



**EDMUND RICE CHRISTIAN BROTHERS  
NORTH AMERICA**

**INSTRUMENTS OF HOPE AND HEALING PROGRAM  
PROTECTION OF CHILDREN AND VULNERABLE ADULTS  
PROVINCE POLICY STATEMENT AND PROCEDURES**

**Ethics in Ministry Policy and Procedures for Positive Relationships  
between Members and Minors and Vulnerable Adults**

**August 2018**

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BETWEEN MEMBERS AND MINORS AND VULNERABLE ADULTS**

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## **Introduction: The Mission of the Edmund Rice Christian Brothers North America**

### **Beginnings**

Blessed Edmund Rice was an Eighteenth/Nineteenth Century Irishman, who following the tragic death of his wife and the birth of his handicapped daughter, *opened his whole heart to Christ present and appealing to him in the poor*, by forming a Religious Brotherhood focused on living spiritual and communal lives while establishing schools for poor Irish boys. Blessed Edmund also tended to the practical needs of the boys who came to his schools by providing them with much needed food and clothing. Additionally, Blessed Edmund took it upon himself to serve as a companion to those in prison and to reach out to others in need regardless of their background and/or circumstances.

The spreading of Blessed Edmund's educational system across the globe has served generations of youth around the world for more than 215 years.

### **The Christian Brothers Today**

Edmund Rice Christian Brothers North America seeks to continue the mission of Blessed Edmund in the Twenty-First Century by responding to the signs of our times and to the needs of today's most vulnerable members of society. We have accepted the call to evangelize youth within the mission of the Catholic Church. We complete this work in a variety of settings, including Catholic schools and numerous outreach ministries that serve the people of God by responding to their very human needs. In these, and in parish, healthcare, counseling and other ministries, we follow the example of Blessed Edmund, who tended to the needs of the vulnerable and nurtured the dignity of each human person.

We Christian Brothers take great pride in acknowledging the past and present good works of our Brothers in schools and other ministries across the North American Province. We pledge to continue to be of service to the Church in our schools and other ministries by being faithful to God's revelation to us in creation, the Gospel message of Jesus of Nazareth and the spirit and charism of Blessed Edmund.

We are committed to the protection of children and to creating safe environments at all of our ministry sites and in all of our communities. The sexual abuse of minors is abhorrent to Blessed Edmund's example, to our vocation as Christian Brothers and to the Gospel values we profess. We share in the anger and anguish expressed by many Catholics and others in our society regarding sexual abuse. Thus, we are committed to the prevention of any such recurrences of abusive behavior. Furthermore, we attempt to reach out to victims/survivors with care for their healing and hope to rebuild the trust that has been broken. Abusive behavior will not be tolerated. We will do all in our power to prevent future abuse. To assist us in fulfilling this commitment, we have formulated this document for the protection of those in our care. To further assist, the Province Leader will communicate annually with all Members regarding the Province's commitment to the protection of minors and the Province's current initiatives and actions with respect to the protection of the vulnerable, healing for those who have been harmed by abuse, and fulfillment of the Accreditation Standards.

## **Context**

As Christian Brothers, we are called to live lives of integrity and authenticity. Likewise, we are called to act responsibly and with full accountability to our Brothers, our colleagues, those we serve and society at large. We recognize and accept the call to transparency and accountability embodied in our ethics policies and procedures for the protection of children.

Our Constitutions tell us: “We are called to be men of faith, experiencing in our lives both death and resurrection, identifying with the paschal mystery in the challenges of daily living.” (Constitution # 2).

Chapter Two of our Constitutions, *Radical Gospel Discipleship*, provides us with a blueprint for living authentic lives of integrity. The focus on radical discipleship calls upon us to be faithful to the vows we profess: poverty, chastity and obedience. Constitution # 10 states in part: “Called as a community of brothers in Christ, we need genuine support within our community in order to live our consecrated chastity in fidelity, joy and hope. As we grow in love and care for one another, we seek to make visible the God who dwells among us. Only if we accept God as loving us personally will we be able to love chastely the brothers of our community and all who we encounter in life.”

We Christian Brothers are called to live joyful lives in communion with our Brothers. As such, the 2014 Congregation Chapter in Nairobi calls us “*to build joyful communities characterized by gentleness, compassion, intimacy and love.*” In doing so, we put ourselves at the service of others and we equip ourselves with the necessary tools for living lives of integrity and authenticity. Our Province ethics policies and procedures serve as a major tool in assisting us in being faithful to this call.

## **Scope of This Policy and Procedures**

The focus of this policy is to provide a safe environment for those we serve. This policy will address allegations of sexual abuse of minors and vulnerable adults by current Members of the Edmund Rice Christian Brothers North America. If a former or deceased member is accused, this policy will apply as appropriate.

Procedures herein reflect current Province policy. Language, structure and examples of behavior borrow heavily from the documents “Policies for Maintaining Ethical Ministry with Minors” and “Policies for Maintaining Ethical Ministry with Adults” by Praesidium, Inc.

This policy has been reviewed by civil and Canonical legal counsel, as well as by Praesidium, Inc. to ensure transparency and adherence to civil and Canon Law. It has been approved by the Province Leadership Team.

## Terms

“*Abuse*” as included in this Policy refers to contact or interaction between a minor and an adult when the minor is being used for the sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity, including direct sexual contact as well as non-contact, such as frottage, exhibitionism, and the distribution, downloading, and/or intentional viewing of child pornography.

“*Allegation*” refers to a first person accusation of sexual abuse of a minor brought against a current Member, former Member or deceased Member who is reported to the Institute through any form of communication, including any that are anonymous.

