

Order of Carmelites
North American Province of Saint Elias

***POLICIES FOR SAFEGUARDING IN
MINISTRY***



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Introduction

Over the past several decades, the Church and Society in general have become ever more acutely aware of the trauma, the harm, and the suffering caused to individuals and families due to the tragedy of the sexual abuse of minors, vulnerable adults, and in relationships between adults. No part of society has been spared this trauma in places of business, education, recreation, at home or in religious circles. When a priest or religious is involved, there is an extra burden to be faced, due to the breach of trust and religious obligations.

The Carmelite Order around the world, both in its Constitutions and General Commission for Safeguarding, as well as each Province and Commissariat, have set up policies and procedures to insure that child safeguarding is an ordinary and daily part of the life of the Order and how the friars must interact with those whom they serve and with whom they serve. The Province of Saint Elias has had such policies and protocols in place since 1993, and these directives have been updated regularly due to change in Church law and practice, the wisdom gained from experience, and sound psychological and sociological reflection on the realities of sexual abuse. The Province's protocols are completely in line with the Standards of *Praesidium* which accredits religious communities of men across the United States, and which has reaccredited the Province of Saint Elias from 24 January 2024 for five years, until 2029. This commitment of the Order and Provinces takes into consideration and affirms the need to be survivor centered in all of its policies and procedures, serving justice and charity, as well as transparency and the promotion of healing within the human and Church community.

The Prior Provincial and the Provincial Council have ultimate responsibility for ensuring that the Province maintains up to date and effective policies for ensuring a safe environment in our ministries. The Provincial will also appoint a Member of the Province to be the Safeguarding Delegate to assist with this task. However, safeguarding remains the work of each Member of the Province.

The attached guidelines and protocols have been studied and approved and are in complete harmony with the laws of the Church and civil society structures. May God assist us in this ongoing work of safeguarding, and may the Carmelite Friars always operate with the greatest possible care in dealing with minors, vulnerable adults, and all of God's children.

1 Standard of Conduct for All Members

1.1 Standards of Conduct for Preventing Abuse of Minors

Members have a responsibility to protect minors from all forms of abuse and neglect. The following are guidelines to assist Members of the Province of St. Elias in making decisions about interactions with minors. Each Member must also be familiar with the policies of the arch/diocese and / or place of ministry where he works and the requirement that the stricter policy be followed.

To the extent possible, expressions of affection between a Member and persons in his family must also reflect these guidelines for interactions with minors. While the Province understands that dynamics with relatives who are minors will be different, we also ask that Members be prudent and remember that we never cease to be religious. Members must always respect family traditions (i.e. parent's wishes of the relative who is a minor) and social norms in their interactions with relatives who are minors.

1.1.1 Physical Interactions

Here are some examples of appropriate and inappropriate physical interactions with minors. These lists are not exhaustive.

Appropriate Interactions

- Side-hugs.
- Pats on the shoulder or back.
- Handshakes.
- “*High-fives*” and hand slapping.
- Touching hands, faces, shoulders, or arms of minors.
- Holding hands while walking with 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).
- Interactions should occur in an open or visible space, or within the clear line of sight of another adult.

Inappropriate Interactions

- 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 another (*including but not limited to the thighs, genitals, buttocks, pubic region, or chest*) for the purpose of sexually arousing or gratifying either person.

- Members are prohibited from using 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.
- Inappropriate or lengthy embraces.
- 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 a minor to an adult.
- Any type of massage given by an adult to a minor.
- Any form of unwanted affection.
- Sleeping in the same bed, sleeping bag, or tents with minors.

1.1.2 Verbal Interactions

Here are some examples of appropriate and inappropriate verbal interactions with minors. These lists are not exhaustive.

Appropriate Interactions

- Verbal Praise.
- Positive reinforcement.
- Encouragement.
- Appropriate Jokes.

Inappropriate Interactions

- Keeping secrets.
- Swearing in the presence of minors.
- Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- 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.

- Compliments that relate to physique or body development.

1.1.3 Electronic Communications

1. Members shall not communicate with minors (*other than relatives*) using electronic media unless it is as a part of their professional/ministerial responsibilities. This includes email, instant messaging, texting, or social networking sites. If a minor were to contact a Member, a polite response is permitted, but future communications shall be avoided.
2. During any usage of social media or other electronic communications with minors, Members are not to:
 - Make comments that are, or could be construed by any observer to be, harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning or humiliating.
 - Engage in sexually oriented conversations or discussions about sexual activities unless these are part of a pastoral situation.
 - Post sexually oriented or morally inappropriate pictures, photos, or comments.
 - Post photos of minors or details of ministry/program activities involving minors on any electronic media without the explicit, written permission of a parent or legal guardian.
 - Engage in one-on-one video chatting or have one-on-one interaction in a chatroom.
 - Initiate or accept a “*friend*” request (or similar social media “connection”) using a personal account.
3. All communication between Members and minors must be transparent and/or include the parent whenever possible.

1.1.4 Supervision of Programs that Involve Minors

1. At least one other adult must be present in any program for minors in which Members are involved.
2. Members in leadership roles shall be aware of all programs for minors that are sponsored by their parish, school, or agency. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times, and locations. Leaders shall examine these programs and consider whether there is adequate supervision.

1.1.5 Offsite Events

1. Members are prohibited from transporting minors without written permission of their parent or guardian.
2. Members are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
3. Minors shall be transported directly to their destination. No unplanned stops should be made along the way.
4. Members are prohibited from having minors stay at their residence unless accompanied by a parent. Requests for exceptions should be submitted to the Provincial in writing two weeks prior to the visit, and such requests require the approval of the Provincial.
5. Changing and showering facilities or arrangements for Members must be separate from facilities or arrangements for minors.

1.1.6 Other Prohibited Behaviors

This is a list of other prohibited behaviors. It is not exhaustive.

- Being nude in the presence of minors.
- Using, possessing, or being under the influence of alcohol and/or illegal drugs while supervising minors.
- Providing or allowing minors to consume alcohol and/or illegal drugs.
- Known or suspected possession, distribution, downloading and/or intentionally viewing real or virtual images of child abuse. This is a violation of civil and canon law. Any Member who has engaged in these behaviors must have an individualized Safety Plan.
- Possessing sexually oriented or morally inappropriate materials (magazines, cards, videos, films, clothing, etc.) in the presence of minors.

