office

Angelica Jochim, MFT

Victims Assistance Coordinator

P.O. Box 1137

Sebastopol, CA 95473

Toll free:

1-800-770-8013

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2016 PRAESIDIUM STANDARDS FOR ACCREDITATION



2016 Praesidium Standards for Accreditation

Standards for Prevention

Standards 1 – 7

Standard 1. The Institute will screen new Candidates for membership in the Institute.

***Rationale:** Screening is one of the most developed areas of sexual abuse prevention within child-serving organizations. Those who sexually abuse minors may look for employment or volunteer positions where they can have access to minors. The first action an Institute can take to keep its ministries safe is to carefully screen everyone who has access to minors. Indeed, most seminaries and religious formation programs have required a thorough, comprehensive screening of Candidates for many years. Specific screening and selection procedures can prevent a potentially harmful Candidate from gaining access to minors.*

Requirements for accreditation:

- R1. Candidates will be specifically screened for a history of sexually abusing minors or violating the boundaries of minors. **SB Policy Reference:** [Page 4](#)
- R2. Each Candidate must have the following documentation:
 - a. A completed background check, which includes each state/county that the Candidate has resided in for the past seven years and a national sex offender registry check.
SB Policy Reference: [Page 4](#)

- b. A minimum of three documented personal references (including at least one from a family member) and two professional references, for a total of five references.

SB Policy Reference: [Page 4](#)

- c. Face-to-face interviews with more than one representative of the Institute.

SB Policy Reference: [Page 4](#)

- d. A psychological evaluation which was conducted by a licensed psychologist, and a psycho-sexual history which was conducted by either a licensed psychologist or a licensed mental health professional with skills in conducting psycho-sexual histories and in assessing psycho-sexual health in preparation for a life of celibate chastity.

SB Policy Reference: [Page 4](#)

- e. A review of publicly accessible content on all social media, personal blog sites, and web sites associated with accounts controlled by the Candidate.

SB Policy Reference: [Page 4](#)

R3. A Candidate who has an established allegation of sexually abusing a minor in his past, or who has acquired/intentionally viewed child pornography, cannot be permitted to continue to Membership in the Institute. **SB Policy Reference:** [Page 4](#)

R4. Vocation directors and formation directors must be able, by education, training or experience, to identify Candidates who may be at risk to sexually abuse a minor.

SB Policy Reference: [Page 4](#)

Clarifications:

C1. The requirements outlined in R2 above may be completed at any time prior to the Institute's acceptance of the Candidate into the novitiate. However, prior to the Candidate being placed in or recommended for any form of service to the public, the Institute must complete the requirements set forth in R2a, R2b, R2c and R2e above.

C2. There are many valid and appropriate psychological tests and procedures for conducting background checks that an Institute may use to screen Candidates. Therefore, there are no specific requirements for psychological tests or methods for conducting criminal background checks that the Institute must follow to comply with this Standard.

C3. Criminal background checks of Candidates from countries outside the United States should be conducted to the best ability of the Institute, recognizing that some countries may not record such information or provide it to the Institute.

C4. It is recognized that psychological testing for some Candidates from outside the United States may not have the same level of validity as the testing for United States Candidates, increasing the importance of other methods of evaluation and screening that the Institute must follow in order to properly screen foreign Candidates.

C5. It is further recognized that the cultural values of the United States are not universal values; assessment of a Candidate or Member from a different cultural background should include evaluation of the individual's ability to adapt to the cultural requirements of ministry in the United States. Assistance may be found in the *USCCB Guidelines for Receiving Pastoral Ministers in the U.S., Third Edition*.

Standard 2. At each stage in the initial formation of Members, the Institute will assist in their ongoing growth toward a healthy sexuality as a foundation for celibate chastity.

***Rationale:** The majority of cases of sexual abuse of minors that are being addressed today originate from incidents that occurred in the 1960s and 1970s. After that period, there is a significant drop in the number of cases.¹ Many attribute this decrease to major changes in seminaries and houses of formation in the 1980s, when these institutions began to comprehensively address issues surrounding healthy human development and sexual integration. This major, positive shift has been recognized as a key contribution to overall sexual abuse prevention efforts.*

Requirements for accreditation:

- R1. Members in formation must be educated about how to develop a mature, integrated sexuality as a foundation for celibate chastity. **SB Policy Reference:** [Page 4](#)
- R2. Members in formation must be encouraged to identify and address challenges to maintaining celibate chastity and healthy intimate relationships. **SB Policy Reference:** [Page 4](#)
- R3. A Member in formation who sexually abuses a minor will be dismissed.
SB Policy Reference: [Page 5](#)
- R4. A Member in formation who is unable to maintain appropriate boundaries with minors, despite guidelines and instruction, cannot be permitted to continue in formation.
SB Policy Reference: [Page 4](#)

Clarification:

- C1. It is recognized that vows and promises of celibate chastity do not cause any individual to sexually abuse a minor.

¹ John Jay College of Criminal Justice, "The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States," 2003.

Standard 3. The Institute will identify and utilize systems of support and accountability for its Members.

Rationale: *Each Institute has its own systems of support and accountability as set forth in the Institute's rules, constitutions, and statutes. Analysis of cases involving a religious as the perpetrator suggest a pattern of higher risk in those situations where the offender fell outside of the Institute's typical systems of support and accountability. By ensuring that all Members participate in systems of support and accountability, the Institute is better able to recognize potential issues early on, and possibly prevent sexual abuse of a minor.*

Requirements for accreditation:

- R1. The Major Superior must be able to describe the Institute's systems of support and accountability for Members. **SB Policy Reference:** [Page 10](#)
- R2. The Major Superior must be able to demonstrate on-going adherence to the Institute's systems of support and accountability for Members. **SB Policy Reference:** [Page 10](#)
- R3. The Major Superior or his delegate must meet at least annually with each Member.
SB Policy Reference: [Page 10](#)
- R4. The Major Superior or his delegate must maintain a written record of the occurrence of the annual meeting with each Member who is in public ministry. Documentation of the content of the meeting is not required. **SB Policy Reference:** [Page 10](#)
- R5. For Members who are employed in any organization or in public ministry, the following is required at least annually in a communication with the organization in which the Member is employed or in public ministry: a) documentation of the communication in some form; and b) identification and contact information of the Major Superior.
SB Policy Reference: [Page 10](#)
- R6. The Institute will maintain a list of Members who are living outside the typical systems of support and accountability for the Institute. **SB Policy Reference:** [Page 10](#)
- R7. Members who are living outside of the typical systems of support and accountability for the Institute must be addressed through one of the following procedures: a) implement an individualized system of support and accountability for the Member, or b) re-engage the Member in the typical systems of support and accountability for the Institute.
SB Policy Reference: [Page 10, 11](#)
- R8. If neither of the options in R7 is possible, the Major Superior will use canonical procedures² to encourage the Member to live within the normal systems of support and accountability of the Institute if they are available. **SB Policy Reference:** [Page 11](#)
- R9. When a member of another religious institute begins the probation period to *transfer* into the Institute, the member becomes subject to the proper law and the superior of the new

