

Order of Carmelites
North American Province of Saint Elias

POLICY FOR STANDARD OF CONDUCT



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Part 1: Introduction

Order of Carmelites North American Province of Saint Elias

Our Society has grown acutely and painfully aware of the tragedy of child sexual abuse. The trauma and damage such abuse causes its victims, their families, and the community are compounded when the abuser is a priest, religious, or other trusted member of society. Similarly, great harm is done whenever a priest or religious is guilty of sexual misconduct of whatever nature, involving either children or adults, which is connected to his role as consoler or counselor to those in need. In these situations, not only the victims and their families, but also the religious congregation and diocese as well as the universal Church are seriously compromised and jeopardized. In other words, when a person representing the institutional Church is responsible for such conduct the whole People of God suffers.

Therefore, as a religious community within the Roman Catholic Church, the Carmelites of the Province of St. Elias commit ourselves to make every reasonable effort within our power to prevent the occurrence of any such activity by any of our members and to deal promptly and effectively with any such allegations that may arise.

Furthermore, in Fatima for the 15th Council of Provinces, the Superiors of the Carmelite Order considered the question of sexual misconduct within the Church and pedophilia in all of its complexity and the need for an adequate psychological, spiritual and moral formation to prevent future problems as far as possible.

They affirmed:

1. No tolerance of abuse by religious
2. Appropriate support for victims
3. Assistance for perpetrators
4. Establishment of special local Commissions composed of suitably skilled persons, to address appropriately allegations in cooperation with civil and ecclesiastical authorities. The Prior Provincial will use and consult this Commission when undertaking an investigation.

In light of the above, the following standards and procedures have been implemented beginning May 1, 2004. They will be reviewed and updated by the Provincial Council and approved by the Provincial Review Board every three years. This policy replaces the previous “Sexual Misconduct Policy” of the Province of St. Elias, which went into effect in 1990 and was amended in 1993 and 1999.

Section 1. Standards of Conduct for Ministry with Minors

The following standards are intended to assist members of the Province of St. Elias in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families.

A **Member** may be a professed religious of the Province or a novice.

A **minor** is anyone under the age of 18. For the purposes of this policy, the term "minors" also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities.

Abuse and neglect of minors are contrary to the teachings of the Church and are prohibited. Members have a responsibility to protect minors from all forms of abuse and neglect.

1. Prohibited Behaviors

- a. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- b. Using, possessing, or being under the influence of alcohol and/or illegal drugs while supervising minors.
- c. Providing or allowing minors to consume alcohol or illegal drugs
- d. Swearing in the presence of minors.
- e. Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- f. Discussing sexual activities with minors unless it is a specific job requirement and the Member is trained to discuss these matters.
- g. 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.
- h. Being nude in the presence of minors.
- i. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).

- j. Sleeping in close quarters, the same beds, sleeping bags or small tents with minors.
- k. Viewing or downloading child pornography on a computer or any other electronic device.
- l. Engaging in sexual contact with minors. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.
- m. Members are prohibited from sending text messages to individual minors and/or replying to text messages from individual minors without the knowledge of their parent or guardian.
- n. Members are prohibited from instant messaging with minors without the knowledge of their parent or guardian. In addition, all e-mail communications with individual minors must include the minor's parents or guardians.
- o. Members are prohibited from communication with youth using social networking websites such as Facebook, Twitter, Instagram, Snapchat or Myspace. To the extent possible, personal social networking profiles and blogs of members must be private and inaccessible to youth. Members with profiles on social networking sites may not request to be friends with or approve friend requests from minors.

2. Off-site events

- a. Members are prohibited from transporting minors without permission of their parent or guardian.
- b. Members are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
- c. Minors should be transported directly to their destination. No unplanned stops should be made.
- d. Members are prohibited from having minors stay at their residence. Requests for exceptions should be submitted to the Provincial in writing two weeks prior to the visit, along with the written consent of a parent.
- e. Changing and showering facilities or arrangements for Members must be separate from facilities or arrangements for minors.

3. Physical contact

- a. Members are prohibited from using physical discipline and/or verbal forms of manipulation or sexual seduction in any way. 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.
- b. Appropriate affection between Members and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for Members in ministry roles with minors:
 - Hugs.
 - Pats on the shoulder or back.
 - Handshakes.
 - 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).
- c. 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 Members in ministry roles with minors:
 - Inappropriate or lengthy embraces.
 - Kissing on the mouth.
 - Holding minors over two 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.

4. Training for Members who work with minors

- a. Members shall review and agree to comply with the Province's "Policy for Standard of Conduct."
- b. Members must also be familiar with and agree to comply with any Code of Ethics implemented by the Diocese where they work or by any professional organization to which they belong. In the event there is a conflict between the province Code of Ethics and any other Code, the more restrictive standard must be followed.
- c. Members who work with minors must participate in training that addresses their role in protecting minors.

