

Friary Safe Environment *Policy* for the Protection of Minors

Marian Friary of Our Lady of Guadalupe
Griswold, CT

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Preamble

The Franciscan Friars of the Immaculate of the Marian Friary of Our Lady of Guadalupe believe, as do all in the Catholic Church, that when any of our brothers and sisters are suffering or are struggling with the weaknesses and imperfections of our human nature, the proper response to these conditions is one characterized by love, compassion, and concern. The Marian Friary of Our Lady of Guadalupe (hereafter Friary) recognizes that cases involving sexual abuse of a minor by a member of our Franciscan community require actions that are loving and compassionate to the victim/survivor, fair to the accused, and sensitive to the greater good of the Catholic people and the community at large.

The Friary is a community of men vowed to a chaste, celibate way of life, dedicated to living a life of holiness personally and to practicing a devoted charity toward all our neighbors. The Friary views any kind of sexual abuse of minors by clergy or religious as a tragedy that is totally opposed to the very nature and purpose of consecrated life. When considering sexual abuse of a minor by a friar, the Friary maintains a primary concern for the victim/survivor/survivor's safety and well-being. In our society, the friar vowed to a life of chaste celibacy is looked upon with great expectation, indeed, respect and trust, by virtually all, even those who profess no religious beliefs. This power, accorded to the friar, renders display of any kind of sexual behavior toward a minor as abusive.

The *Friary Safe Environment Policy for the Protection of Minors* (hereafter “*Policy*”), is directed specifically to the friars of the Marian Friary of Our Lady of Guadalupe in Griswold, CT, and is intended to assist them in making decisions about interactions with individuals in Friary-sponsored and affiliated programs. Volunteers and employees of the Friary are expected to follow the Friary’s *Guidelines for Working with Minors* (see *Appendix II*). Any allegations of abuse made against a Friary volunteer or employee will be addressed using the applicable procedures set forth in this *Policy*.

This *Policy* also assists the Friary by creating a framework that keeps paramount the central concerns of love and compassion for the victim/survivors/survivors of abuse and fairness for the accused. This *Policy* is also intended to address interactions between the Friars and their families. For the purpose of this *Policy* alone, the Friary is defined to include the members of the Friary proper and its apostolates. A friar is defined as a professed member of the Friary, a novice, or someone formally accepted as a candidate and living at the Friary. A minor is anyone under the age of 18 (or, as reflected in this *Policy*, a person over the age of 18 who habitually lacks the use of reason, i.e. a vulnerable adult). An adult is anyone of the age of 18 or over. An allegation is a first-party complaint. A report is a third-party complaint.

This *Policy* may be revised or amended at the recommendation of either the Friary Review Board (hereafter FRB) or the Friary’s Council, by a simple majority of the Friary Council present and entitled to vote at any regular or special session. Prior to the Friary Council meeting where the proposed revision or amendment will be voted on, the proposed revision or amendment must be presented in writing to both the Friary Council and the FRB.

Section I. Definitions; Friary Programs and Activities with Minors

A. Definitions

Child abuse in any form is prohibited by this *Policy*. This applies to all friars and volunteers who work with minors, whether regularly or occasionally, at Friary-sponsored ministries. These activities include, but are not limited to, Friary catechetical programs, sacramental ministry to minors, and transportation of small groups of minors in conjunction with a Friary-sponsored activity.

Child abuse includes, but is not limited to, the following:

1. Physical abuse resulting from any kind of physical assault inflicted by an adult upon a minor that is not accidental, and that causes major or minor injuries.
2. Sexual abuse, which involves any contact or activity of a sexual nature that occurs between an adult and a minor, including the adult intentionally viewing, possessing or distributing child pornography.
3. Psychological abuse, also referred to as emotional or mental abuse, wherein an adult behaves in a way toward a minor that results in anxiety, depression, or other form of trauma.
5. Physical neglect, which is the failure of an adult to provide for a minor's basic needs, such as food, shelter and medical treatment; or the failure of the adult to protect a minor from foreseeable harm due to lack of appropriate supervision.
6. Economic exploitation, which is the deliberate misplacement, exploitation, or wrongful temporary or permanent use by an adult of a minor's belongings or money.

B. Monitoring and Supervision of Programs and Activities

The monitoring and supervision of programs and activities involving minors is important for their safety and includes these components:

1. Establishing structural guidelines or standards for programs and activities for minors, including the requirements for Friary approval of such programs and activities; and the requirements for the presence of at least two adults at each activity.
2. Establishing safeguards for programs and activities, i.e., providing monitoring and supervision to ensure that inappropriate behaviors and interactions can be prevented, detected interrupted, and stopped.
3. Maintaining a list of these programs in the Friary office that includes their purpose; activities; names of sponsors, coordinators and supervisors; meeting times; and locations.