Institute and is required to adhere to the new Institute's systems of support and accountability.³ **SB Policy Reference:** [Page 4](#)

R10. Each institute will have a written policy or protocol on support and accountability for those religious from other provinces or institutes or diocesan priests who are residing in a house or community of the Institute. **SB Policy Reference:** [Page 4](#)

Clarifications:

C1. Communications with organizations occur by letter, telephone, electronic mail, facsimile or in person.

² When a Member is reluctant to comply with the options, the Major Superior may consider the use of restrictions on the Member's lifestyle; limitations on financial support (c. 670), where the Member resides (c. 665§1), and where the Member ministers (c. 678). Precepts, penalties, including dismissal (c. 696§1), may be considered in accord with the norm of law.

³ **CAN. 685 §1.** *† Until a person makes profession in the new institute, the rights and obligations which the member had in the former institute are suspended although the vows remain. Nevertheless, from the beginning of probation, the member is bound to the observance of the proper law of the new institute.*

§2. † Through profession in the new institute, the member is incorporated into it while the preceding vows, rights, and obligations cease.

Standard 4. The Institute will establish and publish clear policies for boundaries with minors.

***Rationale:** Clear policies set the stage for safe environments. They establish standards within the Institute, guide Member conduct, and facilitate the identification of high-risk situations and interactions. All child-serving organizations are accountable for this key component of sexual abuse of minor's risk management.*

Requirements for accreditation:

- R1. Policies for boundaries with minors must identify those interactions which the Institute prohibits for Members under all circumstances, including interactions via electronic communications and social media. **SB Policy Reference:** [Pages 6, 7, 8, 9](#)
- R2. Policies for boundaries with minors must identify positive forms of affection and demonstration of pastoral care that would be appropriate for Members under most circumstances. **SB Policy Reference:** [Page 8](#)
- R3. Policies for boundaries with minors must clarify what would constitute appropriate social interaction with minors, including those who are part of the Member's family.
SB Policy Reference: [Page 6](#)
- R4. Each Member and Candidate will sign the policies for boundaries with minors, which indicates he has read and understood the policies of the Institute.
SB Policy Reference: [Pages 6 and 9](#)

Clarifications:

- C1. While the Institute's policies for boundaries with minors are intended to guide interactions in ministry and other relationships in which the Member is acting as a representative of the Institute, it is also recognized that a Member is responsible for maintaining the standards of the Institute even when interacting outside of formal ministry.

Standard 5. The Institute will educate its Members regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious.

***Rationale:** Effective training about the sexual abuse of minors can teach Members about their role as protectors. In addition, training about the sexual abuse of minors is designed to provide instruction to Members on how to recognize and respond to inappropriate interactions that may indicate that an adult poses a higher risk to sexually abuse a minor. It also educates Members on how to monitor high-risk activities and locations and how to protect themselves and their brothers/colleagues from false allegations of sexual abuse of a minor. Training also communicates that the Institute has shown due diligence in its attempts to prevent the sexual abuse of minors, and it sends the message: “We will not tolerate any form of abuse in this Institute.” All child-serving organizations are accountable for this key component of sexual abuse of minor’s risk management.*

Requirements for accreditation:

R1. All Members who serve in public ministry, even those who only occasionally serve in public ministry, must have at least one educational program that includes the following topics:

- a. Information about both preferential and situational type sexual offenders. Warning signs of both types of offenders must be clearly stated in the materials.

SB Policy Reference: [Page 5](#)

- b. Information regarding self-protection from false allegations of sexual abuse of a minor, including what to do if one is concerned about being falsely accused.

SB Policy Reference: [Page 5](#), [16](#)

- c. Information about child pornography, including its nature as a criminal offense and as an offense considered under the United States Conference of Catholic Bishops document, *Charter for the Protection of Children and Young People*.

SB Policy Reference: [Page 5](#)

- d. Information regarding abuse with vulnerable adults, including its nature as an offense considered under the United States Conference of Catholic Bishops document, *Charter for the Protection of Children and Young People*.

SB Policy Reference: [Page 5](#)

- e. Information on how to make a report to the civil authorities of known or suspected sexual abuse of a victim who is currently a minor in the jurisdictions where the Member is assigned. **SB Policy Reference:** [Page 5](#)

R2. All Members who serve in public ministry, even those who only occasionally serve in public ministry, must participate in a minimum of total number of hours of education that is equal to the number of years in the Institute's accreditation period.

SB Policy Reference: [Page 5](#)

R3. On-going training programs may include a variety of topics that support the prevention of the sexual abuse of minors more broadly. Approved topics include, but are not limited to, the following: **SB Policy Reference:** [Page 5](#)

- a. Appropriate boundaries in ministry with adults
- b. Internet pornography and cybersex
- c. Sexual harassment
- d. Development of chaste celibate relationships
- e. Conflict resolution
- f. Preparing religious for leadership in prevention and response to allegations of the sexual abuse of minors
- g. Prevention of sexual abuse in schools, camps, churches or social service organizations
- h. Child-to-child sexual abuse
- i. Appropriate use of electronic communications and social media

R4. The Institute will have an educational plan under Standard 5 for Members who are returning from ministry outside of the U.S. as well as for international Members who are coming for ministry within the U.S. and who are under the authority of the local Institute.

SB Policy Reference: [Page 5](#)

Clarifications:

C1. If the Institute determines them to be adequate, educational programs may be provided by the organizations in which Members are employed, such as a diocese, hospital or school.

C2. Educational programs may be provided at the local, Institute or national level, but they should not be a repetition of the same program two years in a row.

C3. It is not necessary to repeat the content of basic training during on-going training.

C4. At the discretion of the Major Superior, a Member may be excused from the education programs addressing sexual abuse of a minor if that Member has physical or medical difficulties and will not be involved in public ministry.

Standard 6. The Institute will interrupt and intervene when a Member violates the Institute's policies regarding boundaries with minors.