5. Supervision of Programs Sponsored by the Province that Involve Minors

- a. Programs sponsored by the Province for minors in which Members are involved, must be supervised by at least two adults who are present at all times.
- b. Members in leadership roles shall be aware of all programs sponsored by the province for minors. Leaders shall examine these programs and consider whether there is adequate supervision.

6. Visiting Religious

The St. Elias Province will require a Letter of Good Standing from the Ordinary of any religious or diocesan priest who is visiting from another province or institute and who will be residing in one of the province's houses for more than one month. It is the responsibility of the Provincial to see to it that these letters of Good Standing are received.

Section 2. Procedures for Reporting and Responding to Boundary Violations

1. A situation may arise in which a member observes inappropriate behaviors or boundary violations that are improper but which are not properly classified as abuse of a minor or vulnerable adult. While the action in and of itself would not warrant that civil authorities be notified, observing such behavior requires that appropriate notification be made and action be taken.
2. Boundary violations include but are not limited to Members going outside their area of ministry and responsibility and doing things they are not mandated to do. They may include intruding into personal areas of others' lives in such a way as to control, manipulate or unduly influence them.
3. Vigilance regarding the maintenance of proper boundaries includes a system of accountability. It is essential that in our communities and the places where we work and minister, a transparent and effective system of monitoring and reporting is in place.
 - On the local level, each Member and Prior is responsible for identifying warning signs and responding to those signs.
 - A Member has an obligation to disclose to the Prior his observation that a Member has violated boundaries as established in these policies. The Member observing the situation is also free to contact the Provincial.
4. If the Prior confirms to his own satisfaction that boundaries have been violated by a Member, he will immediately inform the Provincial. It is advisable that the Prior personally notify the Member about whom there is a concern. **Each boundary violation and any action taken must be documented, both by the Prior and the Provincial.**
5. Such documentation shall be included in the files maintained by the province. This documentation should also be placed in the Member's personnel file. In all cases the Member about whom there is cause for concern must be informed of the contents of permanent documentation.
6. While these policies apply principally to the conduct of Members, a Member who observes inappropriate behavior or boundary violations committed by an employee, volunteer, guest, visitor, parishioner, teacher, student or client at a place where Members live, work or minister must report this matter to the appropriate authority.

Section 3. Reporting Procedures for Reporting Abuse of Minors or Vulnerable Adults

The procedure described in this section does not represent an adjudicative or adversarial process, but a pastoral process. Further, this process is not intended to be, nor is it, a substitute for the civil legal process. As such, complainants will be informed of their rights to report their allegations to appropriate law enforcement authorities and to pursue civil remedies. In any event, as further defined in this policy, the Province itself will make reports to law enforcement agencies pursuant to civil law. While complainants are free to seek legal representation, such representation is not required to bring a complaint of sexual abuse to the Province under this policy.

1. Any Member shall report known or suspected current abuse of minors or vulnerable adults to civil authorities within 48 hours regardless of state mandatory reporting laws.
2. In addition to reporting to the civil authorities, Members shall report any suspected or known abuse of minors or vulnerable adults that may have been perpetrated by Members directly to the Provincial. Reports of suspected or known abuse may be made confidentially (unless otherwise required to be disclosed by canon law).
3. An anonymous, specific and verifiable letter of concern may be sent to the Provincial. Anonymous concerns will be investigated to the extent that is feasible based on known information.
4. All new allegations of sexual abuse that may have been committed by a Member or other agent of the Province shall be promptly reported to civil authorities in the jurisdiction in which the alleged incident occurred.
 - a. Allegations of sexual abuse will be reported to civil authorities regardless of whether the person making the accusation is a minor or an adult at the time the allegation is received.
 - b. Allegations of sexual abuse will be reported to civil authorities regardless of whether the accused Member is living or dead, or whether he is a current or former Member of the Province.
 - c. Allegations of sexual abuse will be reported to civil authorities regardless of whether the alleged victim's identity is known.
 - d. Allegations of sexual abuse will be reported to civil authorities regardless of whether the allegations are believed to be credible at the time they are received.

5. If abuse of a minor is confirmed through investigation, civil authorities shall be re-contacted and a follow-up report will be submitted, if requested. If further investigation indicates the allegation is not credible, civil authorities will be contacted to provide the additional information
6. If the alleged victim is a minor at the time the allegation is received, his or her identity will be provided to the civil authorities. If the alleged victim is an adult at the time the allegation is received and consents, his or her identity will be provided to the civil authorities. If the alleged victim is an adult at the time the allegation is received and does not consent to having his or her identity revealed, the alleged victim's identity will not be disclosed.
7. Files of allegations will be created at the time the allegation is received and will contain information about how the allegation was handled.
8. The Province will cooperate fully with investigations by civil authorities.

Section 4. Responding to Incidents and Allegations of Sexual Abuse

Allegations of sexual abuse may come from a variety of sources, including alleged victims or their family members, diocesan offices, members of the community, a colleague in the workplace or from an alleged perpetrator. Because each case is distinct, the following is a general outline of the response system for allegations of abuse but is not a procedure that is to be followed in the same way for each unique case. The process is to be modified according to the nature of the allegation, the needs of the alleged victim and the circumstances of the accused Member. In every case, the Province commits itself to dealing pastorally with, and protecting the rights of, all those involved.