“*Credible Allegation*” and/or “*Semblance of Truth*” means an allegation is credible prior to investigation if there is nothing manifestly false or frivolous in the allegation.

“*Established Allegation*” means an allegation is established when based upon the facts and the circumstances, there is objective certainty that the accusation is true and that an incident of sexual abuse of a minor has occurred.

“*Province*” refers to Edmund Rice Christian Brothers North America, a Province of the Congregation of Christian Brothers.

“*Member*” is a perpetually professed religious, an annually professed religious, a novice, a residential candidate or a residential volunteer of the Edmund Rice Christian Brothers North America.

All references to “*Province Leader*” in this policy statement are understood to mean “*Province Leader or his delegate*”.

A “*minor*” is anyone under the age of 18. For the purpose of this policy, the term “*minor*” also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities. Additionally, students in Christian Brother secondary schools who have reached their eighteenth birthday are deemed vulnerable adults for the purpose of this document.

“*Response Team*” refers to the individuals who will determine the initial steps to take in response to an allegation. Ordinarily, this will include available members of province leadership, the province attorney, and others as appropriate.

“*Review Board*” refers to a predominantly lay group with unique knowledge and experience which tracks cases, provides advice and reviews policies. (See Appendix I)

“*Sexually oriented contact*” refers to vaginal intercourse, anal intercourse, oral intercourse or contact with an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person.

## Section 1. Standards of Conduct for Ministry with Minors

Hospitality and friendship are traditional values of the Edmund Rice Christian Brothers and this hospitality and friendship extend to the young people to whom the Members minister. The following standards are offered to support and guide positive and prudent relationships between Members and young people, to protect the fragile development of minors, and to minimize the opportunity for false accusations. It is recognized that a Member is responsible for maintaining the standards of the Province even when interacting outside of formal ministry, inclusive of interactions with minors who are family members.

1. As adult ministers to youth, Members are sincere, concerned, cheerful, nonjudgmental, respectful and responsible. When dealing with students or other minors, Members, like other adults who care for the formation of young people, are always comfortable with offering mature guidance, setting a Christian example, and correcting inappropriate behavior. Within such a life-giving relationship, some behaviors and signs of affection are appropriate if they are genuinely affirming of the young person and if they take place in a public area that can be clearly and readily visible to others.
2. Members of the Edmund Rice Christian Brothers North America are screened upon entrance. Education on child safety is conducted.
3. Below are examples of behaviors prohibited by this policy.
  - Using, possessing, or being under the influence of illegal drugs while in the presence of minors
  - Using, possessing, or being under the influence of alcohol or impairing drugs that might impair the Member while supervising minors
  - Providing alcohol to, or allowing the use of alcohol by, anyone under the legal drinking age; providing or allowing the use of illegal drugs
  - Using profanity or obscenity in the presence of minors
  - Discussing sexual activities with minors unless it is a specific job requirement and the Member is trained to discuss these matters
  - Engaging in any sexually-oriented conversations with minors unless the conversations are part of a legitimate pedagogical lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the pedagogical lessons will be conducted in classrooms by properly trained educators and will convey to youth the Church's teachings on these topics. If the youth have further questions not answered or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling
  - Being nude in the presence of minors
  - Possessing sexually oriented materials, such as magazines, cards, videos, films, clothing, etc.
  - Sleeping in the same beds, sleeping bags or small tents with minors
  - Engaging in sexual contact with minors
  - Wrestling, tickling, and piggyback rides with minors; putting one's hands in another's pocket, and touching of chest, buttocks, or genital area or any touch unwanted by youth
  - Kissing on the mouth
  - For minors over four years old - sitting on the lap

- Signs of affection that may in any way lead to greater intimacy or may be perceived as leading to greater intimacy are always inappropriate, even if initiated by the young person
  - Inappropriate or lengthy embraces
  - Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
  - Being in bed with a minor
  - Touching knees or legs of minors
  - Massage given by minor to adult
  - Massage given by adult to minor
  - Any form of unwanted affection
4. Appropriate affection between Members and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for a Member in ministry roles with minors:
- hugs
  - pats on the shoulder or back
  - handshakes
  - “high-fives” and hand slapping
  - verbal praise
  - touching hands, faces as age and as culturally appropriate, shoulders and arms of minors
  - arms around shoulders
  - holding hands while walking with small children
  - sitting beside small children
  - kneeling or bending down for hugs with small children
  - holding hands during prayer
  - pats on the head when culturally appropriate (For example, this gesture should typically be avoided in some Asian or Hispanic communities.)
5. A Christian Brothers’ residence attached to or in proximity with a school offers unique opportunities in the Members’ ministry to their students. However, such an opportunity requires unique guidelines. Students and other minors may be invited into the Christian Brothers’ residence in a group, on school business, for guidance, for academic assistance, or for hospitality-related circumstances: a phone call home, shelter from inclement weather, etc. Under all circumstances, contact with students or other minors should take place in public areas or in areas that are clearly and readily visible by others. Members, like other adults, should meet with minors in offices, parlors, etc. that have transparent, uncovered windows or that have open doors. Notwithstanding the above, ordinarily, ministerial activities should not be conducted in the Brothers’ residence. Except for groups hired for general house maintenance (painting, for example) in well-supervised circumstances, minors may not enter a bedroom or other private area. In addition to following these policies, Members in residences not in direct proximity with a school, including Members living alone take extra precautions as accessibility is more limited.

6. Members are prohibited from having minors stay at their residences. Request for exemptions should be addressed to the Province Leader in writing two weeks prior to the visit. Prior approval is required before having minors stay at Members' residences. This applies to all minors, including family members.

