

Community of Franciscan Friars of the Renewal

POLICIES AND PROCEDURES

for the safeguarding of minors and vulnerable adults
while in ministry and for dealing with cases of
serious professional misconduct

Approved by the General Servant
with the consent of his Council
1 May 2018

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PREFACE

1. The Community of Franciscan Friars of the Renewal was initiated in 1987 as a direct response to the call of Saint John Paul II for a new evangelization. Like his successors, Popes Benedict XVI and Francis, he called the faithful, indeed all people of good will, “to build a new civilization of love” (JP II, Homily, Divine Mercy Sunday, April 2001). Our founding friars were inspired to work for this renewal of love, this renewal of religious life, by living lives of personal and communal renewal.
2. So many in the Church, especially men and women religious, have been guided by the example of the Good Samaritan (cf. Lk 10: 29-37) to give “freely of themselves out of love for their neighbor, especially for the weak and needy. These deeds strengthen the bases of the civilization of love and life, without which the life of individuals and of society loses its most genuinely human quality” (cf. John Paul II, *Evangelium vitae*, 27). Without qualification, we desire these words to be our own.
3. Likewise, we take to heart the words of Pope Francis in his Bull of Indiction for the Holy Year of Mercy (April 11, 2015): “In each of these ‘little ones,’ Christ himself is present. His flesh becomes visible in the flesh of the tortured, the crushed, the scourged ... to be acknowledged, touched, and cared for by us.”
4. Unfortunately, in recent years, the public moral failure of some religious and members of the clergy has created the need for the Church to adopt policies and procedures that are specifically intended for the protection of minors and vulnerable adults—those who indeed have been “crushed” and “scourged” by the unfortunate and unforgettable actions of some of Christ’s ministers.
5. In willing submission to the desires of our Church, and being faithful to our call for ongoing personal and communal renewal, we, the Community of Franciscan Friars of the Renewal, wish to establish and adopt policies and procedures that seek to lovingly safeguard and protect the well-being and human dignity of all, particularly the young and vulnerable with whom we minister.

6. Abuse of a minor is a direct contradiction of Gospel values and gravely contrary to the will of Almighty God. It is also criminal behavior and contrary to the laws, traditions, and sacred vows of religious life. Every person is a child of God, created in His own image and likeness, the only creature on earth God Himself called into existence “for its own sake.”

7. The following policies and procedures are intended, then, to foster and safeguard the advancement of the civilization of love of which Saint John Paul II spoke so ardently (cf. *Letter to Families*, February 2, 1994, no. 13), while likewise implementing the call given by Pope Francis in his letter of February 2, 2015, to Major Superiors of Religious Institutes:

Families need to know that the Church is making every effort to protect their children. They should also know that they have every right to turn to the Church with full confidence, for it is a safe and secure home.

Because of this, priority must not be given to any other kind of concern, whatever its nature, such as the desire to avoid scandal, since there is absolutely no place in ministry for those who abuse minors.

8. These policies also constitute a call for each of us to live a life of continuous conversion and self-emptying in service of God and His people.

INTRODUCTION

9. These policies are intended to prevent misconduct and abuse of minors and of vulnerable adults. They are obligatory for all members of the Institute, including novices and those admitted to any official pre-novitiate program of the Institute. Directors of CFR apostolates will ensure that any regular volunteers or paid employees who will be in contact with minors or vulnerable adults will follow any local diocesan policies.

10. The procedures have as their purpose to guide the Institute's leadership in responding to an allegation of abuse, should one be made. In addition to providing protection, these procedures also have as their purpose to help determine the truth of a situation. The Community of Franciscan Friars of the Renewal will do its best to seek solutions that are as just as possible in each situation, offering the most fitting form of assistance that will lead to a healing reconciliation.

11. In other situations—whether dealing with employees of the Institute, or with volunteers, or when dealing with cases that do not come under the general heading of sexual misconduct with a minor or vulnerable adult (such as sexual misconduct with an adult, causing scandal, serious lack of pastoral prudence, etc.)—the general principles underlying these policies and procedures could be observed, but with appropriate adaptations, keeping in mind that the provisions of the law of the Church and of civil society are not the same for all cases.

12. Both the policies and the procedures are intended to protect minors and vulnerable adults, to enable those responsible to respond immediately and effectively to alleged abuse, as well as to protect the dignity and good name of all involved—the abused, the alleged abuser, the family of the abused, and the Institute as a whole.

13. For the purpose of this policy, a “minor” is defined to be anyone under the age of eighteen. A “vulnerable adult” is an adult who is potentially subject to abuse because of physical or mental disabilities, and is unable to protect himself or herself from significant harm or exploitation; likewise, the term applies in the situation in which there is an imbalance of power in pastoral relationships. “Abuse” is the subjection of a minor or a vulnerable adult to any sexual or other unlawful activity.

14. These policies and procedures apply to any form of sexual conduct or contact that could be the basis for civil or criminal liability, as defined in the various civil jurisdictions where we serve. This can include the objectively grave violation of obligations of the Sixth Commandment of the Decalogue, and which are contrary to the vow of chastity professed by each friar. It need not be a complete act of intercourse, nor, to be objectively grave, does an act need to involve force, physical contact, or a discernable harmful outcome.