The Province of Saint Elias recognizes its responsibility to assist all those affected by sexual abuse of members of our Province with minors. The Province will make appropriate assistance available to those who may have been affected by the alleged sexual abuse of a member of our province with a minor.

Actions taken by the Province when an allegation is made are not an expression of judgment concerning the validity or veracity of the complaint. The initial actions are intended to provide immediate pastoral care to the complainant. They indicate the serious nature of such cases and are intended to respect the rights of all concerned.

A. Initial Response

1. The Provincial (or his delegate) shall receive allegations of sexual abuse and coordinate assistance to anyone who brings an allegation of abuse by a Member of The Province.
2. When an allegation of abuse is first received, the Provincial shall attempt to gather sufficient information to complete a preliminary report. The information would include the following:
 - a. Name of the alleged victim;
 - b. Age of alleged victim;
 - c. Address and phone number of alleged victim;
 - d. Name of alleged perpetrator;
 - e. Approximate dates of alleged abuse;
 - f. Nature, type and location of alleged abuse;
 - g. Any additional relevant details.
3. The Province cannot promise absolute confidentiality to a complainant, as reports of sexual abuse with a person who is a minor will be immediately reported to the appropriate public authorities. Notification of allegations received must be given to the insurers in accordance with the terms of applicable insurance policies. The member of the Province against whom the allegation has been made will also need to be informed during the course of a subsequent investigation. Nevertheless, information will not be shared indiscriminately; and

only the Provincial staff specifically involved in the handling of such matters and the Review Board will be informed of the allegation.

4. Upon receipt of an allegation of sexual abuse of a minor, the Provincial will promptly follow Province reporting procedures and report the allegation to civil authorities (see Reporting Procedures).
5. The Provincial and the Province will cooperate fully with any investigation by civil authorities. The Provincial will be open and transparent in communicating with the public about alleged sexual abuse of minors by Members within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by the sexual abuse of a minor.
6. Upon receipt of an allegation of sexual abuse of a minor, the Provincial will communicate the allegation to the present employer, any places of ministry where the friar ministered in the past, the bishop of the diocese where the allegation took place and to the public on a need to know basis.
7. The Provincial will offer to meet in person with the alleged victim if he or she so desires. The Provincial will maintain a compassionate and pastoral manner regardless of the demeanor of alleged victim, recognizing that the experience of abuse and difficulty of coming forward may bring out strong emotions during the disclosure process.
8. An Assistance Coordinator may be assigned to assist with the immediate and ongoing needs of individuals who have experienced abuse and their families.
9. The Provincial will notify the accused Member of the allegation and its substantial details. He will take steps to ensure that the accused Member receives the support and assistance he needs while the allegation is being investigated. This support may take the form of assigning a mentor for the accused.
10. The Provincial will inform the accused Member of his right to seek canonical and civil counsel before any further conversation into the matter. The Province recognizes that the Member may need assistance to engage such counsel. The Member will:
 - a. Be advised of the nature of the allegation;
 - b. Be advised of his right to obtain both canonical and civil counsel, and be encouraged to do so at once.
 - c. Be advised of his right not to incriminate himself in any manner whatsoever. He will not be compelled to testify against himself;

- d. Be advised that he will be given the opportunity of responding to the allegation(s). He may do so directly or through his civil or canonical counsel;
 - e. Be asked to sign a statement acknowledging that he has been informed of the allegation(s) being made against him; and
 - f. Be advised that he is not to contact the complainant(s) or any possible witnesses in any possible future proceedings, either civil or canonical.
11. An allegation against a member of the Province who has been dismissed from the Province will be processed in the same manner as any other allegation to the extent necessary to make a determination about whether there is reasonable cause to believe that the member of the Province engaged in sexual abuse of a minor during the time he was serving as a member of the Province, and to facilitate outreach to those who may have been affected as described in these policies. The preliminary review, however, will focus on whether the dismissed religious is still ministering or employed in an ecclesiastical setting where minors may be at risk, and the necessity for reporting such allegation to appropriate law enforcement agencies as required by law. If the whereabouts of the resigned member of the Province against whom an allegation is made are known or can reasonably be determined, he will be contacted and requested to respond to the allegation.
12. An allegation against a member of the Province who has died will be processed in the same manner as any other allegation to the extent necessary to make a determination about whether there is reasonable cause to believe that the member of the Province engaged in sexual abuse of a minor during the time he was serving as a member of the Province, and to facilitate outreach to those who may have been affected as described in these policies.

B. Internal Investigation

1. During investigations by civil authorities or by the Province, the Member who is the subject of the investigation will be temporarily removed from ministerial responsibilities and duties.
2. If at the conclusion of the initial investigation, which may be performed by the Major Superior or his delegate, there is a “semblance of truth” (not manifestly false or frivolous) 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.
2. The Provincial will designate a trained investigator to independently gather information regarding the allegation. In the cases of verified or undisputed allegations, an investigation will be conducted to identify any other potential victims and to obtain information to inform the on-going supervision plans for the Member who has abused. The investigator will produce a written report.

