

Policies Procedures & Protocols

For Maintaining
Ethical Ministry with Minors and
Vulnerable Adults



Our Lady of Angels Province

Effective: May, 2019

Policies, Procedures & Protocols for Maintaining Ethical Ministry with Minors and Vulnerable Adults

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Section 1. Standards of Conduct for Ministry with Minors and Vulnerable Adults

The following standards are intended to assist friars in making decisions about interactions with minors and vulnerable adults in Church sponsored and affiliated programs, in parishes, social service areas, and even with members of their own families.

A **friar** may be a professed religious of the Province, a novice or a postulant and includes a friar of the Province returning to the US from abroad or a professed religious of another Province or Institute (national or international) who will be under the authority of the local province.

A **minor** is anyone under the age of 18.

A **vulnerable adult** is anyone over the age of 18 who would be considered uniquely susceptible to abuse because of physical, mental or emotional disabilities, or otherwise at risk due to a life situation and/or power differential.

Abuse and neglect of minors and vulnerable adults are contrary to human rights and dignity and to the teachings of the Church. They are prohibited behaviors. Friars have a responsibility to protect minors and vulnerable adults from all forms of abuse and neglect.

1. Prohibited Behaviors

- a. Being under the influence of alcohol to the point of impairment while in the presence of minors and vulnerable adults.
- b. Using, possessing, or being under the influence of illegal drugs while in the presence of minors and vulnerable adults.
- c. Providing or allowing minors and vulnerable adults to consume alcohol or illegal drugs.
- d. Swearing in the presence of minors and vulnerable adults.
- e. Speaking to minors and vulnerable adults in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- f. Discussing sexual activities with minors and vulnerable adults unless it is a specific job requirement and the friar is trained to discuss these matters.
- g. Engaging in any sexually oriented conversations with minors and vulnerable adults unless the conversations are part of a legitimate lesson and discussion for teenagers or vulnerable adults regarding human sexuality issues. On such

occasions, the lessons will convey to them the Church's teachings on these topics. If they have further questions not answered or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling.

- h. Being nude in the presence of minors and vulnerable adults.
- i. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
- j. Sleeping in the same beds, sleeping bags or small tents with minors or vulnerable adults, or sleeping in the same room with a minor or vulnerable adult without parent/guardian present.
- k. Engaging in sexual contact with minors and vulnerable adults. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.

2. Off-site events

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

3. Physical contact

- a. Friars are prohibited from using physical discipline in any way for behavior management of minors and vulnerable adults. 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 and vulnerable adults.
- b. Appropriate affection between friars and minors/vulnerable adults constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for friars in ministry roles with minors and vulnerable adults:
 - Hugs, if welcomed by the minor/vulnerable adult.
 - Pats on the shoulder or back.
 - Hand-shakes.

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

However, any touch whatsoever that is experienced as unwanted or uncomfortable by the recipient would be considered inappropriate.

- c. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors and vulnerable adults. In order to maintain the safest possible environment for minors and vulnerable adults, the following are examples of affection that are not to be used by friars in ministry roles with minors and vulnerable adults:

- 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/vulnerable adult.
- Touching knees or legs of minors/vulnerable adults.
- Wrestling with minors/vulnerable adults.
- Tickling minors/vulnerable adults.
- Piggyback rides.
- Any type of massage given by minor/vulnerable adult to a friar.
- Any type of massage given by a friar to a minor/vulnerable adult.
- Any form of unwanted affection.
- Compliments that relate to physique or body development.

4. Training for friars who work with minors and vulnerable adults

- a. Friars shall review the Ethics in Ministry Policies and agree to comply with the Province Code of Ethics.
- b. Friars who work with minors and vulnerable adults must participate in training that addresses their role in protecting minors and vulnerable adults.
- c. 4a and 4b also pertain to any friar as defined in Part I, Section 1 who is a member of another Province/Institute (including those coming from outside the US) who, for a time period of 90 days or longer, is either:
 - i. in active ministry in the province, or
 - ii. undertaking any educational program associated with or sponsored by the Province.

5. Supervision of Programs that Involve Minors and Vulnerable Adults

- a. Programs for minors and vulnerable adults in which members are involved, must be supervised by at least two adults.
- b. Friars in leadership roles shall be aware of all programs for minors and vulnerable adults that are sponsored by their parish, school or agency. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall examine these programs and consider whether there is adequate supervision.

6. Observing Inappropriate Behavior by Friars

- a. Any friar who observes warning signs of unhealthy boundaries with a minor/vulnerable adult by another friar is to immediately convey this concern to the Minister Provincial.
- b. The Minister Provincial or his delegate will take immediate steps to address the concern with the friar exhibiting the behavior. Such steps would include:
 1. An investigation of the concerns.
 2. A professional evaluation of the friar.
 3. The taking of appropriate actions to ensure the protection of minor/vulnerable adult.
 4. Dialogue with the friar's ministerial supervisor, his guardian and diocesan officials if warranted.