1.1.7 Returning Members and International Members

The Province currently has no Member returning from ministry outside the U.S. and no friar of the Order within the U.S. who is not already a Member of the Province.

If there were Members returning from ministry outside the U.S. and all international members coming for ministry within the U.S., they would complete the following before they begin any public ministry if they had not done so wherever they were stationed. All Members in Trinidad, Italy, Vietnam, or anywhere else are required to fulfill the same education and training in this area.

1. Read the Province's Child Protection Policies and Code of Conduct and sign a statement agreeing to adhere to them.

2. Complete an educational program that includes the following topics before they begin any public ministry:
 - a. Information on recognizing and responding to warning signs, boundary violations, or other inappropriate behaviors with minors;
 - b. 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 he is assigned;
 - c. Information about child sexual abuse material (child pornography), including its nature as a criminal offense and canonical offense considered under the *Motu Proprio, Sacramentorum Sanctitatis Tutela* (SST); and
 - d. Information regarding abuse of vulnerable persons, including its nature as a canonical offense the *Motu Propio, "Vos estis lux mundi."*
3. It is well known that acceptable interpersonal behaviors and practices differ between cultures. For this reason, and to help our friars succeed and minister in a pastoral, yet safe manner within the U.S., such friars will be supervised by the local prior or ministry leader for a period of six months to ensure cultural adaptation. This supervision will help them become familiar with cultural values within the U.S. and therefore help them manage interactions in their ministries.
4. All Members, whether American, Vietnamese, or Trinidadian, will complete the same training and will continue to participate in all child protection education programs required by the Province and the dioceses in which they serve. If a Carmelite religious from another province were to be assigned here for ministry, he would have to demonstrate his training in child safeguarding in his own province and engage in the training made available by the St. Elias Province as well.

1.1.8 Support and Accountability for Visiting Religious or Priests

The Province welcomes visiting members of the Order of Carmelites to live in the houses of the Province under certain conditions. We distinguish between short-term visitors, i.e., two months or less, and long-term visitors, i.e., more than two months.

For the purposes of this policy, visitors are defined as individuals who do not belong to the Province of St. Elias, but reside in a house of the Province. If the visiting religious were to live or work in a diocesan ministry, he would be required to fulfill all stipulations laid down by the Bishop of that diocese. Visitors may be in a special ministerial assignment, enrolled in an educational program, or enjoying the benefits of a sabbatical. Generally, we do not welcome non-Carmelite religious to live in one of our houses. The following norms will be followed:

1. Before accepting a visitor from another province or from a different Institute altogether, the visitor must have the written permission of his Major Superior.

2. The Major Superior of the sending province or Institute must send a letter to the Provincial of the St. Elias Province, affirming the visitor's good standing and suitability and attesting to the lack of reports of inappropriate behavior with minors.
3. The Major Superior of the sending province or Institute must also provide his written opinion regarding the visitor's moral, intellectual, physical, and psychological attributes.
4. The Major Superior of the sending province or Institute must also provide a list of work/volunteer assignments and ministries in which the visitor has participated, especially those involving youth, and the name of the visitor's supervisors.
5. If requested, the province or Institute sending a member to live in the St. Elias Province will provide additional documentary evidence of the suitability of the visitor to interact with youth or vulnerable adults in ministerial settings.
6. The Major Superiors of both sending and receiving Provinces or Institutes and the visitor will sign an agreement that includes:
 - The reason why the visitor will be residing in a house of the Province or Provincial Commissariat.
 - A description of the visitor's role and expectations regarding his residence at the Province's house.
 - Any and all work or volunteer assignments and ministries the visitor will be participating in, especially those involving youth.
 - Indication of a probationary period, if any, expectations during that period, and any violation that would merit immediate removal of the visitor from the Province's house.
7. The Province will provide the visitor with a copy of the Province's Policies for Safeguarding in Ministry, and requests that the visitor sign a document acknowledging its receipt and agreeing to adhere to the Policy. A copy of this document should be kept in the visitor's file and be easily accessible by the Provincial.
8. The Province will provide the visitor with an orientation program regarding the Province's Policy on the protection of youth and minors and complete other requirements established by the Province for visitors, e.g., criminal background check, educational training, etc. or documentation from the police of the country where the visitor is from showing that he has no criminal record.
9. The visitor will complete an educational training program covering basic concepts of the prevention of child sexual abuse and the state's mandatory reporting requirements before he initiates any work with minors.
10. The Provincial, through the local prior, will communicate with any local supervisors assigned to the visitor in his work/volunteer assignments regularly and report any difficulties immediately to the Provincial.

11. For the first year of his residence, the visitor will be assigned a mentor from the community in which he resides. The visitor and mentor will meet monthly for that year to provide ongoing support and accountability. The dates, but not the contents, of these meetings must be recorded.
12. The visitor is expected to participate in the community life of the Province and house including:
 - Community Mass and prayers
 - Community meetings
 - Community recreation
 - All forms of ongoing training and formation that are provided.

1.1.9 Reporting Known or Suspected Abuse of Minors

1. Abuse When the Survivor is Currently a Minor
 - a) Members must report known or suspected sexual abuse of a survivor who is currently a minor to the appropriate civil authorities of the state in which the abuse allegedly occurred within 24 hours regardless of state mandatory reporting laws, whether alleged to have been perpetrated by a Member or by a non-Member. This is the case if the accused Member is still living or not, or whether he is a current or former Member of the Province.
 - b) Members must report known or suspected possession, distribution, downloading and/or intentionally viewing real or virtual child sexual abuse material (child pornography) to the appropriate civil authorities within 24 hours regardless of the state mandatory reporting laws.
 - c) The Member who has first-hand knowledge of the known or suspected sexual abuse of a minor must be the person to make the initial contact with the appropriate civil authorities. This task cannot be delegated or passed on to others.
 - d) If the alleged survivor is a minor at the time the allegation is received, their identity must be provided to the civil authorities.
 - e) It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under canon law.
2. Abuse When the Survivor is Now an Adult
 - a) Members must report known or suspected sexual abuse of a minor when the survivor is no longer a minor in accordance with the civil laws of the state in which the sexual abuse of a minor was alleged to have occurred, regardless of whether the accused Member is still living or not, or whether he is a current or former Member of the Province.