***Rationale:** Because suspicious or inappropriate behaviors (including boundary violations and/or policy violations) often precede incidents of sexual abuse, a swift and consistent response can interrupt potential untoward events, and help to protect minors from sexual abuse and Members from false allegations of sexual abuse of minors. Members need to know how to respond if they observe or become aware of problematic behaviors, and Institutional leadership must strive toward minimizing any barriers that would keep a Member from acting on those concerns. A written policy will help ensure that such situations will be managed consistently.*

Requirements for accreditation:

R1. The Institute must state in writing the process by which a Member should respond when another Member allegedly violates policies regarding boundaries with minors.

SB Policy Reference: [Page 9, 10, 12](#)

R2. The Institute must state in writing who is responsible for responding to concerns about policy violations regarding boundaries with minors. **SB Policy Reference:** [Page 10, 12](#)

R3. All Members must be provided with the process by which a Member should respond when another Member exhibits warning signs, and information about who is responsible for addressing concerns. **SB Policy Reference:** [Page 10](#)

R4. The person identified as responsible for addressing concerns must document the inappropriate behavior and the steps taken for intervention. Documentation must be maintained in a manner that is helpful for future Major Superiors and those who will have official responsibility for the Member. **SB Policy Reference:** [Page 9](#)

R5. When a Member has repeated boundary violations with a minor or a minor is known to be in danger, that situation must be presented to a review board, an intervention plan must be developed which outlines how the boundary violations with minors will be interrupted, and the Institute will verify that the intervention plan has been implemented.

SB Policy Reference: [Page 8](#)

R6. The Institute will provide appropriate support to a Member who disclosed to leadership that he is attracted to minors, but has not behaved inappropriately with minors.

SB Policy Reference: [Page 9](#)

R7. The Institute shall immediately intervene in situations where there is potential risk of harm to an identifiable minor.

SB Policy Reference: [Page 9](#)

Clarification:

C1. The Major Superior determines if a boundary violation with a minor has occurred.

Standard 7. The Major Superior of the Institute will communicate annually to the Members regarding the Institute's commitment to the protection of minors and the Institute's current initiatives and actions with respect to the protection of the vulnerable, healing for those who have been harmed by abuse, and fulfillment of Accreditation Standards.

***Rationale:** Transparency for decision-making begins with the Members of the Institute themselves, who are deeply and personally affected, along with victims, when poor decisions are made or necessary actions are not taken. Major Superiors have numerous obligations under Accreditation Standards, and this standard allows all Members, not just those who are closest to administration, to recognize and appreciate the efforts and steps that are taken to protect minors, and to provide support and accountability to the Major Superior.*

Requirements for accreditation:

- R1. The communication must contain the Institute's current Accreditation status and date of Accreditation expiry. **SB Policy Reference:** [Page 9, 10](#)
- R2. The communication must contain information about any new reports or events of abuse that have occurred since the last communication, and the status of those reports or events. The level of specificity will be determined by the Major Superior and other Members of the Institute. **SB Policy Reference:** [Page 10](#)
- R3. The Institute must document the fulfillment of this communication.
SB Policy Reference: [Page 10](#)

Clarifications:

- C1. The actual communication required to fulfill this standard may be made by the Major Superior or his delegate. However, it is recognized that there is no substitute for the encouragement for Members that is provided by a statement of personal commitment by the Major Superior.
- C2. The report may be made orally or in written form.
- C3. It is recommended, but not required, that the Major Superior share with Members the financial costs associated with these efforts (i.e. prevention programs, pastoral care, Accreditation), as well as other related expenses such as legal costs or settlements.
- C4. The primary purpose of this Standard is to prompt Major Superiors to fulfill current standards of care with respect to internal, Institutional transparency and accountability for leadership. However, given the continued saliency of the issue of sexual abuse in the Catholic Church, it is recognized that the Institute's larger constituency may also benefit from a similar form of communication by the Institute.
- C5. The Major Superior and other Members of the Institute may consult with civil legal counsel regarding the content of this communication.

Standard 8. Representatives of the Institute will respond pastorally and compassionately to any person who alleges sexual abuse of a minor by a Member of the Institute.

***Rationale:** The Member Institutes of CMSM have publicly committed to “...have in place the mechanisms to respond promptly to any allegation of sexual abuse.”⁴ Many victims/survivors have reported that being received pastorally and having an opportunity to share their story enhanced their overall ability to heal.*

Requirements for accreditation:

R1. The Institute must identify a representative, qualified by education, training or experience, to respond to those who allege sexual abuse of a minor.

SB Policy Reference: [Pages 12, 13, 19](#)

R2. The Institute must document the response to all individuals who have reported since June 2002 the sexual abuse of a minor, or since the date of the Institute’s last Accreditation visit.

SB Policy Reference: [Page 13, 19](#)

R3. Documentation of the response to individuals who have alleged sexual abuse of a minor must demonstrate a timely, compassionate and pastoral response to that individual.

SB Policy Reference: [Page 13, 19](#)

R4. When a person comes forward with an allegation of being sexually abused as a minor, representatives of the Institute will provide a guide and explain the procedure that the Institute typically follows in responding to the allegation.

SB Policy Reference: [Page 12, 13, 19](#)

Clarifications:

C1. For the purposes of this standard, “Member” includes current, former and deceased Members of the Institute.

C2. Representatives of the Institute who are responsible for assisting individuals who have experienced sexual abuse of a minor may be Members, employees, volunteers, or contractors of the Institute.

C3. The Institute provides all Members with a basic procedure of pastoral response, so that they will have an understanding of pastoral response to an individual who alleges sexual abuse of a minor, and so that the individual will be treated with respect and dignity.

⁴ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

Standard 9. Representatives of the Institute who are responsible for assisting individuals who have alleged sexual abuse as a minor will be educated regarding the nature of their role.