Section II. Procedures for Reporting

A. Sexual Abuse of Minors

All friars are required by this *Policy* to report known or suspected sexual abuse of minors to the appropriate authorities, both internal (Friary administration) and external (civil authorities). Friars must also report known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography to civil authorities. A distinct file will be created at the time the report or allegation is received and will be maintained in a secure manner by the Superior. (See also *Section II, Responding to Sexual Abuse* and *Appendix I, Responding to Allegations of Sexual Abuse of a Minor by a Friar*).

Reporting Abuse when the Victim/Survivor is a Minor

Friars are also mandated by civil law in all states to report known or suspected current abuse of minors to civil authorities (law enforcement or child protection officials). The laws of each state vary and are subject to statutory changes. Friars are to be familiar with, and follow, the reporting requirements for the State of Connecticut.¹ If the alleged abuse occurred in another state, the friar must report the allegation as mandated by the law of that state.

If the alleged victim/survivor is a minor at the time the allegation is received, his or her identity must be provided to the civil authorities. Failure to report the suspected abuse of a minor to the appropriate authorities may be a crime.

Reporting Abuse when the Victim/Survivor is no longer a Minor

Friars must also report known or suspected sexual abuse of a minor when the victim/survivor is no longer a minor in accordance with the civil laws of the state in which the sexual abuse of a minor was alleged to have occurred.

B. Boundary Violations

If a friar has knowledge that another friar may have violated the Friary's *Policy* regarding boundaries with minors (See *Section V., Policy on Prevention*) or exhibits warning signs of inappropriate behavior with minors the friar must report this information. This report may be made directly to the Superior or to any Friary official, the FRB Liaison, or the chair of the FRB. The Superior is the person responsible for addressing boundary violations. He will provide a copy of this *Policy* to the friar who may have violated the *Policy* and will intervene if there is potential risk to a minor. The Superior will also coordinate appropriate assistance for the at-risk friar, draw up a written supervisory plan for the friar directed at preventing future boundary violations and document his actions in response to the report. Repeated boundary violations will be presented to the FRB, and an intervention plan developed, implemented and verified.

¹ As of May, 2016, the State of Connecticut requires that mandated reporters must report orally to the Department of Children and Families' (DCF) Careline or a law enforcement agency within 12 hours of suspecting that a child has been abused or neglected and must submit a written report (DCF-136) to DCF within 48 hours of making the oral report.

C. Support and Assistance for Friars who Self-disclose

A friar may become aware of his own sexual attraction to minors. Out of his concern for children, his personal well-being and that of the Friary, he may disclose his weakness to the Superior or, if one exists, to the Superior's delegate for conduct matters. This friar will be given compassionate support and appropriate resources to restore his health. This support may include, but is not limited to, appropriate evaluation and/or treatment by a licensed psychologist experienced in matters concerning the sexual abuse of minors by adults.²

D. Protection of Rights and Unfounded Allegations

Care should be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom an allegation has been made. When an allegation has proved to be unfounded, every step possible should be taken to restore the good name of the accused person.

² It is noted that any information in this regard received during the exercise of the Sacrament of Confession is inviolable under Canon Law; and any information received during spiritual direction or by the attorney/client privilege may be privileged as well.

Section III. Responding to Sexual Abuse

Allegations of sexual abuse of a minor may come from a variety of sources, including victims/survivors or members of their family, diocesan officials, members of the friary community, a colleague in the workplace, an alleged perpetrator, or by an anonymous person. The Friary commits itself to dealing pastorally with all those involved and protecting their rights in all cases.

The following procedures are to be followed by the Friary in response to an allegation of the sexual abuse of a minor by a friar, volunteer or employee of the Friary. However, because each case is unique, the process may be modified based on the articulated concerns of the alleged victim/survivor or the particular circumstances of the friar. The reasons for modifications to these procedures will be documented in the file.

A. Initial response to a Sexual Abuse Allegation

The procedures for the initial response to a sexual abuse allegation are delineated in *Appendix I, Responding to Allegations of Sexual Abuse of a Minor by a Friar*.

B. The Pastoral Minister

The Superior will identify a pastoral minister(s) (also termed “Victim/Survivor Assistance Coordinator”), qualified by education, training, or experience, to respond to reports and allegations of sexual abuse by a current, former and/or deceased friar. This minister is called “pastoral” to underscore the importance of treating the reporter of abuse with compassion. Many victim/survivors have reported that being received in this manner and having an opportunity to share their story helped them in their overall ability to heal.

The pastoral minister(s) may be a Franciscan Friar of the Immaculate or a lay person.³ The pastoral minister will be educated, or have experience, in the following content areas:

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

The pastoral minister will follow written guidelines (see Appendix III, Guidelines for Assisting Victims/Survivors of Sexual Abuse) for fulfilling his/her role in responding in a pastoral manner to those who report sexual abuse.

³ Currently (2016), Fra John Paul, is the designated Pastoral Minister.