- b) Individuals who approach the Province 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.
- c) If the alleged survivor is an adult at the time the allegation is received his or her identity will be provided to the civil authorities, provided the alleged survivor consents to having their identity disclosed. If the alleged survivor does not consent, they will be informed that their identity may be disclosed if required by the civil authorities. They will also be asked to sign a document stating that they do not want the Province to make a report to the civil authorities.
- d) In addition to reporting to civil authorities, reports of suspected or known abuse of a minor may be made confidentially (unless otherwise disclosed by canon law) to any of the following:
 - The Survivor Assistance Coordinator
 - The Local Prior
 - The Provincial
 - The Prior General
 - The Chair of the Review Board

1.1.10 Reporting Child Abuse Telephone Numbers

If there is an emergency and you believe a child is in imminent risk, please call **911** immediately and then the relevant State hotline.

Both the reporting party and the child who is allegedly being abused must reside in the same state for the following State hotlines 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: CHILDHHELP USA® National Child Abuse Helpline.** (This is a national hotline that also reaches Canada, Guam, Puerto Rico, and the U.S. Virgin Islands).

1.1.11 Process for Responding to Warning Signs and Boundary Violations

Vigilance regarding the maintenance of proper boundaries must include 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.

1. The Provincial shall immediately intervene in situations where there is potential risk of harm to an identifiable minor.
2. Each Member is responsible for identifying warning signs and responding to those signs.
3. Members must report to the local Prior or Provincial when another Member violates the Province's policy on boundaries with minors or when another Member exhibits warning signs of inappropriate behavior with minors.
4. 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. These may include intruding into personal areas of others' lives in such a way as to control, manipulate, or unduly influence them.
5. Members are encouraged, if they feel comfortable, to discuss concerns with the Member engaging in inappropriate behavior, after having reported the behavior to the local Prior or Provincial.
6. The Provincial is responsible for coordinating appropriate assistance for Members who have violated the boundaries as established in these policies.
7. The Provincial will document all reports and subsequent interventions, remedial actions taken, plans for continued observation, and conditions, if any, placed on the Member.
8. Such documentation shall be included in files maintained by the Province. In all cases, the Member about whom there is cause for concern must be informed of the contents of permanent documentation. Access to these materials will be available on a need-to-know basis or as required by civil law. Access to these materials will be restricted as required by canon law.
9. The Provincial will present any situation in which a Member has an egregious or repeated boundary violations, or when a minor is known to be in danger, to the Review Board.
10. In these cases, the Provincial, having heard all those involved as appropriate, shall develop an intervention plan which outlines how the boundary violations with minors will be interrupted. The Provincial will verify that this plan is implemented.
11. 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 at the site e.g. the pastor, principal, or director.

1.1.12 Transition Plan for New Prior Provincials

1. While it is presumed that the new Provincial would have participated in all of the province's ongoing formation courses regarding Safeguarding, as well as being familiar with the provincial Policies for Safeguarding, he should review the course offerings of the CMSM Safeguarding Department, and participate in an ongoing formation piece at least annually.
2. He will familiarize himself with the latest Praesidium Accreditation Standards and the accreditation status of the province.
3. He will meet with the Survivor Assistance Coordinator and review the province's policies for responding to allegations of sexual misconduct with minors and vulnerable adults.
4. He will be provided a list of names, contact details and any other relevant information about the review board. He should be introduced, at least by email, to the Chair of the board.
5. The outgoing Provincial will take the new Provincial through all of the personnel files so that he can familiarize himself with any recent and all historic allegations and boundary violations.
6. The outgoing Provincial will review any and all safety plans and wellness plans with the new Provincial.
7. The new Provincial will be introduced to and meet with the Sexual Misconduct Review Board.
8. The outgoing Provincial will introduce the new Provincial to the Province's attorneys and insurance agents, and indicate to him the relevant law enforcement offices and the proper District Attorney.
9. The new Provincial should use the CMSM checklist for new Major Superiors and complete it within the first few months of his term.

1.2 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. In recent years, there has been much discussion about the power imbalance that exists in pastoral relationships. These power differentials may mean that misconduct with someone with whom a Member has a pastoral relationship is the abuse of a vulnerable person. The following are guidelines for maintaining integrity in pastoral relationships with adults.

1.2.1 Boundaries in Ministry

1. 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.
2. 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.
3. 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.
4. Members assume the full burden for setting and maintaining clear, appropriate boundaries in all pastoral relationships.
5. Physical contact in pastoral relationships should be respectful and consistent with the intent to provide a safe and comfortable environment.
6. 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.
7. Ministry should not be conducted in private living quarters or bedrooms.

1.2.2 Supervision

1. 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.
2. Members practicing formal spiritual direction shall submit that ministry to peer or supervisory review with a spiritual director.

3. Members in pastoral relationships are responsible for seeking the counsel and pastoral guidance of a person of spiritual wisdom (e.g. a spiritual director or counselor) should they find themselves at risk of acting on sexual or romantic attraction to a parishioner, client, or counselee.
4. Members who provide counseling shall maintain a log of the times and places of sessions with each person being counseled.

1.2.3 Confidentiality

1. Information disclosed to a Member during the course of counseling, advising, or spiritual direction shall be held in confidence whenever possible unless for compelling professional reasons or as required by civil law.
2. 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.
3. A Member should discuss the nature of confidentiality and its limitations with each person in counseling at the beginning of the relationship.
4. If there is a 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.
5. Before disclosure is made, if feasible, the Member should inform the person being counseled about the disclosure and the potential consequences.
6. The Member providing pastoral counseling services or spiritual direction should keep records of sessions according to professional standards.
7. 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.
8. 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.

1.2.4 Conflicts of Interest

1. 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.
2. 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.

3. If a conflict of interest exists or arises, the Member shall inform all parties.
4. Resolution of the issues must protect the person being counseled.
5. The Member must establish clear, appropriate boundaries with anyone with whom there is a business, professional, or social relationship.
6. Members shall not step beyond their competence in counseling situations and shall refer to other professionals when appropriate.