***Rationale:** The Member Institutes of CMSM have publicly recognized the need to designate a competent individual to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as a minor by a Member.⁵ Indeed, the gravity and complexity of this role demands a very specific skill-set.*

Requirements for accreditation:

R1. Representatives of the Institute who are responsible for assisting individuals who have alleged sexual abuse as a minor must have education, training, and/or experience with the following content areas: **SB Policy Reference:** [Pages 13, 19](#)

- a. Dynamics of sexual abuse
- b. Effects of sexual abuse
- c. How to provide comfort to those who have experienced sexual abuse
- d. How to encourage trust in those who report being sexually abused as a minor
- e. How to promote healing

R2. Representatives of the Institute who are responsible for assisting individuals who have alleged sexual abuse as a minor must have written guidelines for fulfilling their role.
SB Policy Reference: [Pages 13, 14, 19, 31](#)

Clarification:

- C1. Representatives of the Institute who are responsible for assisting individuals who have experienced sexual abuse as a minor may be Members, employees, volunteers, or contractors of the Institute.
- C2. Experience has demonstrated the grave errors that may be made when those who are responsible for assisting individuals who have been abused are also responsible for the governance of the Institute and/or investigations of misconduct by Members. Therefore, these forms of “dual relationship” are strongly discouraged and may be considered disqualifying for the Representative of the Institute to fulfill the requirements of Standard 9.

⁵ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

Standard 10. Representatives of the Institute will make a significant effort to promote the healing process for individuals who allege being sexually abused as a minor.

***Rationale:** The Member Institutes of CMSM have reaffirmed their commitment “to strongly support the five principles for dealing with situations of abuse offered by the U.S. Catholic Conference of Bishops in 1993.”⁶ The third of these five principles compels Institutes to “Reach out to the victims/survivors and their families and communicate sincere commitment to their spiritual and emotional well-being.”*

Requirements for accreditation:

R1. Representatives of the Institute must offer to meet in person with an individual who alleges being sexually abused as a minor by a Member of the Institute. The purpose of the meeting is to promote the healing process, and to allow the Representatives of the Institute to understand how the sexual abuse has affected the individual.

SB Policy Reference: [Page 14, 20](#)

R2. Representatives of the Institute must document every attempt to assist in the healing of an individual who has approached the Institute since June of 2002 to report being sexually abused as a minor by a Member. **SB Policy Reference:** [Pages 13, 14](#)

Clarifications:

C1. It is recognized that some individuals who have experienced being sexually abused as minors may first approach the Institute through legal proceedings. While this situation presents challenges for assisting in the healing of the individual, representatives of the Institute are still encouraged to extend the offer to meet with the individual through his or her legal counsel.

C2. It is understood that some individuals who allege having been sexually abused as minors may choose not to accept a meeting with representatives of the Institute.

C3. It is recognized that some unusual circumstances may cause a meeting, or even an offer of a meeting, with an individual who has alleged being sexually abused as a minor to be impossible. The Institute is asked in these cases to document these circumstances and any alternative form of pastoral assistance that has been offered.

⁶From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

Standard 11. The Institute will adhere to written protocols for responding to reports and allegations of sexual abuse of a minor.

***Rationale:** Systematic procedures for responding to an allegation of sexual abuse can protect everyone's rights, ensure that the organization responds legally and effectively, and minimize disruption. However, policies and protocols are only as effective as they are practiced. Institutes are held accountable for fulfilling what has been set forth in these policies and procedures.*

Requirements for accreditation:

R1. Written protocols are to provide guidance for

- a. Responding to individuals who report sexual abuse of a minor.
SB Policy Reference: [Pages 12, 13, 19](#)
- b. Responding to individuals who allege they have been sexually abused as a minor.
SB Policy Reference: [Page 13](#)
- c. Responding to Members who have been accused.
SB Policy Reference: [Pages 15, 16](#)
- d. Complying with reporting requirements.
SB Policy Reference: [Pages 12, 13](#)
- e. Communicating with the accused.
SB Policy Reference: [Page 14](#)
- f. Protecting the rights of all those involved.
SB Policy Reference: [Pages 16, 17](#)
- g. Conducting internal investigations.
SB Policy Reference: [Pages 13 through 17](#)
- h. Working with review boards.
SB Policy Reference: [Pages 15, 24](#) & [Province Review Board \("PRB"\) Charter](#)
- i. Communicating with the diocesan bishop where the alleged abuse took place and where the Member is residing.
SB Policy Reference: [Page 18](#)
- j. Communicating with the employer of the place where the alleged abuse took place and where the Member is currently employed, as appropriate.
SB Policy Reference: [Page 18](#)
- k. Communicating with the Religious Institute, the faith community, and the public, as appropriate.
SB Policy Reference: [Page 18](#)

R2. Written protocols are to identify who, by role, is responsible for each part of the response to allegations of sexual abuse of a minor.

SB Policy Reference: [Pages 12 through 19](#)

R3. The Institute will document adherence to written protocols for responding to reports and allegations of sexual abuse of a minor.

SB Policy Reference: [Page 13](#)

Clarification:

C1. The protocols for Requirement 1, i., must indicate communication which must be made with one or both bishops (where the abuse occurred and where the Member is residing) (a) after a report/allegation is made and the investigation is initiated;
(b) when an allegation has been established.

Standard 12. The Institute's policy will state the obligation of each of its Members to report to civil authorities all allegations of known or suspected sexual abuse of a victim who is currently a minor.

Rationale: *In most circumstances, Members are mandated, as clergy or as professionals in a child-serving organization, to report sexual abuse or suspicion of sexual abuse of a minor. Reporting sexual abuse regardless of individual state statutes demonstrates the Institute's commitment to stop sexual abuse and to help seek justice for victims/survivors.*

Requirements for accreditation:

- R1. Members must report to appropriate civil authorities all known or suspected sexual abuse of a victim who is currently a minor, whether alleged to have been perpetrated by a Member or by a non-Member. **SB Policy Reference:** [Page 12, 19](#)
- R2. Members must report to appropriate civil authorities known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography. **SB Policy Reference:** [Page 12](#)
- R3. Members must be educated in their obligations under the Institute's policy that they must report to civil authorities all allegations of known or suspected sexual abuse of a minor, regardless of the civil mandatory reporting laws of the jurisdiction. **SB Policy Reference:** [Page 12](#)

Clarifications:

- C1. It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under Canon Law.⁷
- C2. It is also recognized that information revealed during the Manifestation of Conscience is also not to be revealed under any circumstances.⁸
- C3. Information learned pursuant to attorney-client privilege must not be disclosed.
- C4. Child pornography is a graphic sexually explicit depiction of a minor and is considered sexual abuse of a minor.
- C5. Reporting of actual or suspected sexual abuse of a minor is the responsibility of the one who has knowledge of the sexual abuse of a minor or of the criminal activity in regard to the acquisition and/or use of real or virtual child pornography.

⁷Can. **983 §1.**† *The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.*

⁸ See canons 220, 630§5 and 984§1 for further guidance.

