
Policies and Procedures for the Protection of Young People

Xaverian
Missionaries

*Guidelines of the USA Province –
Revised September 2016*

Contents

Introduction 4

PREVENTION 5

1. Candidates will be specifically screened for a history of sexually abusing minors or violating the boundaries of minors. A Candidate who has an established allegation of sexually abusing a minor in his past, or who has acquired/intentionally viewed child pornography, cannot be permitted to continue. (See QF 04, pp.25-29)..... 5

2. At each stage in the initial formation of Members, the Institute will assist in their ongoing growth toward a healthy sexuality as a foundation for celibate chastity. 7

3. The Provincial Superior’s first responsibility is fraternal concern for the confreres, promoting communion in their life and ministry. From this, both support and accountability for the confreres allows the Institute to better able recognizes potential issues early on and possibly prevent sexual abuse of a minor. (Constitutions 88. Vademecum SG5, 10) 8

4. The Congregation believes unconditionally in the dignity of children, and reasserts unambiguously condemnation of child abuse. Confreres have a responsibility to protect minors from all forms of abuse. Therefore, we provide the following guide for boundaries with minors in whom the confrere is primarily acting as a representative of the Institute, which may include social and familial relationships, as well as in electronic communications and social media. 8

5. The Provincial Superior will insure there is ongoing formation for all confreres regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious. 10

6. The Provincial Superior will interrupt and intervene when a confrere violates the Institute’s policies regarding boundaries with minors..... 12

7. The Provincial will communicate annually to the confreres regarding our commitment to the protection of minors and current initiatives and actions with respect to the protection of the vulnerable, healing for those who have been harmed by abused, and fulfillment of accreditation standards..... 13

RESPONSE TO ALLEGATIONS..... 13

8. Representatives of the Institute will respond pastorally and compassionately to any person who alleges sexual abuse of a minor by a confrere of the Institute. “Confrere” in this case refers to current, former or deceased member of the Institute. 13

9. A representative, either the Provincial or someone appointed by the Provincial, who is responsible for assisting individuals who have alleged sexual abuse as a minor will be educated regarding the nature of their role..... 14

10. The Institute will make a significant effort to promote the healing process for individuals who allege being sexually abused as a minor..... 14

Policies and Procedures for the Protection of Young People

11. The Institute adheres to a specific protocol for responding to reports and allegations of sexual abuse of a minor. (Appendix B)	15
12. The Institute will require any confrere with direct knowledge to immediately report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state’s mandatory reporting laws.....	15
13. The Institute will require its members to report known or suspected sexual abuse of a minor by a confrere, living, deceased or former when the victim 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.	16
14. The Institute will investigate all reports and allegations of sexual abuse of minors by a confrere, to the extent possible, based on the information provided.....	16
15. The Institute will cooperate with civil authorities that are conducting an investigation of an allegation of sexual abuse of a minor.....	17
16. The Institute will maintain thorough documentation of the Institute’s response to allegations which enables the Institute to demonstrate due diligence and creates an “Institutional memory,” or record for subsequent leadership.....	17
17. The Institute will utilize a Review Board for the purpose of providing consultation to the Provincial on the response to reports and allegations of sexual abuse of minors.....	18
18. In cases where an allegation of sexual abuse of a minor committed by a Member has been established, the Institute will inform the leadership of any organization or ministry in which the Member has admitted to, or is suspected of, having sexually abused a minor, to the extent possible.	18
SUPERVISION AND SAFETY PLANS	19
19. The Institute will maintain a written, individualized Safety Plan to guide the supervision of any confrere against whom an allegation of sexual abuse of a minor has been established.	19
20. When the sexual abuse of a minor by a confrere has been established, he will not be permitted to work in any position which allows access to minors, or in any ecclesiastical ministry, in accordance with the Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.....	20
21. The Review Board will review each Safety Plan at least annually and offer recommendations to the Provincial Superior.....	20
22. Individuals who supervise confreres who have Safety Plans will be physically and emotionally capable and adequately trained to perform the duties involved in supervision.....	21
23. Those who supervise confreres who have Safety Plans will have access to all pertinent information about the Member that is not otherwise privileged.....	21
24. The Provincial Superior or his delegate will annually evaluate compliance with all Safety Plans.	22

Policies and Procedures for the Protection of Young People

25. Communities that house “high-risk” confreres will be visited by outside auditors on an unannounced basis to ensure consistent implementation of Safety Plan protocols.	22
GLOSSARY OF TERMS.....	22
Appendix A.....	25
Handout Response to Sexual Misconduct:	25
Appendix B.....	28
Protocol for responding to reports and allegations of sexual abuse of a minor	28
Appendix C.....	32
Template for Documentation of Allegations	32
Appendix D.....	34
Sample Guidelines for Supervisors	34
Appendix E.....	34
Internet and Social Media Policy	34
Appendix F.....	38
Guide for Mandatory Reporting of Child Abuse	38
Introduction	38
The Institute will require any confrere with direct knowledge to immediately report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state’s mandatory reporting laws.....	38
The Institute also requires its members to report known or suspected sexual abuse of a minor by a confrere, living, deceased or former when the victim 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.	38
Laws by State	39
Knowledge of Abuse through the Sacrament of Reconciliation	39

Introduction

These policies and procedures express the commitment of our Institute to protect children and young people in light of the scandal of sexual abuse by clergy and religious. We add our voice to the Bishops of the United States and religious congregations throughout this country to the abhorrence of sexual abuse of minors. These policies and procedures assist us in prevention, accountability, transparency, how we handle allegations of sexual abuse and follow-up outreach to victims, and how we may supervise confreres who may be charged with sexual abuse.

Policies and Procedures for the Protection of Young People

We demonstrate our ability to comply with the *Essential Norms* of the USCCB *Charter for the Protection for Children and Young People* and its overall commitment to the highest child safety standards. We do this in symphony with the collaborative efforts and guiding norms of the Conference of Major Superiors of Men. In particular, these policies and procedures are based on procedural norms of our religious congregation (QF 04, 1-2), and on the standards approved by the National Board of the Conference of Major Superiors of Men (CMSM). These policies and procedures shall be reviewed during the re-accreditation process every three years.

The **POLICIES AND PROCEDURES FOR THE PROTECTION OF YOUNG PEOPLE (PPYP)** is clustered into three key areas:

- **Prevention:** How new members are screened, relevant educational programs for initial and ongoing formation, systems of support and accountability to ensure confrere's well-being, and how the Institute manages internal reports of concerns about boundary violations.
- **Responding:** In keeping with the USCCB Charter for the Protection of Children and Young People, these policies and procedures ensure that individuals who report abuse to our Institute are received pastorally and compassionately. They also provide guidance in areas such as reporting requirements, investigations, and the role of an external review board.
- **Supervision:** This section considers to what extent a confrere, who may be known to have abused a minor in the past, is restricted and is compliant with his restrictions and ensures on-going evaluation of overall effectiveness of the supervision.

PREVENTION

1. Candidates will be specifically screened for a history of sexually abusing minors or violating the boundaries of minors. A Candidate who has an established allegation of sexually abusing a minor in his past, or who has acquired/intentionally viewed child pornography, cannot be permitted to continue. (See QF 04, pp.25-29)

1.1. A completed background check is required including every state/country that the candidate has resided in for the last ten years and a completed national sex offender registry check.

1.1.1. The Director of the Mission Vocation Office, in his role as convener of the Admissions Board, will be responsible for initiating background checks of applicants who provide written permission to do so.

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

1.3. A candidate who has an established allegation of sexually abusing a minor in his past, or who has acquired/intentionally viewed child pornography, cannot continue to membership in the congregation.

1.3.1. The results of the background check is understood in the light of the overall application package, including all information regarding family, faith history, academic background, psychological testing results, as well as other areas.