15. The policies and procedures also apply, with appropriate adaptations, to situations of professional misconduct where a friar uses his office or position of the power imbalance to coerce directly or indirectly a minor or vulnerable adult into serious behavior and/or action that is culturally, criminally or socially inappropriate.

16. The policies and procedures are intended to foster healthy, wholesome, and holy ministry with minors, and, indeed, with all those whom we encounter. An appropriate exercise of common sense and inspired wisdom is needed for their implementation, so that they may fulfill effectively their intended purpose. Ours is not to thwart the works of God and the inspirations of the Spirit, but to assure their appropriate and effective manifestations.

If loving Christ and one's brethren is not to be considered incidental and superficial but, rather, the true and ultimate purpose of our whole existence, it will be necessary to know how to make basic choices, to be prepared to make radical renuncements, if necessary even to the point of martyrdom. Today, as yesterday, Christian life demands the courage to go against the tide, to love like Jesus, who even went so far as to sacrifice Himself on the cross. (Pope Benedict XVI, October 3, 2007).

17. We keep in mind the words of Scripture: "Love must be sincere; hate what is evil and cling to what is good" (Romans, 12:9).

1. STANDARDS OF CONDUCT FOR MINISTRY WITH MINORS

I. PROCEDURES

18. In all instances, the provisions of the Canon Law of the Catholic Church, of the Constitutions and Directives of the Institute, of any particular church directives in effect in the territory, as well as of any criminal or civil law will be respected. Furthermore, the special provisions of the Holy See, 21 May 2010, in relation to priests and deacons, will also be complied with and observed.

19. The General Servant is responsible for the implementation of these policies; he appoints a friar to act as coordinator for the Institute or as his Delegate to assist in the implementation of these policies.

20. All friars (including novices and officially-recognized pre-novices) are expected to comply with the following procedures as a preventative measure against the potential abuse of minors and vulnerable adults. For this reason, they are:

- a. to study, assimilate and comply with these policies and procedures;
- b. to sign a statement of acknowledgement (see Appendix A, *Statement of Acknowledgement*);
- c. to attend an appropriate and approved training program, such as *Virtus*, and complete the “Safe Environment Questionnaire” (see Appendix B, *Safe Environment Questionnaire*);
- d. to undergo a criminal background check;
- e. to be vigilant and guard against actual or potential situations that can or may appear to inflict any harm on minors or vulnerable adults.
- f. to review the policy annually and sign again a statement of acknowledgment, normally on the second Friday of Lent, which is also to be a day of prayer, fasting, and other appropriate penance in reparation for the sins of abusers, and in hope of healing for the abused.

II. PROHIBITED BEHAVIORS

21. While it is impossible to legislate for all types of behavior, the following behaviors are unacceptable. In all situations, good common sense should be applied, particularly when dealing with minors and vulnerable persons. In that which follows, any reference to minors includes, where appropriate, a reference to vulnerable adults:

- a. providing alcohol to a minor, or allowing a minor to consume alcohol or illegal drugs;
- b. using, possessing, or being under the influence of alcohol while ministering to minors;
- c. using, possessing, or being under the influence of illegal drugs at any time;
- d. using vulgar or obscene language in the presence of a minor;
- e. speaking to a minor in a way that is or could be construed by an observer to be unnecessarily harsh, threatening, intimidating, shaming, derogatory, demeaning or humiliating. Verbal abuse of any kind is prohibited;
- f. discussing sexual matters with a minor (outside of the confessional, when required), unless it is a specific job requirement and the friar is properly trained to discuss these matters;
- g. engaging in any sexually-oriented conversations with a minor, unless that is part of a legitimate educational lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to the youths the Church's teachings on these topics. If they have further questions not answered or addressed by the individual teacher, they should be referred to their parents or guardians for clarification or counseling;
- h. being nude in the presence of a minor;
- i. possessing and/or viewing sexually oriented or morally inappropriate printed or electronic materials (magazines, cards, videos, films, etc.) with minors;
- j. dwelling in the same room, same bed, sleeping bag, or tent with a minor;
- k. using physical discipline in any way for behavior management of minors. This prohibition includes spanking, slapping, pinching, hitting or any other physical force used as retaliation or correction for inappropriate behavior by a minor;
- l. going alone with a minor to an overnight retreat or trip;
- m. riding alone in a car with a minor, except in a case of emergency;

- n. allowing a minor, including blood relatives, to stay overnight in a friary unless a parent or guardian accompanies the minor. Prior permission of the Local Servant is required;
- o. giving gifts or loans to minors, the value or frequency of which would be open to misinterpretations.

22. If a friar has difficulty dealing with issues of sexuality, he should confidently and confidentially approach his Local Servant or the General Servant.