C. Meeting with the Victims/Survivors

The Friary's primary focus in responding to an allegation of sexual abuse will be the victim's/survivor's welfare and is an essential Christian duty of charity owed to the person and their family. Pastoral assistance may take many forms including offering to arrange for psychological counseling for the victim/survivor and/or their family.

The Pastoral Minister will provide a guide (See Appendix III, *Guide for Assisting Victims/Survivors of Sexual Abuse*) explaining the Friary protocols for responding to allegations to the victim/survivor. Representatives of the Friary will document every effort to assist the healing process of an individual suffering from sexual abuse as a minor by a friar and describe how the response was handled in a timely, compassionate and pastoral manner.

This pastoral minister(s) will offer to meet with the victim/survivor in person (if he or she so desires) so as to promote the healing process, and to allow friars to understand how the sexual abuse has affected the individual. Recognizing that the experience of sexual abuse and difficulty in coming forward may bring out strong emotions during the disclosure process, the pastoral minister(s) must maintain a compassionate and pastoral manner regardless of the victim's/survivor's demeanor. In addition, the Friary will advise every person who makes report or allegation of their right to report to civil authorities, and be encouraged to do so, notwithstanding the friars' legal responsibilities as mandated reporters.

When a case of sexual misconduct is first received, the Superior (or his delegate) should gather sufficient information from the victim/survivor to complete a preliminary report. The information in this report should include the following:

- Name of the alleged victim/survivor
- Age of alleged victim/survivor
- Address and phone number of alleged victim/survivor
- Name of alleged perpetrator
- Approximate dates of alleged sexual abuse
- Nature, type, and location of alleged sexual abuse
- Any additional relevant details, including the names of parents/guardians

D. Notification of the Accused

Justice is due to any friar who has been accused or suspected of sexual misconduct. While a person is innocent until proven guilty under our civil system of jurisprudence, the presumption of innocence does not preclude the Friary's taking action before the matter is concluded civilly. When an allegation of sexual abuse is made against a friar, the imputability (attribution of responsibility) of the offense is presumed in canon law unless the contrary can be demonstrated. In notifying the accused, the Superior will take and document the following steps:

- The Superior, and his designee, will notify the accused friar of the report or allegation of sexual misconduct and its substantial details.
- The Superior 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 or friar-companion for the accused to be available for pastoral or spiritual counseling.
- The Superior will inform the accused friar of his right to seek canonical and civil counsel before any further conversation into the matter. The Superior recognizes that the friar may need assistance to engage such counsel. The Superior retains the right to approve the specific canonical counsel, seeking to ensure the advocate is properly versed in canon law appropriate for religious.
- The Superior will temporarily remove the friar from public ministry and any work or assignment that may put others at risk until the investigation(s) of the allegations is complete.

E. Investigations

The Superior will designate a trained external investigator to independently gather information regarding the allegations, and/or consult with civil authorities who may be concurrently conducting a criminal investigation. All information that is provided to the Friary will be investigated to the extent possible, including information that is provided anonymously. The Friary, and its designees(s) will strive to maintain the rights of all concerned in the process of an investigation of sexual misconduct.

In addition, the investigator will follow the following protocols:

- The investigator will advise any parties that he/she represents the Friary and that conversations with the investigator are not subject to any attorney/client privilege.
- The investigator will advise the parties that, although pastoral care is available, the investigator will not be the one to provide that care.
- The investigator will advise any parties that the Friary does not enter into confidentiality agreements regarding sexual misconduct.
- The investigator, who should obtain statements from the parties and any witnesses, and any relevant printed or electronic relevant documentation, to include audio and video recordings, website or social media material, and will keep the Superior informed regarding the status of the investigation.
- The investigator will produce a written report and submit it to the Superior.

All cases of sexual abuse will have a documented investigation (including anonymous allegations) or documentation as to the reason(s) why an investigation is not possible or is not necessary. In cases of an established or undisputed allegation(s), an investigation may, nonetheless, be conducted to identify any other potential victim/survivors and to obtain information for the on-going supervision of the offending friar.

A summary of the investigation findings will be retained in the personnel file of the current, former or deceased friar who is the subject of the investigation. Documentation of investigations are confidential and should remain with the office of the Superior (and his successors). Access to these materials will be restricted as required by canon law and will be only be released as required by civil law.

In order to fulfill his responsibilities, the Superior will convene the Friary Review Board (FRB) (see *Section IV, Friary Review Board*) as soon as possible after receiving the final report from the investigator, or sooner if circumstances dictate.

F. Disposition

Upon the conclusion of the investigation(s), and with the advice and counsel of the FRB, the Superior will exercise his best judgment in rendering an appropriate response. The final disposition of the matter rests with the Superior alone, always recognizing the following:

- The friar's right to appeal to the General Delegate for the U.S. mission or, in the event that the same friar holds both offices, to the Minister General, and to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life;
- The Superior's responsibility to communicate his decision personally (or through his delegate) to the person who made the complaint, to the friar involved, and to other parties, as necessary and appropriate.