Policies and Procedures for the Protection of Young People

- 1.3.2. Those applicants whose background checks indicate past difficulties with sexual abuse or viewing internet child pornography cannot be admitted and should be discouraged from pursuing religious life or priesthood in the Church.
 - 1.3.3. Background checks, with the permission of the applicant, are for the purpose of application only. Once the application procedure is complete and a decision communicated to the applicant, the results of the background check are destroyed.
 - 1.3.4. The cost of background checks are assumed by the Provincial in the Provincial Vocation Budget.
- 1.4. References – Five recommendations are required. These forms are sent directly to the Vocation Director in charge of the application process. The applicant gives each of the recommendation forms to the person whom he is seeking a reference.
- 1.4.1. Three of these references are personal, one being a family member. The other two are professional (priest, religious, employer, teacher, counselor, etc...).
 - 1.4.2. The following are warnings of possible high risk characteristics that may arise in the references:
 - The applicant has difficulty interacting with or relating to adults.
 - The applicant has difficulty working as a team member.
 - The applicant has problems with authority figures.
 - The applicant has problems with persons of the opposite gender.
 - The applicant seems immature or impulsive.
 - The applicant is excessively interested in and involved with youth.
 - The reference identifies hobbies, activities or volunteer work that was not identified by the applicant.
 - The applicant's hobbies and recreational activities solely involve youth.
 - The applicant lets kids get away with too much.
 - The applicant acts more like a child than an adult.
 - The applicant does not closely supervise children in his care.
 - The applicant relates to children on their level, just like another child.
 - The applicant does not like to be an authority figure and would rather be viewed as "one of the kids."
- 1.5. In accord with #14 of the Vocation Handbook, face to face interviews would take place with at least one member of the Admission's Board. Among other important matters, these interviews will contain questions about the candidate's relationship with minors and youth.
- 1.6. Psychological evaluation - A psychological evaluation will be conducted by a licensed psychologist, and a psycho-sexual history by either a licensed psychologist or a licensed mental health professional with skills in conducting psycho-sexual histories and in assessing psycho-sexual health in preparation for a life of celibate chastity.
- 1.6.1. These are done in light of norms for psychological testing in the Provincial Vocation Handbook, #15.
 - 1.6.2. It is recognized that the cultural values of the United States are not universal values; assessment of a candidate from a different cultural background should include evaluation

Policies and Procedures for the Protection of Young People

of the individual's ability to adapt to the cultural requirements of the United States. Assistance may be found in the USCCB Guidelines for Receiving Pastoral Ministers in the US, Third Edition.

1.7. Vocation directors and formation directors must be able to identify candidates who may be at risk to sexually abuse a minor. Throughout candidacy, members of the community have an opportunity to observe candidates' behaviors, particularly with regard to the appropriateness of boundaries with minors. Observation data can also be obtained when candidates describe previous interactions with children or youth. Pay attention to the following boundary violations in these observations:

1.7.1. **Physical boundary violations** – touching too much or touching in ways most adults would not touch a child. Some examples:

- Roughhousing, or wrestling.
- Tickling.
- Encouraging minors to jump on an adult.
- Accidentally touching inappropriately.
- Putting legs around a minor.
- Holding or hugging when the minor resists.
- Too many hugs or hugs with too much body contact.

1.7.2. **Emotional boundary violations** – treating the relationship with a child as if it were a romantic or intimate adult relationship. Some examples:

- Spending too much time with a minor.
- Calling too much.
- E-mailing too much.
- Getting involved in too many of the minor's activities.
- Acting too possessive.

1.7.3. **Behavioral boundary violations** – involving a child in activities that his or her parents would not allow the child to do. Some examples:

- Ridiculing the beliefs of a minor's parents.
- Allowing a minor to do things against the wishes of parents.
- Offering minors cigarettes, alcohol or drugs.
- Allowing minors to look at pornography.
- Allowing minors to visit inappropriate Internet sites.
- Giving minor gifts without the parents' permission.
- Asking a minor to keep secrets from his or her parents.

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

2.1. Seminarians in formation must be educated about how to develop a mature, integrated sexuality as a foundation for celibate chastity.

Policies and Procedures for the Protection of Young People

- 2.2. Seminarians in our formation program will do the **Virtus Program** required of all individuals involved in ministry in the Archdiocese where our seminary is located. Formation personnel must insure that all of the topics of #5 are covered.
- 2.3. Seminarians in formation must be encouraged to identify and address challenges to maintaining celibate chastity and healthy intimate relationships.
- 2.4. A seminarian in formation who sexually abuses a minor will be dismissed.
- 2.5. A seminarian in formation who is unable to maintain appropriate boundaries with minors, despite guidelines and instruction, cannot be permitted to continue in formation.

3. The Provincial Superior's first responsibility is fraternal concern for the confreres, promoting communion in their life and ministry. From this, both support and accountability for the confreres allows the Institute to better able recognizes potential issues early on and possibly prevent sexual abuse of a minor. (Constitutions 88. Vademecum SG5, 10)

- 3.1. The Provincial Superior or his delegate from the Provincial Council meets each confrere at least yearly in the canonical visits to each community. This communication is to be kept on file as well as the name and contact information of the provincial.
- 3.2. Other communications involve the sharing of the Provincial to the entire Province after each council meeting through publications, letters, emails, website and social networking of the Province.
- 3.3. For confreres who are employed in any organization or in public ministry, the following is required at least annually in a communication with the organization in which the Member is employed or in public ministry:
 - Documentation of the communication in some form;
 - Identification and contact information of the Major Superior;
 - Information on how to contact the Major Superior if a problem arises with the Member.
- 3.4 Each Institute will have a written policy or protocol on support and accountability for those religious from other provinces or institutes who are residing in a house or community of the Institute.
- 3.5 We will have a written policy or protocol on support and accountability for those religious from other provinces or institutes or diocesan priests who are residing in one of our communities.

4. The Congregation believes unconditionally in the dignity of children, and reasserts unambiguously condemnation of child abuse. Confreres have a responsibility to protect minors from all forms of abuse. Therefore, we provide the following guide for boundaries with minors in whom the confrere is primarily acting as a representative of the Institute,

which may include social and familial relationships, as well as in electronic communications and social media.

4.1. Prohibited Behaviors:

- Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- Using, possessing, or being under the influence of alcohol while supervising minors.
- Known or suspected possession, distribution, downloading and/or intentionally viewing real or virtual child pornography.
- Providing or allowing minors to consume alcohol or illegal drugs.
- 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.
- Discussing sexual activities with minors unless it is a specific job requirement and the Member is trained to discuss these matters.
- 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.
- Being nude in the presence of minors.
- Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
- Sleeping in the same beds, sleeping bags or small tents with minors.
- 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.
- 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.

4.2. 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:

- Side-hugs.
- Pats on the shoulder or back.
- Hand-shakes.
- "High-fives" and hand slapping.
- Verbal praise.
- Touching hands, faces, shoulders and arms of minors.
- Arms around shoulders.
- Holding hands while walking with small children.
- Sitting beside small children.
- Kneeling or bending down for hugs with small children.