III. APPROPRIATE AFFECTION/SIGNS OF AFFIRMATION BETWEEN FRIARS AND MINORS

23. Appropriate affection/signs of affirmation between friars and minors constitutes a positive part of church life and ministry. It is important to note, however, that displays of affection/affirmation, especially ones that involve physical contact, are interpreted by the recipient, and not the friar initiating the contact. Great discretion must be employed in displays of affection/affirmation with minors. The following are regarded as appropriate examples for friars in ministry roles with minors:

- pats on the shoulder or back;
- hand-shakes;
- “high fives” and hand slapping;
- verbal praise;
- 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.

IV. INAPPROPRIATE AFFECTION/SIGNS OF AFFIRMATION BETWEEN FRIARS AND MINORS

24. Some forms of physical affection/affirmation have been used by adults to initiate inappropriate contact with minors (often known as “grooming”). In order to maintain a safe environment for minors, the following are examples of affection/affirmation that are not to be used by friars in ministry roles with minors:

- inappropriate or lengthy embraces;
- kissing;
- flirting;
- holding minors over four years on the lap;
- touching buttocks, chests, or genital areas;
- showing affection in isolated areas such as bedrooms, closets, or other private rooms;
- being in bed with a minor;
- touching knees or legs of minors;
- wrestling with minors;
- tickling minors;
- piggyback rides;
- any type of massage given by a minor to an adult;
- any type of massage given by an adult to a minor;
- any form of unwanted affection;
- compliments or comments that relate to physique or body development.

2. REPORTING ABUSE OF MINORS OR VULNERABLE ADULTS

25. Experience shows that it is not wise for the General Servant to deal directly with the accused friar, since he will have to make the final decision regarding the disposition of the accusation.

26. For this reason, the General Servant shall designate and delegate a priest—hereinafter called “the Delegate”—to conduct an inquiry when necessary (CIC, 1717), into any allegation of serious physical, professional or sexual misconduct. Any such allegation shall be referred to the Delegate, whether such allegations are a matter of fact or of suspicion. There shall also be a priest appointed to be “Deputy Delegate” who shall have the same duties and functions as the Delegate in the latter’s absence or incapacity.

27. The Delegate is empowered and directed to act immediately to investigate and evaluate discreetly and pastorally any allegation of serious physical, professional or sexual misconduct to determine, within twenty-four hours or as soon thereafter as possible, if there are reasonable and probable grounds to believe that a friar has been involved in such misconduct with a minor or vulnerable adult.

28. If there are such grounds, then any applicable reporting laws must be complied with immediately, if a report has not already been made to the proper authorities. The Delegate will make certain that the reporting obligations have been fulfilled.

29. Any knowledge of alleged sexual abuse or misconduct shall be immediately reported to the Delegate, and handled in accordance with the provisions of civil and canon law. While the Delegate will respect the sensitivity of the matter presented, it is important for the friar to know in civil law any communication between a friar and the Delegate, or his Superior, is not necessarily protected like the communication between a confessor and penitent or between attorney and client. Indeed, in many jurisdictions, the communication between the Delegate and the accused friar is not privileged; in these cases, it may be unwise for the Delegate to question the accused directly, without consulting the appropriate legal counsel for the Institute. The accused friar should not discuss

any aspect of the allegation, including possible culpability, with other persons, except for his civil counsel or canonical adviser.

30. If an allegation of abuse of a minor by a friar is brought to another friar, he should immediately contact the Delegate. The other friar should not begin his own investigation.

31. It is the responsibility of each friar who has verifiable knowledge that another friar has been involved in abuse of a minor, to report such information to the Delegate. A friar who senses that another friar is exhibiting warning signs of unhealthy boundaries or relationships with minors should bring his concerns to the General Servant, who has the primary responsibility to address concerns about friars' boundaries or relationships with minors.

3. RESPONSE TO AN ALLEGATION

I. INITIAL RESPONSE

32. Any reported incident will be handled with a high level of Christian care, concern, and confidentiality for the alleged victim, the family, the person reporting the incident, and the accused. The protection of the reputations of all persons involved in the situation is of primary concern.

33. If the friar in question is deceased, the Delegate assumes responsibility for the inquiry and for any subsequent action. Likewise, if the friar is in an infirmary or hospital. The Delegate then will conduct a prudent inquiry into the facts, the circumstances, and the imputability of the alleged delict, unless this inquiry appears to be entirely superfluous.

34. Once an accusation is received, at no time should the General Servant, the Delegate, or any other person directly involved in the process hear the sacramental confession of the accuser or the accused.

35. The Delegate will gather all pertinent information, i.e., the name of the accuser, age, address and telephone number; the name of the accused; the approximate dates and place of the alleged abuse; the type of abuse, including specific behavior; and any additional relevant details. He may also interview others who may have knowledge of the situation.

36. Unless the civil authorities are already aware of the alleged abuse, the Delegate, after consultation with legal counsel, will report any credible allegation of abuse to them, in accordance with the civil laws of the place in which the abuse was alleged to have occurred. He will cooperate fully with all public investigating agencies. In as much as possible, the anonymity of the accuser will be protected should he or she request it. In all cases, a written record of compliance with applicable secular (civil or criminal) legislation should be maintained.