If the accused friar has admitted to the substance of the allegation, or if the allegation has been otherwise established, and the friar is in temporary vows, he will be dismissed from the community. If the friar is in perpetual vows he may not return to public ministry and will have a risk assessment and a safety plan will be developed for him. The Superior's response may also include any or all of the following:

- Psychological and medical assessment, and intervention
- Supervision of community life and personal activities
- Limitations imposed on ministerial activities, including removal from public ecclesiastical ministry

G. Notifications

After an investigation has been completed by the County Prosecutor or other civil authority of jurisdiction and the FRB has offered its recommendations to the Superior, the Friary will notify all places of ministry of the accused friar. If the allegation is determined to be prosecutable in civil law and/or established in canon law, the friar's name will be released publicly, but not that of the accuser. The Friary will maintain documentation of the communications made to the public, diocesan bishops and other places of ministry of the offending friar. This is done to assist other potential victim/survivors pursue a path to healing and reconciliation.

H. Media

As a rule, the Superior does not make public statements on cases of sexual misconduct. A Friary official (or other person with media expertise) should be designated to respond to media inquiries. All other Friary officials and members of the community should refer media inquiries to this designated person.

The Friary will have a pro-active plan for dealing with the media. The plan will include a clear understanding of the need for confidentiality and the rights of the alleged victim/survivor and the accused. In dealing with the media, the Friary will be open and forthright, however, facts concerning the details of any investigation, which could breach the confidentiality or privacy rights of individuals involved, should not be disclosed.

The Friary will always communicate to the media, and to the public, its deep concern for the safety of minors and about the Friary's *Safe Environment Policy* and procedures. The Friary will inform the general public about the actions it is taking to achieve healing, reconciliation, and justice for all involved.

Section IV: Friary Review Board (FRB)

A. Nature and Purpose of Friary Review Board

The FRB is a voluntary association of the Friary and serves as an advisory board to the Superior. Members are appointed by the Superior in consultation with his council.

The FRB is comprised of a select group of lay leaders and friars who are distinguished for their upright character, and are committed to the protection of children. The lay members of the board should not be in the employ of the Friary. The board should consist of at least 5 members, including not more than 2 friars of the Institute/Friary. The FRB should have proper by-laws in which terms of its constitution, composition of membership, resignation, removal, vacancies, leave of absence, regular and special meetings, notice of meetings, chairman, quorum, voting, records requirements and retention, confidentiality, and other operational procedures are clearly outlined. These by-laws are approved by the Superior's Council.

All members of the board will sign a confidentiality statement as approved by the FRB and Superior. All records, information, and proceedings of, and received by, the FRB should be kept confidential during and after the member's tenure on the FRB. Any violation of confidentiality will be grounds for dismissal from the FRB.

The members must be familiar with the current versions of the principal documents regarding protection of minors: the *Charter for the Protection of Children and Young People*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, the 2002 CMSM *Statement of the Assembly*, the *CMSM Accreditation Standards*, and the *Friary Safe Environment Policy*.

B. Friary Review Board Responsibilities

The Superior charges the FRB and vests authority in the FRB to provide him with assistance and advice in the matters set forth below. The FRB does not, however, have the authority to replace, supplant, or in any way diminish the Superior's sole authority and responsibility with regard to determining the appropriateness of a friar's work, treatment, or placement within the Friary. The Superior may also seek the advice of others in these matters. The FRB will provide assistance to the Superior in the following ways:

- Responding to persons who have been victimized by sexual abuse
- Determining if a friar has sexually abused a minor
- Developing and/or modifying policies and procedures to prevent and/or respond to allegations of sexual abuse
- Determining if a particular supervision plan is appropriate for an offending friar and if the friar is willing and able to be supervised under a proposed plan
- Proposing possible alternatives for the disposition of cases
- Providing the Superior with an annual report of its activities and concerns

C. Disposition of Cases

After carefully reviewing all the information, the FRB offers its recommendations to the Superior regarding the assessment of the case of sexual abuse allegedly committed by a friar, and the suitability of the accused friar for public ecclesiastical ministry. The Superior alone determines whether an allegation of sexual misconduct by a friar has (or has not) been established. This judgment of the Superior must be objective, i.e. based on facts and circumstances discovered in the course of the investigation.

Section V: Supervision of Offenders

A pastoral care framework will be developed for each friar for whom an allegation of sexual abuse has been established. The purposes of this framework are to:

- Assure the Church and the public, especially victims/survivors, that all reasonable measures have been put in place to prevent any future occurrence
- Provide a structure within which the friar can continue his life as a member of the Friary
- Provide appropriate care for the friar and the opportunity for such personal conversion and rehabilitation as may be needed
- Guide the Superior, the friar, and others, in determining work, residence, and other activities that are appropriate for the friar
- Encourage the Franciscan community in welcoming and supporting the friar in his desire to continue the Franciscan life within this framework
- Assure the Franciscan community of the proper care and appropriate limits of their brother(s) in the Friary

A. Immediately after a Report or Allegation

A friar about whom a report or allegation of sexual abuse against a minor or vulnerable adult has been made should be placed immediately under strict supervision. The friar will remain under supervision until assessment and evaluation procedures are completed and a written safety plan is developed and implemented.