1.2.5 Responsibilities in Ministry

1. Members are responsible for recognizing and respecting the power of the ministerial role.
2. Members are responsible for giving and accepting feedback from others.
3. Members are responsible for developing resources to meet their own spiritual and emotional needs.
4. 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.
5. Members are responsible for not becoming intimate with those they serve in ministry - regardless of who initiates the contact.
6. Members are responsible to avoid swearing or using foul language in the presence of those they serve in ministry.
7. Members are responsible to avoid speaking graphically about sexual activities or allowing others to do so.
8. Members are responsible to avoid showing pornographic materials to those they serve in ministry.
9. Members are responsible for maintaining boundaries with those they serve in ministry at all times.
10. Members are responsible to never use their role in ministry to degrade or humiliate another person.
11. Members are responsible for communicating with the Provincial when they have concerns about their own or others' relationships.
12. 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/or 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.

1.2.6 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 shall 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 relevant Review Board for adult misconduct cases 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.

1.2.7 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).

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

2. 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 wellness 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.
3. In each of these situations, canonical counsel will be offered to the Member at the time he is notified of the allegation.
4. Civil and canonical counsel will be offered to the Member if the allegation involves a civil complaint in which he is named and/or a criminal case.

1.2.8 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 its feasibility is 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 appropriate Review Board for adult cases in determining removal from, suspension from, or restrictions on public ministry, while protecting the presumption of innocence. Given recent changes to canon law regarding the abuse of vulnerable persons, it is beneficial for the provincial to seek canonical counsel in dealing with such a case.

2 Policies and Procedures for Responding to Alleged Abuse of Minors

2.1 Responding to Reports and Allegations of Abuse

Systematic procedures for responding to allegations of sexual abuse, including anonymous ones, can protect everyone's rights and ensure that the Province responds legally and effectively. Reports and allegations of sexual abuse may come from a variety of sources, such as the alleged survivor or their family members, diocesan offices, Members of the Province, a colleague in the workplace and even an alleged perpetrator. Since each case is unique, the following is a general outline of the response system for allegations of abuse but is not necessarily a procedure that is to be followed in the same way for each case. The process may be modified according to the nature of the allegation, the needs of the alleged survivor, and the circumstances of the accused Member. In every case, the Province commits itself to a pastoral response that protects the rights of all those involved.

Vigilance regarding the prevention of sexual abuse of minors must include a system of accountability based on the standards of conduct. It is essential that, in our communities and the places where we work and minister, a transparent and effective system of reporting and responding is in place.

2.1.1 Initial Response Protocol to Reports and Allegations of Sexual Abuse

When an allegation of sexual abuse is first received, the representative(s) of the Province shall attempt to gather sufficient information to complete a written preliminary report. The report should include the following information:

- Name of the alleged survivor.
- Age of the alleged survivor.
- Address and phone number of the alleged survivor.
- Name of alleged perpetrator.
- Approximate dates of alleged abuse.
- Nature, type, and location of alleged abuse.
- Name of the person making the report if different from the survivor.
- Any additional relevant details.

In a case where there is an allegation of misconduct with a minor that comes to us as part of a larger investigation or report, the Province will isolate the allegation and directly seek further information so that an appropriate response can be made according to our Policies. This may involve dealing with both civil and Church authorities depending upon the nature of the report. The Province will follow this procedure whether the friar implicated is living, deceased or has already left the Order.

2.1.2 Response to Survivors

1. When a person comes forward with an allegation of being sexually abused as a minor, the Provincial or his representative will explain and provide written information about the procedure the Province follows in responding to allegations.
2. The Provincial will also assign a Survivor Assistance Coordinator to provide support for the immediate and ongoing needs of individuals who have experienced sexual abuse and their families. The Survivor Assistance Coordinator must be suitably qualified according to the most recent *Praesidium Accreditation Standards*.
3. The Survivor Assistance Coordinator will offer to meet in person with an individual who reports being abused as a minor if he or she desires. The Survivor Assistance Coordinator, and any other representative of the Province who meets with the survivor, will maintain a compassionate and pastoral manner regardless of the demeanor of alleged survivor, recognizing that the experience of sexual abuse and difficulty of coming forward may bring out strong emotions during the disclosure process.
4. The Province will not enter into confidentiality agreements unless requested by the survivor.
5. In situations where the survivor has legal representation, representatives of the Province will extend an offer to meet with the individual through their legal counsel. If this is not possible, the Province will maintain documentation of the reason(s).
6. It is understood that some individuals who have alleged being sexually abused as minors may choose to not accept a meeting with Survivor Assistance Coordinator.
7. The Survivor Assistance Coordinator will document every attempt to assist in the healing of an individual who has approached the Province to report being sexually abused as a minor by a current, former, or deceased Member.

2.1.3 Response to the Accused Member

1. The Province is expected to be familiar with and respect each Member's rights under civil and canon law, throughout the complete process.
2. 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 it may need to assist the Member in engaging such counsel.
3. During investigations by civil authorities or by the Province, the Member who is the subject of the investigation will have no unsupervised access to minors during the pendency of the process. This means that the Member may be temporarily removed from ministry responsibilities and duties.
4. The Provincial may impose additional restrictions, including, but not limited to, changing his living situation and/or limiting his movements and interactions with

certain parties. He may also provide for measures to support the Member throughout the process, such as pastoral care.

5. When he has received the completed investigation report, the Provincial will present the results of the investigation to the Member for response.
6. The Provincial will maintain contact with the accused Member throughout the entire process.

2.1.4 Investigations

The Province takes every report or allegation of sexual abuse seriously, including those that are made anonymously, and is committed to investigating them to the extent possible. In cases of potential sexual abuse where the civil authorities decide to investigate, the Province will cooperate fully with them and not take any steps that may interfere with their investigation.

The Province will only proceed with its full, internal investigation if the civil authorities do not proceed with an investigation, if they consent to the Province conducting a simultaneous internal investigation, or once their investigation is over. Where an internal investigation is not possible or necessary, the Province will document the reasons why.

The Province will strive to maintain the civil and canonical rights of all concerned in the process of an investigation of sexual abuse of a minor.