37. The General Servant or the Delegate will offer to meet with the accuser if he or she so desires and will also inform the person making the allegation of his or her right to inform civil authorities no matter when the alleged abuse occurred. The General Servant or the Delegate will maintain a compassionate and pastoral manner regardless of the demeanor of the alleged victim, recognizing that the

experience of abuse and difficulty of coming forward may bring out strong emotions during the disclosure process.

38. The General Servant will assure that someone is available to aid in the pastoral care of the person alleging the abuse. Counseling may be offered for a limited period of time, given out of care for the person making the allegation, even before the allegation is substantiated. In cases where the allegation is substantiated, justice may require that the Institute provide further assistance to the victim and his or her family.

39. The Delegate will notify the accused friar of the allegation, along with its substantial details. He will see that the accused friar has the fraternal support and assistance he needs while the allegation is being investigated. The Delegate will keep the accused friar informed of proceedings as they unfold.

40. The Delegate will inform the accused friar of the right to seek canonical and civil counsel, at the Institute's expense, before any further conversations take place. The Delegate recognizes that the friar may need assistance to engage such counsel.

II. INTERNAL INVESTIGATION

41. In accordance with the provisions of canon 1717 of the *Code of Canon Law*, the General Servant, as the friar's Ordinary, will open an initial investigation and notify the proper church and civil officials of the allegation as mandated by canon and civil law.

42. If, after the preliminary investigation, the allegation is determined to be credible, the General Servant may place the friar on administrative leave and remove any faculties pending the outcome of the procedures. The General Servant may also remove the friar from his current residence, especially if the friar resides in the area where the alleged abuse occurred. The alleged abuser will immediately be removed from any ministry to minors pending the outcome of the proceedings, and must have no unsupervised conduct with minors.

43. If the allegation is determined to be credible, the General Servant will once again offer the accused friar the services of a legal counselor as well as a canon lawyer, if the accused has not already availed of the previous offer to seek out such assistance.

44. The General Servant will keep appropriate church officials informed of developments. In some instances, after consultation with the diocesan authorities,

and depending on the circumstances of the allegation, it might be preferable to have the inquiry and subsequent steps conducted by the diocese.

45. The General Servant may encourage the friar to undergo a professional psychosexual evaluation.

46. In order to determine if the allegation is to be considered substantiated, further investigation will be done, provided that, at the same time, the civil authorities are not conducting similar processes. The investigator(s) will gather all information needed, and may question the parties involved, visit the site of the alleged abuse, and/or speak with persons who have relevant information. Past General Servants, Local Servants, or those who lived or worked with the accused friar at the time may be interviewed.

47. The investigator should advise those contacted that their conversations are not privileged communications. The investigator is not the one to provide pastoral care to the victim. The investigator will keep the General Servant informed of the status of the investigation, and will document all procedural steps taken.

48. In contemplation of litigation and for the benefit of the legal counsel of the Institute, care should be taken to protect the confidentiality of written records and the reputation of all persons involved, depending to a large extent on the prevailing civil legislation and practice. The written record shall be endorsed as being prepared for the benefit and assistance of the Institute counsel.

49. If there are no civil proceedings taking place, and if the accused admits that the allegations are true, the Delegate shall immediately present a report on the investigation to the General Servant.

50. When the investigation is completed, the General Servant will present the results to the accused friar for his response.

51. Upon the completion of the investigation, the General Servant, after consultation with the Review Board, will review the results of the investigation and take further necessary steps.

52. When a minor or vulnerable adult has been the object of serious physical, professional or sexual misconduct, a person selected for this purpose would, if possible, and according to the instructions of the Delegate, meet with the parents or guardians on behalf of the Institute to offer pastoral support and show care and concern for those involved. If such support is not desired, at least advice should be made available to the parents or guardians as to where to obtain appropriate professional counseling for themselves and the minor or vulnerable adult.

53. It might be appropriate to explain to the parents or guardians that the matter has to go through legal proceedings, and that no judgment can be made before such processes have taken place and the matter resolved.

54. If the accused is a deacon or a priest, and if the results of the investigation show that, in all likelihood, a sexual offence was committed against a minor, the General Servant is to notify the Holy See (through the Congregation for the Doctrine of the Faith) of the facts and request its decision on the matter.

55. Depending on the facts of the case, the General Servant may propose that the Holy See (1) authorize a penal process (either a formal judicial process or an administrative procedure), or (2) consider that the matter has been sufficiently addressed, or (3) ask the Holy Father for immediate dismissal of the accused from the institute or the clerical state, or both, or (4) impose a life of prayer and penance on the accused.

56. If, however, criminal or civil proceedings, or both, are underway, the General Servant might find it more appropriate, in order to avoid discovery issues before the secular courts, to delay informing the Holy See of the situation until all criminal and civil matters have been resolved. In the meantime, he would simply notify the Holy See that the matter is under consideration by the secular authorities.

III. DECISION MAKING

57. If the allegation is substantiated, the General Servant or his delegate may investigate discreetly to determine whether there may be others who were abused by the friar.