Supervision will consist of prohibited access to minors, restricted movement on the Friary property, restricted leaves from the property, monitored computer/internet access, and the oversight of a supervisor(s)/ monitor(s) appointed by the Superior.

B. Risk Assessments and Psychological Evaluations

A friar about whom a report or allegation of sexual abuse has been established will be asked to submit to a professional assessment of risk and evaluation of his psychological condition. If the friar agrees to undergo an evaluation, the Superior (or his delegate) will arrange for the assessment. If the friar declines a risk assessment, the Superior will, nonetheless, continue to impose strict supervision conditions. In conducting a risk assessment with an outside professional, the friar will be asked to give permission for the sharing of his personal file and all relevant information with the assessor. He will also be asked to give permission for sharing the results of the risk assessment and psychological evaluation with the Superior and the FRB.

Subsequent to the assessment and evaluation, the friar may be asked to participate in in-patient and/or out-patient treatment as recommended by the evaluating professionals, as well as other psychological, and spiritual rehabilitation as may be recommended by such professionals or the FRB.

C. Public Ministry

If the friar who has sexually abused a minor is a priest or deacon, he will not be allowed to function publicly as a priest or deacon, including publicly celebrating the sacraments, using the title "Father/Brother" or Reverend or wearing the Franciscan habit in public.

If the friar who has sexually abused a minor is not a priest, he will not be allowed to function publicly in external ministry associated with the Friary (e.g. speaking engagements, vocational gatherings, Days with Mary), use the title "Brother" in public communications, or wearing clerical attire or the Franciscan habit in public.

D. Appropriate Work

For Franciscans, the service of prayer in the Church and the world is a valuable contribution. Truly, as Saint Francis noted, his knights are hidden away in solitary, remote places so as to give themselves more intently to prayer and meditation and weeping for their sins and those of others. Thus, full participation in the Franciscan horarium of prayer is a meaningful and significant contribution to the life of the Franciscan community.

In addition to continued participation in the Franciscan horarium, the following may be acceptable work assignments for a friar-offender under supervision:

- Administrative work of the Friary
- Remunerative non-ecclesiastical work to support the ministries of the Friary
- Manual or clerical labor on the property of the Friary
- Working at a food bank or soup kitchen, or some other form of supervised social service for adults and with the informed consent of that agency
- Write an article under his name in a professional, peer-reviewed journal with the express permission of the Superior
- Work for which the friar is able or qualified wherein there is no possibility of the presence of minors

E. Place of Residence

A friar-offender who has been assessed by professionals to be at low risk of abusing a minor will be allowed, upon approval by the Superior, to live in the Friary, or in another appropriate supervised place of residence, if there will be no unsupervised contact with minors. Such offenders will not be allowed to live in an apartment, private home, or other domicile as a permanent residence.

A friar-offender who has been assessed by professionals to be at high risk⁴ to reoffend may live in the Friary if appropriate supervision is available. Alternatively, the offender may need to reside in a specialized facility where he can be properly cared for and where he will have no access to his sexual targets.

F. Safety/Supervision Plans

If sexual abuse has been established, the aforementioned elements will be adapted in an individualized safety/supervision plan for the offending friar and he will be monitored by a supervisor designated by the Superior. Factors that will be considered when developing the plan include the nature of the abuse, the age and health of the friar, the friar's acknowledgement and understanding of the harm he has done, and the recommendations of the mental health professional, and the recommendation of the FRB. The written plan is reviewed annually, at minimum, by the FRB, and provided to the friar, his Franciscan Superior, his supervisor, and, as appropriate, by other friars.

The safety/supervision plans will include:

- Summary of the offender's behavior, number, age and gender of victims
- How the friar spends the majority of his time
- Friar's work assignment
- Applicable sex offender registry, parole and probation requirements
- Summary of risk assessment and risk reduction strategies
- Individuals responsible for implementing each risk-reduction strategy
- Consequences for non-compliance with the plan
- Date of the FRB's review of the plan
- Arrangements for an unannounced, annual visit to the offender by a third-party professional experienced in dealing with offenders

The safety/supervision plan should be implemented and signed by the friar, the Superior, and at least one individual who is directly involved in the supervision of the friar. Compliance with each plan should be documented by the friar's supervisor(s). The FRB will review the plan annually in conjunction with the receipt of an annual report of compliance for the friar; give timely notice of its review to the friar; the Superior and friar's supervisor(s); and document its recommendations to the Superior regarding the plan. Each plan will also be subject to review at the time of external *Policy* compliance reviews. Supervision of friars who have safety/supervision plans can be conducted by qualified individuals, including Franciscan superiors, other friars, or a competent third-party.