Policies and Procedures for the Protection of Young People

- Holding hands during prayer.
 - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).
- 4.3. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used by Members in ministry roles with 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 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.
- 4.4 Confreres who use social media and/or a private website understands that there is nothing private on the internet and that any communications should reflect Catholic and congregational values.
- 4.5 Be sure to have permission from a minor's parent or guardian before contacting the minor via social media or before posting pictures, video, and other information that may identify that minor.
- 4.1.1 Parents must have access to everything provided to their children. For example, parents should be made aware of how social media are being used, be told how to access the sites, and be given the opportunity to be copied on all material sent to their children via social networking (including text messages). While parents should be provided with the same material as their children, it does not have to be via the same technology (that is, if children receive a reminder via Twitter, parents can receive it in a printed form or by an e-mail list).
- 4.1.2 Church personnel should be encouraged to save copies of conversations whenever possible, especially those that concern the personal sharing of a teen or young adult. (This may be especially important with text messaging.)
- 5. The Provincial Superior will insure there is ongoing formation for all confreres regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious.**

Policies and Procedures for the Protection of Young People

- 5.1. All confreres who serve in public ministry, even those who only occasionally serve in public ministry, must undergo ongoing formation *for a minimum of total number of hours of education that is equal to the number of years in the Institute's accreditation period.*
- 5.2. This may include the local diocesan program like **Virtus** or similar program. To the extent local diocesan education programs do not deal with these issues adequately, the Province will provide supplementary opportunities. These formation opportunities will be provided at the Provincial level at least once a year. Topics that must be dealt with are:
- Information about both preferential and situational type sexual offenders. Warning signs of both types of offenders must be clearly stated in the materials.
 - Information regarding self-protection from false allegations of sexual abuse of a minor, including what to do if one is concerned about being falsely accused.
 - Information about child pornography, including its nature as a criminal offense and as an offense considered under the United States Conference of Catholic Bishops document, Charter for the Protection of Children and Young People.
 - On-going training programs may include a variety of topics that support the prevention of the sexual abuse of minors more broadly.
 - Information on how to make a report to civil authorities of known or suspected sexual abuse of a victim who is currently a minor in the jurisdiction where the confrere is assigned.
 - Appropriate use of electronic communications and social media.
 - Information regarding abuse with vulnerable adults, including its nature as an offense considered under the United States Conference of Catholic Bishops document, Charter for the Protection of Children and Young People.
 - Information on how to make a report to the civil authorities of known or suspected sexual abuse of a victim who is currently a minor in the jurisdictions where the Member is assigned
- 5.3. Approved topics include, but are not limited to, the following:
- Appropriate boundaries in ministry with adults
 - Ministry with dependent adults – its nature as an offense
 - Internet pornography and cybersex
 - Sexual harassment
 - Development of chaste celibate relationships
 - Conflict resolution
 - Preparing religious for leadership in prevention and response to allegations of the sexual abuse of minors
 - Prevention of sexual abuse in schools, camps, churches or social service organizations
 - Child-to-child sexual abuse
- 5.4 The educational program for confreres who come to the province from outside of the country for the first time or a confrere who is returning after a significant time in the missions, or those coming temporarily for study or other purpose will participate in the educational program of the province for all confreres. If they are unable to because of the timing of their arrival, a special three hours' educational program will be administered which includes familiarity with our policies on the protection of young people.

- 5.5 A particular area of prevention is how spaces in our houses are provided for the public. Indications from the USCCB Charter and indications from CMSM help provide a guide for the distinction between public and private space in our houses. The public may not enter private areas of our houses. Also in our public areas which may be enclosed such as counseling rooms, confessionals, office space and other such places where confreres and the public meet, there needs to be in place see-through windows.
- 5.6 It is not necessary to repeat introductory material in the ongoing formation of confreres in our commitment to protect children.

6. The Provincial Superior will interrupt and intervene when a confrere violates the Institute's policies regarding boundaries with minors.

- 6.1. A confrere who observes or is told of warning signs, boundary violations or inappropriate behavior on the part of another member of the Province is encouraged to discuss his concerns with the confrere in question. At the same time, the concerned confrere should inquire with the Provincial whether he is aware of the particular inappropriate behavior.
- 6.2. If, at any time he is confronted, and the confrere is unresponsive, unreasonably defensive or otherwise refuses to cease the behavior, the concerned confrere must inform the Provincial immediately. If the Member initially ceases the problem behaviors but they are observed again, it is essential for the concerned Member to inform the Provincial so that steps may be taken to interrupt the inappropriate behavior.
- 6.2.1. The Provincial Superior documents all such cases of boundary violations.
- 6.2.2. A written plan for each case is made including a summary of the problems, ways of reducing the risk, confreres responsible for compliance to the plan, and clear expectations as to consequences for non-compliance.
- 6.3. When a Member has repeated boundary violations with a minor or a minor is known to be in danger, that situation must be presented to a review board, an intervention plan must be developed which outlines how the boundary violations with minors will be interrupted, and the Institute will verify that the intervention plan has been implemented.
- 6.4. The Institute shall immediately intervene in situations where there is potential risk of harm to an identifiable minor.
- 6.5 The Provincial Superior will offer to provide support and assistance to any Member who discloses to leadership concerns about his own attraction to minors or about potential boundary violations with minors.
- 6.5. A Member who discloses concerns must be offered responsible assistance by the Institute which includes, but may not be limited to, appropriate evaluation and/or treatment.
- 6.6. It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under Canon Law. Canon Law recognizes confessors (C. 984) and spiritual directors (C. 240, §2) as having privileged information of the internal

Policies and Procedures for the Protection of Young People

forum which cannot be revealed in these circumstances, following the constant tradition of the Church regarding manifestation of conscience in a one-on-one relationship.

6.6.1. Civil law generally only recognizes the privileged information of confessors, but not spiritual directors, depending on the state.

7. The Provincial will communicate annually to the confreres regarding our commitment to the protection of minors and current initiatives and actions with respect to the protection of the vulnerable, healing for those who have been harmed by abused, and fulfillment of accreditation standards.

7.1 The communication must contain the congregation's current accreditation status and date of accreditation expiry.

7.2 The communication must contain information about any new reports or events of abuse that have occurred since the last communication, and status of those reports or events. The level of specificity will be determined by the Provincial and Council.

7.3 The province must document the fulfillment of this communication.

RESPONSE TO ALLEGATIONS

8. Representatives of the Institute will respond pastorally and compassionately to any person who alleges sexual abuse of a minor by a confrere of the Institute. "Confrere" in this case refers to current, former or deceased member of the Institute.

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

8.1.1. A representative, qualified by education, training or experience, is to respond to those who allege sexual abuse of a minor.

8.1.2. The Provincial Superior oversees the whole process of response to any allegation. However, he may appoint someone (other confrere, employee, volunteer, or third-party contractor) to represent the Institute in any particular allegation.

8.1.3. They maintain a professional relationship with the alleged victim and/or family and do not act officially as a therapist, attorney, or spiritual director.

8.1.4. A sample intake protocol will be available. (*Appendix B*)

8.1.5. The Provincial Superior will keep in close contact with the General Direction for both assistance and to keep them informed of the progress of the investigation.

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

8.2.1. This documentation is kept in a confidential file in the archives of the Provincial Administration.

8.3. The Provincial Superior provides all confreres with a basic procedure of pastoral response so that they will have an understanding of the kind of response necessary to an individual who alleges sexual abuse of a minor and so that that the individual will be treated with respect and dignity.
(Appendix A)

9. A representative, either the Provincial or someone appointed by the Provincial, who is responsible for assisting individuals who have alleged sexual abuse as a minor will be educated regarding the nature of their role.

9.1. Representatives of the Institute who are responsible for assisting individuals who have alleged sexual abuse as a minor must have education, training, and/or experience with the following content areas:

- Dynamics of sexual abuse
- Effects of sexual abuse
- How to provide comfort to victims of sexual abuse
- How to encourage trust in victims who report being sexually abused as a minor
- How to promote a victim's healing

9.2. A representative of the Institute who is responsible for assisting individuals who have alleged sexual abuse as a minor must have written guidelines for fulfilling their role. They are:

- To listen with respect to the alleged victim and/or family;
- To offer support and professional resources to the alleged victim, the victim's family and other affected persons, assisting with referrals to therapists and/or support groups;
- To explain to the alleged victim, the Province's response to the allegations raised;
- To offer to be present during meetings between the alleged victim and/or family and the Province, including the Provincial and/or the Review Board;
- To coordinate all communications between the alleged victim and/or family and the Province, keeping all parties apprised of developments in the case.

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

10.1. Representatives of the Institute must offer to meet in person with an individual who alleges being sexually abused as a minor by a Member of the Institute.