### **Off-site events**

1. Members are prohibited from transporting minors (with the exception of family members) without the written permission of their parents or guardian.
2. Minors should be transported directly to their destination with no unplanned stops.
3. Changing and shower facilities or arrangements for Members and other adults must be separate from facilities or arrangements for minors.
4. Members, like other responsible adults, are prudent in social situations with minors. In all circumstances, Members must not abandon their role as the adult who remains concerned for young people's genuine Christian development.
5. Members enter the homes of minors only when another adult is present and only with explicit parental permission.
6. Members participate with minors in other social situations — attend a concert, attend a sports event, go out to dinner, etc. — only with parental consent and only in a group. A Member must not partake in social situations that are primarily for minors unless the situation is ministry related and the Member is a chaperone (school dances, parish socials, etc.).

### **Physical contact – Appropriate & Inappropriate Behaviors & Warning Signs**

1. Because of his humanness and because of his love for the young people with whom he works, a Member, like others in youth ministry, may become particularly close to a young person. This in itself is not dangerous, as here too the Member's concern for the youth's genuine development is paramount. However, there are warning signs that a relationship is approaching an inappropriate level and that boundaries may have been violated.
  - The adult's contact with a minor becomes secretive, furtive or clandestine.
  - The adult becomes defensive about a relationship with a minor.
  - The adult spends an inordinate amount of time with a minor.
  - The adult singles out a particular minor by giving gifts or money to the minor.
  - The friendship an adult has with a minor becomes a primary or exclusive friendship.
  - The friendship an adult has with a minor develops at the expense of adult relationships.
  - In the presence of a minor, the adult tells off-colored or suggestive stories or allows them to be told.



- In the presence of a minor, the adult uses obscene or other inappropriate language, uses obscene or other inappropriate gestures, allows such language or gestures.
  - The adult makes sexually-oriented printed, audio or videotaped material available to a minor.
  - The adult wears inappropriate or revealing clothing in the presence of a minor.
  - The adult finds maintaining a responsible role with a minor awkward.
  - The adult fails to enforce standard rules or policies, or helps a minor avoid consequences given by other adults.
2. When a Member or any adult notices any of these signs in his own relationship with a young person, he must take all steps necessary to immediately bring the relationship back to an appropriate level or terminate the relationship. The Province will provide appropriate support to a Member who discloses to leadership that he is attracted to minors, but has not behaved inappropriately with minors. However, the last person to notice these signs may be the adult himself. In such a case and out of concern for the adult and the young person, others who notice these signs assist the adult in challenging the appropriateness of the relationship and in taking corrective measures. Suspicious or inappropriate behaviors (including boundary violations and/or policy violations) often precede incidents of sexual abuse and require a consistent response to interrupt potential untoward behavior. This serves to preserve professional relationships with minors, to protect minors from sexual abuse, and to protect Members from false allegations of sexual abuse. When a Member suspects that a boundary violation may have occurred, the member can respond directly to the adult in violation. The intervening Member will also inform the ministry site leader, the Community Leader/Contact Person, and a Member of the Province Leadership Team. The Province Leadership Team will respond to the Member in violation. Written documentation will be maintained of any inappropriate behavior. In situations where boundary violations have been identified or in which a minor may be in danger, a written plan for ensuring on-going cessation of the behaviors will be implemented and monitored. Should the inappropriate behavior continue, the Province Leadership Team will act in an appropriate manner to ensure that it ceases. All incidents of boundary violations will be reported to the Review Board for review.
  3. At all times, Members are prohibited from using physical discipline or corporal punishment in any way for behavior management of minors. No form of physical discipline or corporal punishment is acceptable. This prohibition includes spanking, slapping, punching, hitting or any other physical force as retaliation or correction for inappropriate behaviors by minors.
  4. In this age of new and vastly changing technology, Members must always act with prudence and good judgment when distributing personal e-mail and/or cell phone numbers to minors. All communications with minors, including text messaging, e-mails, phone calls, Twitter, Facebook, and all other forms of social media must be appropriate to the Member's role as a responsible adult. Interaction with minors via electronic communications and/or social media is ordinarily reserved for professional, ministry related purposes. At all times, Members are prohibited from using such technology to interact with minors on issues of sexuality, including, but not limited to, conversation and the viewing and/or distribution of sexually motivated materials. Boundary violations using social media may lead to restrictions being placed on the Member with regards to the use of social media.

## **Training for Members who work with minors**

1. In order for Members to be in active ministry, they shall review both the *Ethics in Ministry Policy and Procedures for Positive Relationships between Members and Minors and Vulnerable Adults* and the *Policy for Maintaining Ethical Ministry with Adults* and agree in writing that they have received, read, and understood the policies and that they will comply with all procedures listed therein.
2. Members who work with minors must participate in training, updated a minimum of five hours every five years, that addresses their role in protecting minors.

## **Section 2. Reporting Procedures for Reporting Abuse of Minors**

1. All allegations will be taken seriously. The primary concern in the response will be the pastoral care of both the alleged victim/survivor and the accused Brother. Other concerns include the mission of the Christian Brothers and the welfare of the wider community.
2. Members shall report current sexual abuse of minors, including known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography to appropriate civil authorities (the local District Attorney in the United States or the local police in Canada) within 48 hours or as required by applicable mandatory reporting laws (See Appendix II and III), whichever is sooner. Members are to always be aware of local reporting requirements and are required at all times to be in compliance with local laws. All Members will receive mandatory reporting information for all jurisdictions where the Province engages in ministry. The Member shall also immediately report the sexual abuse to a member of the Province Leadership Team.