4. In order to fulfill his responsibilities, the Provincial will consult with the Review Board at each juncture of the process and will convene the Board as soon as possible after receiving the final report from the Investigator.
5. Should a Member be found guilty of sexual misconduct, the Province will provide for the pastoral care of the victim and the victim's family.
6. In the case of a Member found guilty of sexual misconduct, the Province will also provide for the pastoral care and treatment of the Member, offering him fraternal support in whatever penalties are imposed upon him by the legal system or restrictions imposed upon him by the Province.
7. Should an allegation be unsubstantiated, the Province will reinstate the accused Member to ministry and will work towards the restitution of his good name.
8. Province investigations will be documented. Documentation of Province investigations will be stored in the office of the Provincial. A summary of the investigation findings will be stored in the personnel file of the Member who is the subject of the investigation.
9. Documentation of investigations are the property of the Province and shall remain with the Office of the Provincial following election of a new Provincial.
10. The Provincial will usually assign an Investigator to review the allegations, question the parties involved, and act as the representative of the Province.
 - a. The Investigator will advise any parties that he/she represents the Province and that conversations with the Investigator are not subject to any attorney/client privilege.
 - b. The Investigator will advise the parties that, although pastoral care is available, the Investigator will not be the one to provide that care.
 - c. The Investigator, who shall obtain statements from the parties and any witnesses, will keep the Provincial informed regarding the status of the investigation.
11. The Provincial will maintain contact with the accused Member throughout the entire process.
12. When he has received the completed investigation report, the Provincial will present the results of the investigation to the Member for response.

C. Decision-Making

1. Upon the conclusion of the investigation, the Provincial will exercise his judgment in delivering an appropriate response. If the accused Member has admitted to the substance of the allegation, or in those cases where the allegation continues to be deemed credible or has been substantiated, the Provincial's response could include any of the following:
 - psychological and medical assessment and intervention;
 - restrictions on community life and personal activities;
 - limitations imposed on ministerial activities, including total removal from public ministry.
2. In cases where the allegation has been deemed credible or has been substantiated, the Provincial will contact the appropriate diocesan offices to communicate the nature of the allegation and to inform the diocese of the procedure followed and the response of the Provincial to the allegation.
3. In cases where an allegation of sexual abuse of a minor is substantiated, the Member may not return to public ministry.
4. If an allegation is deemed to be without merit, the Provincial will coordinate communication with all appropriate parties so that reconciliation can take place where possible and repair of damage to reputations can be undertaken.
5. In all instances, the final disposition of the matter rests with the Provincial, always recognizing the Member's right to appeal to Superior General.
6. It is the Provincial's responsibility to communicate his decision to the person who made the complaint, to the Member involved, and to other parties, including Superior General, as necessary and appropriate.
7. If at any time during the course of implementing these procedures, civil or criminal proceedings are initiated against the accused Member, these procedures may be suspended immediately, to be resumed, if deemed necessary, only after the completion of the civil or criminal proceedings.

Section 5. Review Boards

A. Establishment and Purpose

1. The Provincial and the Provincial Council of the Province of Saint Elias hereby establish a Province Review Board for the purpose of providing advice to the Provincial on the implementation and administration of the Ethics in Ministry Policies of the Province. The Review Board exists solely to provide such advice and has no independent power or authority.
2. The Review Board shall consist of 6 to 8 Members, including at least one Member of the Province and other individuals who are not Members.
3. The Review Board shall include representation from the following groups: religious (of the Province or from outside the Province), professionals from the social sciences, (psychologists, counselors, victims' advocates and/or social workers), representatives from the legal or law enforcement profession or state protective services, and laity, preferably parents.
4. While it may occasionally be acceptable for a Review Board Member to also be an employee of the Province, it is preferable for the Review Board Members not to be employees of the Province. At no time may the majority of Review Board Members be employed by the Province.

B. Appointment and Removal of Members

1. The Provincial shall appoint Members of the Review Board by letter of appointment signed by the Provincial. A Member of the Review Board may be removed at the discretion of the Provincial in consultation with the Provincial Council. Members shall be removed by letter of removal signed by the Provincial.
2. Review Board Members shall serve a term of three years. This term can be renewed once by the provincial in consultation with his council.
3. It is preferable for the Review Board to have no more than two new Review Board Members in one year. When possible, terms should be staggered to provide continuity for the Board.
4. The Provincial may invite other persons who have specific information to share with the Review Board to attend the meeting with the consent of the majority of the members of the Review Board. Examples of such people may include but is not limited to a recording secretary and the Investigator of a specific case.
5. Vacancies created by the departure of Review Board Members during their term shall be filled by appointment by the Provincial. Review Board Members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term, and may then be reappointed to a full term at the discretion of the Provincial.