- 10.2. Representatives of the Institute must document every attempt to assist in the healing of an individual who has approached the Institute since June of 2002 to report being sexually abused as a minor by a Member.
- 10.3. When a person comes forward with an allegation of being sexually abused as a minor, representatives of the Institute will provide a guide and explain the procedure that the Institute will follow in responding to the allegation. (*Appendix A*)

11. The Institute adheres to a specific protocol for responding to reports and allegations of sexual abuse of a minor. (Appendix B)

- 11.1. The protocol comes into effect immediately once a report is made. The Provincial Superior insures all steps in the protocol are faithfully followed
- 11.2. Diligent communication with the following persons are crucial:
- Responding to individuals who report sexual abuse of a minor
 - Responding to individuals who allege they have been sexually abused as a minor
 - Responding to Members who have been accused
 - Communicating with the accused
 - Protecting the rights of all those involved
 - Conducting internal investigations
 - Working with review board
 - Communicating with the diocesan bishop where the alleged abuse took place and where the Member is residing, as appropriate
 - Communicating with the employer of the place where the alleged abuse took place and where the confrere is currently employed, as appropriate
 - Communicating with the Religious Institute, the faith community, and the public, as appropriate
- 11.3. The Provincial will document adherence to this protocol for responding to reports and allegations of sexual abuse of a minor.

12. The Institute will require any confrere with direct knowledge to immediately report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state's mandatory reporting laws.

- 12.1. Members must be educated in their obligations under the Institute's policy that they must report to civil authorities all allegations of known or suspected sexual abuse of a minor, regardless of the civil mandatory reporting laws of the jurisdiction. Reports are made to appropriate civil authorities.

Policies and Procedures for the Protection of Young People

- 12.2. Confreres must report to appropriate civil authorities known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography. Child pornography is considered sexual abuse of a minor according to both church and civil law.
- 12.3. Reporting of actual or suspected sexual abuse of a minor is the responsibility of the one who has knowledge of the sexual abuse of a minor or of the criminal activity in regard to the acquisition and/or use of real or virtual child pornography.
- 12.4. The Provincial Superior is to be informed *after* reporting to civil authorities. He will then enact the protocol for response of the Institute.

13. The Institute will require its members to report known or suspected sexual abuse of a minor by a confrere, living, deceased or former when the victim 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.

- 13.1. When the victim is no longer a minor, we will advise and support a person's right to make a report to public authorities.

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

- 14.1. All information that is provided to the Institute must be investigated to the extent possible, including information that is provided anonymously.
- 14.2. The Institute has written procedures for investigating reports of sexual abuse of a minor by its members. (*Appendix C*)
 - 14.2.1. An investigation will be done by trained individuals who will produce a written report. The investigator may be a confrere, volunteer, employee or third-party contractors of the Institute.
- 14.3. An investigation warranted, even if:
 - The offender is deceased.
 - The allegation comes from an anonymous source.
 - The alleged victim does not seem credible.
 - The allegation is past the statue of limitations.
 - The police or other criminal investigators do not find enough evidence to file a criminal case.
- 14.4. Any investigation may not be necessary if:
 - The allegation fits a pattern of known abuse of the alleged offender.
 - The alleged offender admits to the abuse.

- 14.5. However, there are several reasons to do conduct an investigation regardless:
- Identify other potential victims.
 - Learn more about the arousal pattern of the confrere for supervision purposes.
 - Demonstrate due diligence in all cases.
 - Inform ministerial assignment decisions.

14.6 If at the conclusion of an initial investigation, which may be performed by the provincial or his delegate, there is a “semblance of truth”¹ to the allegations of sexual abuse against a confrere, the provincial must ensure that the confrere against whom the allegations are made has no access to minors during the pendency of a full investigation.

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

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

- 15.2. Guidelines for this cooperation are as follows:
- Establish a relationship beforehand to identify the detective on the case
 - Check with the detective before you initiate any kind of internal investigation
 - Offer to share any information you can

15.3. The Institute’s will consult with civil authorities when its own internal investigations occur concurrently with a criminal investigation.

15.4. The rights of the confrere being investigated are to be respected under canon and civil law.

16. The Institute will maintain thorough documentation of the Institute’s response to allegations which enables the Institute to demonstrate due diligence and creates an “Institutional memory,” or record for subsequent leadership.

16.1. A case review checklist will be the first page of this documentation. (*Appendix D*)

16.2. Documentation of allegations, reports and responses concerning the sexual abuse of minors must remain accessible to the Major Superior and his successors.

¹ “Semblance of truth” is defined as “not manifestly false or frivolous.” A Resource for Canonical Processes for the Resolution of Complaints of Clerical Sexual Abuse of Minors (USCCB, Nov. 2003)

Policies and Procedures for the Protection of Young People

- 16.3. The Institute must document that all allegations of the sexual abuse of minors have been presented to the Review Board.
- 16.4. Documents of allegations are strictly confidential in accord with canon law. Access to documents will be based on a strictly “need to know” basis or as required by civil law.
- 16.5. The Institute must document that a one-time review of the personnel files of all living current Members for any possible allegations of sexual abuse of a minor has been accomplished.

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

- 17.1. The Institute will employ the services of the *Region II Review Board* through the *Conference of Major Superiors of Men*, to assist us so as to allow an external, objective body to review our efforts. This demonstrates transparency and provides the Provincial Superior with critical advice on all aspects of responses required in connection with a case.
- 17.2. The role of the Review Board is to provide advice and consultation to the provincial with respect to fulfillment of Accreditation Standards, the Charter and Essential Norms, and other congregational standards for the prevention and response to incidents and allegations of sexual abuse of minors. This role does not extend to the Review Board actively investigating allegations² or acting as the province’s “investigators” as this may create a dual role for the board and does not meet prevailing standards for independent review.
- 17.3. When considering allegations of sexual abuse of a minor against a confrere, the Review Board members must be provided with the following: a) the original report or allegation of sexual abuse of a minor by a Member that was submitted to the Institute, b) the final report of an investigation, c) all other allegations of sexual misconduct by that Member, and d) any relevant disciplinary actions that have been taken in the past in regard to that Member and the reasons for the actions.
- 17.4. In cases where alleged sexual abuse of a minor by a confrere cannot be investigated or established, the Review Board must provide consultation regarding the disposition of the case.
- 17.5. The Institute must document that all allegations and reports of the sexual abuse of minors have been presented to the Review Board.

18. In cases where an allegation of sexual abuse of a minor committed by a Member has been established, the Institute will inform the leadership

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

of any organization or ministry in which the Member has admitted to, or is suspected of, having sexually abused a minor, to the extent possible.

- 18.1. The Institute will maintain documentation concerning the Institute's communication with the leadership of the organizations and ministries in which the Member has admitted to, or has an established allegation of, the sexual abuse of a minor, including any reasons why this communication was not possible or that the communication was deemed not feasible, if such was the case.
- 18.2. It only applies to those organizations and ministries where the Member has admitted to, or is suspected of, having sexually abused a minor.

SUPERVISION AND SAFETY PLANS

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

- 19.1. The Safety Plan must include:
- a summary of the problem behaviors, which at a minimum will detail the number of victims, and the age and gender of the victim(s),
 - information about how the Member spends the majority of his time,
 - any applicable sex offender registry requirements, including parole and probation,
 - a summary of the Member's risk assessment and the risk-reduction strategies, including as appropriate 1) limitations on the Member's access to minors and how any such access is supervised, 2) issues of personal relationships with friends and family, to ensure that the Member does not have unsupervised access to minors, 3) monitoring of the Member's use of electronic communications, social media and internet access, and 4) issues of financial accountability.
 - the person responsible for the implementation of each risk-reduction strategy,
 - consequences for non-compliance with the Safety Plan,
 - dates on which the Safety Plan has been reviewed by the Review Board.
- 19.2. The Safety Plan will be signed by the confrere, the Provincial Superior and at least one individual who is directly involved in the supervision of the individual.
- 19.3. The Safety Plan is implemented by the Institute and the Member understands the consequences for non-compliance with the Safety Plan.
- 19.4. If the Member chooses not to sign the Safety Plan, this should be documented.
- 19.5. Distributing, downloading, or intentionally viewing child pornography of any kind is sexual abuse of a minor according to both civil and canon law. Any individual who has engaged in these behaviors must have an individualized Safety Plan.