The reporting of actual or suspected sexual abuse of a minor is the responsibility of the one who has knowledge of the sexual abuse of a minor or of the criminal activity in regard to the acquisition and/or use of real or virtual child pornography.

3. In addition to reporting to the civil authorities and a member of the PLT, Members may report any suspected current abuse of minors that may have been perpetrated by a Member to any of those listed below. Reports of suspected or known abuse may be made confidentially unless otherwise required to be disclosed by civil or Canon Law.
  - The chair of the Review Board
  - The local Community Leader/Contact Person
  - The chief administrator of the ministry site, one's direct supervisor or ministerial authority
4. All allegations of sexual abuse that may have been committed by a Member shall be promptly reported to civil authorities (with full cooperation from the Province) in the jurisdiction in which the alleged incident occurred if the alleged victim/survivor is a minor at the time the allegation is being made. If the alleged victim/survivor is an adult at the time the

allegation is being made, he/she will be advised of his/her right to report the alleged abuse to the appropriate civil authorities by the Province Leadership Team. This shall be the case regardless of whether the accused Member is living or dead, or whether he is a current or former Member, and regardless of whether the allegations are believed to be credible at the time they are received.

5. An anonymous, specific and verifiable letter of concern may be sent to anyone listed in Number 2 or 3 above in this section. An anonymous concern will be investigated to the extent that is feasible based on known information.
6. As indicated in Number 2 above, Members shall report to civil authorities, in accordance with state/province mandatory reporting laws, all known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography. Child pornography is a graphic sexually explicit depiction of a minor and is considered sexual abuse of a minor.
7. If abuse of a current minor is confirmed through investigation, civil authorities shall be re-contacted and a follow-up report will be submitted, if requested. If further investigation indicates the allegation is not credible, civil authorities will be contacted to provide the additional information.
8. If the alleged victim/survivor is a minor at the time the allegation is received, his or her identity will be provided to civil authorities. If the alleged victim/survivor is an adult at the time the allegation is received, he/she will be advised of his/her right to report the alleged abuse to the appropriate civil authorities.
9. Files of allegations will be created at the time the allegation is received and will contain information about how the allegation was handled. The Province will document all reports of allegations of the sexual abuse of minors by a Member, and the Province's response, including anonymous reports of allegations. All files will be retained and passed on from the Province Leader to his successor during times of administrative transition.
10. The Province will collaborate with other organizations as appropriate: the local diocese (in the case of a diocesan institution), ministry sites, insurance providers, attorneys for the victim/survivor and for the accused, and other organizations. A response person will be designated to handle inquiries from the press.

### **Section 3. Responding to Incidents and Allegations of Sexual Abuse GENERAL STATEMENT**

Allegations of sexual abuse may come from a variety of sources, including alleged victims/survivors, their family members, diocesan offices, Members, a colleague in ministry or an alleged perpetrator. Because each case is distinct, what follows is a general outline of the response system for allegations, but it is not a procedure to be followed in the same way for each unique case. The process is to be modified according to the nature of the allegation, the needs of the alleged victim/survivor and the circumstances of the accused Member. In every case, the

Province is committed to dealing pastorally with all those involved and to protecting their rights.

### **Initial Response**

1. The Province Leader shall receive allegations of sexual abuse and coordinate assistance to anyone who brings an allegation of abuse by a Member.

When an allegation is made, the Province Leader will assemble the Response Team, which will determine further actions to be taken. While the facts are being gathered, preliminary steps will ordinarily involve referring the victim/survivor to professional counseling services, and, as appropriate, prescribing evaluation and/or professional counseling for the accused. Civil authorities will be notified in the case of a current minor and as required by law, and the procedures outlined above will be applied accordingly. The following notifications will also take place: 1.) the Parents/legal guardians of the minor; 2.) the Diocesan Bishop where the alleged abuse took place and where the Member presently resides; 3.) the employer of the place where the alleged abuse took place and where the Member is currently employed; and 4.) Communication with the Religious Institute, the faith community and the public, as appropriate. Ordinarily, the accused will be removed from ministry while an investigation is taking place. Once the investigation has been completed, the facts of the case will be presented to a predominantly lay Review Board. The Review Board will review the steps taken by the PLT and make recommendations to the PLT for further action.

2. When an allegation of abuse is first received, the Province Leader shall attempt to gather sufficient information to complete a preliminary report. The information would include the following:
  - Name of the alleged victim/survivor;
  - Age of the alleged victim/survivor or age at the time of the alleged abuse;
  - Address and phone number of the alleged victim/survivor;
  - Name of the alleged perpetrator;
  - Approximate dates of alleged abuse;
  - Nature, type and location of alleged abuse;
  - Any additional relevant details.
3. Upon receipt of an allegation of sexual abuse of a current minor, the Province Leadership Team will promptly follow Province reporting procedures and report the alleged abuse to the proper civil authorities, as well as insure that proper mandatory reporting laws have been followed by those involved in the initial reporting.
4. Province Leadership will cooperate fully with any investigation by civil authorities.
5. A designated member of the Province Leadership Team will offer to meet in person with the alleged victim/survivor (and in the case of a minor with his or her parents/legal guardian) if he or she so desires. The response will be compassionate and pastoral regardless of the demeanor of the alleged victim/survivor, recognizing that the experience of abuse and difficulty of coming forward may bring out strong emotions.

6. An Assistance Coordinator may be assigned to assist with the immediate and ongoing needs of individuals who have experienced abuse and their families.
7. A designated member of the Province Leadership Team will notify the accused Member of the allegation and its substantive details. He will take steps to insure that the accused Member receives the support and assistance he needs while the allegation is being investigated. This support may take the form of assigning a mentor for the accused.
8. A designated member of the Province Leadership Team will inform the accused Member of his right to seek Canonical and civil counsel before any further conversation into the matter. The Province recognizes that the Member may need assistance to engage such counsel.