C. Officers

1. At the beginning of each meeting of the Review Board, the Provincial shall appoint a recording secretary to record the decisions and other relevant actions of the Review Board during that meeting.

D. Record Keeping

1. The files of the Review Board are the property of the Province. The Provincial and all current Review Board Members shall have access to the Review Board's files. The Review Board's files shall be stored at a place designated by the Provincial.
2. The Review Board shall create a file on each case or matter it considers. Each file shall contain a written description of the matter presented to the Review Board, a written summary of the advice given by the Review Board, a written summary of the action ultimately taken by the Provincial in light of the Review Board's advice, and such other information as the Review Board determines to be relevant to any future consideration of the case or matter by the Review Board or the Province.

E. Confidentiality

1. The records and other information received by the Review Board shall be treated as confidential, subject to the requirements of law and the Policies of the Province.
2. The Review Board's advice to the Provincial regarding particular cases shall be confidential; provided, however, that the Provincial may, at his discretion, disclose the advice he received from the Review Board. The advice or positions taken by particular Review Board Members shall not be disclosed and need not be recorded in the Review Board files.
3. The Province recognizes that the Review Board may receive confidential and sensitive information that could be used to injure the reputations of individuals. At the same time, the Province recognizes that the Review Board's records may contain information relevant to civil and criminal law investigations.
4. It is the policy of the Province to cooperate fully with all legal requirements and law enforcement agencies while, at the same time, respecting any applicable civil and canon law rights and requirements of confidentiality and privacy.
5. The law of certain states and of the United States prohibits the disclosure of certain information, such as mental health communications, substance abuse and alcohol treatment records and HIV testing and AIDS treatment records. The Review Board shall protect the confidentiality of such information, which it may receive by way of appropriate releases of information, to the fullest extent of the law.

F. Reporting

1. All allegations of child sexual abuse committed by a Member or other agent of the Province shall be promptly reported by the Provincial to the appropriate civil authorities in the jurisdiction in which the alleged incidents occurred. (also see Reporting Policies).
2. Each Review Board Member is required to report any case of child sexual abuse by a Member in accord with the Province Reporting Policies. Review Board Members need not report matters that have already been reported by the Provincial, provided that the report has been documented with a report number and is reviewed by the Review Board Member.

G. Operating Procedures

1. The Provincial shall convene the Review Board at each step of the investigation and processing of an allegation of sexual misconduct in which the Review Board is to participate. The process is outlined in the Policies for Responding to Incidents and Allegations of Sexual Misconduct. The Provincial may choose to convene the Review Board at other times he deems advisable.
2. The Provincial shall convene the Review Board by notifying each member of the Review Board. The Provincial shall promptly contact the members of the Review Board and schedule a meeting as soon as practical.
3. The Review Board may meet in person or by telephone or other electronic means.
4. The Provincial shall provide the Review Board with information relevant to the matter under consideration, subject to the requirements of civil or canon law which may prohibit disclosure of such information. Where possible, the Provincial shall obtain the necessary consents to release all such information. The Review Board shall maintain the information with great respect to its confidentiality.
5. The Provincial or his representative may present information in any form, oral, written, graphic or recording for the Review Board's consideration. After the presentation, the Review Board Members may ask questions, request additional information, or discuss the matter with the Provincial or his representative.
6. After the Review Board receives presentation and information from the Provincial or his representative, the Board shall carefully consider and deliberate over the information.

7. The Review Board shall make recommendations on the matters and at the times provided for in the Policy for Responding to Incidents and Allegations of Sexual Abuse.
8. The recommendations of the Review Board shall be summarized in writing for presentation to the Provincial and a document shall be signed two members of the Review Board other than the Provincial. The original written recommendation shall be presented to the Provincial and a copy shall be maintained in the files of the Review Board.
9. The Provincial shall share recommendations of the Review Board with the Provincial Council as needed.

H. Conflicts of Interest

1. Any Review Board Member who is related by blood or marriage to, in any kind of employment, financial or business relationship with, in any kind of professional or spiritual counseling relationship with, or who would have any other conflict of interest or the appearance of a conflict of interest with the alleged victim or the accused Member, shall inform the Provincial of the conflict and recuse himself or herself from all deliberations concerning the particular matter in question.
2. Any Review Board Member who determines that he or she has a conflict of interest or the appearance of a conflict of interest with the Province itself or with the work of the Review Board shall inform the Provincial and shall resign from the Review Board.

I. Conditions of Membership

1. The Review Board Members may serve as volunteers or as paid professionals.
2. The Province shall reimburse all Review Board Members for reasonable expenses incurred in attending meetings of the Review Board or in otherwise performing their duties as Members of the Review Board.
3. The Province indemnifies and holds harmless all Review Board Members for any and all claims, lawsuits, damages or other actions, including but not limited to reasonable costs of defense, which may arise from their service on the Review Board. However, that the Province does not indemnify Review Board Members for intentional tortuous or criminal acts.