58. A friar with a substantiated allegation of abuse of a minor will be removed from ministry by the General Servant. Depending on the instructions received from the Holy See, and if the offending friar resides in the United States of America, the provisions of the U.S. Bishops' *Essential Norms for Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* will also be followed. If he resides in another country, the norms in effect there will be observed. Pending the resolution of all secular proceedings, the General Servant will forbid the friar to have unsupervised contact with minors, and a Safety Plan will be put in place. Dismissal from the institute is one of the penalties that the Holy See often imposes.

59. If an allegation of serious physical, professional or sexual misconduct with a person under the age of eighteen (i.e., a minor), or with a vulnerable adult,

regardless of the context, is deemed accurate involving a friar in temporary profession, he will not be allowed to renew his vows. If it is proven against a postulant or a novice, he will be asked to withdraw immediately from the initial formation program.

60. A friar with a substantiated allegation will be provided compassionate pastoral care and needed treatment, as well as fraternal support in the eventuality of any penalties imposed upon him by the legal system or by canonical procedures. Failure on the part of a friar to cooperate with his Safety Plan in serious ways constitutes cause for dismissal from the Institute, in accordance with the approved canonical procedures.

61. When the inquiry is completed, the accused friar and his canonical adviser, and also his civil counsel if appropriate, will meet with the General Servant and his canonical adviser, and his civil counsel if appropriate, to take any measures that might be considered necessary in the meantime, pending the final outcome of the procedures.

62. At the same time, the Institute will show compassion towards those who have been the object of misconduct by a friar. This might even call for reconciliation through the actions of an authorized representative of the Institute. The quality of the Institute's response will be a determining factor in eliciting positive cooperation on the part of all those involved.

63. If an allegation is shown to be frivolous or unsubstantiated, the General Servant will make every effort, in collaboration with the diocesan bishop, to have the accused friar reinstated in full ministry and will work towards the healing of wounds and the restitution of his good name. The General Servant will communicate to all appropriate parties the findings that the allegation is unsubstantiated, so that reconciliation can take place and the friar's reputation restored. Likewise, as appropriate, the General Servant shall answer any legitimate inquiries that diocesan authorities may make.

IV. PROTECTION OF THE VICTIM

64. Christian compassion requires that primary attention be given to the victim of morally inappropriate conduct, especially if the victim is a minor. In all cases, the Institute will protect the identity of any victim.

65. If the minor is a victim of child abuse a report will be made to the Division of Youth and Family Services (DYFS), or similar organization, as required by law.

66. The Institute will report to and cooperate with the civil authorities in cases when the victim is no longer a minor and will advise all victims of their own right to report an allegation of sexual abuse.

67. The Institute will strive to bring the healing ministry of the Church to the victim and to the victim's family. Such pastoral assistance may take many forms including psychological counseling.

V. PROTECTION OF THE ACCUSED

68. Justice is due to any friar who has been accused or suspected of morally inappropriate conduct. While a person is innocent until proven guilty under the American Civil System of Jurisprudence, the presumption of innocence does not preclude the General Servant from taking action before the matter is concluded civilly. When an allegation of sexual misconduct is made against a friar, the imputability of this offense is presumed in canon law.

69. The General Servant will designate a friar who is not involved in the matter in any other capacity to be available to the accused for confidential, pastoral, or spiritual counseling. If the accused requests a particular friar or other priest as a spiritual counselor, the General Servant shall make every effort to accede to the request if at all possible.

VI. MEDIA

70. Since any incident of morally inappropriate conduct usually evokes a strong response from the secular media, the General Servant with his Council will have a plan of action that is pro-active in dealing with the media. That plan will include a clear understanding of the need for confidentiality and the rights of the alleged victim and the accused.

71. The Institute will communicate to the public as well as to the media that it is concerned about morally inappropriate conduct and has a policy to deal with such actions.

72. An Institute media liaison will be designated by the General Servant to respond to media inquiries. This person is to establish a good understanding with the media and hopefully achieve a mutually agreed-upon format for any eventual press releases or statements. All other friars shall refer media inquiries to this designated person.

73. In dealing with the media, the Institute will be open and forthright. Facts concerning the details of any investigation, which could breach the confidentiality or privacy rights of individuals involved, shall not be disclosed.

74. The Institute will inform the general public of its policy and the actions it is taking to achieve healing, reconciliation, and justice for all involved.

4. THE REVIEW BOARD

75. Many elements are involved in situations of alleged serious physical, professional or sexual misconduct by a religious – such as spiritual, social, public relations, medical, civil and canonical issues. The social implications of any intervention affect not only the friar concerned, but also the Institute as a whole, and even the broader situation of the Church in society. None of these dimensions should be overlooked. However, since no one person can be expected to have all the requisite knowledge in these various areas, a team approach will necessarily be required.

76. For this reason, the General Servant shall establish a Review Board to assist in complying with standards of child protection and in responding appropriately to allegations of abuse of a minor brought against a friar. The Review Board is advisory to the General Servant; it is not charged with the responsibility of investigating allegations.