1. If at the conclusion of an initial investigation, which may be performed by the Provincial or his delegate, there is a “semblance of truth” to the allegations of sexual abuse against a Member, the Provincial must ensure that the Member against whom the allegations are made has no access to minors during the pendency of a full investigation.
2. Once a “semblance of truth” has been established and the civil authorities have been consulted, the Provincial will designate a trained, third-party individual to conduct a full investigation of the allegation. For purposes of this procedure, a third-party investigator is defined as someone who is not a Member of the Province.
3. The Province will collaborate with the third-party investigator to determine the scope of the internal investigation. In cases of an established or undisputed allegation, an investigation may be conducted to identify any other potential survivors and to inform the on-going supervision plans for the Member who has abused.
4. The Province will provide any and all information requested by the third-party investigator, so long as it does not violate any privacy laws. This can include survivor statements, witness statements, correspondence, the Member’s file, other related documentation regarding additional concerns and similar behaviors, training records, disciplinary records, video footage, etc.

5. When conducting the full investigation, the third-party investigator will respect the following guidelines:
 - 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.
 - d) The Investigator will produce a written report and submit it to the Provincial.
6. The investigation report will be stored in the personnel file of the current, former, or deceased Member who is the subject of the investigation.

2.1.5 Decision-Making

1. Once the full investigation has been completed and after receiving the final report, the Provincial will consult with the Review Board and listen to their recommendations.
2. If an allegation of sexual abuse of a minor cannot be investigated or established, the Review Board must be consulted regarding the disposition of the case. Upon the conclusion of the investigation and consulting the Review Board, the Provincial will exercise his judgment in making a decision about the allegation. If the accused Member has admitted to the allegation, or in those cases where the allegation has been established, the Provincial's response may include, but is not limited to, any of the following:
 - Provide for the pastoral care and treatment of the Member, such as psychological and medical assessments and intervention.
 - Restrictions on community life and personal activities.
 - Limitations imposed on work assignments. In cases where an allegation of sexual abuse of a minor by a Member has been established, that Member may not return to public ministry.
3. In all instances, the final disposition of the matter rests with the Provincial, always recognizing:
 - The Member's right to appeal to the Prior General and/or the Holy See.
 - 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 the Prior General, as necessary and appropriate.
4. When an allegation of sexual abuse of a minor cannot be established, the Provincial will reinstate the Member to ministry and will work towards the restitution of his good name.

5. If sexual abuse of a minor has been established through the full 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 established, civil authorities will be contacted to provide the additional information.
6. 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. In such a case, the representative of the Province shall recommend to the Provincial a possible course of action with respect to the accused Member, in keeping with the intention of these procedures and in the interests of justice.
7. Documentation of allegations, reports, responses, and investigations are confidential and shall remain with the office of the Provincial following the election of a new Provincial. Access to these materials will be prohibited as required by canon law and will be available only as required by civil law.

2.1.6 Communication with Others

The Province is committed to demonstrating transparency in its response to allegations of sexual abuse of minors and acknowledges its importance in restoring trust in the Order and Church. To ensure a proper and transparent response, the Province will respect the following in its communications with Dioceses, organizations, the Members of the Province, the faith community, the public, and other potential stakeholders.

1. The Province will communicate verbally and in writing with the diocesan bishop and/or the organization where the alleged abuse took place, as well as with the diocesan bishop and/or the employer where the Member is currently working or residing:
 - When a report or allegation is received;
 - When an investigation is initiated;
 - When an investigation is complete; and
 - To notify them of the results of the investigation and resolution of the case.
2. The Provincial will communicate and/or consult with the Review Board:
 - Within 30 days of receiving the report or allegation of abuse; and
 - As soon as possible after receiving the full investigation report.
3. Depending on the case and circumstances, it may also be necessary and prudent to communicate with the Members of the Province, the rest of the Order, the faith community, the public, and other potential stakeholders at different points throughout the process, but particularly when an allegation is established, or a Member has admitted to the sexual abuse of a minor.

4. In all internal and external communications, the Province will seek to be proactive, timely, transparent, accurate, consistent, and unified. It will also seek to be responsible with the information it shares and make sure it does not compromise any ongoing investigations.
5. It is always best for other Members in the Province to learn of reports or allegations of abuse from the Province itself, particularly when the allegation may be made public. Inform them of the allegation and let them know the Province is taking the necessary steps to support both the survivor and the Member accused. Members are also asked to not answer any external inquiries about the allegation, but to direct the person to the Provincial, who is the designated spokesperson.
6. For all oral or written communication:
 - Speak with a voice of compassion and confidence.
 - Show empathy. State that the Member's actions are opposed to the Province's values.
 - State facts. Include only information that is necessary like the when, where, and what in general terms.
 - Make a contact request. Ask the audience to contact the Province or the specified authorities if they would like to share relevant information.
 - Share your response. Explain that the Province is fully cooperating with the authorities. Describe proactive steps the being taken, such as offering resources to individuals, making announcements at the accused Member's ministry site, training Members, and conducting an investigation to learn from this incident so the Province can prevent it from happening again.

2.2 Policies and Operating Procedures for Review Board

2.2.1 Establishment and Purpose

1. The Provincial will utilize a Review Board for consultation on the management of all cases of sexual abuse of a minor by current, former, and/or deceased Members. The role of the review board is to provide advice and consultation with respect to the fulfillment of *Praesidium Accreditation Standards*, the *Charter* and *Essential Norms*, and other community standards for the prevention and response to incidents and allegations of sexual abuse of minors. The Provincial shall notify the Review Board within thirty (30) days of when an allegation or report of sexual abuse of a minor is received and when the investigation is complete.
2. The Review Board is also responsible for providing recommendations with respect to Safety Plans. The Review Board will be consulted within thirty (30) days of the development of any new Safety Plan. The Review Board will also receive an annual written report of compliance with each Safety Plan, review each Safety Plan at least annually, and provide recommendations about any modifications that should be made. The Review Board will also be consulted to determine appropriate work for members on Safety Plans.
3. The Review Board will also assist in the review of situations where a Member has engaged in repeated boundary violations or where a minor is known to be in danger. They will also provide recommendations for the development of an intervention plan to help the Member cease the problematic behavior.
4. The Provincial shall appoint individuals to the Review Board by letter of appointment signed by the Provincial. An individual on the Review Board may be removed at the discretion of the Provincial in consultation with the Chair of the Review Board. Such individuals shall be removed by letter of removal signed by the Provincial.
5. The Review Board exists solely to provide advice and has no independent power or authority. The best practice is for review boards to not engage in the following activities:
 - o Governance, legislation, grievance disputes, or policy making;
 - o Investigating allegations;
 - o Caring for survivors of abuse;
 - o Sexual misconduct involving adults;
 - o Creating safety plans;
 - o Supervising offenders; or
 - o Representing the religious community to the press.