Supervisors be physically and emotionally capable and adequately trained to perform the duties involved with supervision. They will have access to all pertinent information about the friar that is not otherwise privileged. This includes the relevant history of sexual abuse of a minor; all allegations of sexual misconduct, including with adults; history of compliance with safety plans; current progress or completion of treatment, and history of substance abuse or abuse. Supervisors are also provided with written instructions regarding documentation necessary to verify safety plan compliance.

⁴ CMSM Standards define a "high-risk" member of an Institute as one who has sexually abused a minor in the past and is likely to sexually abuse a minor again if left untreated and/or unsupervised.

G. Community Support

The Franciscan community plays an important role in helping a friar-offender who has been restricted and who wishes to continue his life as a friar. After a friar has submitted to evaluation and appropriate treatment, his confreres should welcome him as a brother. It may also be appropriate for a mentor, either a confrere or an approved layperson, to be appointed for the friar-offender who can assist and support him in his efforts to maintain his program of care and treatment.

A friar-offender who is a priest may, at the Superior's discretion, be permitted to celebrate and preach at the Conventual Mass, lead or read at community prayer, hear confessions of other friars; and he always retains the right to celebrate Mass privately. A friar-offender is not allowed to serve as a superior or as a member the Superior's Council.

H. Contact with Others

The Superior, in consultation with the FRB, will determine when and how to inform the Franciscan community of those friars who are under supervision. The Superior, in consultation with the FRB, will also determine whether and/or how to inform non community members who may have a need to know in general terms of those friars who have been restricted.

Under no circumstances will a friar who has sexually abused minors be allowed to have contact with any minors without the ongoing presence and supervision of other adults. The possibility of travel plans, vacations, and retreats are to be specified in the Safety/Supervision Plan and monitored by the supervisor. Travel may be restricted, including but not limited to, travel related to assigned work or family visits. If appropriate, a friar companion for travel may be required. Retreats in locations by oneself are not permitted. The Superior may also require that specific permission be obtained for travel. In some cases a friar's use of e-mail, Internet, and phone may need to be regulated and/or monitored.

Section VI: Prevention Procedures

Friars, lay staff employees and volunteers must always meet the criteria for prevention of abuse as set forth by the diocese in which the ministries are located or provided. These criteria may include screening measures, adhering to codes of conduct, and receipt of special training in various aspects of the sexual abuse of minors. In addition, friars must also meet the following screening, selection and training protocols.

A. Screening and Selection of Members

Candidates to the life of a Franciscan of the Immaculate will be carefully screened and selected prior to acceptance as a member of the Friary. **A candidate who has an established allegation of sexually abusing a minor in his past, or who has acquired or intentionally viewed child pornography, will not be permitted to remain in the Institute.**

This screening and selection will include the following actions and be documented in the friar's personnel files. The files will be maintained by the Superior of the Friary, and within other record-keeping systems as appropriate. Friars who transfer from another friary to the Marian Friary of Our Lady of Guadalupe are required to have completed, or undergo, the same screening and selection process.

Screening and Selection Actions

- Reference checks of applicants will include letters from, at minimum, two (2) professionals (clergy, teacher, employer, etc.), one (1) family member, and two (2) personal friends or acquaintances.
- Individual interviews with more than one representative of the Institute.
- Criminal records check in any state (or country, if possible) where the friar has resided during the past ten (10) years.
- National sexual offender registry check.
- Psychological evaluation by a licensed psychologist familiar with religious life, including a psycho-sexual history.
- Selection by an assessment board following the completion of the above actions following the recommendation of the Institute's Vocation Director.

B. Education and Training

Before any friar or candidate engages in public ministry he is required to complete three (3) hours of training on the prevalence, identification and prevention of child sexual abuse and addressing the unique responsibility of protecting minors as set forth below.⁵ Friars must be able to identify, interrupt, and stop behaviors that may be inherently harmful to those we serve, or that may create the conditions where sexual abuse can occur more easily.

The training programs must be completed before the beginning of any public ministry. Thereafter, on-going training is required of friars engaged in public ministry as required by the CMSM Standards and any applicable policies of the dioceses in which the Friary conducts its ministries, but not less frequently than every three years. Friary leadership is responsible for maintaining a log of the training programs completed by the friars, candidates, and supervisors.

Required Content of Sexual Abuse Prevention Training

- Specific behaviors that sex offenders use to groom their victims.
- Preferential and situational type sexual offenders and the warning signs of both types of offenders.
- Child pornography, including its nature as a criminal offense and as an offense delineated in the *Charter*.
- Self-protection from false allegations of sexual abuse of a minor, including what to do if one is concerned about being falsely accused.
- Abuse with vulnerable adults, including its nature as a possible criminal offense and an offense as delineated in the *Charter*.
- Requirements and procedures for making a report to civil authorities of known or suspected sexual abuse of a person who is currently a minor.
- Persons designated by the Superior to supervise friars who are accused of, or known to have sexually abused a minor and who have a safety/supervision plan, are required to have additional specialized training. Within three months of becoming a supervisor, individuals must complete training on the supervision of sex offenders.