### **Internal Inquiry**

1. During the inquiry by civil authorities or by the Province, the Member who is the subject of the inquiry will ordinarily be removed from ministry responsibilities and duties. The civil and Canon Law rights of both the accuser and the accused will be respected at all times.
2. Depending on individual circumstances, the Province Leader will either appoint a person to conduct a preliminary inquiry or retain a professional investigator. A preliminary inquiry may be used, for example, when only minor details of a historical accusation are in dispute. In the case of a disputed abuse accusation of a current minor, when major discrepancies occur in any accusation, or when the accused requests it, a full investigation by a retained investigator may take place.
3. In order to fulfill his responsibilities, the Province Leader will contact the Review Board Chair upon receiving the final report from the Investigator. The Chair will convene the Review Board as soon as possible.
4. Should the allegation be found credible, the Province will offer to provide for the pastoral care of the victim/survivor, ordinarily in the form of professional counseling.
5. The Province Leader may designate a trained Investigator to independently gather information regarding the allegations. In the cases of verified or undisputed allegations, efforts will be made to identify any other potential victims/survivors. This will assist in the formulation of the ongoing supervision plans for the Member who has been accused.
6. In the case of a professed Brother accused of or found guilty of sexual misconduct, the Province will also provide for pastoral care and treatment of the Brother, offering fraternal support in whatever penalties are imposed by the legal system or restrictions imposed by the Province.
7. Should an allegation be unsubstantiated, the Province will reinstate to ministry any accused Member who had been removed from ministry, and will work towards the restitution of his

good name.

8. Province inquiries and investigations will be documented. Documentation will be stored in Province files for the Protection of Minors and Vulnerable Adults.
9. Documentation of inquiries and investigations is the property of the Province and shall remain with the office of the Province Leader following the appointment of a new Province Leader.
10. Any person conducting an inquiry or an investigation acts as a representative of the Province Leader, and/or Province legal counsel.
11. A designated member of the Province Leadership Team will maintain contact with the accused Member throughout the entire process.
12. When he has received the completed inquiry or investigation report, the designated member of the Province Leadership Team will present the results to the Member for response.

### **Decision Making**

1. Non-perpetually professed Members, about whom an established accusation of sexual abuse has been made, will, at this point, have their association with the Province terminated.
2. Upon the conclusion of the inquiry or investigation, the Province Leader will exercise his judgment in delivering an appropriate response. If the accused perpetually professed Brother has admitted to the substance of the allegation, or in those cases where the allegation has been established, the Province Leader's response should include one or more of the following:
  - Psychological and medical assessment and intervention;
  - Restrictions on community life and personal activities;
  - Limitations imposed on employment and on ministerial activities, including total removal from public ministry.
3. In cases where the allegation has been deemed established, the Province Leader will contact the appropriate diocesan offices to communicate the nature of the allegation and to inform the diocese of the procedure followed and the response of the Province Leader to the allegation.
4. In cases where an allegation of sexual abuse of a minor has been established, the Brother may not return to public ministry.
5. If an allegation is deemed to be without merit, the Province Leader will coordinate communication with all appropriate parties so that reconciliation can take place where possible, and repair of damage to reputations can be undertaken.

6. In all instances, the final disposition of the matter rests with the Province Leader, always recognizing the rights afforded the Brother by Canon Law, and the Brother's right to appeal to the Congregation Leader. It is the Province Leader's responsibility to ensure that the outcome of the investigation be communicated to the person who made the complaint, to the Member involved, and to other parties as necessary and appropriate.
7. If at any time during the course of implementing these procedures, civil or criminal proceedings are initiated against the accused Brother, these procedures may be suspended immediately, to be resumed, if deemed necessary, only after the completion of civil or criminal proceedings. In such a case the Province Leadership Team shall recommend to the Province Leader a possible course of action with respect to the accused Brother, in keeping with the intention of these procedures and the interests of justice.
8. Because many incidents of alleged sexual abuse are reported long after the abuse is alleged to have taken place, all reports of alleged abuse will be documented and retained in Province files as designated by the Province Leader for future reference should a particular case resurface at a later date.

#### **Section 4: Supervision and Care of Members about Whom an Allegation of Sexual Abuse Has Been Established**

These procedures describe the elements of a pastoral care framework which will be developed for each perpetually professed Brother of the Province about whom an established accusation of sexual abuse has been made. Non-perpetually professed Members will, at this point, have had their association with the Province terminated. Most of these procedures address cases where the accusation is that of abuse of a minor.

The purpose of this framework is to:

- assure the Church and the public, especially children and minors, that reasonable measures to prevent any future occurrences of abuse are being taken;
- provide a structure within which the Brother can continue his life in the Congregation as a vowed Member of a religious community;
- provide appropriate care for the Brother and the opportunity for such personal conversion and rehabilitation as may be needed;
- guide Leaders, the Brother, and others in determining work, place of residence, and other activities;
- encourage local Province communities in welcoming and supporting the Brother in his desire to continue his life as a Brother within this care and with appropriate limits with respect to his Brothers in the Congregation.