To engage in these activities risks creating additional roles for the review board that compromises its independence as a consultative body about sexual abuse of minors by Members.

2.2.2 Operating Procedures

The Review Board shall have its own operating procedures, approved by the Provincial in consultation with his Council.

1. Constitution of the Board

- a) The Review Board shall consist of at least five (5) individuals over the age of twenty-one (21) years with diverse, relevant professional experience. At least one but no more than two of them can be a Member of the Province. Any change in the number of individuals on the Review Board shall be decided by the Provincial, in consultation with his council.
- b) The Provincial shall appoint a Chair of the Review Board.
- c) The Review Board shall include representation from the following groups: professionals from the social sciences (psychologists, counselors, survivors' advocates, and/or social workers), representatives from the legal or law enforcement profession or state protective services, and laity.
- d) While it may occasionally be acceptable for an individual on the Review Board to also be an employee of the Province, it is preferable that this not be the case. At no time may the majority of individuals on the Review Board be employed by the Province.
- e) The survivor assistance coordinator (SAC) or legal representative/counsel of the Province cannot be a member of the Review Board.
- f) Individuals on the Review Board should be mindful of not taking responsibilities for the Province that may create a dual role that also presents a conflict of interest and challenges the independent nature of the Review Board.

2. Terms of Membership

- a) Individuals shall be appointed to the Review Board for a term of three years. This term can be renewed by the provincial in consultation with his council as often as needed.
- b) Any member may resign at any time by giving a written notice of such resignation to the Provincial or the Chair of the Review Board.
- c) Any vacancy on the Review Board occurring during the year may be filled by an appointment by the Provincial for the unexpired portion of the term. Those 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. Vacancies created by an expansion of the size of the Board are filled by appointment of the Provincial.
- d) In exceptional cases, an individual may request a leave of absence from the Board. Such a request is ordinarily directed to the Provincial or Chair of the Review Board.
- e) Any individual on the Review Board who is related by blood or marriage to, in any kind of employments, 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 Chair of the conflict and recuse himself or herself from all deliberations concerning the particular matter in question. Any individual on the Review Board 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 the Chair of the conflict and shall resign from the Review Board.

- f) The Review Board Members may serve as volunteers or as paid professionals. The Province shall reimburse individuals on the Review Board for reasonable expenses incurred in attending meetings of the Review Board or in otherwise performing their duties on the Review Board.
- g) The Province indemnifies and holds harmless all individuals on the Review Board 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, the Province does not indemnify individuals on the Review Board for intentional tortuous or criminal acts.

3. Confidentiality

- a) Each individual on the Review Board shall sign a confidentiality agreement and undergo a criminal records check.
- b) 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.
- c) The Review Board's advice to the Provincial regarding particular cases shall be confidential; provided, however, that the Provincial may, at his discretion, disclose this advice. The advice or positions taken by specific individuals on the Review Board shall not be disclosed and need not be recorded in the Review Board files.
- d) 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.
- e) 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.
- f) 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.

4. Required training for Review Board Members

- a) The individuals on the Review Board are provided initial formation for their unique role in providing confidential consultation to the Provincial. These individuals must receive foundational training relevant to their role, including familiarity with the following documents:
 - *Charter for the Protection of Children and Young People*;
 - *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*;
 - *Motu Proprio, "Sacramentorum Sanctitatis Tutela (SST)"*;
 - *2002 CMSM Statement of the Assembly*;
 - *Motu proprio, "Vos estis lux mundi"*;
 - *Praesidium Accreditation Standards*; and
 - *The Province's Policy for Standard of Conduct*.
- b) The Province shall provide individuals on the Review Board with ongoing formation regarding best practices in the disposition of cases of sexual abuse of minors by Members.

5. Frequency of Meeting

- a) **Annual Meeting:** There shall be an annual meeting of the Review Board to be held as designated by the Chair of the Board.
- b) **Special Meetings:** A special session of the Review Board may also be held at any time on the call of the Chair, with the concurrence of, or at the recommendation of the Provincial as new cases and/or special needs arise.
- c) **Notice of Meeting:** Notice of all meetings shall be given to the members of the Review Board via email by either the Chair or Provincial at least fourteen (14) days before the meeting. Supporting materials for meetings shall be provided at least one week prior to a scheduled meeting. The notification period may be shortened if it is deemed necessary for any urgent matters.
- d) **Manner of Meetings:** The Review Board may meet in person, by conference call, or web conferencing. The Chair shall call the meeting to order and introduce the Provincial, his representative, or Investigator to present the matter(s) brought before the Review Board. Regardless of the manner of the meeting, the Review Board shall discuss the matter at hand as a group before submitting any recommendations or feedback.

6. Information dissemination and meeting procedure

- a) The Chair calls the meeting to order and distributes the agenda. The Provincial or his delegate then presents each matter for consideration.
- b) When considering the disposition of a case of sexual abuse of a minor by a Member, the Review Board is given the following:
 1. Initial report of allegation and documents, such as in-take forms, letters, e-mail, etc.

2. Documentation of notice to civil authorities.
 3. Written report of the investigation.
 4. Any other cases of sexual misconduct by the Member, including with adults.
 5. Other relevant disciplinary actions against the Member and the reasons for the actions.
- c) The Provincial or his representative may present information in any form – oral, written, graphic or recording – for the Review Board’s consideration. The Review Board Members may then:
1. Ask questions;
 2. Request additional information; and/or
 3. Discuss the matter with the Provincial or representative.

After the question-and-answer period or discussion is completed, the Review Board shall deliberate and formulate its advice outside the presence of the investigator. Deliberations may take place in the presence of the Provincial or his representative, at the discretion of the Chair in consultation with the other individuals on the Review Board. After the Review Board receives the presentation and information from the Provincial or representative, the Board shall carefully consider and deliberate over the information.