Section 6. Supervision and Care of Members Who Have Abused Minors or Vulnerable Adults

These procedures describe the elements of a pastoral care framework that will be developed for each Member of the Province about whom a credible accusation of sexual abuse has been made. Most of these procedures address cases where the accusation is that of abuse of a minor or vulnerable person.

The purpose of this framework is to:

1. Assure the Church and the public, especially children and minors, of all reasonable measures to prevent any future occurrence;
2. Provide a structure within which the Member can continue his life in the Order as a vowed Member of a religious community;
3. Provide appropriate care for the Member and the opportunity for such personal conversion and rehabilitation as may be needed;
4. Guide superiors, the Member, and others in determining work, place of residence, and other activities;
5. Encourage Member communities in welcoming and supporting the Member in his desire to continue his life as a Member within this framework.

It is intended that all of the elements below be adapted in a Safety Plan for each Member, depending on such factors as severity of the accusation(s), notoriety, age and health of the Member, and the recommendations of the Province's Review Board. The framework, however, sets out the elements to be developed in writing for each Member, reviewed by the Review Board, and shared with the Member, his superiors, and, as appropriate, Members of his local Member community. The Safety Plan shall be signed by the Member and the Provincial.

A. Evaluation and Therapy

1. A Member about whom a credible accusation has been made may be asked to submit to a professional evaluation as to his psychological condition and proclivity to harmful behavior in the future.
2. The Member is free not to undergo an evaluation. If he does not agree to be evaluated he may be placed under a higher degree of supervision. If the Member agrees to undergo an evaluation, the Provincial or his delegate will arrange for the evaluation.
3. Subsequent to that evaluation, the Member may be asked to participate in such in-patient and/or out-patient treatment as recommended by the evaluating professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be recommended by such professionals or the Review Board, as well as the terms of his Safety Plan.

4. The Member may be required to report to the Provincial in writing periodically (e.g., monthly, quarterly or annually, as appropriate to the situation), describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.
5. Information resulting from such evaluation, treatment and correspondence is the property of the Member. He may agree to make it available to the Provincial or he may decline to do so.
6. A Member may further agree to have the information available to the Review Board.
7. Any information about a Member who has been accused of abuse shall be kept confidential by those receiving it, except as required by law to be revealed.

B. Public Ministry as a Member

1. An ordained Member found to have abused a minor or vulnerable person would not be allowed to function publicly as a priest or deacon, including public celebration of the sacraments, and the wearing of clerical attire.
2. In the case of a Brother, he would not be allowed to function publicly in external ministry associated with a religious congregation (e.g., school teaching, coaching, parish staff work).

C. Appropriate Work

1. If physically and mentally able, the Member who has been removed from public ministry should engage in appropriate work in support of the ministries of the Province or in other service to people in need. Such employment might include the following:
 - Internal work in a community of the Province, such as a place of retirement;
 - Administrative work for the Province;
 - Remunerative non-ministerial work to support the ministries of the Province;
 - Service to people in need such as writing to prisoners, taping books for the sight-impaired;
 - Telephone reassurance programs for shut-ins, working in a food bank or soup kitchen, or some other form of supervised social services.
2. Where appropriate, Members restricted or removed from public ministry may need vocational assessment and/or occupational counseling to assist in determining meaningful and useful work. The Provincial should consult with the Member involved to determine his interests and capacities and to promote his initiative in developing work opportunities, where appropriate.

3. In all cases, the service of prayer for the Order and the Church would be a valuable contribution to Order.

D. Place of Residence

1. Any restricted Member would be allowed to live only in a Member community or other appropriate supervised place of residence, as determined by the Provincial.
2. Transfers or the assignment of clergy or religious who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the Essential Norms and in accord with any civil restrictions on place of residence.
3. No separate apartment, private home, or other domicile would be allowed as a permanent residence for the Member.

E. Community Support and Community Roles

1. The local community can and should play an important part in helping a Member who has been restricted and who wishes to continue his life as a Member.
2. After a Member has submitted to evaluation and appropriate treatment, Member communities should welcome the restricted Member as a brother.
3. It may also be appropriate for a mentor to be appointed for the Member who would assist and support him in his efforts to maintain his program of care and treatment.
4. A restricted Member, within the community, as allowed by Canon Law, the Member would be permitted to celebrate the Eucharist only with Members present, lead community prayer, hear confessions of Members only, and perform community jobs and other responsibilities.
5. Upon the recommendation of the Provincial, the Prior or Supervisor of the Member shall, as appropriate, inform all or part of the community in which such a Member shall live of the fact that a Member is so restricted and the appropriate specific terms of his Safety Plan, so that the community can assist him in achieving its goals.
6. Communities may need the advice and consultation of appropriate professionals to assist the community is readying itself to receive the restricted Member and to provide him the necessary care and support.

F. Contact with Others

1. Under no circumstances would a Member credibly accused of abuse of a minor be allowed in contact with minors without the ongoing supervision of other adults present who are familiar with his safety plan at the time.
2. This prohibition would include meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices, community parlors, bedrooms of Members, etc.
3. Similar prohibitions may be applied to a Member credibly accused of abuse of an adult.