77. The Review Board will consist of five to seven members, of whom at least one is a friar, with the majority not being friars. The Review Board should be composed of persons with outstanding integrity and good judgment and would ideally include people with the following backgrounds: social science and mental health professionals, law enforcement and legal professionals, religious women or men, lay persons (preferably parents), and a survivor of childhood sexual abuse. Indeed, when possible, the Review Board should include a licensed person experienced in the treatment of those who have been the subject of serious physical, professional or sexual misconduct, as well as in the treatment of persons who suffer from disorders related to pedophilia, ephebophilia, addictive behavior, or other similar illnesses.

78. The Review Board is consultative in nature. It studies the situation and makes specific recommendations on such points as: conducting further investigations, suggesting possible forms of professional assistance for all concerned, and assisting in the process of rehabilitation of the friar concerned.

79. A member of the Review Board will ordinarily serve for three years or until a successor is appointed. Members may be reappointed. The General Servant and the Council appoint the members and designate the Chairperson. A Member of the Review Board may be removed by the General Servant in consultation with

the Chairperson and the Council. It is preferable that the Review Board have no more than two new members in one year; so terms should be staggered where possible to provide continuity. Vacancies caused by departure of Review Board Members shall be filled by appointment by the General Servant in consultation with the Council. Normally the Chairperson will be the contact for the General Servant.

80. The Chairperson calls meetings of the Review Board and maintains frequent communication with the General Servant. The Review Board may meet with or without the General Servant or his delegate as needed and determined by the Chairperson.

81. The Review Board will meet at least once a year. When called together by the Chairperson, the members of the Review Board will meet as soon as possible and as often as necessary. In an emergency, telephone conferencing may be used.

82. Reports will be given to the Review Board without naming the accuser or the accused friar, unless the names are already of public record.

83. The General Servant or his delegate may present information in oral or written format for the consideration of the Review Board after which the Review Board members may ask for clarification or additional information.

84. The Review Board may make recommendations to the General Servant about revisions to these policies and issues covered by them. The final decision regarding steps to be taken shall be made by the General Servant and the Council.

85. The Review Board will have access to legal and canonical counsel for its deliberations if such is specifically requested.

86. The General Servant or delegate will fully inform members about how an investigation was handled and the reporting that was done. The General Servant or his delegate will also inform the Chairperson about any situations that are likely to receive coverage in the media so that the Review Board members may be informed before that happens, even if they do not need to meet to offer advice about the situation.

87. The Review Board may recommend steps to address the needs of the accuser, the accuser's family, the friar who has been accused, and the Institute. It may advise the General Servant on strategies to be followed when it is determined that an allegation is not credible or substantiated.

88. The Review Board shall maintain complete confidentiality in all matters which are covered by these policies. Information may be shared only with the

General Servant or his appointed delegate(s) and disclosed only at the discretion of the General Servant. Individual opinions of any Review Board members shall not be disclosed nor recorded. The Review Board shall firmly protect the confidentiality of any information shared with the members including reports such as treatment for substance abuse, HIV testing, AIDS treatment records and other health records for which there needs to be a properly signed release from the person whose record it is before the Review Board members may review it.

89. A written report of advice may be given to the General Servant from the Chairperson expressing the majority opinion of the Review Board when a situation demanding such a report arises and if the General Servant requests it. The Chairperson may also choose to detail minority opinions as deemed appropriate. If such reports are to be retained, they will be kept in the files of the General Servant, not by the designated Chairperson or any member of the Review Board. The Review Board members will keep statements such as this policy for reference, but will not keep material that may be distributed at a particular meeting about a specific allegation of abuse.

90. If the name of the accuser or that of the accused happened to become known, any Review Board member who may be related by blood or marriage, or through employment, financial or business relationships, or any kind of professional or spiritual counseling with an accuser or an accused friar, shall inform the Chairperson of the Review Board of the conflict and excuse himself or herself from all deliberations concerning that particular situation. A Review Board member who has a conflict of interest with the Institute itself or the work of the Review Board, or for any other legitimate reason, should submit his or her resignation to the General Servant.

5. RECORD KEEPING AND COMMUNICATION

91. Investigations of allegations of abuse shall be documented and the reports maintained in the office of the General Servant. At his discretion, a summary of an investigation or a note referring to where such documentation is filed will be kept in the personnel file of a friar who is the subject of such an investigation. The General Servant will keep all records concerning an allegation of abuse and the subsequent investigation in a confidential manner. Great care will be taken to protect the reputation of the accused friar during the entire process. Access to these files is strictly limited.
92. The General Servant or his delegate will at some time also share appropriate information about allegations and investigations with the General Council.
93. The General Servant and the Council will annually review these policies.

6. SAFETY PLAN AND SUPERVISION

94. A Safety Plan will be developed for each friar about whom a substantiated allegation of sexual abuse has been made.

95. This plan is designed:

- a. To assure the Church and the public that reasonable measures are being taken to prevent any future abuse of a minor;
- b. To provide a structure within which the friar can continue his life in the Institute;
- c. To provide for the care of the friar and the opportunity for personal conversion and rehabilitation as may be needed;
- d. To encourage local friaries to welcome and support the friar in his desire to continue his life as a friar;
- e. To assure all the friars that there will be proper care and appropriate limits for friars with substantiated allegations.