Standard 13. The Institute will report known or suspected sexual abuse of a minor by a Member when the victim is no longer a minor, as obligated by the civil laws of the state where the sexual abuse of the minor allegedly occurred.

Rationale: *This standard again demonstrates commitment to assisting all victims/survivors to heal and helping them to seek justice. The standard for the Church in the United States is that in every instance, the Institute will advise and support a person's right to make a report to civil authorities.⁹*

Requirements for accreditation:

R1. All individuals who have approached the Institute since June of 2002 to report the sexual abuse of a minor must be advised of their right to report to civil authorities and encouraged to make a report.

SB Policy Reference: [Page 13](#)

Clarifications:

C1. For the purposes of this standard, "Member" includes living current and former Members of the Institute.

⁹ From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision.

Standard 14. The Institute will cooperate with civil authorities that are conducting an investigation of an allegation of sexual abuse of a minor.

Rationale: *The professional standard of care holds that the Institute will “comply with all applicable civil laws with respect to reporting of allegations of sexual abuse of minors to civil authorities, and will cooperate in their investigation.”¹⁰*

Requirements for accreditation:

R1. The Institute will cooperate with investigations of its Members by civil authorities.

SB Policy Reference: [Page 13](#)

R2. The Institute will ordinarily suspend its own internal investigations until criminal investigations are concluded. Decisions to move forward with investigations during a criminal investigation must be made in consultation with law enforcement.

SB Policy Reference: [Page 14](#)

Clarification:

C1. Institutes are expected to be familiar with and respect each Member’s rights under civil and canon law.¹¹

¹⁰ From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision.

¹¹ *The rights of Members of Religious Institutes/Societies include, for example: the right to a good reputation (c. 220) and to protect one’s privacy (c. 220); right to defend one’s rights in an ecclesiastical forum (c. 221§1); right not to be punished with canonical penalties except in accord with the norm of law (c. 221§3); right to canonical counsel (EN, n. 8a); right not to be forced to make a manifestation of conscience (c. 630§5); right to live in a house of the institute (c. 665§1); right to those things necessary to live one’s vocation - support (c. 670); and right to hierarchical recourse (c. 1734 ff.).*

Standard 15: The Institute will investigate all reports and allegations of sexual abuse of minors by a Member, to the extent possible, based on the information provided.

***Rationale:** Investigations of allegations of sexual abuse of a minor are conducted in order to respond properly to individuals who may have experienced great harm and to preserve the right of due process for any Member who has been accused of abuse. Therefore, all allegations, including anonymous allegations, should be taken seriously. Lack of an investigation may jeopardize the safety of a child, the rights of a Member, and the functioning of the Institute.*

Requirements for accreditation:

R1. The Institute must have in place written procedures for investigating reports of sexual abuse of a minor by its Members.

SB Policy Reference: [Pages 14 through 19](#)

R2. All information that is provided to the Institute must be investigated to the extent possible, including information that is provided anonymously.

SB Policy Reference: [Page 14](#)

R3. If at the conclusion of an initial investigation, which may be performed by the Major Superior or his delegate, there is a “semblance of truth”¹² to the allegations of sexual abuse against a Member, the Major Superior must ensure that the Member against whom the allegations are made has no access to minors during the pendency of a full investigation.

SB Policy Reference: [Page 16](#)

R4. A full investigation must be conducted by trained individuals who will produce a written report.

SB Policy Reference: [Pages 14, 15, 16](#)

R5. All allegations of sexual abuse of a minor reported since June of 2002, or since the last Accreditation site visit, must have a) a documented investigation, or b) documentation of the reason(s) an investigation is not possible or is not necessary.

SB Policy Reference: [Pages 17](#)

¹² “Semblance of truth” is defined as “not manifestly false or frivolous.” A Resource for Canonical Processes for the Resolution of Complaints of Clerical Sexual Abuse of Minors (USCCB, Nov. 2003).

Clarifications:

- C1. While Standard 15 is intended to ensure the Member Institutes meet prevailing standards of care within the United States, it is recognized that Canon Law has specific requirements concerning investigations¹³ which Institutes are expected to follow.
- C2. To the fullest extent possible, the Institute will document every effort to restore the good reputation of a Member who has been falsely accused of the sexual abuse of a minor.
- C3. For the purposes of this standard, “Member” includes current, former and deceased Members of the Institute.

¹³ See c. 1717§1 on the preliminary investigation and cc. 1717§2 and 220 regarding the reputation of the cleric; see canon 1722 regarding the precautionary measures that the major superior can impose on the accused member at any time following the determination that a “semblance of truth” exists. See SST Article 19 and Circular Letter, II. *Essential Norms* (EN), n. 6 and *Sacramentorum sanctitatis tutela* (SST), Art.16.

Standard 16. The Institute will document all reports and allegations of sexual abuse of minors by a Member, and its responses to the reports and allegations, including anonymous allegations and reports.

***Rationale:** Maintaining thorough documentation of the Institute's response to allegations enables the Institute to demonstrate due diligence and creates an "Institutional memory," or record for subsequent leadership.*

Requirements for accreditation:

R1. Representatives of the Institute must document all reports and allegations of sexual abuse of a minor by Members, including anonymous reports and allegations which have been made since June of 2002, or since the last Accreditation site visit.

SB Policy Reference: [Pages 13, 14](#)

R2. Representatives of the Institute must document the Institute's response to the reports and allegations of sexual abuse of a minor by Members.

SB Policy Reference: [Pages 13](#)

R3. The Institute must document a one-time review of the personnel files of all living current Members for any possible allegations of sexual abuse of a minor.

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R4. Documentation of allegations, reports and responses concerning the sexual abuse of minors, including those identified in the R3 "one-time review" must remain accessible to the Major Superior and his successors.

SB Policy Reference: [Pages 17, 20](#)

Clarifications:

C1. Documentation may be submitted by designated Members, employees, or contractors of the Institute.

C2. Documentation of allegations and investigations are confidential.

C3. Access to these materials will be available on a "need-to-know-basis," or as required by civil law.

C4. Access to these materials will be prohibited as required by canon law.¹⁴

C5. For the purposes of this standard, except R3, "Member" includes current, former and deceased Members of the Institute.

C6. Action on any information discovered in R3 is subject to the policies of the Institute.

¹⁴ See c. 220.

Standard 17. The Institute will utilize a Review Board for the purpose of providing consultation to the Major Superior on the response to all reports and allegations of sexual abuse of minors.