Policies and Procedures for the Protection of Young People

- 19.6. Due regard must be given to the need for any confrere who has a Safety Plan to authorize the release of any confidential information to the members of the Review Board.
- 19.7. Within thirty (30) days of implementation, the accrediting agency must be informed of a new Safety Plan for a Member who is determined to be a “High Risk” offender.
- 19.8. All confreres who have an established allegation of sexual abuse a minor, including men who are in a residential treatment center or who are on parole/probation, are required to have a Safety Plan.
 - 19.8.1. Where confreres and/or congregation may be subject to criminal and/or civil liabilities, legal counsel about the text and implementation of the safety plan must be done. It is permissible for safety plans or portions thereof to be protected by the attorney-client privilege.

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

- 20.1. Appropriate work for a Member who has sexually abused a minor must be determined in consultation with the Review Board and, when appropriate, the local bishop.
- 20.2. Appropriate work, and the specific assignment, for a Member who has sexually abused a minor must be documented in the Safety Plan of the confrere.

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

- 21.1. The Review Board must review each new Safety Plan in a timely manner after the Safety Plan’s development.
- 21.2. The Review Board must review each existing Safety Plan at least once each year.
- 21.3. The Review Board must receive a report of compliance annually. The report must include the Member’s overall response to the Safety Plan and information about any violations of the Safety Plan.
- 21.4. The confrere, his local superior and the Safety Plan Supervisor must be given timely notice of the Review Board meeting and invited to submit information for consideration and requests for modifications of the Safety Plan.
- 21.5. The Review Board must document any recommendations offered to the Major Superior, either in their annual report or in some other memo/minutes.

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

- 22.1. Supervision of Members who have Safety Plans may be conducted by qualified Members, employees, or third-party contractors of the Institute.
- 22.2. Confreres who have safety plans must live in a supervised setting with individuals who provide support and accountability.
- 22.3. When the supervision of a Member on a Safety Plan is managed primarily by a Member of the Institute, the other assignments of the Supervisor must not interfere with the responsibility of supervision.
- 22.4. Individuals who supervise must receive written guidelines regarding their role and procedures for supervision, including how to respond if the supervised a confrere that violate his Safety Plan. (Appendix E)
- 22.5. Individuals who supervise must be provided with training regarding their responsibilities.

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

- 23.1. Individuals who supervise must have adequate information to fulfill their duties to supervise, which may include the following:
 - Relevant history of sexual abuse of a minor
 - All allegations of sexual misconduct, including those with adults
 - History of compliance with Safety Plans
 - Current progress in treatment, if applicable or information about treatment completion.
 - History of substance use and/or abuse, if applicable
- 23.2. Individuals who supervise must be provided with written instructions regarding documentation that must be maintained to verify compliance.
- 23.3. Due regard must also be given to the confreres' civil and canonical rights regarding the authorization of the release of any confidential information to individuals involved in supervision
- 23.4. Pertinent information may also include treatment records or summaries, evaluation results, psychological evaluations or personal histories, with appropriate limited waivers of release.
- 23.5. All information known in the external forum by the provincial and not protected by attorney-client privilege shall be shared with those who supervise confreres on safety plans.

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

- 24.1. Routine documentation of compliance with Safety Plans is based on a protocol.
- 24.2. If a confrere who is currently on a Safety Plan experiences any significant change in behavior, or a new allegation surfaces, his Safety Plan must be reviewed as soon as possible by the Major Superior. Any adjustments made to the Safety Plan for managing risk must be communicated to the supervisor and Review Board immediately.

25. Communities that house “high-risk” confreres will be visited by outside auditors on an unannounced basis to ensure consistent implementation of Safety Plan protocols.

- 25.1. The Institute must determine the level of risk for each of its Members who have an established allegation of the sexual abuse of a minor and are on a safety plan.
- 25.2. The Institute, in cooperation with experts, will be responsible for identifying a “high risk” confrere. The level of risk should be determined either through a professional risk assessment or through a review of behaviorally-based indicators.
- 25.3. Communities that house high-risk Members must be visited by outside auditors on an unannounced basis at least once a year.
- 25.4. Visits will be documented by the auditors.
- 25.5. If our Institute is found to be out of compliance with the Safety Plan for a high risk individual, we must be revisited within the next 30 days. Continued non-compliance with a Safety Plan would mean loss of accreditation.

GLOSSARY OF TERMS

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

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

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

Policies and Procedures for the Protection of Young People

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

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

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

[This is a definition which keeps it in line with the concept of moral certainty required by canon law. The judgment of the major superior must be objective, i.e. based upon facts and circumstances discovered in the course of the investigation. It is not based upon a percentage of the evidence, i.e. most likely true or most likely occurred, which implies 50 + 1% of the evidence. It allows for the canonical principle in moral certitude which states that the judgment of the major superior admits that the contrary (the falsity of the accusation) is indeed possible but highly unlikely or improbable, to the extent that the major superior has no fear that the contrary (the falsity of the accusation) may be true.]

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

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

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

Member or Confre: A person for whom our congregation is fully responsible according to its proper law.

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 with the permission of the major superior.

Minor: Anyone under the age of 18. (3)

³ This definition of a minor reflects the stipulation of the USCCB Charter for the Protection of Children and Young People (revised June 2011), which states that “for purposes of this Charter, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The graver delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 1o the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.”

Policies and Procedures for the Protection of Young People

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

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

Risk Assessment: Is the prediction of the degree of possibility of re-offense for someone with a known history of sex offenses. ⁴

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.

⁴ According to Association for the Treatment of Sexual Abusers (ATSA), risk assessment is “concerned with predicting the degree of possibility of a sexual re-offense for someone with a known history of sex offending . . . the task of risk assessment is to strike a scientific and ethical balance among the identification of offenders, while optimizing public safety.”

Appendix A

Handout Response to Sexual Misconduct: Maintaining Boundaries in Ministerial Relationships

The Xaverian Missionaries recognizes that sexual misconduct by confreres has devastating consequences for victims and their families, for the lay and religious communities, and for the perpetrators. We have become increasingly aware of the effects of this tragic behavior and have developed a steadfast commitment to helping those affected.

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

SEXUAL MISCONDUCT IN A MINISTERIAL RELATIONSHIP

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

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

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

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

Policies and Procedures for the Protection of Young People

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

Sexual exploitation consists of sexual contact between a religious and person receiving pastoral care from him. **Sexual abuse** is sexual contact between a religious and minor or vulnerable adult.

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

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

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

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

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

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

HOW THE INSTITUTE RESPONDS TO COMPLAINTS OF SEXUAL MISCONDUCT

The Institute, through the Provincial Superior and independent investigators will respond swiftly to evaluate and investigate any accusation of sexual misconduct by a confrere. Any confrere who has engaged in the sexual abuse of a minor will join the Institute's *Aftercare Program*. This rigorous relapse

Policies and Procedures for the Protection of Young People

prevention program provides appropriate psychological treatment specific for offenders, and entails ongoing monitoring and supervision.

The Institute, consistent with the directives of the Catholic Bishop's *Charter for the Protection of Children and Young People*, participates in a collaborative *Review Board* in Region II of the Conference of Major Superiors of Men (CMSM). This interdisciplinary board of lay professionals advises the Institute on all matters related to sexual misconduct.

PREVENTING SEXUAL MISCONDUCT

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

CONCLUSION

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

WHERE TO TURN FOR HELP

If you or someone you know believes that a confrere has violated the boundaries outlined in this pamphlet, we urge you to report such behavior immediately to the Major Superior, and/or the Pastoral Outreach Coordinator [or equivalent title]. Your case will be handled with the strictest sensitivity and confidentiality.