It is intended that all of the elements below be adapted in a Safety Plan for each Brother, depending on such factors as severity of the accusation(s), age and health of the Brother, and the

recommendations of the Province's Review Board. The framework, however, sets out the elements to be developed in writing for each Brother, reviewed by the Review Board, and shared with the Brother, his superiors, and, as appropriate, Members of his local community. The Safety Plan shall be signed by the Brother, the Safety Plan Supervisor, the Province Leader and the Review Board Chairperson. If any of these persons refuse to sign the Safety Plan, signatures of two witnesses are needed to verify that he/she has seen the plan. These provisions also pertain to Members who are on a Continuing Care Plan that has been set up by Province Leadership with the individual Member in reference to the protection of minors and vulnerable adults.

## **Risk Assessment**

**All Brothers on Safety Plans will undergo a risk assessment to determine the future level of risk for re-offending; that is, the prediction of the degree of possibility of re-offense for someone with a known history of sex offenses.**

## **Evaluation and Therapy**

1. A Brother about whom an established accusation has been made may be asked to submit to a professional evaluation as to his psychological condition and proclivity to harmful behavior in the future.
2. The Brother is free not to undergo an evaluation. If the Brother agrees to undergo an evaluation, the Province Leader will arrange for the evaluation.
3. Subsequent to that evaluation, the Brother may be asked to participate in such in-patient and/or out-patient treatment as recommended by the evaluating professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be recommended by such professionals or the Review Board, as well as the terms of his Safety Plan.
4. Refusal to undergo an evaluation and subsequent recommendations will affect community and ministry assignments.
5. The Brother may be required to report to the Province Leader in writing periodically (e.g., monthly, quarterly or annually, as appropriate to the situation), describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.
6. Information resulting from such evaluation, treatment and correspondence is the property of the Brother. He may agree to make it available to the Province Leader or he may decline to do so.
7. A Brother may further agree to make the information available to the Review Board.
8. Any information about a Brother who has been accused of abuse shall be kept confidential by



those receiving it, except as required by law to be revealed.

### **Public Ministry as a Brother**

Annual communication is required with all organizations in which a Brother volunteers, is employed or is in public ministry. In documenting communication, the Major Superior must be identified and information must be given as to how to contact the Major Superior should a problem arise with a Brother. A Brother found to have abused a minor or vulnerable adult would not be allowed to function in any ministry associated with minors or in any Church related public ministry under the auspices of a Bishop.

### **Appropriate Work**

1. If physically and mentally able, the Brother who has been removed from Church related public ministry under the auspices of a Bishop should engage in appropriate work (as approved by the Province Leadership Team in consultation with the Review Board) in support of the ministries of the Province or in other service to people in need.

Such employment might include the following:

- internal work in a community of the Province, such as a place of retirement;
  - administrative work for the Province or other congregations;
  - remunerative non-ministerial work to support the ministries of the Province;
  - service to people in need, such as writing to prisoners, taping books for the sight-impaired, telephone reassurance programs for shut-ins, working in a setting where minors are not present and that are not public ministry of the Church under the auspices of a bishop.
2. Where appropriate, Brothers restricted or removed from public ministry may need vocational assessment and/or occupational counseling to assist in determining meaningful and useful work. The Province Leader should consult with the Brother involved to determine his interests and capacities, to promote his initiative in developing work opportunities, where appropriate, and to assist him as needed.
  3. In all cases, the service of prayer for the Congregation and the Church would be a valuable contribution to the Congregation.

### **Place of Residence**

Any Brother on a Safety Plan may only be allowed to live in a Province community or other appropriate supervised place of residence, as determined by the Province Leader. He may not reside in a ministerial setting serving minors.

All Members who are on a Safety Plan must live in a supervised setting with individuals who provide support and accountability.

Members who cannot be properly supervised by the Province will be referred to the Vianney Residential Community (or a similar facility) in Dittmer, MO. This is a high security/highly supervised residence for Priests and Brothers who have abused.

### **Community Support and Community Roles**

1. The local community can and should play an important part in helping a Brother on a Safety Plan who wishes to continue his life as a Brother.
2. After a Brother has submitted to evaluation and appropriate treatment, local communities should welcome the Brother into the community.
3. It may also be appropriate for a mentor to be appointed for the Brother who would assist and support him in his efforts to maintain his program of care and treatment. This would be in addition to his Safety Plan supervisor.
4. A Brother on a Safety Plan within the community would be permitted to lead community prayer, perform community jobs and other responsibilities as indicated in his Safety Plan.
5. A Brother on a Safety Plan needs the permission of the Province Leader to serve in any community position of responsibility.
6. Upon the recommendation of the Province Leader, the Community Leader/Contact Person (or the Province Leader himself) shall, as appropriate, inform all or part of the community in which such a Brother shall live of the fact that a Brother is on a Safety Plan and the appropriate specific terms of the Safety Plan, so that the community can assist him in achieving its goals.
7. A Community may need the advice and consultation of appropriate professionals to assist the community in readying itself to receive a Brother on a Safety Plan and to provide him the necessary care and support.

### **Contact with Others**

Contact with minors for a Brother with an established allegation of abuse will be stipulated in the Safety Plan of said Brother. Safety Plans will be evaluated on a yearly basis by Province Leadership, the individual Brother, the Safety Plan Supervisor and the Regional Review Board, or sooner if deemed necessary. Changes to Safety Plans will be made as warranted by existing circumstances.

1. Under no circumstances would a Brother with an established allegation of abuse of a minor be allowed in contact with minors at a Christian Brother or other public ministry site without

the presence and/or ongoing supervision of other adults who are fully aware of said Brother's circumstances.-

2. The above restriction concerning contact with minors would include meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices, community parlors, bedrooms of Brothers, etc.

### **Travel, Vacation, Retreat for High Risk Offenders**

A Safety Plan will normally address any restrictions on travel, vacations, and retreats. The Plan will define parameters regarding location, supervision, the need for a companion, and other areas. The Plan may also prescribe restrictions for visits and vacations involving the member's family.