- d) The Review Board will appoint a recording secretary to record the decisions and other relevant actions during the meeting. If needed, and with the approval of the majority of the Board, the Provincial can also appoint an individual who is not a Member of the Board to fulfill this task. The recommendations of the review board are summarized by the recording secretary and distributed for confirmation or adjustment to the review board. The final recommendation is signed by the Chair and the recording secretary on behalf of the Board and presented to the Provincial.

7. Possible alternatives for the disposition of cases

- a) After carefully reviewing all the information, the Review Board makes a recommendation regarding
- i. the assessment of the allegation of sexual abuse allegedly committed by a Member and;
 - ii. the suitability for ministry for the accused Member.
- b) Based on the facts and circumstances, an allegation of sexual misconduct can be established only when there is objective certainty that the accusation is true and that an incident of sexual abuse of a minor has occurred.
- c) After hearing the Review Board, the Provincial alone judges whether an allegation of sexual abuse of a minor by a Member has (or has not) been established.

- d) The judgment of the Provincial must be objective, i.e., based on facts and circumstances discovered in 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 the Provincial recognizes that the contrary (that the allegation is false) may be possible, but is highly unlikely or so improbable, that the Provincial has no substantive fear that the allegation is false.
8. Timeframe allotted for providing a response once an allegation has been received by the Review Board
- a) Option A: The Review Board will provide a response and recommendations regarding an allegation the same day on which they meet to decide the matter.
 - b) Option B: The Review Board will provide a response and recommendation regarding an allegation within one week after meeting and receiving all relevant information.
9. Media and Communication
- a) Individuals on the Review Board shall abstain from answering any inquiries made by the media or others with respect to matters related to the Province, unless expressly authorized to do so.
 - b) All media inquiries shall be directed to the Provincial.
10. Records Retention
- a) The files of the Review Board are the property of the Province. The Province and all individuals currently on the Review Board shall have access to the Review Board’s files. The Review Board’s files shall be stored at a place designated by the Provincial.
 - b) 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.

2.3 Supervision and Care of Members Who Have Abused Minors

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. These procedures are intended to address cases where the accusation is that of abuse of a minor or an individual equivalent to a minor in law. However, they may also be adapted as appropriate to address cases where the victim of abuse is an adult.

The purpose of this framework is to:

- i. Assure the Church and the public, especially children and minors, of all reasonable measures to prevent any future occurrence;
- ii. Provide a structure within which the Member can continue his life in the Order of Carmelites;
- iii. Provide appropriate care for the Member and the opportunity for such personal conversion and rehabilitation as may be needed;
- iv. Guide superiors, the Member, and others in determining work, place of residence, and other activities;
- v. 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 the elements below be adapted in a Safety Plan for each Member, depending on such factors as severity of the accusation, 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, the safety plan supervisor, and the Provincial.

2.3.1 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, unless as required by law to be revealed.

2.3.2 Public Ministry as a Member

1. An ordained Member found to have abused a minor is not 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 is not allowed to function publicly in external ministry associated with a religious congregation (e.g., school teaching, coaching, parish staff work).

2.3.3 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:
 - Accountant in the Institute's business office or other clerical work in Institute's offices;
 - Archives for the Institute;
 - Editor of Institute's internal newsletter;
 - Liturgy planning for the Institute or a local community (not attached to a school or parish);
 - Translation work;
 - Care for aged and infirmed Members, including driving to doctors and pastoral care (if "conventual faculties" have been granted by the Provincial);
 - Housekeeping for a local community (not attached to a school or parish);
 - Cook for a local community (not attached to a school or parish); and
 - Maintenance and grounds work, such as gardening (not attached to a school or parish).

Examples of work assignments that are not appropriate for Members on a Safety Plan include, but are not limited to:

- Work in a parish;
 - Work in a school or other youth-serving organization;
 - Work that involves one-on-one interactions with vulnerable populations as defined in *Vos Estis Lux Mundi*; and
 - Any ecclesiastical office, including the role of Local Prior.
2. The work assignment for a Member on restriction shall be determined in consultation with the Review Board and documented in the Member's Safety Plan. To this end, the Review Board would be provided with relevant information including:
 - A description of the Member's role and responsibilities in the proposed assignment;
 - A description of who the Member may be in contact with as part of the proposed assignment;
 - A description of the type and level of supervision provided in the proposed assignment and by whom.
 3. The Province will communicate with any organization in which a Member on a Safety Plan is employed or volunteers in. This communication will include the Member's history of problem behaviors and his current restrictions. It must also include the name and contact information of the Provincial and must be documented.
 4. 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.
 5. In all cases, the service of prayer for the Order and the Church would be a valuable contribution to Order.

2.3.4 Place of Residence

1. Any restricted Member is 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.

2.3.5 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, local 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 and Proper 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 in readying itself to receive the restricted Member and to provide him with the necessary care and support.

2.3.6 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. This prohibition includes, but is not limited to, meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices, community parlors, bedrooms of Members, etc.

2.3.7 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 might also be required.
4. Additional specific permissions for travel may be required from the Provincial. It is up to the Provincial's discretion to determine what additional travel is required and what such permission entails.

5. Doubts about specific travel should be referred by the supervisor of the Member to the Provincial.

2.3.8 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.

2.3.9 Publications and Publicity

1. Restrictions on publications, social media, 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, social media, and/or internet may need to be regulated or supervised.

2.3.10 Information for Members and Others

1. The Provincial, in consultation with the Review Board, will determine how to inform the rest of the Province about 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.

2.3.11 The Written Safety Plan

A written Safety Plan allows the Province to articulate and demonstrate our commitment to managing the future risk of Members who have sexually abused minors in the past. It also improves consistency during the transitions of Provincials, Priors, and supervisors. Any safety plan developed by the Province must include:

1. A summary of the problem behaviors, including the number of survivors and the age and gender of the survivor.
2. Information about how the Member spends a majority of his time.
3. The specific assignment of the Member, if any.
4. Any applicable sex offender registry requirements, including parole or probation.
5. A summary of the Member's risk assessment and the risk-reduction strategies, including:

- Limitations on his access to minors and how any such access is supervised.
 - Issues of personal relationships with friends and family, to ensure that the Member does not have unsupervised access to minors.
 - Monitoring of the Member's use of electronic communications, social media, and internet access.
 - Issues of financial accountability.
 - The Member's current living situation.
6. How the Province will address issues of aging as they relate to risk.
 7. The person responsible for the implementation of each risk-reduction strategy.
 8. Consequences for non-compliance with the Safety Plan.
 9. Dates on which the Safety Plan has been reviewed by the Review Board.
 10. Signatures of the Provincial, the Member on the Safety Plan, and at least one individual who is directly involved in the supervision of the Member.