G. Travel, Vacation, Retreat

1. For a Member credibly accused of abuse of a minor, vacations alone or with minors, even supervised, would not be permitted unless the supervisor is aware of the restrictions on the Member and is able and willing to provide such supervision.
2. Retreats in locations alone would not be permitted, and retreats would be restricted to Member or other Catholic retreat facilities or Member communities.
3. Other travel may be restricted to that related to assigned work or family visits; if appropriate, a Member companion for travel also might be required.
4. Additional specific permissions for travel may be required from the Provincial.
5. Doubts about specific travel should be referred by the supervisor of the Member to the Provincial. Again, similar prohibitions may be applied to a Member credibly accused of abuse of an adult.

H. Driving

1. Restrictions may be placed on driving alone or having use of a personal vehicle.
2. Some restricted Members may be required to request specific permissions for use of house cars from the local superior, to keep a driving log or to only drive with other Members.

I. Publications and Publicity

1. Restrictions on publications, letters to the editor, web pages, radio and television appearances, and email may be appropriate.

2. Sensitivity for victims would dictate caution with regard to photographs of Members displayed in Member publications and institutions, especially those in service to minors.
3. A Member's use of mail, telephone, email and/or internet may need to be regulated or supervised.

J. Information for Members and Others

1. The Provincial, in consultation with the Review Board, will determine whether and/or how to inform the Province's Membership-in-general in terms of those Members who have been restricted.
2. The Provincial, in consultation with the Review Board, will determine whether and/or how to inform others who may have a need to know, in general terms, of those Members who have been restricted.

Part II. Policies for Maintaining Ethical Ministry with Adults

A. Standards of Conduct for Ministry with Adults

A **pastoral relationship** is a relationship between a Member and any person to whom such Member provides pastoral care which includes counseling, spiritual direction or spiritual guidance and/or when a Member has received a confession or confidential or privileged information. The following are guidelines for maintaining integrity in pastoral relationships with adults.

1. Boundaries in Ministry

- a. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.
- b. Sexual exploitation is sexual contact between a Member and a person with whom the Member has a pastoral relationship. The nature of the relationship is exploitation, regardless of who initiates the sexual contact.
- c. Members must never engage in sexual contact with the persons with whom they have a pastoral relationship. This includes consensual contact, forced physical contact, and sexually explicit conversations not related to counseling issues.
- d. Members assume the full burden for setting and maintaining clear, appropriate boundaries in all pastoral relationships.
- e. Physical contact in pastoral relationships should be respectful and consistent with the intent to provide a safe and comfortable environment.
- f. Ministry should be conducted in appropriate settings at appropriate times and should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.
- g. Ministry should not be conducted in private living quarters or bedrooms.

2. Supervision

- a. Members who provide pastoral counseling to others shall be required to have ongoing professional supervision or to refer individuals to professional counseling after six sessions have been held.

- b. Members practicing formal spiritual direction shall submit that ministry to peer or supervisory review with a spiritual director.
- c. Members in pastoral relationships are responsible for seeking the counsel and pastoral guidance of a person of spiritual wisdom should they find themselves at risk of acting on sexual or romantic attraction to a parishioner, client or counselee.
- d. Members who provide counseling shall maintain a log of the times and places of sessions with each person being counseled.

3. Confidentiality

- a. Information disclosed to a Member during the course of counseling, advising, or spiritual direction shall be held in confidence whenever possible except for compelling professional reasons or as required by law.
- b. A breach of confidentiality occurs when a Member discloses confidential or privileged information in the absence of compelling professional reasons or as required by law.
- c. A Member should discuss the nature of confidentiality and its limitations with each person in counseling at the beginning of the relationship..
- d. If there is clear and imminent danger to the client or to others, the Member is to disclose the information necessary to protect the parties involved and to prevent harm.
- e. Before disclosure is made, if feasible, the Member should inform the person being counseled about the disclosure and the potential consequences.
- f. The Member providing pastoral counseling services or spiritual direction should keep records of sessions.
- g. With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from professional contact may be used in teaching or other public presentations. Measures should be taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures
- h. If a Member discovers that there is a serious threat to the welfare of a minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the pastoral counselor or spiritual director should disclose only the information necessary to protect the health and well-being of the minor.

4. Conflicts of Interest

- a. Conflicts of interest exist when a Member takes advantage of a pastoral relationship in order to further his own personal, religious, political, or business interests.
- b. A Member should avoid situations that might present a conflict of interest between a counselor and a person being counseled. Even the appearance of a conflict of interest can call integrity and professional conduct into question.
- c. If a conflict of interest exists or arises, the Member should inform all parties.
- d. Resolution of the issues must protect the person being counseled.
- e. The Member must establish clear, appropriate boundaries with anyone with whom there is a business, professional, or social relationship.
- f. Members shall not step beyond their competence in counseling situations and shall refer to other professionals when appropriate.