### **Driving**

1. Restrictions may be placed on driving alone or having use of a personal vehicle.
2. Some Brothers on Safety Plans may be required to request specific permissions for use of house cars from the Community Leader or to drive only with other Brothers. Additionally, some Brothers on Safety Plans may be required to keep a log of all driving activity.

### **Publications and Publicity**

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

### **Information for Brothers and Others**

1. The Province Leader, in consultation with the Review Board, will determine whether and/or how to inform the Province Membership—in general terms—of those Brothers who are on Safety Plans.-
2. The Province Leader, in consultation with the Review Board, will determine whether and/or how to inform others who may have a need to know—in general terms—of those Brothers who are on Safety Plans.
3. When a Brother on a Safety Plan is admitted to a care facility, the director of the facility is to

be informed of the contents of the Safety Plan.

### **Congregation Statute Regarding the Current Sexual Abuse of a Minor**

Two new Statutes were passed by the delegates of the 2014 Congregation Chapter in Nairobi. They have been vetted by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life in the Vatican and are now in the Statutes for our Congregation. They took effect September 16, 2014.

#### **Statute 66.5.1**

The sexual abuse of a minor or vulnerable adult constitutes conduct that is diametrically opposed to who we are as Christian Brothers and to the purpose of the Congregation. Any Brother who offends in this way disqualifies himself from membership in the Congregation. Once such an offence is duly established, the offending Brother will ordinarily be formally dismissed from the Congregation.

#### **Statute 81.4.1**

The following sanctions are to be applied in regard to Brothers with duly established offences in the matter of sexual abuse of minors and vulnerable adults:

- They are deprived of public Church Ministry
- They are deprived of ministry with minors and vulnerable adults
- They are subject to safety or care plans
- They are not permitted to be in leadership positions at District, Region, and Province levels
- They are not permitted to accept election to Province, Region, and Congregation Chapters or to any elective office in the Congregation.

(The definitions of minor and vulnerable adult are those which pertain in the civil jurisdiction in which an offence takes place.)

## **Appendix I**

### **Regional Review Board**

Participation in the Regional Review Board is required for Praesidium accreditation for the Edmund Rice Christian Brothers North America. -

#### **A. Establishment and Purpose**

1. The Province Leader may choose to use the services of a Regional Review Board that will handle the allegations of several religious communities in a given area. The Review Board exists solely to track cases, to provide advice and to review policies, and has no independent power or authority. Five Provinces of Institutes located in the Metropolitan New York area have decided to collaborate in utilizing the services of a single Review Board. These Provinces are: Brothers of the Christian Schools, District of Eastern North America; Edmund Rice Christian Brothers North America; Congregation of Holy Cross, United States Province of Brothers; Marist Brothers of the Schools, Province of the United States; Franciscan Brothers of Brooklyn.
2. The Review Board shall consist of 5 to 7 members. A quorum would consist of a majority of the membership.
3. The Review Board shall include representation from the following groups: professionals from the social sciences, (psychologists, counselors, victims' advocates and/or social workers), representatives from the legal or law enforcement profession or state protective services, and laity, preferably parents.
4. The Review Board shall:
  - a. Advise the Province Leader in his assessment of an allegation.
  - b. Ensure the Province Leader has complied with all legal and Canonical notifications.
  - c. Review the Province Leader's pastoral response to the individual making the allegation and, as appropriate, to his/her family.
  - d. Advise the Province Leader regarding his determination of the suitability of the accused for ministry.
  - e. Offer advice to the Province Leader on all aspects of any allegation of abuse by members of the Institute, whether retrospectively or prospectively.
  - f. Annually review with the Province Leader any changes in the Institute's policies and compliance with certification under the Instruments of Healing and Hope Program.
  - g. Review and assist the Province Leader in the development of Safety Plans (and modification thereof) for at-risk members.

When the Review Board meets to consider a particular case, the Province Leader (or his delegate) of the Province of which the accused is a member shall present the case to the Board.

## **B. Appointment and Removal of Members**

1. The members of the Review Board shall be appointed by mutual agreement of the participating Province Leaders and shall be notified of their appointment by a letter signed by the participating Province Leaders. A member of the Review Board may be removed by mutual agreement of the Province Leaders, and he/she shall be notified by a letter signed by the Province Leaders of the Review Board.
2. Review Board members shall serve a term of three years, renewable.
3. It is preferable for the Review Board to have no more than two new Review Board members in one year. When possible, terms should be staggered to provide continuity for the Board.
4. Vacancies created by the departure of Review Board members during their term shall be filled in a manner determined by the Regional Review Board with the consent of the Province Leaders. Review Board members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term, and may then be reappointed to a full term at the discretion of the participating Province Leaders.
5. Members of the Review Board shall be reimbursed for travel, food and lodging by the Province whose case is being reviewed. The cost of reimbursement for travel, food and lodging for regular meetings of the Review Board shall be shared by the participating Provinces.

## **C. Officers**

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

## **D. Record Keeping**

1. The files of the Review Board are the property of the Province whose member is being reviewed. The Province Leader and all current Review Board members shall have access to

the Review Board's files for that particular province. The Review Board's files concerning a particular Province shall be stored at a place designated by the Province Leader.

2. The Review Board shall create a file on each case or matter it considers. Each file shall contain a written description of the matter presented to the Review Board and a written summary of the advice given by the Review Board. The Province Leader will communicate with the Chairperson of the Review Board as to the action taken in light of the advice given by the Review Board and the file will contain a written summary of the action. In addition, in the file there will be any other information the Review Board determines to be relevant to any future consideration of the case or matter by the Review Board or the Province.