7. Self-Reporting

- a. Any friar who is concerned about an unhealthy attraction to minors is encouraged to disclose the information to the Minister Provincial.
- b. Self-disclosure is strongly encouraged.
- c. The Minister Provincial will ensure that any friar who self-reports, can receive immediate evaluation and treatment for the problem.

Section 2. Reporting Procedures for Reporting Abuse of Minors or Vulnerable Adults

1. All friars are obligated to report known or suspected *current* abuse of minors or vulnerable adults to civil authorities within 48 hours regardless of state mandatory reporting laws.
 - a. See Appendix F, *Resource to Assist Friars in Reporting Abuse*, for contact information by state.
2. In addition to reporting to the civil authorities, friars shall report any suspected or known abuse of minors or vulnerable adults that may have been perpetrated by a friar directly to the Minister Provincial or to his delegate. Reports of suspected or known abuse may be made confidentially (unless otherwise required to be disclosed by canon law) to any of the following:
 - a. The Chair of the Review Board
 - b. The Guardian;
 - c. The Minister Provincial;
 - d. The Minister General; or
3. An anonymous, specific and verifiable letter of concern may be sent to any of the above. Anonymous concerns will be investigated to the extent that is feasible based on known information.
4. All allegations of sexual abuse that may have been committed by a friar or other agent of the Province shall be promptly reported to civil authorities in the jurisdiction in which the alleged incident occurred, according to the laws of that jurisdiction.
 - a. Allegations of sexual abuse will be reported to civil authorities regardless of whether the person making the accusation is a minor or an adult at the time the allegation is received, according to the laws of that jurisdiction.
 - b. Allegations of sexual abuse will be reported to civil authorities regardless of whether the accused friar is living or dead, or whether he is a current or former member of the Province, according to the laws of that jurisdiction.
 - c. Allegations of sexual abuse will be reported to civil authorities regardless of whether the alleged victim's identity is known, according to the laws of that jurisdiction.
 - d. Allegations of sexual abuse will be reported to civil authorities regardless of whether the allegations are believed to be credible at the time they are received, according to the laws of that jurisdiction.
5. If abuse of a minor or vulnerable adult is confirmed through investigation, civil authorities shall be re-contacted and a follow-up report will be submitted, if

requested. If further investigation indicates the allegation is not credible, civil authorities will be contacted to provide the additional information

6. If the alleged victim is a minor at the time the allegation is received, his or her identity will be provided to the civil authorities. If the alleged victim is an adult at the time the allegation is received and consents, his or her identity will be provided to the civil authorities. If the alleged victim is an adult at the time the allegation is received and does not consent to having his or her identity revealed, the alleged victim's identity will not be disclosed.
7. Files of allegations will be created at the time the allegation is received and will contain information about how the allegation was handled.
8. The Province will cooperate fully with investigations by civil authorities.
9.
 - a) The Minister Provincial or his delegate will report allegations of sexual abuse to the Chancery of the diocese in which the alleged abuse occurred and to the Chancery in which the accused friar currently resides and/or ministers.
 - b) The Minister Provincial or his delegate will report allegations of sexual abuse to the ministerial supervisor of the place where the accused friar ministers and to places of recent ministry if warranted.
 - c) The Minister Provincial or his delegate will notify the Guardian of the friary where the accused friar resides of the allegation of sexual abuse.
 - d) All communication with the public will be handled by the person designated by the Minister Provincial.

Section 3. Responding to Incidents and Allegations of Sexual Abuse

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

A. Initial Response

1. The Minister Provincial (or his delegate) shall receive allegations of sexual abuse and coordinate assistance to anyone who brings an allegation of abuse by a friar of the Province.
2. When an allegation of abuse is first received, the Minister Provincial (or his delegate) shall attempt to gather sufficient information to complete a preliminary report. The information would include the following:
 - a. Name of the alleged victim;
 - b. Age of alleged victim;
 - c. Address and phone number of alleged victim;
 - d. Name of alleged perpetrator;
 - e. Approximate dates of alleged abuse;
 - f. Nature, type and location of alleged abuse;
 - g. Any additional relevant details.
3. Upon receipt of an allegation of sexual abuse of a minor/vulnerable adult, the Minister Provincial (or his delegate) will promptly follow Province reporting procedures and report the allegation to civil authorities (see Reporting Procedures).
4. The Minister Provincial and the Province will cooperate fully with any investigation by civil authorities.
5. The Minister Provincial will offer to meet in person with the alleged victim if he or she so desires. The Minister Provincial will maintain a compassionate and pastoral manner regardless of the demeanor of alleged victim, recognizing that the experience of abuse and difficulty of coming forward may bring out strong emotions during the disclosure process.