This is the contact information for the Institute.

**Office of the Provincial Superior
Xaverian Missionaries - USA
12 Helene Court
Wayne, New Jersey 07470
(973) 942-2975**

Appendix B

Protocol for responding to reports and allegations of sexual abuse of a minor

1. ALLEGATIONS OF SEXUAL MISCONDUCT

Issues of sexual misconduct are to be taken seriously, handled attentively, kindly and expeditiously.

When an allegation is received

1. The person making the allegation is to be directed to write to the Provincial Superior, and he/she should be given the name, address, and phone number of the Provincial/Delegate.
2. During investigations by civil authorities or by the Institute, the confrere who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties.

The Provincial Superior

1. Will see to it, without delay, that the District Attorney of the location where the alleged misconduct took place is duly notified, either by the victim, by the diocesan authorities, or by his office. If the Diocesan authorities are notified first of the allegation, they in turn may proceed to inform the local District Attorney and our Provincial Office.
2. Will keep the General Direction informed, and obtain from them whatever support and authority is necessary to address the issues at hand.
3. Will keep his Council informed about matters of this nature so that due support be given to the confrere accused, and proper understanding shown to the victims.
4. The Provincial Superior will designate an investigator to independently gather information regarding the allegations and produce a written report. He may do so with the knowledge of his Council. Any documentation regarding matters of sexual misconduct is to be handled with the utmost reserve, and due confidentiality.
 - a. The investigator will advise any parties that they represent the Institute 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 providing that care.
 - c. The investigator, who shall obtain statements from the parties and any witnesses, will keep the

Policies and Procedures for the Protection of Young People

Provincial Superior informed regarding the status of the investigation.

2. FOLLOW-UP INVESTIGATION

In the case of credible allegations

1. In the cases of an established or undisputed allegation, an investigation may be conducted to identify any other potential victims and to obtain information to inform the ongoing supervision plans for the confrere who has abused.
2. They are to be received and handled with due respect, concern, welcome, and interest and subsequently followed expeditiously. Believing, supporting, caring for the victims is to be a primary concern.
3. Both the victim(s) and the perpetrator are provided with the due psychological therapy, evaluation and spiritual counseling. Particular attention is to be given to the victims and he/she is offered a competent guide or “advocate.”
4. The Provincial Superior will maintain contact with the accused confrere throughout the entire process.
5. While the allegation made against a Xaverian confrere is being investigated, due attention, welcome, listening, is afforded to the accuser. Even though the facts have not been determined, the Xaverian community will provide for pastoral and psychological assistance to the victim, and assistance to enable him/her to understand the procedure, terminology and various steps of the solution.
6. During the course of the investigation and eventual court proceedings the confrere, alleged to have engaged in sexual misconduct, is provided with appropriate and complete legal assistance and community moral support. In some cases it may be also necessary for the Xaverian community to retain legal assistance as well.
7. When the completed investigation report is received by the Provincial Superior, he will present the results of the investigation to the accused confrere for a response.

3. COLLABORATION

The Diocesan commission for matters of sexual misconduct and the CMSM Review Board are to be kept informed of any matters dealing with members of the United States Province of the Xaverian Missionaries.

The Provincial is to work closely with diocesan authorities regarding any allegation of sexual misconduct by Xaverians.

Local Diocesan Guidelines are to be respected. As the US Bishops stated, any priest, religious, or pastoral minister judged by civil authorities or an independent investigator to have sexually abused a minor will not be allowed to serve in any public ministerial capacity or hold any pastoral office in a given diocese.

A copy of these guiding principles and procedures is filed with the diocesan authorities wherever Xaverians are actively engaged, and/or our religious houses have been established.

The Provincial Superior will provide the diocese with a document of presentation which will also indicate whether or not credible allegations exist against any individual member working in or seeking to minister within the diocese.

4. RESOLUTIONS

Policies and Procedures for the Protection of Young People

A confrere, who has been accused of sexual misconduct, is to be given spiritual direction, psychological therapy, assistance, attention and welcome to a determined Xaverian house.

A Xaverian who has been duly adjudged to have abused a minor is to be removed from ministry, assigned to reside in a religious house with a safety plan in place, or a third party specialized facility.

The General Direction will be consulted for any further action that may be needed.

If the accusation proves to be unfounded every step is to be taken to restore the good name of the member falsely accused and reinstate the accused to ministry.

5. POSSIBLE LEGAL SOLUTIONS AVAILABLE

Cases of sexual misconduct can and may be prosecuted according to the laws of individual States.

If the Statutes of Limitations have expired, and other more pastoral solutions prove to be not possible, it may be advisable or necessary to revert to mediation.⁵

Mediation should not ordinarily be entered upon. However, if this procedure is deemed necessary, the Provincial, after hearing his council members, can authorize this type of solution. Considering the financial aspects of such a procedure the Provincial Council members should be duly informed of the details of the ultimate settlement. None of the funds specifically gathered through the Mission Cooperation plan for our overseas work are to be diverted for such legal settlements.

6. REPORTING TO THE PUBLIC / THE PRESS

Information relative to allegations of sexual misconduct is to be made available by the spokesperson delegated for this task by the Provincial Superior. Denials, "no comment," refusal of information, are not valid responses to legitimate questioning. A listening stance allows due information to be processed and researched before any final statement, issued by the Provincial Superior, is made.

In dealing with the press the Provincial Superior will provide *a written statement* that is brief, clear, and impartial.

7. RECORD KEEPING

Records regarding the allegation and follow up will be maintained in the Provincial archives. The Provincial Superior alone has access to these documents. The documents are to be kept indefinitely. It is well that the General Direction of the Congregation be informed in a pertinent and succinct fashion, regarding the decisions taken in such matters.

⁵Mediation - the lawyer for the victim of misconduct and the lawyer for the Xaverians (community or confrere who is presumed/alleged to be guilty of sexual misconduct) meet and agree upon a sum of money to be passed to the victim to provide for psychological counseling or compensation for expenses incurred by the victim as a result of or on occasion of the misconduct. Mediation is entered into when an alleged victim wishes to prosecute at any cost.

Policies and Procedures for the Protection of Young People

The records are to be reserved in that part of the archives where important personnel and decisional documentation is kept. It is suggested that documents regarding serious personal matters of a religious member be placed in a sealed manila envelope, on the outside of which nothing but the profession number of the person to whom the documents refer is inscribed.

8. REPORTING TO THE REVIEW BOARD FOR CONSULTATION

Allegations against members the things that the Review Board looks for in the Provincial Presentation or Province Report (the material you will send to the Board) are the following:

1. Date of the allegation, date of the incident, the present ages of accused and alleged victim (or date of death) and ages at the time of the incident.
2. The nature of the abuse in some detail and the number of times the abuse was suffered
3. The Province's Pastoral Response to the alleged victim(s)
4. Province's notification to both civil authorities and diocesan authorities
5. Province's notification to the accused Religious that Province Authorities have explained to him his civil and canonical rights and his removal from ministry
6. Completed Investigation Report: whatever form that report might take, which could be anything from an official report by a professional third party investigator to [in the case of a member accused by an unknown person] the simple summary of an interview with the member.

If in a given case the Province has not done one or more of the above please explain why in this case it was not done. E.G. you are submitting a case to the Review Board and in the report you have not notified Diocesan authorities. You might give an explanation in the report stating that the Provincial will only make his determination after the Review Board Consultation. The Provincial has decided in this case that the Diocesan authorities will be notified of the accusation and the Provincial's determination simultaneously.

After The Review Board has reviewed the cases the Board will send the written summary of their consultation. After the Provincial reads the report, he can contact the Board Chairperson and can report the action the Provincial has taken in light of the advice.

The Completed Investigation Report for each case, or at least a summary of the report is very important and would give the information needed for the Board to better understand the case.