5. Responsibilities in Ministry

- a. Members are responsible for recognizing and respecting the power of the ministerial role.
- b. Members are responsible for giving and accepting feedback from others.
- c. Members are responsible for developing resources to meet their own spiritual and emotional needs.
- d. Members are responsible for taking care of their own health in order to avoid the serious impairment of judgment that is associated with sleep deprivation, nutritional deficiencies and excessive workloads.
- e. Members are responsible for not becoming intimate with those they serve in ministry - regardless of who initiates the contact.
- f. Members are responsible to avoid swearing or using foul language in the presence of those they serve in ministry.
- g. Members are responsible to avoid speaking graphically about sexual activities or allowing others to do so.

- h. Members are responsible to avoid showing pornographic materials to those they serve in ministry.
- i. Members are responsible for maintaining boundaries with those they serve in ministry at all times.
- j. Members are responsible to never use their role in ministry to degrade or humiliate another person.
- k. Members are responsible for communicating with the Provincial when they have concerns about their own or others' relationships.
- l. Members are responsible for recognizing the warning signs of boundary violations. Some of these warning signs include the following:
 - Wearing special clothes when you know you are going to see a certain person.
 - Spending extra time grooming yourself when you know you are going to see a certain person.
 - Finding ways or reasons to be alone with a certain person.
 - Keeping aspects of your relationship with a person secret from others (such as how often you talk on the phone or see each other alone).
 - Giving and receiving special gifts from a certain person.
 - Neglecting to spend time with others because you want to spend more time with a certain person.
 - Sharing personal information about others with a certain person.
 - Sharing personal information or seeking help with personal problems from a certain person.
 - Excessively looking forward to seeing a certain person.
 - Fantasizing or daydreaming about a certain person.

B. Misconduct involving consenting adults:

This refers to consensual sexual misconduct with another adult involving physical contact or through communication media (e.g., cybersex, sexually explicit texting, webcam sexual encounters, etc.). When misconduct of this type comes to the attention of the Provincial, he will consult his Council and at a minimum, implement the following steps:

1. The Member will be placed on administrative leave in order to focus on addressing the issues involved. During this leave, the Member will be restricted in his exercise of public ministry and prohibited from contact with any person with whom he has been sexually involved.

2. Steps should be taken to ensure that the relationship is appropriately terminated, and both parties are offered spiritual support.
3. Since sexual misconduct may be symptomatic of underlying mental health issues, the Member will be offered the opportunity to have a full psychological evaluation.
4. The Provincial will consult the Sexual Misconduct Review Board and with the help of his Council, will examine the circumstances to determine whether the member needs to receive a change in location and/or assignment or restrictions on his ministry.

C. Misconduct that is criminal

This refers to sexual misconduct with an adult that is non-consensual, such as sexual assault and/or sexual contact with a vulnerable adult (i.e., those having cognitive or developmental deficits).

When the Provincial receives an allegation of this nature, he will report the allegation to civil authorities and cooperate fully with any criminal investigation.

In the case of admitted or proven criminal sexual misconduct, in addition to facing any criminal penalties, the member will not be reassigned to public ministry. He will be placed upon a safety plan (i.e., supervised living requirements designed to reduce the possibility of re-offense). In the severest cases, the Provincial will encourage the Member to seek dispensation from his religious vows and the obligations of the clerical state.

In each of these situations, canonical counsel will be offered to the Member at the time he is notified of the allegation.

Civil counsel will be offered to the Member if the allegation involves a civil complaint in which he is named and/or a criminal case.

D. Reporting Misconduct with Adults

1. Members are responsible for ensuring the ethics of ministry in the Province. Communication regarding misconduct by Members in ministry with adults is essential for the continuing the integrity of these ministries.
2. Members shall report misconduct with adults to the Provincial. Reports of suspected or known misconduct may be made confidentially (unless otherwise required to be disclosed by canon law).

3. Anonymous concerns will be investigated to the extent that is feasible based on known information.
4. For a Member credibly charged with sexual abuse of an adult, the Provincial will consider the nature and circumstances of the allegation and the advice of the Review Board in determining removal from, suspension from, or restrictions on public ministry.

Part III: Reporting Child Abuse

Both the reporting party and the child who is allegedly being abused must reside in the same state for the following numbers to be valid.

Connecticut	(800) 842-2288
Delaware	(800) 292-9582
Florida	(800) 962-2873
Kansas	(800) 922-5330
Maine	(800) 452-1999
Massachusetts	(800) 792-5200
Minnesota	(651) 291-0211
New Jersey	(800) 792-8610
New York	(800) 342-3720
Pennsylvania	(800) 932-0313
South Dakota	(605) 773-3227
Virginia	(800) 552-7906

When the reporting party resides in a different state than the child or for states not listed, please call : **(800) 4-A-CHILD (422-4453) 24 hours a day: CHLDHELP USA® National Child Abuse Helpline.** (This is a national hotline that also reaches Canada, Guam, Puerto Rico and the U.S. Virgin Islands).

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**As approved by the
Sexual Misconduct Review Board**

and

**The Provincial Council
June 14, 2017**