6. A Victim's Assistance Coordinator may be assigned to assist with the immediate and ongoing needs of individuals who have experienced abuse and their families. (See Appendix A.)
7. The Minister Provincial will notify the accused friar of the allegation and its substantial details. He will take steps to ensure that the accused friar receives the support and assistance he needs while the allegation is being investigated. This support may take the form of assigning a mentor for the accused.
8. The Minister Provincial will inform the accused friar of his right to seek canonical and civil counsel before any further conversation into the matter. The Province recognizes that the friar may need assistance to engage such counsel.

B. Internal Investigation

1. During investigations by civil authorities or by the Province, the friar who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties.
2. The Minister Provincial will designate an Investigator to independently gather information regarding the allegations. In the cases of verified or undisputed allegations, an investigation will be conducted to identify any other potential victims and to obtain information to inform the on-going supervision plans for the Friar who has abused.
3. In order to fulfill his responsibilities, the Minister Provincial will consult with the Review Board at each juncture of the process and will convene the Board within 30 days of receiving the final report from the Investigator.
4. Should a friar be found guilty of sexual misconduct, the Province will provide for the pastoral care of the victim and the victim's family.
5. In the case of a friar found guilty of sexual misconduct, the Province will also provide for the pastoral care and treatment of the friar, offering him fraternal support in whatever penalties are imposed upon him by the legal system or restrictions imposed upon him by the Province.
6. Should an allegation be unsubstantiated, the Province will reinstate the accused friar to ministry and will work towards the restitution of his good name.
7. Province investigations will be documented. Documentation of province investigations will be stored in the office of the Minister Provincial. A summary of the investigation findings will be stored in the personnel file of the friar who is the subject of the investigation.
8. Documentation of investigations are the property of the province and shall remain with the office of the Minister Provincial following election of a new Minister Provincial.

9. The Minister Provincial will usually assign an Investigator to review the allegations, question the parties involved, and act as the representative of the Province.
 - a. The Investigator will advise any parties that he/she represents the Province and that conversations with the Investigator are not subject to any attorney/client privilege.
 - b. The Investigator will advise the parties that, although pastoral care is available, the Investigator will not be the one to provide that care.
 - c. The Investigator, who shall obtain statements from the parties and any witnesses, will keep the Minister Provincial informed regarding the status of the investigation.
10. The Minister Provincial will maintain contact with the accused friar throughout the entire process.
11. When he has received the completed investigation report, the Minister Provincial will present the results of the investigation to the friar for response.

C. Decision-Making

1. Upon the conclusion of the investigation, the Minister Provincial will exercise his judgment in delivering an appropriate response. If the friar has admitted to the substance of the allegation, or in those cases where the allegation continues to be deemed credible or has been substantiated, the Minister Provincial's response could include any of the following:
 - psychological and medical assessment and intervention;
 - restrictions on community life and personal activities;
 - limitations imposed on ministerial activities, including total removal from public ministry.
2. In cases where the allegation has been deemed credible or has been substantiated, the Minister Provincial will contact the appropriate diocesan offices to communicate the nature of the allegation and to inform the diocese of the procedure followed and the response of the Minister Provincial to the allegation.
3. In cases where an allegation of sexual abuse of a minor is substantiated, the friar may not return to public ministry.
4. If an allegation is deemed to be without merit, the Minister Provincial and his delegate will coordinate communication with all appropriate parties so that reconciliation can take place where possible and repair of damage to reputations can be undertaken.

5. In all instances, the final disposition of the matter rests with the Minister Provincial, always recognizing:
 - The friar's right to appeal to Minister General.
 - It is the Minister Provincial's responsibility to communicate his decision to the person who made the complaint, to the friar involved, and to other parties, including the Minister General, as necessary and appropriate.
6. If at any time during the course of implementing these procedures, civil or criminal proceedings are initiated against the accused friar, these procedures may be suspended immediately, to be resumed, if deemed necessary, only after the completion of the civil or criminal proceedings. In such a case, the Minister Provincial's delegate shall recommend to the Minister Provincial a possible course of action with respect to the accused friar, in keeping with the intention of these procedures and in the interests of justice.

Section 4. Review Boards

A. Establishment and Purpose

1. The Minister Provincial and his council hereby establish a Province Review Board for the purpose of providing advice to the Minister Provincial on the implementation and administration of the “Policies for Maintaining Ethical Ministry with Minors and Vulnerable Adults” of the Province. The Review Board exists solely to provide such advice and has no independent power or authority.
2. The Review Board shall consist of 5 to 7 members, including at least one member of the Province and other individuals who are not Members.
3. The Review Board shall include representation from the following groups: religious (of the province or from outside the Province), professionals from the social sciences, (psychologists, counselors, victims’ advocates and/or social workers), representatives from the legal or law enforcement profession or state protective services, and laity, preferably parents.
4. While it may occasionally be acceptable for a Review Board member to also be an employee of the Province, it is preferable for the Review Board members not to be employees of the Province. At no time may the majority of Review Board members be employed by the Province.