Recommended Content of On-going Training

- Boundaries with adults
- Internet pornography and cybersex
- Sexual harassment
- Chaste celibate relationships
- Conflict resolution
- Leadership in prevention and response to allegations
- Prevention of abuse in schools, camps, etc.
- Child/child sexual abuse
- Appropriate use of social media

Friars are also instructed in the traditional Catholic concepts of practicing and maintaining chastity according to the state of religious life during their formation process and throughout their community

⁵ This training is also mandated for friars who are returning from ministry outside of the US, as well as for international friars who are coming for ministry within the US and who are under the authority of the Friary.

life. Friars are assisted throughout their formation in growing towards healthy sexuality as a foundation for celibate chastity and are educated as to how to develop a mature, integrated sexuality. Friars are encouraged to identify and address challenges to celibate chastity. The standard Catholic teachings on chastity are taught from traditional source books and documents as set forth below.

References used in the Formation and Ongoing Education of Friars

- The Official Catechism of the Catholic Church, specifically the Sixth and Ninth commandments
- *True Spouse of Jesus Christ* by St. Alphonsus Liguori, specifically the section of the vow of chastity
- *The Book of Sanctification* - the legislation for the religious life of the Franciscans of the Immaculate
- *Code of Canon Law*, specifically the Vows of Institutes of Religious Life

Prevention through training and education also includes clearly identifying unacceptable behaviors with regards to sexual abuse, including expressions of affection. While appropriate affection between friars and minors they serve constitutes a wholesome aspect of ministry, it is important to note that expressions of affection, especially those that involve physical contact, are interpreted by the recipient of that affection and not the friar initiating the contact. Great discretion must be employed in displays of affection with those whom we serve. Some common examples of appropriate and inappropriate expressions of affection by friars are found in Appendix II, *Guidelines for Working with Minors*, of this *Policy*.

C. Social Communications

All communication between friars and minors should take place within the parameters of the friary platform. The same *Policy* applies to friars and those with whom they have a professional and/or pastoral relationship. The use of private e-mail accounts, text messaging to/from private telephone numbers or other forms of communication is not permitted.

D. Policy Violations

A friar who has knowledge of, or who has observed a violation of this *Policy*, is to report this information as soon as is practical, to the Superior or his delegate for conduct matters. Each alleged violation will be investigated at the direction of the Superior and in accordance with the procedures set forth in Appendix I, *Responding to an Allegation of Sexual Abuse of Minor*. Friars who violate this *Policy* will be subject to administrative, canonical and/or civil measures as applicable.

E. External Review of Personnel Files

The Institute must also document that a one-time review of the personnel files of all current members of the community for any possible allegations of sexual abuse has been conducted.

Appendix I

RESPONSE TO AN ACCUSATION OF SEXUAL ABUSE OF A MINOR BY A FRIAR⁶

The Marian Friary of Our Lady of Guadalupe deplores abuse of anyone, particularly of a child, a young adult, or a vulnerable adult, and especially sexual abuse. Such activity deprives people of many of the joys of life and often causes deep and long lasting psychic pain. Such behavior vitiates the vows which govern a friar's life and violates the trust so many people willingly place in us.

In the event of the receipt of an accusation of sexual abuse of a minor by a friar, we respond to the accusation using the following procedures:

1. If the Friary receives an accusation of sexual abuse of a minor by a friar, we will follow the laws of the State of Connecticut as mandated reporters and promptly report the accusation to civil authorities. We will send an exact copy of the accusation to the New London County Prosecutor, so that the Prosecutor and his staff can determine whether they wish to investigate the claim(s) to determine whether a crime will be charged. The Friary will cooperate with any investigation by civil authorities.
2. The Friary will communicate with the diocesan bishop where the alleged abuse took place and/or where the member resides and provide appropriate information regarding the accusation.
3. At the same time, the Friary's Pastoral Minister will offer assistance to the accuser. Examples of such help include assistance from a specialized professional counselor, prayer, and pastoral outreach to family or close friends.
4. A representative of the Friary will meet with the accused friar to elicit his response to the accusation. At the initial meeting the friar will be advised that he will be removed from public ministry, prohibited from contact with minors and remain under close supervision until

⁶ These procedures also apply to allegations of abuse made against a Friary volunteer or employee as applicable. See also Section II, *Procedures for Reporting and Section II, Responding to Sexual Abuse*.

the civil authority completes its review, the Friary completes our own investigation, and the Friary Review Board has determined whether the accusation is established.