Rationale: *The Member Institutes of CMSM have publicly recognized the need for “more accountability and transparency in how we . . . handle allegations of sexual abuse and follow-up outreach to victims .*

. . .”¹⁵ Allowing an external, objective body to review the Institute’s efforts demonstrates transparency and provides leadership with critical “advice on all aspects of these cases, whether retrospectively or prospectively”.¹⁶ Many organizations that serve minors have bodies that function similarly.

Requirements for accreditation:

R1. Review Boards are to meet at least annually. Review Boards consist of at least five members with no more than two Members of the Institute.

SB Policy Reference: [Pages 15, 24 & PRB Charter](#)

R2. Review Boards must provide recommendations regarding the response to reports and allegations of sexual abuse of a minor by a Member that have come forward since June of 2002, or since the date of the last Accreditation site visit.

SB Policy Reference: [Pages 15, 24 & PRB Charter](#)

R3. When considering allegations of sexual abuse of a minor against a Member, Review Board members must be provided with the following: a) the original report or allegation of sexual abuse of a minor by a Member that was submitted to the Institute, b) the final report of an investigation, c) all other allegations of sexual abuse by that Member, and d) any relevant disciplinary actions that have been taken in the past in regard to that Member and the reasons for the actions.

[PRB Charter](#)

R4. In cases where alleged sexual abuse of a minor by a Member cannot be investigated or established, the Review Board must provide consultation regarding the disposition of the case.

[PRB Charter](#)

R5. Review Board members must be familiar with the following documents: *Charter for the Protection of Children and Young People*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002 CMSM *Statement of the Assembly*, the Institute’s Policies and the *Praesidium Accreditation Standards*.

[PRB Charter](#)

¹⁵ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

¹⁶ From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision; Norm 4.

R6. Review Boards will have policies and standardized operating procedures. The operating procedures should address the following areas, as well as other policies as needed:

- a. Confidentiality,
SB Policy Reference: [Page 15, 20, PRB Charter](#)
- b. Constitution of the board,
[PRB Charter](#)
- c. Terms of membership,
[PRB Charter](#)
- d. Frequency of meeting,
[PRB Charter](#)
- e. Media and communication,
[PRB Charter](#)
- f. Records retention,
[PRB Charter](#)
- g. Required training for Review Board members,
[PRB Charter](#)
- h. How information will be disseminated to Review Board members,
[PRB Charter](#)
- i. Agreed-upon standards of operation that are considered under its procedures,
[PRB Charter](#)
- j. Possible alternatives for the disposition of cases,
[PRB Charter](#)
- k. Timeframe allotted for providing response once an allegation has been received by the Review Board, and
[PRB Charter](#)
- l. Role and responsibility of civil legal counsel.
[PRB Charter](#)

R7. The Institute must document that all allegations and reports of the sexual abuse of minors have been presented to the Review Board.

SB Policy Reference: [Page 15](#), [PRB Charter](#)

Clarifications:

- C1. The Institute will provide both initial and on-ongoing training for members of the Review Board.
- C2. Where appropriate, the Review Board provides consultation to the Major Superior regarding the reporting of cases to the authorities when such reporting is not required by law.
- C3. Review Board meetings may be conducted in person, by conference call, or web- conferencing.
- C4. The role of the Review Board is to provide advice and consultation to the Major Superior with respect to fulfillment of Accreditation Standards, the *Charter* and *Essential Norms*, and other community standards for prevention and response to incidents and allegations of sexual abuse of minors. This role does not extend to the Review Board actively investigating allegations¹⁷ or acting as the Institute's "investigators" as this may create a dual role for the board and does not meet prevailing standards for independent review.

¹⁷ See *Charter*, Art. 2; *Essential Norms*, n. 4; *Circular Letter from Congregation for the Doctrine of the Faith* (2011) - III, f.; *Resource for Canonical Processes*, p. 10.

Standard 18. In cases where an allegation of sexual abuse of a minor committed by a Member has been established, the Institute will inform the leadership of any organization or ministry in which the Member has admitted to, or is suspected of, having sexually abused a minor, to the extent possible.¹⁸

***Rationale:** Notifying organizations where sexual abuse of a minor has occurred demonstrates transparency, enables that organization to address any additional potential risk, and echoes the Institute's commitment to assist all victims/survivors heal and seek justice.*

Requirements for accreditation:

R1. The Institute will inform the leadership of any organization or ministry in which the Member has admitted to the sexual abuse of a minor or in which the Member has an established allegation of the sexual abuse of a minor.

SB Policy Reference: [Page 18](#)

R2. The Institute will maintain documentation concerning the Institute's communication with the leadership of the organizations and ministries in which the Member has admitted to, or has an established allegation of, the sexual abuse of a minor, including any reasons why this communication was not possible or that the communication was deemed not feasible, if such was the case.

SB Policy Reference: [Page 18](#)

Clarification:

C1. The duty to report to organizations and ministries does not necessarily apply to all organizations and ministries in which the Member has served. It only applies to those organizations and ministries where the Member has admitted to, or is suspected of, having sexually abused a minor.

C2. In accordance with the requirements of Essential Norm 12, when a Member is relocated to another diocese, the Major Superior will communicate with the diocesan bishop the presence of the Member against whom sexual abuse of a minor has been established.

¹⁸ See Standard 11, Clarification 1, on page 16.

Standard 19. The Institute will maintain a written, individualized Safety Plan to guide the supervision of any Member against whom an allegation of sexual abuse of a minor has been established.

Rationale: *Safety Plans allow the Institute to articulate and demonstrate diligence in managing the future risk of Members who have sexually abused minors in the past. They may formalize and increase the consistency of risk reduction plans that are already in place. Safety Plans improve consistency during the transitions of Local and Major Superiors and provide a formal plan to which a Review Board is able to respond.*

Requirements for accreditation:

R1. The Safety Plan must include:

- a. a summary of the problem behaviors, which at a minimum will detail the number of victims, and the age and gender of the victim(s),
SB Policy Reference: [Page 22](#)
- b. information about how the Member spends the majority of his time,
SB Policy Reference: [Page 22](#)
- c. any applicable sex offender registry requirements, including parole and probation,
SB Policy Reference: [Page 22](#)
- d. a summary of the Member's risk assessment and the risk-reduction strategies, including
1) limitations on the Member's access to minors and how any such access is supervised,
2) issues of personal relationships with friends and family, to ensure that the Member does not have unsupervised access to minors, 3) monitoring of the Member's use of electronic communications, social media and internet access, 4) issues of financial accountability, and 5) the Member's current living situation.
SB Policy Reference: [Page 22](#)
- e. the person responsible for the implementation of each risk-reduction strategy,
SB Policy Reference: [Page 22](#)
- f. consequences for non-compliance with the Safety Plan,
SB Policy Reference: [Page 23](#)
- g. dates on which the Safety Plan has been reviewed by the Review Board.
SB Policy Reference: [Page 23](#)

R2. The Safety Plan will be signed by the Member, the Major Superior and at least one individual who is directly involved in the supervision of the individual.