B. Appointment and Removal of Members

1. The Minister Provincial shall appoint members of the Review Board by letter of appointment signed by the Minister Provincial. A member of the Review Board may be removed at the discretion of the Minister Provincial in consultation with the chair of the Review Board. Members shall be removed by letter of removal signed by the Minister Provincial.
2. Review Board members shall serve a term of three years, renewable.
3. It is preferable for the Review Board to have no more than two new Review Board members in one year. When possible, terms should be staggered to provide continuity for the Board.
4. Vacancies created by the departure of Review Board members during their term shall be filled by appointment by the Minister Provincial. Review Board members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term, and may then be reappointed to a full term at the discretion of the Minister Provincial.

C. Officers

1. The Review Board members shall elect a Chairperson who shall serve for a term of one year and may be re-elected at the will of the Review Board. The Chairperson shall call and chair meetings of the Review Board, ensure that the work of the Review Board is properly documented and communicated to the Minister Provincial and appoint other ad hoc officers and assistants from among the other Board members as may be required to accomplish the work of the Board.
2. At the beginning of each meeting of the Review Board, the Chairperson shall appoint a recording secretary to record the decisions and other relevant actions of the Review Board during that meeting.

D. Record Keeping

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

E. Confidentiality

1. Review Board members shall sign a confidentiality agreement and undergo a criminal records check.
2. The records and other information received by the Review Board shall be treated as confidential, subject to the requirements of both Civil and Canon law and the Policies of the Province.
3. The Review Board's advice to the Minister Provincial regarding particular cases shall be confidential; provided, however, that the Minister Provincial may, at his discretion, disclose the advice he received from the Review Board. The advice or positions taken by particular Review Board members shall not be disclosed and need not be recorded in the Review Board files.
4. The Province recognizes that the Review Board may receive confidential and sensitive information that could be used to injure the reputations of individuals. At the same time, the Province recognizes that the Review Board's records may contain information relevant to civil and criminal law investigations.

5. It is the policy of the Province to fully cooperate with all legal requirements and law enforcement agencies while, at the same time, respecting any applicable civil and canon law rights and requirements of confidentiality and privacy.
6. The law of certain states and of the United States prohibits the disclosure of certain information, such as mental health communications, substance abuse and alcohol treatment records and HIV testing and AIDS treatment records. The Review Board shall protect the confidentiality of such information, which it may receive by way of appropriate releases of information, to the fullest extent of the law.

F. Reporting

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

G. Operating Procedures

1. The Minister Provincial shall convene the Review Board at each step of the investigation and processing of an allegation of sexual misconduct in which the Review Board is to participate. The process is outlined in the policies in Section 3: *Responding to Incidents and Allegations of Sexual Abuse*. The Minister Provincial or the Chairperson of the Review Board may choose to convene the Review Board at other times he or she deems advisable.
2. The Minister Provincial shall convene the Review Board by notifying the Chairperson. The Chairperson shall promptly contact the members of the Review Board and schedule a meeting as soon as practical.
3. The Review Board may meet in person or by telephone or other electronic means. The Chairperson shall call the meeting to order and introduce the Minister Provincial, his representative or Investigator to present the matter(s) brought before the Review Board.
4. The Minister Provincial shall provide the Review Board with information relevant to the matter under consideration, subject to the requirements of civil or canon law which may prohibit disclosure of such information. Where possible, the Minister Provincial shall obtain the necessary consents to release all such information. The Review Board shall maintain the information with great respect to its confidentiality.

5. The Minister Provincial or representative may present information in any form, oral, written, graphic or recording for the Review Board's consideration. After the presentation, the Review Board members may ask questions, request additional information, or discuss the matter with the Minister Provincial or representative.
6. After the question and answer period or discussion is completed, the members shall deliberate and formulate their advice outside the presence of an outside investigator. Deliberations may take place in the presence of the Minister Provincial or his representative, at the discretion of the Review Board.
7. After the Review Board receives presentation and information from the Minister Provincial or representative, the Board shall carefully consider and deliberate over the information. If the accusation is deemed credible and/or is substantiated, the Review Board will use the Risk Assessment Decision-Making Tool, by Bryan Silva, OMI, to help determine what level of risk the Member is and if a formal risk evaluation is needed.
8. The Review Board shall make recommendations on the matters and at the times provided for in Section 3: *Responding to Incidents and Allegations of Sexual Abuse*.
9. The recommendations of the Review Board shall be summarized in writing for presentation to the Minister Provincial and a document shall be signed by the Chairperson on behalf of the full committee. The original written recommendation shall be presented to the Minister Provincial and a copy shall be maintained in the files of the Review Board.
10. The Minister Provincial shall share recommendations of the Review Board with the Provincial Council as needed.
11. The Chair of the Review Board will call an annual meeting for the review of Wellness/Safety Plans, continued risk assessment and other business. The Chair will give timely notification of this annual meeting to those friars on Wellness/Safety Plans, their Guardian and the Minister Provincial. Such notification is given so that those persons may submit information for consideration and any modification to the Wellness/Safety Plans.