For anyone on a Safety Plans the Review Board needs the following information:

1. History and details of the abuse
2. Risk Assessment (ATSA or clinical) ATSA are Risk Assessments that meet certain industry standards (best practices) and are executed by a certified professional
3. Copy of the Safety Plan, a statement of whether or not the accused member has verified or denies the allegation(s)
4. Physical situation of the member e.g. present age, present health, living situation (e.g. nursing home, Provincial community, retreat house where minors might at times be on retreat, etc)
5. Members history of compliance with the Safety Plan
6. Who is the supervisor (e.g. lay or religious and his/her training), supervisor's report, including frequency of meeting with the offender, does the supervisor suggest any changes in the Plan.
7. Consequences for non-compliance

Policies and Procedures for the Protection of Young People

The Review Board used by the Province is a shared Review Board with other congregations of Region II of the Conference of Major Superiors of Men.

9. FOR OUR COMMUNITIES

No confrere or local community is to deal with matters of sexual misconduct on their own. All must report and refer alleged victims to the Provincial Superior or his Delegate.

The members of the provincial community are expected to be understanding and supportive of whatever steps are taken by the Provincial Council to deal with the matter at hand.

By religious profession a Xaverian becomes a full-fledged member of the community. A priest member, while always a member of his religious family, receives authority to carry out ministry from the Ordinary of the Diocese where he works. Sexual misconduct must be considered under both of these aspects. Restriction of priestly faculties may oblige the termination of a pastoral ministry; however a confrere remains a member of the community and must be so assisted and aided.

Resolving matters of sexual misconduct by members of our communities and the detection, prevention and deterring of future abuse remain a priority issue for the Provincial Administration. Sexual abuse is a crime for which justice is demanded. It is grave sin, which must be duly confronted and must not be tolerated.

These guidelines constitute a response requested by USCCB and CMSM statements, which are awaiting approval. They have the approval of the US Xaverian Provincial Administration, and they will be periodically revised and updated to meet the requirements of the guidelines issued by the USCCB, by the Dioceses where we are present and/or the CMSM.

At least every three years the Provincial Council shall review these policies and procedures and make recommendations and amendments to the Provincial.

The Provincial may amend these policies and procedures at any time upon the recommendation of the Council or at his own initiative.

*Approved by the Provincial Superior and Council, December 5, 2002
Last revision May 2014*

Appendix C

Template for Documentation of Allegations

Policies and Procedures for the Protection of Young People

NAME OF ACCUSED MEMBER: <hr style="border: 1px solid black;"/> <input type="checkbox"/> DECEASED <input type="checkbox"/> LEFT <input type="checkbox"/> IN MINISTRY <input type="checkbox"/> SAFETY PLAN <input type="checkbox"/> OTHER	NAME OF ALLEGED VICTIM: <hr style="border: 1px solid black;"/> <input type="checkbox"/> MINOR or <input type="checkbox"/> ADULT when reported Policy Guide provided on: _____
DATE REPORTED TO PROVINCE: _____	DATE OF ALLEGED INCIDENT: _____
SUMMARY OF ALLEGATION(S)	REPORTED TO CIVIL AUTH <input type="checkbox"/> yes <input type="checkbox"/> no (reason if not) INFORMED OF RIGHT TO REPORT <input type="checkbox"/> yes <input type="checkbox"/> no INFORMED DIOCESE <input type="checkbox"/> yes <input type="checkbox"/> no INFORMED SITE/ORGANIZATION <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> NA
PASTORAL CARE OFFER TO MEET MADE <input type="checkbox"/> yes <input type="checkbox"/> no WHO MET/DATE (IF APPLICABLE): (REASON IF NOT) OFFER FOR COUNSELING? DOCUMENTATION OF ATTEMPT TO ASSIST <input type="checkbox"/> yes <input type="checkbox"/> no	
INVESTIGATED <input type="checkbox"/> yes <input type="checkbox"/> no (REASON IF NOT)	
DISPOSITION: DATE REVIEWED BY REVIEW BOARD:	

Appendix D

Sample Guidelines for Supervisors

The Supervisor of a Religious Priest or Brother on a Safety Plan is appointed by the Major Superior.

The Supervisor may be a Member of the Institute or a third party contracted for purposes of Supervision.

The Supervisor will be qualified by training or experience for the role of supervision.

The Supervisor is an integral part of a positive, informed support system for the Member on a Safety Plan to ensure a safe environment for minors, vulnerable adults, the Religious Institute and the Member being supervised.

The Supervisor will be provided with:

- Accurate knowledge of the Member's allegations and problem behaviors.
- Accurate knowledge of the Member's treatment programs and aftercare requirements.
- Accurate knowledge of the rules, restrictions and expectations in the Safety Plan. This should also include knowledge of the requirement of the Charter and Norms of the U.S. Conference of Catholic Bishops.
- Awareness of the Member's potential arousal patterns.
- Familiarity with the Member's schedule and whereabouts.
- Knowledge of and the consequences for violations of the Safety Plan.
- The ability to hold the Member accountable for violations of the Safety Plan, including imposing consequences.
- The ability to intervene in any onset of a risky or problem behavior.

The Supervisor will:

- Meet regularly with the Member for a formal review of compliance with the Safety Plan.
- Maintain all documentation of compliance and non-compliance.
- Maintain documentation of imposing consequences for non-compliance.
- Maintain all logs and records required by the Safety Plan
- Report all cases of non-compliance to the Major Superior or his delegate.
- Provide regular updates regarding the Member's compliance with the Safety Plan.

Appendix E

Internet and Social Media Policy

INTRODUCTION

Policies and Procedures for the Protection of Young People

The Xaverian Missionaries of the USA Province acknowledges that technology has advanced to the point that many electronic and telecommunication devices are easily accessible and allow swift communication and tools for mission animation. Also, technology offers an effective and important means to retrieve and share information. Yet, the use of technology requires judgment, discretion, and prudence to ensure that a confrere maintains proper boundaries, adheres to basic moral principles, avoids situations that may question his integrity as a religious, and respects others at all times. When using electronic communication, a confrere is to take necessary precautions to avoid inappropriate and excessive access and use. All use of these resources is subject to the normal requirements of legal, moral, and ethical behavior. Whenever we use electronic communications, we are speaking in the name of the congregation.

Mission and vocation animation with young people is experienced more and more through electronic communication of some kind. The province has an official website, blog and social media network that include Facebook, You Tube, Flickr and Twitter which is overseen by the *Mission Media Office*. We encourage confreres to share and participate in these ways of promoting mission with young people. In doing so however prudence, particularly with minors, is to be kept in mind. The following policies of the province emphasize the positive use of technology and establish safeguards to prevent inappropriate or abusive relationships with minors, as well as to avoid situations that may be open to misinterpretation or misunderstanding.

DEFINITIONS

1. *Electronic Communication* – a message or interaction through a device which provides direct communication, including but not limited to voice or text-based telecommunication devices and computers, and other venues that facilitate indirect contact/cyber-interaction using an intermediate method, including but not limited to Internet-based social networks.
2. *Electronic mail* – digital information or communication transmitted by use of the Internet, a computer, an electronic tablet, a facsimile machine, a pager, a mobile telephone, or any other electronic device or means, which is sent to a person identified by a unique address or address number and received by that person.
3. *Social networks* – locations on the Internet where users may interact with other users; examples include, but are not limited to, Facebook, MySpace, Flickr, YouTube, and Twitter.
4. *Internet sites* – any site (including but not limited to web pages, newsgroups, user groups, usenet, chat rooms, blogs, applications, games) accessed by electronic means through a computer, mobile phone, tablet, or similar device.
5. *Online Gaming* – any game played over some form of computer or electronic network such as the Internet.
6. *Minor* – an individual under 18 years of age or, for the purpose of this policy, any student or youth.