SB Policy Reference: [Page 23](#)

R3. The Safety Plan is implemented by the Institute and the Member understands the consequences for non-compliance with the Safety Plan.

SB Policy Reference: [Page 23](#)

R4. Within thirty (30) days of implementation, the accrediting agency must be informed of a new Safety Plan for a Member who is determined to be a “High Risk” offender.

SB Policy Reference: [Page 23](#)

R5. Where Members and/or Institutes may be subject to criminal and/or civil liabilities, the Institute should consult with legal counsel about the text and implementation of the Safety Plan.

SB Policy Reference: [Page 23](#)

Clarifications:

- C1. If the Member chooses not to sign the Safety Plan, this should be documented.
- C2. Distributing, downloading, or intentionally viewing child pornography of any kind is sexual abuse of a minor in both civil and canon law.¹⁹ Any individual who has engaged in these behaviors must have an individualized Safety Plan.
- C3. Due regard must be given to the need for any Member who has a Safety Plan to authorize the release of any confidential information to the members of the Review Board.²⁰
- C4. All Members who have an established allegation of sexual abuse of a minor, including men who are in a residential treatment center or who are on parole/probation, are required to have a Safety Plan.
- C5. It is permissible for Safety Plans or portions thereof to be protected by the attorney-client privilege.

¹⁹ See SST, 6.

²⁰ See c. 220.

Standard 20. When the sexual abuse of a minor by a Member has been established, the Member will not be permitted to work in any position which allows access to minors, or in any ecclesiastical ministry, in accordance with the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.

***Rationale:** As stated above, this standard comes from the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons and the Charter for the Protection of Children and Young People, which CMSM membership voted unanimously in August 2002 to recognize.²¹ The Essential Norms state that “When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry . . .”²²*

Requirements for accreditation:

R1. Appropriate work for a Member who has sexually abused a minor must be determined in consultation with the Review Board and, when appropriate, the local bishop.²³

SB Policy Reference: [Page 15, 25](#)

R2. Appropriate work, and the specific assignment, for a Member who has sexually abused a minor must be documented in the Safety Plan of the Member.

SB Policy Reference: [Page 22](#)

Clarifications:

C1. For the purposes of Accreditation, “ecclesiastical ministry” is defined as any ministry under the authority of the diocesan bishop.

C2. A Member who has sexually abused a minor will not be permitted to work in a parish or school.

²¹ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

²² From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision; Norm 8.

²³ See Standard 11, Clarification 1, on page 16.

Standard 21. The Review Board will review each Safety Plan at least annually and offer recommendations to the Major Superior.

***Rationale:** The Member Institutes of CMSM have publicly recognized the need for “more accountability and transparency in how we . . . handle . . . supervision of our Members charged with abuse.”²⁴ Annual consideration by the Review Board of Safety Plans is a critical function of the Board, as it demonstrates transparency with regard to how the Institute is managing the risk of its Members who have sexually abused minors. Reviewing all existing Safety Plans at least annually also creates a venue for considering the appropriateness of current risk management strategies and the overall effectiveness of each Safety Plan.*

Requirements for accreditation:

R1. The Review Board must review each new Safety Plan in a timely manner after the Safety Plan’s development.

SB Policy Reference: Pages [27-28](#)

R2. The Review Board must review each existing Safety Plan at least once each year.

SB Policy Reference: [Pages 22, 25](#)

R3. The Review Board must receive a report of compliance annually. The report must include the Member’s overall response to the Safety Plan and information about any violations of the Safety Plan.

SB Policy Reference: Pages [27-28](#) & [PRB Charter](#)

R4. The Member, his Local Superior and the Safety Plan Supervisor must be given timely notice of the Review Board meeting and invited to submit information for consideration and requests for modifications of the Safety Plan.

[PRB Charter](#)

R5. The Review Board must document any recommendations offered to the Major Superior, either in their annual report or in some other memo/minutes.

[PRB Charter](#)

²⁴ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

Standard 22. Individuals who supervise Members who have Safety Plans will be physically and emotionally capable and adequately trained to perform the duties involved in supervision.

***Rationale:** Careful consideration should be made with regard to who can be most effective in the role of supervisor. Supervisors need clarity about the expectations of the role, including how to manage non-compliance. Due regard should be given to the level of risk posed by the Member under supervision and the ability and availability of the supervisor to effectively fulfill the role.*

Requirements for accreditation:

R1. Individuals who supervise must receive written guidelines regarding their role and procedures for supervision, including how to respond if the supervised Member violates his Safety Plan.

SB Policy Reference: [Pages 23, 25, 27](#)

R2. Individuals who supervise must be provided with training regarding their responsibilities.

SB Policy Reference: [Page 27](#)

R3. Individuals who supervise must not have physical or emotional disabilities that prohibit their fulfillment of the function of supervision.

SB Policy Reference: [Page 27](#)

R4. Members who have Safety Plans must live in a supervised setting with individuals who provide support and accountability.

SB Policy Reference: [Pages 23, 24, 27](#)

Clarification:

C1. Supervision of Members who have Safety Plans may be conducted by qualified Members, employees, or contractors of the Institute.

C2. When the supervision of a Member on a Safety Plan is managed primarily by a Member of the Institute, the other assignments of the Supervisor must not interfere with the responsibility of supervision.

Standard 23. Those who supervise Members who have Safety Plans will have access to all pertinent information about the Member that is not otherwise privileged.

***Rationale:** A supervisor can only be effective if s/he has a comprehensive understanding of the history of the Member's problem behaviors, is aware of the budding signs of the Member's "red-flag" behaviors, and knows the circumstances under which the Member has acted out in the past.*

Requirements for accreditation:

R1. Individuals who supervise must have adequate information to fulfill their duties to supervise, which may include the following: **SB Policy Reference:** [Page 22, 23, 27](#)

- a. Relevant history of sexual abuse of a minor
- b. All allegations of sexual misconduct, including those with adults
- c. History of compliance with Safety Plans
- d. Current progress in treatment, if applicable or information about treatment completion
- e. History of substance use and/or abuse, if applicable

R2. Individuals who supervise must be provided with written instructions regarding documentation that must be maintained to verify compliance.