H. Conflicts of Interest

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

I. Conditions of Membership

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

Section 5. Supervision and Care of Friars Who Have Abused Minors or Vulnerable Adults

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

The purpose of this framework is to:

- assure the Church and the public, especially children, minors and vulnerable adults of all reasonable measures to prevent any future occurrence;
- provide a structure within which the friar can continue his life in the Order as a vowed member of a religious community;
- provide appropriate care for the friar and the opportunity for such personal conversion and rehabilitation as may be needed;
- guide Guardians, the friar, and others in determining work, place of residence, and other activities;
- encourage Province communities in welcoming and supporting the friar in his desire to continue his life as a friar within this framework; and
- assure Province Friars of both proper care and appropriate limits with respect to their brothers in the Order.

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

A. Evaluation and Therapy

1. A friar about whom a credible accusation has been made may be asked to submit to a professional evaluation as to his psychological condition and proclivity to harmful behavior in the future.
2. The friar is free not to undergo an evaluation. If the friar agrees to undergo an evaluation, the Minister Provincial or his delegate will arrange for the evaluation.
3. Subsequent to that evaluation, the friar may be asked to participate in such in-patient and/or out-patient treatment as recommended by the evaluating professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be recommended by such professionals or the Review Board, as well as the terms of his Wellness Plan.
4. The friar may be required to report to the Minister Provincial in writing periodically (e.g., monthly, quarterly or annually, as appropriate to the situation), describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.

5. Information resulting from such evaluation, treatment and correspondence is the property of the friar. He may agree to make it available to the Minister Provincial or he may decline to do so.
6. A friar may further agree to have the information available to the Review Board.
7. Any information about a friar who has been accused of abuse shall be kept confidential by those receiving it, except as required by law to be revealed.

B. Public Ministry as a Friar

1. An ordained friar found to have abused a minor or vulnerable person would not be allowed to function publicly as a priest or deacon, including public celebration of the sacraments, use of the title "Father" or "Reverend" in public communications, and the wearing of clerical attire. The Religious Habit may be worn within the Friary or at Province celebrations.
2. In the case of a Brother, he would not be allowed to function publicly in external ministry associated with a religious congregation (e.g., school teaching, coaching, parish staff work) or use of the title "Brother" in public.
3. No clerical or distinctive religious attire would be allowed for a Priest or Brother who has abused a minor or vulnerable adult.
4. For a friar credibly charged with sexual abuse of an adult, the Minister Provincial will consider the nature and circumstances of the allegation and the advice of the Review Board in determining removal from, suspension from, or restrictions on public ministry.

C. Appropriate Work

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

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

D. Place of Residence

1. Any restricted friar would be allowed to live only in a designated Province community or other appropriate supervised place of residence, as determined by the Minister Provincial.
2. No separate apartment, private home, or other domicile would be allowed as a permanent residence for the friar.

E. Community Support and Community Roles

1. The local community can and should play an important part in helping a friar who has been restricted and who wishes to continue his life as a friar.
2. After a friar has submitted to evaluation and appropriate treatment, Province communities should welcome the restricted friar as a brother, "friend in the Lord," and, a fellow-sinner.
3. It may also be appropriate for a mentor to be appointed for the friar who would assist and support him in his efforts to maintain his program of care and treatment.
4. A restricted friar, within the community, as allowed by Canon Law, the friar would be permitted to celebrate the Eucharist only with confreres present, lead community prayer, hear confessions of confreres only, and perform community jobs and other responsibilities.
5. A restricted friar would not be allowed to serve as Guardian.
6. Upon the recommendation of the Minister Provincial, the local Guardian shall, as appropriate, inform all or part of the community in which such a friar shall live of the fact that a friar is so restricted and the appropriate specific terms of his Wellness Plan, so that the community can assist him in achieving its goals.
7. Communities may need the advice and consultation of appropriate professionals to assist the community in readying itself to receive the restricted friar and to provide him the necessary care and support.

F. Contact with Others

1. Under no circumstances would a friar credibly accused of abuse of a minor or vulnerable adult be allowed to be in contact with minors/ vulnerable adults without the ongoing supervision of other adults present at the time.
2. This prohibition would include meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices, community parlors, bedrooms of members, etc.