96. The following elements will be adopted depending on the severity of the abuse, notoriety of the situation, age and health of the friar, and recommendations of the Review Board for each friar under supervision:

a. Treatment, progress reports:

1. A friar may be asked but not required to submit to a professional evaluation of his psychological condition and proclivity to harmful behavior in the future. A friar is free to refuse such evaluation; however, an evaluation may aid in his rehabilitation if the allegation is substantiated;
2. Subsequent to such evaluation, the friar may be asked to participate in treatment recommended by evaluating professionals;
3. The friar may be required to report formally to the General Servant or his delegate describing his progress in terms of work, therapy, spiritual direction, community life and other appropriate issues;

4. Information from evaluation and treatment reports is the property of the evaluating agency and may be released only with permission of the friar, who may be asked to make these available to the General Servant;
5. A friar must give permission for the General Servant to share the results of psychological testing with the Review Board;
6. Any information about a friar who has undergone evaluation or treatment shall be kept confidential by those receiving it except as required by law to be reported.

b. Public ministry

1. An ordained friar found to have sexually abused a minor or vulnerable person will not be allowed to function publicly as a priest or deacon. This forbids any public celebration of any sacrament as well as using the title “Father” or “Reverend” and wearing clerical attire;
2. A non-ordained friar may not function publicly in ministry associated with the Institute or use the title, “Brother”;
3. Clerical attire may not be worn by a priest or brother who has abused a minor. Our habit is not clerical attire, but it should be worn by a restricted friar only in the friary or in friar gatherings;
4. If dismissal from the clerical state and from the Institute has not been imposed, the decision regarding any form of reintegration of a cleric into pastoral ministry is reserved to the General Servant. If diocesan faculties are required, the decision will be taken in agreement with the diocesan bishop involved. However, before any such decision is made, the General Servant should seek advice from the Review Board and other competent persons. Each case must be looked at individually;
5. The friar who is allowed to carry out some type of pastoral ministry is to have a priest monitor, distinct from his confessor or spiritual director, acceptable to both the friar and the General Servant, with whom he would meet frequently. The monitor would have appropriate freedom to report to the General Servant and to advise him concerning the individual’s ministry;

6. As another form of support and ongoing evaluation, the friar could also be asked to see a professional counselor on a regular basis or as needed. The friar's consent would be sought to allow the counselor to report to the General Servant concerning the cleric's continued suitability for involvement in some form of ministry.

7. Keeping in mind the canonical provisions applicable in the territory, it might not be possible for the cleric to resume active ministry in any capacity. Or, in certain cases, it might be appropriate not to restore all his faculties, but only those that are necessary for the assigned ministry;

8. Before any reintegration takes place, some contact between the General Servant or the Delegate and those involved in the misconduct and, if applicable, their families, should take place.

c. Appropriate Work

1. If he is able, the friar who has been removed from public ministry could do appropriate work to support the friary or in the service of people in need. This might include internal and carefully supervised work in the friary, such as clerical/administrative work, as long as there is no possibility of unsupervised contact with minors or vulnerable adults;

2. Where appropriate, a friar removed from public ministry may need vocational assessment and/or occupational counseling to determine meaningful and useful work. The General Servant should consult with the friar to determine his interests and capacities and to help him take the initiative in developing work opportunities where that is appropriate;

3. In all cases, a ministry of prayer for the Institute and the Church, as well as for those who were abused is a valuable contribution.

d. Residence

A restricted friar would be allowed to live only in an appropriate supervised place of residence as determined by the General Servant.

e. Friary support and friary roles

1. A local friary should welcome a restricted friar as a brother in community;
2. A restricted friar who is a priest may celebrate Eucharist only within the Institute with only friars present. He may lead community prayer, and hear the confessions of other friars;
3. The General Servant shall inform the members of the friary about a particular friar being restricted and the appropriate terms of his Safety Plan so that the friary may assist him in achieving its goals;
4. The Institute may need the advice and consultation of appropriate professional persons to assist in receiving a restricted friar and to provide him necessary care and support;
5. The General Servant or his delegate shall monitor the treatment and progress of any friar who has been guilty of sexual misconduct.

f. Contact with minors

A friar with a substantiated allegation of abuse of a minor may have no unsupervised contact with minors including, in some cases, with family members. This restriction includes such things as meals in restaurants, riding in automobiles, and private conferences in community rooms. The friar may never be in solitary places alone with a minor.

g. Travel, vacation, retreat

1. A restricted friar may not vacation alone or vacation with minors, even supervised. The General Servant may make an exception for supervised vacations with minors who are family members, provided adult family members who are aware of the restrictions on the friar are present. Other arrangements are made with the specific permission of the General Servant;
2. Solitary retreats where the restricted friar would be completely alone are not permitted, unless approved by the General Servant. Retreats may be made only in retreat facilities where minors would not be present or in a local friary of the Order, or another place approved by the General Servant;

3. Travel may need to be restricted for purposes of work or family visits. If appropriate, a friar companion may be required for travel and even family visits;