2.3.12 Supervisors of Members who have Safety Plans

Supervisors are an integral part of a positive, informed support system for any member of the Province who is on a Safety Plan to ensure a safe environment for minors, vulnerable adults, the Order of Carmelites, the Province of St. Elias, and the friar being supervised. In the Province, the local Prior or his delegate generally provides supervision for any member of the community on a Safety Plan. This is always arranged directly with the Office of the Prior Provincial who appoints the supervisor. Supervisors help members on a Safety Plan adhere to their restrictions and find fulfillment within the boundaries of their Safety Plan. Potential supervisors will receive the training that they need to fulfill their responsibilities effectively.

The Province provides the following guidelines to supervisors to help them fulfill their roles in a responsible and efficient manner.

The supervisor will:

1. Participate in training/activities to prepare himself for his role as a supervisor, if he does not already have education, training, and/or experience in the fulfillment of these roles. These activities may include:
 - Specialized training, conferences, or workshops.
 - Relevant courses or programs.
 - An introductory meeting with the Provincial which includes a review of the allegations made against the member on the Safety Plan, his risk reduction strategies, strengths, challenges, and consequences for violation of the Safety Plan.
2. Establish fraternal rapport with the member, be respectful, and listen attentively to what the member has to say.

3. Meet at least monthly with the member and at least annually for a formal review of compliance with the Safety Plan.
4. Encourage the member to continue to participate in all treatments, meetings, spiritual direction, etc., and other means of positive support.
5. Document and inform the Provincial of any changes in the member's behavior or health that the supervisor feels present a risk.
6. Maintain documentation related to supervision as described in the Province's Policy for Documentation of Compliance with Safety Plans.
7. Maintain all documentation of compliance and non-compliance and report all cases of non-compliance to the Prior Provincial or his delegate immediately.
8. Maintain documentation of imposing consequences for non-compliance.
9. Keep track of and collect all documentation contemplated in the Safety Plan such as daily logs, travel logs, permission requests or authorizations, etc.
10. Provide written updates regarding the member's compliance, including boundary or policy violations, with the Safety Plan to the Provincial and the review board at least annually.
11. Treat the member on a Safety Plan with the respect and confidentiality any friar is owed, while being transparent and clear in all matters having to do with his Safety Plan and life in a Carmelite community.

2.3.13 Documentation of Compliance with Safety Plans

The following steps will be taken when a member of the Province is on a Safety Plan.

1. The supervisor will meet with the Member every three months.
2. The supervisor will meet with the Provincial at least twice each year to discuss the Member on a Safety Plan.
3. The supervisor will maintain documentation of non-compliance with the Safety Plan as well as documentation of imposing consequences for non-compliance.
4. The supervisor will keep track of and collect any documentation outlined in the Safety Plan such as daily logs, travel logs, permission requests or authorizations, etc.
5. The supervisor will provide a semi-annual written summary of the Member's current strengths and challenges under the Safety Plan to the Provincial. Information that will be included in the summary includes:
 - Dates of meetings with the Member.
 - Any concerns with the member's use of alcohol or substances.
 - The successful or unsuccessful completion of treatments or programs such as ongoing therapy or twelve step meetings.

- Any issues related to the internet or electronic communications.
 - Participation in spiritual direction.
 - Whether the member has had any vacations, retreats outside the house, or overnights and the details surrounding those events.
 - Whether the member is completing and maintaining logs and documentation asked of him like vehicle sign-in/out sheets.
 - The quality of the Member's participation in community life.
 - Any non-compliance with the Safety Plan, including policy violations or misconduct with other members or staff.
 - Changes in the member's health or age that may impact risk.
6. The Provincial ensures the Review Board receives a written report of compliance annually, which includes:
- a) The Member's overall response to the Safety Plan;
 - b) Information about any violations of the Safety Plan; and
 - c) Information about any other boundary violations or misconduct.

Appendix – Useful Church Documents

Dicastery for the Doctrine of the Faith ***Vademecum - On Certain Points of Procedure In Treating Cases of Sexual Abuse of Minors Committed by Clerics.*** (Ver. 2.0. 5 June 2022)

Apostolic Letter Issued Motu Proprio by the Supreme Pontiff Francis “***Vos Estis Lux Mundi***” (2019, updated 25 March 2023)

Apostolic Letter Issued 'Motu Proprio' by the Supreme Pontiff John Paul II ***Sacramentorum Sanctitatis Tutela*** (2002, Amended 2021)

Pascite gregem Dei (the new book VI (penal law) for the 1983 Code) (June 01, 2021)

USCCB **Charter for the Protection of Children and Young People** (rev. June 2018)

Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (5 May 2006)

CMSM Statement of the Assembly – **Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse** (10 August 2002)

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 Province through any form of communication, including any that are anonymous.

Candidate. An individual who is applying for membership in the Province.

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

Credible Allegation. A credible allegation is one that has a semblance of truth and does not appear to be manifestly false or frivolous.

Ecclesiastical Office. An ecclesiastical office is a function established in a stable manner by divine or ecclesiastical authority to be exercised for a spiritual purpose such as the office of Prior Provincial, Superior, Bishop.

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 in 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.

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

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.

Member. A person for whom the Province is responsible according to canon law and proper law. According to the Carmelite constitutions all professed are members of the Order. For the purpose of this Policy, pre-novices and novices are expected to follow the standards for conduct outlined herein.

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 eighteen.

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 Province through any form of communication, including any that are anonymous.

Review Board. This is sometimes referred to as the Sexual Misconduct Review Board. It is a voluntary group of individuals with unique knowledge, expertise, and experience, who provide counsel and recommendations to the Provincial 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.

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.

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