3. Similar prohibitions may be applied to a friar credibly accused of abuse of an adult.

G. Travel, Vacation, Retreat

1. For a friar credibly accused of abuse of a minor/vulnerable adult, vacations alone or with minors /vulnerable adults, even supervised, would not be permitted. Vacation should be restricted to Province communities or travel with other friars.
2. Retreats in locations alone would not be permitted, and retreats would be restricted to Province or other Catholic retreat facilities or Province friaries.
3. Other travel may be restricted to that related to assigned work or family visits; if appropriate, a friar companion for travel also may be required.
4. Additional specific permissions for travel may be required from the Minister Provincial.
5. Doubts about specific travel should be referred by the local Guardian to the Minister Provincial. Again, similar prohibitions may be applied to a friar credibly accused of abuse of an adult.

H. Driving

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

I. Publications and Publicity

1. Restrictions on publications, letters to the editor, web-pages, radio and television appearances, and email may be appropriate.
2. Sensitivity for victims would dictate caution with regard to photographs of friars displayed in Province publications and institutions, especially those in service to minors and vulnerable adults.
3. In some cases, a friar's use of mail and phone may need to be regulated.

J. Information for Friars and Others

1. The Minister Provincial, in consultation with the Review Board, will determine whether and/or how to inform the Province membership—in general terms—of those friars who have been restricted.
2. The Minister Provincial, in consultation with the Review Board, will determine whether and/or how to inform others who may have a need to know—in general terms—of those friars who have been restricted.

K. Role of Supervisor (See Appendices B and C)

Section 6. Communication with Minors and Vulnerable Adults through Social Media

Members agree to abide by the social media policy as set forth in Appendix G, “Social Media and Communication Code of Conduct.” A copy of this policy will be provided to the member for his signature. By signing this policy, the Member understands this policy and agrees to abide by it. The signed copy will be retained in the Member’s personnel file.

Appendices

- A: Victim's Assistance Coordinator
- B: Supervisor for Friars Removed from Ministry
- C: Supervisor Documentation Requirements
- D: Policies for other Religious or Lay Persons Residing In Province
Friaries/Houses
- E: A Guide to be Given to Persons Reporting Abuse
- F: Resource to Assist Friars in Reporting Abuse
- G: Social Media and Communication Code of Conduct
- H: Types of Abuse

Appendix A: Victim's Assistance Coordinator

The representative of Our Lady of the Angels Province who is responsible for assisting individuals who have claimed child sexual abuse, is appointed by the Minister Provincial.

The Victim's Assistance Coordinator's (VAC) duties include the following:

- Upon notification from the Minister Provincial or a party who claims child sexual abuse, the VAC will gather all data possible (i.e. , information attained by the initial contact) and then contact and arrange for an appointment with the alleged victim and/or family as soon as possible.
- The VAC will listen with respect to the alleged victim and/or family. He will listen attentively for the frequency, duration, intensity, level of betrayal, and family response to the alleged abuse. He will also attempt to observe the behavior of the adult victim including their psychological, emotional, social and spiritual effects.
- The VAC will offer pastoral support and professional resources to the alleged victim and other affected persons and attempt to assess the needs of the victim and assist with referrals to therapists and/or support groups.
- The VAC will explain to the alleged victim the Province's response to the allegations raised.
- The VAC documents his meeting(s) in writing and will coordinate all communications between the alleged victim and/or family and the Province, keeping all parties (i.e., the Minister Provincial, the diocesan official) apprised of developments in the case.
- In the case of a minor the Minister Provincial or the VAC will report to civil authorities and follow all the laws of the state.
- The VAC will be present during meetings between the alleged victim and or family and the Province, including meetings with the Minister Provincial.

The VAC maintains a professional relationship with the alleged victim and/or family and does not act officially as a therapist, attorney or spiritual director.

Appendix B: Supervisor for Members Removed From Ministry

The Guardian of Immaculate Conception Friary serves as supervisor of friars who have been removed from ministry who reside in that friary. He needs to be a loving and supportive friar who has compassion for the friars in residence due to the circumstances of their lives. Strong emphasis is maintained on a healthy community life; i.e. interaction among all members, regular attendance at community prayer as well as meals and other planned activities and taking part in all areas of work responsibility as assigned.

The Supervisor will:

- Have a meeting with each friar at the beginning of each month to review any areas of concern on the part of the supervisor or the friar. This will also include a formal review of compliance with their Safety Plan. A record of compliance or non-compliance with each Safety Plan will be maintained.
- Have access to all electronic media and personal access to each friar by means of a cell phone and do periodic monitoring.
- Maintain an inventory of the friar's current access to minors and/or vulnerable adults and relationships with families who have minor children.
- Maintain documentation of imposing consequences for non-compliance with the Safety Plans.
- Maintain all logs and records required by the Safety Plans.
- Report all instances, or clarify all questions, concerning the Safety Plans with the Minister Provincial or his delegate.

The Minister Provincial may appoint other supervisors as needed for friars removed from ministry who reside elsewhere.