4. Additional specific permissions for travel for restricted friars may be required by the General Servant. Doubts about specific travel plans should be referred to the General Servant by the Local Servant.

h. Driving

In some cases, restrictions may need to be placed on driving alone. Some restricted friars may be required to request specific permission for use of a house car from the Local Servant, to keep a driving log or to drive only with other friars in the car.

i. Publications and publicity

1. Restrictions on writing for publications, letters to the editor, Web pages, radio and television appearances may be imposed at the discretion of the General Servant;

2. Sensitivity to victims dictates caution with regard to not displaying photographs of a restricted friar in publications or institutions of the Order, especially those which serve minors;

3. In some cases a friar's use of mail, e-mail, Internet and/or telephone may need to be restricted.

j. Information for friars and others

1. The General Servant, in consultation with the Review Board, will determine whether and/or how to inform the members of the Institute in general terms about those who are restricted. The General Servant will inform the restricted friar of such notification;

2. The General Servant, in consultation with the Review Board, will determine whether and/or how others who may have a need to know will be informed in general terms that a particular friar is restricted. The General Servant will inform the restricted friar of such notification.

7. ACCOUNTABILITY

97. In the interest of accountability, The Community of Franciscan Friars of the Renewal commits to consulting its Review Board as well as outside experts of outstanding judgment before making any substantial changes to these policies.

8. APPLICABILITY OF POLICY

98. Once approved and duly promulgated in the Institute, these policies and procedures are binding on all friars, including novices and officially-recognized -pre-novices. They may be changed only by the General Servant, with the consent of the General Council.

99. Any exception to any of the provisions of these policies and procedures is reserved to the General Servant or his delegate.

CONCLUSION

100. There is no easy solution to such painful situations. The procedures outlined above have as their purpose to respect the rights of all involved.
101. Hopefully, the experience which the Church and the Institute have acquired in dealing with such tragedies can help the entire Catholic community to grow and develop, especially assisting it in eradicating the scourge of sexual misconduct with minors or vulnerable adults from its midst.
102. In particular, even though the matter is painful, special care should be taken to show the Institute's concern for the children and their families.
103. The spiritual well-being of all persons affected by sexual misconduct is of primary concern—“*Salus animarum suprema lex*”—the salvation of souls is the supreme law (CIC, 1752).

APPENDIX A

Statement of Acknowledgment of having reviewed the CFR Policy for the Safeguarding of Minors and Vulnerable Adults

We, the undersigned friars, hereby acknowledge and affirm that we have read, understood and agree to abide by the Community of Franciscan Friars of the Renewal's policy regarding the protection of minors.

FRIARY: _____ SERVANT: _____

Friar: _____ Date: _____ Witness: _____

Friar: _____ Date: _____ Witness: _____

Friar: _____ Date: _____ Witness: _____

Friar: _____ Date: _____ Witness: _____

Friar: _____ Date: _____ Witness: _____

Friar: _____ Date: _____ Witness: _____

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Friar: _____ Date: _____ Witness: _____

Friar: _____ Date: _____ Witness: _____

Friar: _____ Date: _____ Witness: _____

APPENDIX B

Safe Environment Questionnaire

1. Name: _____
(Please print) Last First Middle

2. Friary: _____

3. Apostolic Roles: _____

4. List all paid and volunteer positions involving work with or around minors or vulnerable adults you have held, either with Church or non-Church organizations (e.g., Boy Scout leader, religious education instructor, youth minister, coach, etc.). Include dates of service and the names of sponsoring organizations.

If the answer to any of the following questions is “yes,” please explain on a separate sheet:

5. Have you ever been convicted of a crime? (Please note that the Community of Franciscans of the Renewal will comply with all relevant federal, state and local laws regarding the use of information about criminal convictions for employment purposes) _____
6. Has a civil or criminal complaint ever been filed against you alleging child neglect or abuse of any kind? _____
7. Have you ever been terminated or disciplined in your employment for reasons relating to allegations of physical abuse or sexual misconduct by you? _____
8. Have you ever been accused of or investigated for an act of sexual abuse or harassment of any kind? _____

I hereby certify that the information I have provided in the Safe Environment Questionnaire, and any attached documents, is complete, true, and correct to the best of my knowledge.

I understand that it is my responsibility to comply fully with the Safe Environment Requirements of the Community of Franciscans of the Renewal. I understand that these requirements include submitting to a background check and completing the appropriate Safe Environment Training program. I also understand that full compliance with these requirements is a condition of any regular volunteer service or employment with any institution of the Community of Franciscans of the Renewal that involves contact with minors or vulnerable adults, and that failure to comply will result in my being barred from any contact with minors in any institution of the Community of Franciscans of the Renewal.

I further acknowledge that I have received the Policies and Procedures for the protection of minors and vulnerable adults while in ministry and for dealing with cases of serious professional misconduct. I understand their meaning and agree to conduct myself in accordance with their terms. I acknowledge that the Policies and Procedures are not intended to create any contractual obligations, express or implied, on the part of the Community of Franciscans of the Renewal or its affiliated entities.

Signed

Date