5. During this time, the Friary will offer to arrange for professional psychological assistance for the accused friar. The accused friar will meet with a supervisor at least one time each week while transitioning into the new circumstances of his life and, as necessary, with the Superior.
6. After the investigations have been completed by the civil authority of jurisdiction, and/or the Friary Review Board has reviewed the accusation and determined it to be established, the Friary Review Board will recommend a safety/supervision plan to the Superior. The Superior, or his designee, will present the safety/supervision plan to the friar detailing acceptable and prohibited activities, including the permanent restriction of access to minors; and the revocation of public ministry and faculties to function or appear as a priest outside the Friary as applicable. The plan will also name the person(s) who will supervise the friar's future activities.
7. If the accusation is determined to be prosecutable and/or established, the friar's name (but not that of the accuser) will be released publicly and to all missions of the friar.
8. If the accusation is determined to be false, or unfounded, the Friary will make every effort to restore the good name of the friar.

Appendix II

GUIDELINES FOR WORKING WITH MINORS

Good example and edifying interactions of Friars, volunteers or employees of the Friary with minors contribute to a minor's spiritual and moral development. Conversely, inappropriate conduct and interactions between a Friar, volunteer or employee of the Friary and a minor can cause harm to a minor's development and well-being, and should never occur.

References to friars in these Guidelines apply also to volunteers and employees of the Friary.

Each friar, volunteer and employee must sign this document showing that he has read and understands the Friary Safe Environment Policy, the Guidelines for Working with Minors, and any revised editions of these documents.

1.	Any Friar having contact with minors will receive approved training regarding appropriate boundaries and conduct with minors.
2.	Friars who work with minors should be aware that physical contact can be misconstrued.
3.	Friars should be aware of a minor's vulnerability as well as their own.
4.	Appropriate boundaries must be established and respected.
5.	Friars should never engage in sexual or inappropriate physical contact with a minor.
6.	Friars should not physically discipline a minor.
7.	Friars should work with minors only when accompanied by another adult and adequate staffing is available to manage emergency situations.
8.	Friars should not drive alone with a minor.
9.	Friars should never provide a minor with alcohol, illegal drugs, tobacco products, pornography or other inappropriate material.
10.	Friars should never send inappropriate electronic or written communications to a minor. Electronic communications with a minor should be Friary/family related and never be hidden from parents or others.
11.	Communications and/or information displayed or shared by a Friar with a minor through social

	media must be readily accessible to parents and guardians as well as supervisors, and consistent with the values and teachings of the Church.
12.	Friars should respect private information received about a child or included on permission forms. Information should be shared on a “need to know basis” or with permission.
13.	Minors, including family members of friars, are not permitted to visit the Friary overnight unless accompanied by an adult family member or guardian and they must sleep in an area separate from the personal living area of the friars.
14.	Friars will not share a bed or tent with a minor in any location, nor share a bedroom, other than a large group dormitory style room with other adults present.
15.	Friars must report to the Superior, or to any friary official, including the FRB (Friary Review Board) Liaison or the chair of the FRB, if they have knowledge of, or observe, another friar violating this <i>Policy</i> or exhibiting warning signs of inappropriate behavior with minors.

The following expressions of affection are regarded as appropriate by friars:	The following are some of the behaviors that are strictly prohibited of friars:
Pats on the shoulder or back	Inappropriate or lengthy embraces
Hand-shakes	Kissing
"High-fives" and hand slapping	Touching the private areas of the body of a minor
Verbal praise	Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
Arms around shoulders	Sleeping in the same bed with anyone
Holding hands while walking with small children	Wrestling or tickling
Sitting beside a child	Holding minors over three years old on the lap
Kneeling or bending down for hugs with small children	Piggyback rides for small children
Holding hands during public prayer	Any type of massage given by a friar to a minor

I have read and understand this *Policy*:

Signed _____ Date _____

Appendix III

GUIDELINES FOR ASSISTING VICTIMS/SURVIVORS OF SEXUAL ABUSE

These guidelines are intended to assist the Friary's Pastoral Minister in providing care and assistance to victim/survivors of sexual abuse and will be provided to persons reporting or alleging sexual abuse by a friar of this community.

- The Pastoral Minister will provide a compassionate response to persons who report sexual abuse of a minor or any other misconduct by a friar.
- The Pastoral Minister will provide support for counseling, spiritual guidance, support groups, and other social services agreed upon by the victim/survivor and the Friary.
- The Pastoral Minister will make appropriate referrals to help the victim/survivor heal after making a complaint.
- The Pastoral Minister will meet with victims/survivors and their families if they request such a meeting.
- The Pastoral Minister will provide the person reporting sexual abuse a complete explanation of the Friary's policies and procedures regarding the complaint and investigation process.
- The Pastoral Minister will inform complainants of their right to report their allegation directly to the civil authorities and will assist them in doing so if requested, notwithstanding the Pastoral Minister's legal responsibilities as a mandated reporter.