Appendix C: Supervisor Documentation Requirements

The supervisor of those on Safety/Wellness Plans will keep the following documentation:

- Written notes of non-compliance of Safety Plans verbally reported to him by others.
- Written reports of non-compliance of Safety Plans given to him by others.
- Written reports when “red flags” or improper behavior is observed by him personally.
- Written notes of regular contact meetings when there is a question about compliance with Safety Plans.

Appendix D: Policy for Religious or Lay Person residing in a Province Friary/House

Numbers 1, 2, and 3 below pertain to any layperson, priest, or male/female religious (including those coming from outside the United States) who, for a time period of 90 days or longer:

- a) is in active ministry in the province, or
 - b) is undertaking any educational program associated with the province
 - c) is transferring into the province
1. Any member of a religious institute who begins the probation period to transfer into Our Lady of the Angels Province is expected to adhere to the Constitutions and Statutes of the Order and the Statutes and Policies of Our Lady of the Angels Province and are required to adhere to the Province's systems of support and accountability in order to ensure the protection of minors and vulnerable adults.
 2. Conventual friars from other Provinces are expected to adhere to the Constitutions and Statutes of the Order and to the Statutes and Policies of Our Lady of the Angels Province.
 3. Religious from other Institutes, while not bound to the Constitutions and Statutes of our Order or Provinces, are bound to adhere to the Province "Policies for Maintaining Ethical Ministry with Minors and Vulnerable Adults" and to the policies and directives of the local friary.
 4. Laymen living in any of our friaries or houses are bound to adhere to Province "Policies for Maintaining Ethical Ministry with Minors and Vulnerable Adults" and to the policies and directives of the local friary.

Appendix E: A Guide to be Given to Persons Reporting Abuse

The Conventual Franciscan Friars recognize the devastating consequences that sexual misconduct has for victims and their families. We are aware of the effects of this tragic behavior and have a commitment to helping those affected.

This document is intended to provide basic information about reporting procedures and our process for responding to incidents and allegations of sexual abuse.

1. Procedures for Reporting Abuse of Minors and Vulnerable Adults

All friars shall report known or suspected current abuse of minors or vulnerable adults to civil authorities within 48 hours. Additionally, friars shall report any suspected or known abuse of minors or vulnerable adults that may have been perpetrated by friars directly to the Minister Provincial.

Contact information for Minister Provincial:

Our Lady of the Angels Province
12300 Folly Quarter Road
Ellicott City, MD 21042-1419
(410) 531-1400
minprov1@olaprovince.org

Reports may also be made confidentially to the Guardian of the friar's friary, the Province Review Board or the Minister General.

All allegations of sexual abuse that may have been committed by a friar or other agent of the Province shall be promptly reported to civil authorities according to the laws of that jurisdiction.

If the alleged victim is a minor at the time the allegation is received, his/her identity will be provided to authorities. If the alleged victim is an adult at the time the allegation is received, his or her identity will be provided to authorities only with the victim's consent.

2. Responding to Incidents and Allegations of Sexual Abuse

- When an allegation is first received, the Minister Provincial will follow Province reporting procedures and report the allegation to civil authorities. He will cooperate fully with any investigation.
- A Victim's Assistant Coordinator will be assigned to assist with the immediate and ongoing needs of individuals who have experienced abuse, if the allegation is not in litigation and will explain the response process.

- The Minister Provincial will offer to meet with the alleged victim if such a meeting is so desired.
- Following the report of an allegation and pastoral outreach to the alleged victim, the Minister Provincial will conduct an evaluation of the complaint to evaluate the essential elements concerning the reliability of the facts and circumstances of the allegation, the person alleged to have committed the abuse and the victim of the abuse. The Minister Provincial will determine as quickly as possible whether the complaint could be credible.
- If after the Minister Provincial has followed his due diligence in determining that the allegation could be credible, he must initiate the second phase of the investigation, the canonical preliminary investigation, to ascertain the probability that the delict of clerical sexual abuse of a minor did or did not occur.
- The Minister Provincial will notify the friar of the allegation. He will take steps to ensure the friar receives the support and assistance he needs while the allegation is being investigated.
- The Minister Provincial will designate an investigator to independently gather information regarding the allegation. In cases of verified or undisputed allegations an investigation will be conducted to identify any other potential victims.
- During the time of investigation, the accused friar will be temporarily removed from ministerial responsibilities and duties.
- The Minister Provincial will consult with the Review Board at each juncture along the process and will convene the Board within 30 days after receiving the final report from the investigator. The Review Board consists of 5-7 people with representation from the following groups: religious, professionals from the social sciences, representatives from the legal or law enforcement profession and laity.
- When the Minister Provincial has received the investigator's report, he shall present the results to the friar for a response.
- In the case where allegations of sexual misconduct by a friar are substantiated, the Province will provide for the pastoral care of the victim and the victim's family. The Province will also provide for the pastoral care and treatment of the accused friar.
- Should an allegation be substantiated, the Province will permanently remove the accused friar from ministerial responsibilities and duties.
- Should an allegation be unsubstantiated, the Province will reinstate the accused friar to ministry and work toward the restitution of his good name.