### **E. Confidentiality**

1. Review Board members shall sign a confidentiality agreement and undergo a criminal records check.
2. The records and other information received by the Review Board shall be treated as confidential, subject to the requirements of law and the Policies of the particular Province whose Member is being reviewed.
3. The Review Board's advice to a particular Province Leader regarding particular cases of that Province shall be confidential provided, however, that the particular Province Leader may, at his discretion, disclose the advice he received from the Review Board. The advice or positions taken by particular Review Board members shall not be disclosed and shall not be recorded in the Review Board files.
4. The Province recognizes that the Review Board may receive confidential and sensitive information that could be used to injure the reputations of individuals. At the same time, the Province recognizes that the Review Board's records may contain information relevant to civil and criminal law investigations.
5. It is the policy of the Province to cooperate fully with all legal requirements and law enforcement agencies while, at the same time, respecting any applicable civil and Canon Law rights and requirements of confidentiality and privacy.
6. The law of certain geographic jurisdictions prohibits the disclosure of certain information, such as mental health communications, substance abuse, alcohol treatment records, HIV testing and AIDS treatment records. The Review Board shall protect the confidentiality of such information, which it may receive by way of appropriate releases of information, to the fullest extent of the law.

### **F. Reporting**

1. If this has not already been done, all allegations of child sexual abuse committed by a Member of the Province shall be promptly reported by the Chairperson of the Review Board

or the Province Leader to the appropriate civil authorities in the jurisdiction in which the alleged incidents occurred. (See Section: Reporting Procedures for Reporting Abuse of Minors or Vulnerable Adults).

2. Each Review Board member is required to report any case of child sexual abuse by a Member of the Province in accord with the Reporting Policies of the Province. Review Board members need not report matters which have already been reported by the Chairperson or Province Leader, provided that the report has been documented with a report number and is reviewed by the Review Board members.

## **G. Operating Procedures**

1. Formal Review Board meetings will take place a minimum of four times per year: September (the Annual Meeting of the Review Board Members and Province Leaders), November, March (the Annual Safety Plan Review) and May. Recognizing the importance of prompt action, the Review Board will be convened whenever necessary. The Province Leader will be in frequent and regular contact with the Review Board Chair regarding all open and/or new cases.
2. The Province Leader shall inform the Review Board, with periodic updates when available, as to the investigation and processing of an allegation of sexual misconduct in which the Review Board is to participate. The process is outlined in Section: *Policies for Responding to Incidents and Allegations of Sexual Abuse*. The Province Leader or the Chairperson of the Review Board may choose to convene the Review Board at other times that are deemed advisable.
3. When there is an allegation, the Province Leader shall notify the Chairperson of the Review Board. The Chairperson shall promptly contact the members of the Review Board and schedule a meeting as soon as is practical. The Province Leader of the Edmund Rice Christian Brothers North America Province will consult with Province Legal Counsel on all allegations, boundary violations, etc. brought to the Province prior to reporting to the Review Board.
4. The Review Board may meet in person or by telephone or other electronic means. The Chairperson shall call the meeting to order and introduce the Province Leader, his representative or outside investigator to present the matter(s) brought before the Review Board.
5. The Province Leader shall provide the Review Board with information relevant to the matter under consideration, subject to the restrictions of civil or Canon Law which may prohibit disclosure of such information. The Province Leader shall obtain the necessary written and signed consents to release all such information. The Review Board shall maintain the information with great respect to its confidentiality. Review Board members are reminded that should they be contacted by media regarding any allegations, etc., they are to direct such



to the Province Leader of the Edmund Rice Christian Brothers North America Province. At no time is the Review Board authorized to speak for the Province.

6. The Province Leader, his representative or outside investigator may present information in any form, including oral, written, graphic or recording for the Review Board's consideration. After the presentation, the Review Board members may ask questions, request additional information, or discuss the matter with the Province Leader, his representative or the outside investigator.
7. After the Review Board receives presentation and information from the Province Leader, the Board shall carefully consider and deliberate over the information.
8. The Review Board shall make recommendations on the matters and at the time provided for in Section: *Responding to Incidents and Allegations of Sexual Abuse*.
9. The recommendations of the Review Board shall be summarized in writing for presentation to the Province Leader and a document shall be signed by the Chairperson on behalf of the full committee. The original written recommendation shall be presented to the Province Leader, a copy of which shall be maintained in the Province files of the Review Board matters.
10. The Province Leader shall share recommendations of the Review Board with the Provincial Leadership Team as needed.

## **H. Conflicts of Interest**

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

## **I. Conditions of Membership**

1. The Review Board members shall serve as pro bono volunteers.
2. The Provinces shall reimburse all Review Board members for reasonable expenses incurred in attending regular meetings of the Review Board or in otherwise performing their duties as members of the Review Board. A particular Province shall reimburse Review Board

members for reasonable costs incurred in attending a meeting to discuss the case of the member of the province.

3. The Provinces indemnify and hold harmless all Review Board members for any and all claims, lawsuits, damages or other actions, including but not limited to reasonable costs of defense, which may arise from their service on the Review Board. However, the Provinces do not indemnify Review Board members for intentional tortuous or criminal acts.

## **Appendix II**

### **State Mandatory Reporting Laws (United States)**

*See: A Practical Guide to State-by-State Mandatory Reporting Laws*

## **Appendix III**

### **Provincial Mandatory Reporting Laws (Canada)**

*See: A Practical Guide to Provincial Mandatory Reporting Laws in Canada*