SB Policy Reference: [Page 20, 27](#)

Clarifications:

- C1. Due regard must also be given to the Member's civil and canonical rights regarding the authorization of the release of any confidential information to individuals involved in supervision.²⁵
- C2. Pertinent information may also include treatment summaries, evaluation results, psychological evaluations or personal histories, with appropriate limited waivers of release.
- C3. All information known in the external forum by the Major Superior and not protected by the attorney-client privilege shall be shared with those who supervise Members who have Safety Plans.

²⁵ See c. 220.

Standard 24. The Major Superior or his delegate will annually evaluate compliance with all Safety Plans.

Rationale: *The Safety Plan should be a living document. Reviewing it at least annually creates a venue for considering the appropriateness of current risk management strategies and the overall effectiveness of the Safety Plan.*

Requirements for accreditation:

R1. The Major Superior or his delegate must evaluate and document compliance with Safety Plans at least once each year.

SB Policy Reference: Page [27](#)

R2. Institutes must develop protocols for routine documentation of compliance with Safety Plans.

SB Policy Reference: [Page 23](#), [27](#), [PRB Charter](#)

R3. If a Member who is currently on a Safety Plan experiences any significant change in behavior, or a new allegation surfaces, his Safety Plan must be reviewed as soon as possible by the Major Superior. Any adjustments made to the Safety Plan for managing risk must be communicated to the supervisor and Review Board immediately.

SB Policy Reference: [Page 28](#)

Standard 25. Communities that house “high-risk” Members will be visited by outside auditors at least annually, to ensure consistent implementation of Safety Plan protocols.

Rationale: *This standard publicly demonstrates the Institute’s commitment to the protection and safety of minors and the supervision of high-risk Members.*

Requirements for accreditation:

R1. The Institute must determine the level of risk for each of its Members who have an established allegation of the sexual abuse of a minor and are on a safety plan.

SB Policy Reference: [Page 27](#)

R2. Communities that house high-risk Members must be visited by outside auditors at least once a year.

SB Policy Reference: [Page 27](#)

Clarifications:

C1. The Institute, in cooperation with its own treatment providers or other experts, will be responsible for identifying its High-Risk Members. The level of risk should be determined either through a professional risk assessment or through a review of behaviorally-based indicators.

C2. Visits will be documented by auditors.

C3. Institutes who are found to be out of compliance with the Safety Plan for a high-risk individual must be re-visited within the next 30 days.

C4. Continued non-compliance with Safety Plans will result in the loss of Accreditation.

GLOSSARY OF TERMS

Allegation. A first-person accusation of sexual abuse of a minor brought against a current Member, former Member, or deceased Member which is reported to the Institute through any form of communication, including any that are anonymous.

Candidate. An individual who is applying for membership in an Institute.

Child Pornography. Any activity which involves a graphic depiction of a minor that is sexually explicit.²⁶

Confidential. Private information which shall be kept restricted from others and only be disclosed to an authorized person for legitimate reasons of the Institute or because the disclosure is legally required.

Confidential Documents. Documents which are given confidential status as defined by the Institute in its policies and procedures and as required by canon and civil law and whose confidential status has been communicated to the Members of the Institute.

Established Allegation. Based upon the facts and the circumstances, there is objective certainty that the accusation is true and that an incident of sexual abuse of a minor has occurred.

[The judgment of the major superior must be based upon facts and circumstances discovered the course of the investigation, not on simple opinion. Established Allegation is not based upon a “preponderance of the evidence,” i.e. more likely to be true than not, which may be established by 51% or more of the evidence. Established Allegation is in keeping with the canonical standard of “moral certitude” which states that major superior recognizes that the contrary (that the allegation is false) may be possible, but is highly unlikely or so improbable, that the major superior has no substantive fear that the allegation is false.]

High-Risk Member. A Member who has sexually abused a minor in the past and is likely to sexually abuse a minor again if left untreated and/or unsupervised.

Institute. The individual religious province, association, monastery, abbey, congregation, society or order that is seeking Accreditation.

Major Superior. The responsible leader according to the proper law of the Institute that is seeking accreditation.

²⁶ From a presentation given at the USCCB **Promise to Protect** seminar on September 13, 2007 by Kenneth V. Lansing, which was adapted from his work, *Cyber “Pedophiles”: A Behavioral Perspective*, Chapter 4 of **Prosecuting Internet Child Exploitation Cases** (James S. Peters ed., US Department of Justice, USA Book): “The legal definition of the term “child pornography” varies from state to state and under Federal law. Under most legal definitions, child pornography involves a **visual depiction of a child** that is **sexually explicit**. The Federal child pornography law defines a child (minor) as someone who has not yet reached his or her 18th birthday.”

Member. A person for whom an Institute is responsible according to canon law and the proper law of the Institute.

Ministry:

Ecclesiastical Ministry. Any ministry that is under the authority of a diocesan bishop.

Public Ministry. Any ministry that is under the authority of a diocesan bishop and/or under the sponsorship of a religious institute, and/or is undertaken with the permission of the major superior.

Minor. Anyone under the age of 18.²⁷

Report. A third-party accusation of sexual abuse of a minor brought against a current Member, former Member, or deceased Member which is conveyed to the Institute through any form of communication, including any that are anonymous.

Review Board. An advisory group of individuals not employed by the Institute with unique knowledge, expertise and experience, who provide counsel and recommendations to the Major Superior in situations involving the sexual abuse of a minor.

Risk Assessment. The prediction of the degree of possibility of re-offense for someone with a known history of sex offenses.²⁸

Safety Plan. A formal, written supervision program for an individual who, it has been established, has sexually abused a minor.

Sexual Abuse of a Minor. Contact or interaction between a minor and an adult when the minor is being used for sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity, including direct sexual contact as well as sexual non-contact, such as frottage, exhibitionism, and the distribution, downloading, and/or intentional viewing of child pornography.

²⁷ This definition of a minor reflects the stipulation of the USCCB *Charter for the Protection of Children and Young People* (revised June 2011), which states that “for purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.”

²⁸ According to Association for the Treatment of Sexual Abusers (ATSA), risk assessment is “concerned with predicting the degree of possibility of a sexual re-offense for someone with a known history of sex offending . . . the task of risk assessment is to strike a scientific and ethical balance among the identification of offenders, while optimizing public safety.”

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