Appendix F: Resource to Assist Friars in Reporting Abuse

The province is required to provide child abuse hotline contact information for Members who minister in a variety of states. A Friar who is made aware of an instance of child abuse is mandated to report this abuse within 48 hours to state authorities.

Below is a list of states where Friars minister along with the contact information of the agency to which Friars would report child abuse. Some states have hotline numbers to call and other states require Friars to call a number specific to the county in which the abuse occurred. In the latter case, please use the website provided to look up the county-specific reporting number of the county in which the abuse occurred.

To reiterate, if when witnessing or hearing of a credible report of child abuse (whether perpetrated by a Friar or by someone else), the Friar, as required by state law and by the policies of the Province, is mandated to notify the appropriate state agency within 48 hours.

| State/Province | Contact Information |
|-----------------|---|
| California | http://www.dss.cahwnet.gov/cdssweb/PG20.htm |
| Connecticut | Toll-Free: (800) 842-2288 |
| Florida | Toll-Free: (800) 96-ABUSE (800-962-2873) |
| Georgia | http://dfcs.dhs.georgia.gov/child-abuse-neglect |
| Indiana | Toll-Free: (800) 252-2873 |
| Maryland | http://www.dhr.state.md.us/blog/?page_id=4631 |
| Illinois | Toll Free: (800)252-2873 |
| Massachusetts | Toll-Free: (800) 792-5200 |
| New Jersey | Toll-Free: (877) 652-2873 |
| New York | Toll-Free: (800) 342-3720 |
| North Carolina | http://www.ncdhhs.gov/dss/local/index.htm |
| Ontario, Canada | Call local CAS Office (Child and Family Services) |
| Pennsylvania | Toll-Free: (800) 932-0313 |
| Texas | Toll-Free: (800) 252-5400 |
| Virginia | Toll-Free: (800) 552-7096 |
| Washington, DC | Local (Toll): (202) 671-SAFE (202-671-7233) |
| Wisconsin | http://dcf.wisconsin.gov/children/CPS/cpswimap.HTM |

For all websites: Information on reporting is available at the site or call Childhelp® (800-422-4453) for assistance.

Appendix G: Social Media and Communication Code of Conduct

Appendix G: Social Media and Communication Code of Conduct

In order to ensure friars are consistently following the Policies for Maintaining Ethical Ministry with Minors and Vulnerable Adults of the Province of Our Lady of the Angels in their social networking activities (both privately and in those dealing directly with ministry), friars agree that when communicating with minors and vulnerable adults using any type of social media or they will not:

- a. make any comments that are, or could be construed by any observer, harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating
- b. take part in sexually oriented conversations or discussions about sexual activities
- c. communicate in private messages with minors and vulnerable adults
- d. post inappropriate pictures on their or others' social media sites
- e. post inappropriate comments on pictures on their or others' social media sites

Further, when communicating with minors and vulnerable adults using any type of social media, Members agree to:

- a. Have a public/ministerial profile on any social networking site that can be monitored by administrators to view profiles and communication with minors and vulnerable adults
- b. Communicate with minors and vulnerable adults only through these public/ministerial social networking profiles

Appendix H – Types of Abuse

[The following material is taken from the Code of Conduct endorsed by the three professional bodies of UK Healthcare Chaplains.]

Abuse is a violation of an individual's human and civil rights by any other person or persons. It is behavior that is a clear breach of the ethical conduct required of professionals. It can result from a misuse of power or a betrayal of trust, respect, or intimacy, which causes harm or exploitation. It can be caused by purposeful or negligent actions as well as a failure to act where a duty exists.

The main forms of abuse include spiritual, physical, psychological, verbal, sexual, and financial:

- Spiritual abuse is the imposition of a professional's values and beliefs on those in their care; proselytism; and a failure to respect their spiritual interests;
- Physical abuse is any form of physical contact or neglect which is likely to cause distress, pain or bodily harm;
- Psychological abuse is behavior which is exploitative, manipulative, coercive or intimidating;
- Verbal abuse is spoken remarks which are disrespectful, humiliating, intimidating or harmful to those in one's care;
- Sexual abuse is forcing, coercing or inducing any person to establish or pursue a sexual or improper emotional relationship.
- Financial or material abuse is the misappropriation of a person's money or assets through fraud or deception; or a misuse of a person's assets or money while having a legitimate access to them.

Confer;

Association of Hospice and Palliative Care Chaplains

www.ahpcc.org.uk

College of Health Care Chaplains

www.healthcarechaplains.org

Scottish Association of Chaplains in Healthcare

www.sach.org.uk