COMMUNICATIONS AND BOUNDARIES

Policies and Procedures for the Protection of Young People

7. A confrere does not solicit or enter into any type of communication, electronic or otherwise, with a minor that is not within the scope of his ministry, or any communication that would undermine the parent-child relationship or serve to foster an inappropriate relationship with a minor or group of minors.
8. A confrere avoids relationships and communication, particularly with minors, that are secretive, exclusive, competitive, and obsessive.

GENERAL GUIDELINES

9. Confreres are to respect appropriate boundaries in all electronic communication, especially with minors.
10. Any adult who becomes aware of a boundary violation regarding Electronic Communication and Social Media by a confrere is to notify his local superior and provincial.
11. If a minor in need reaches out through electronic media to a confrere for support and/or guidance, he is to be supported, but directed to continue the conversation with a trusted adult in a supervised ministry setting. If the individual is in danger, is a danger to himself or herself, or is a danger to others, the confrere notifies appropriate professionals and abides by all mandatory reporting laws.
12. A confrere is to report to the provincial immediately any communication, either initiated or received, with a minor that may be construed as inappropriate and forward that communication to the provincial.
13. A confrere is never to communicate on a personal level or of a personal nature, with a minor via internet based social networking sites, mobile phones, texting, instant messaging, etc. A confrere may use electronic communication with a minor only for ministry-related and ministry-appropriate communication.
14. A confrere may use electronic media for more personal communication with relatives who are minors, provided the relatives' parents are aware of the existence of such communication.
15. Each confrere is to inform young people with whom they interact electronically that province policy limits such communication to ministry-related topics, forbids discussion or sharing of personal information, and prohibits extensive and frequent communication with individual students or young people.
16. We understand that even communication considered private in the digital world often has the possibility of becoming public, sometimes without an individual's knowledge or consent.
17. In all electronic communication and postings, a confrere is not to say or post anything that is, or could be construed by any observer, as harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Furthermore, any sexually oriented conversation or discussion about sexual activities is prohibited.

Policies and Procedures for the Protection of Young People

18. All confreres must comply with all federal and state laws, as well as all applicable contracts and licenses governing use of electronic media.

19. Transmission of any material in violation of civil or criminal codes is prohibited, including threatening or obscene materials or any materials/programs protected by trademarks or copyright laws.

GUIDELINES FOR USE OF SOCIAL MEDIA

20. All use of social media is considered public behavior. Anything posted on social media reflects not only upon the individual, but also on the religious community of which he is a member. In social network postings (whether written, photographic, video, or audio), a confrere posts nothing that compromises his personal integrity or that of the community. He is to be respectful and courteous at all times.

21. We are to maintain a private profile on any social networking site so that a minor does not have access to our private information.

22. A confrere is not to “friend” minors or to communicate with them through social network site, except when the minors are relatives and their parents have access to the information shared.

23. On social network pages, confreres are not to contradict Church teaching, criticize other confreres or employees, friends and benefactors, disagree with province or ministry site policies, or be critical of province or ministry site authority.

24. Because information of a social networking page is public information, a confrere is to avoid posting anything which works against the building of unity and brotherhood within community.

GUIDELINES FOR USE OF INTERNET

25. Confreres are to monitor their use of the Internet so that it does not become addictive or interferes with community responsibilities and community dynamics.

26. Confreres are never permitted to view sites that promote obscene or pornographic material. Possession, distribution, downloading, and/or intentional viewing of real or virtual child pornography is a criminal act.

27. If a confrere has a blog or participates in other blogs or posts comments on websites, he is to adhere to the same principles of conduct outlined above regarding social media.

CONSEQUENCES

28. The inappropriate use of technology, social media, the Internet, or any other form of electronic communications may result in, but are not limited to, restrictions to the use of computers, mobile phones, or other electronic devices.

29. Any use, possession, or transmission of child pornography will be turned over to criminal authorities for prosecution and may result in dismissal from the Institute.

30. Any transmission of sexually explicit, graphic, or suggestive material, particularly to or from a minor, is a serious boundary violation and will result in immediate removal from active ministry and further disciplinary actions.

31. The Provincial has the authority to revoke the tacit permission for any and all use of electronic devices on a case by case basis.

Appendix F

Guide for Mandatory Reporting of Child Abuse

Introduction

The updating of the policy of the region regarding the protection of young people requires some changes. One matter is the new requirement that all confreres are now mandatory reporters of abuse. Our regional policy, *The Policies and Procedures for the Protection of Young People* (PPYP, 12-13) state:

The Institute will require any confrere with direct knowledge to immediately report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state's mandatory reporting laws.

- Members must be educated in their obligations under the Institute's policy that they must report to civil authorities all allegations of known or suspected sexual abuse of a minor, regardless of the civil mandatory reporting laws of the jurisdiction. Reports are made to appropriate civil authorities.
- Confreres must report to appropriate civil authorities known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography. Child pornography is considered sexual abuse of a minor according to both church and civil law.
- Reporting of actual or suspected sexual abuse of a minor is the responsibility of the one who has knowledge of the sexual abuse of a minor or of the criminal activity in regard to the acquisition and/or use of real or virtual child pornography.
- The Provincial Superior is to be informed *after* reporting to civil authorities. He will then enact the protocol for response of the Institute.

The Institute also requires its members to report known or suspected sexual abuse of a minor by a confrere, living, deceased or former when the victim 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.

Policies and Procedures for the Protection of Young People

- When the victim is no longer a minor, we will advise and support a person's right to make a report to public authorities.

Laws by State

In order to assist confreres in this important commitment, this guide provides some practical procedural information. Each of the three states we reside and work in require mandatory reporting by clergy and religious.

New Jersey

Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately the Division of Youth and Family Services by telephone or otherwise at 877-NJ ABUSE or 877-652-2873. A child is a person under the age of 18.

The content of the report should contain, when possible the names and addresses of the child and their parent, guardian or other, the child's age, the nature of the child's injuries or abuse and any other information that may be helpful with respect to the abuse and the identity of the perpetrator.

The failure to report could result in a disorderly conduct charge and a fine of \$50.00. Any person making such a report shall have immunity from any liability, civil or criminal.

Massachusetts

All clergy and religious personnel are considered mandatory reporters for acts of child abuse and must report any incident with 48 hours to the Department of Children and Families at 800-792-5200 any time, day or night. More information may be found at <http://www.mass.gov/eohhs/consumer/family-services/child-abuse-neglect/>

The content of the report should contain, when possible the names and addresses of the child and their parent, guardian or other, the child's age, the nature of the child's injuries or abuse and any other information that may be helpful with respect to the abuse and the identity of the perpetrator.

Failure to report can result in a fine up to \$1,000.00. If the failure to report results in serious body injury, or death, of a child, then the mandated reporter may be fined up to \$5,000.00 or imprisonment for up to 2.5 years.

Wisconsin

As in Massachusetts and New Jersey, ordained priests and religious personnel are considered mandatory reporters. Reporting is done immediately to the Department of Child Protective Services in the county where the child resides, or, to the Child Abuse Hotline at 800-352-6513.

The content of the report should contain, when possible the names and addresses of the child and their parent, guardian or other, the child's age, the nature of the child's injuries or abuse and any other information that may be helpful with respect to the abuse and the identity of the perpetrator.

Failure to report can result in a fine up to \$1000.00 or imprisonment for not more than six months, or both.

Knowledge of Abuse through the Sacrament of Reconciliation

It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under Canon Law. Canon Law recognizes confessors (C. 984) and spiritual directors (C. 240, §2) as having privileged information of the internal forum which cannot be revealed in

Policies and Procedures for the Protection of Young People

these circumstances, following the constant tradition of the Church regarding manifestation of conscience in a one-on-one relationship. (PPPYP, 7.2)

In state law they call this “privileged communication” which is also allowable in the three states where we reside. Privileged communications are exempt from the requirement to report suspected abuse or neglect. The privilege of maintaining this confidentiality under state law is provided by statute.