

PROVINCIAL POLICY

Sexual Abuse of Minors and Vulnerable Persons

I. INTRODUCTION

The Western Province of the United States of the Congregation of the Mission (hereafter “the Province”) is called by God to follow Christ evangelizing the poor, in the spirit and after the manner of our founder, St. Vincent de Paul. The works of the Province are evangelization of the poor, including service to the poor, and assistance in the ministerial and personal formation of clergy and laity. Each member of the Province commits himself to living the evangelical counsels as expressed in the vows of the Congregation.

Sexual misconduct by a member of the Province, specifically sexual abuse of minors and vulnerable persons, is a most serious offense against God and a violation not only of the Gospel of Jesus Christ and the teachings of the Church but also of the very mission of the Province and its spirit which every Vincentian vows to live. Such transgressions are a source of great pain for the victim, the abuser, their families, the Church, the Province, and the larger community. The Province takes seriously its obligation to respond immediately in a compassionate, responsible, and just manner to all allegations of sexual abuse of minors and vulnerable persons by its members and to provide an environment that supports, heals, and safeguards all such victims.

All sexual misconduct is a most serious betrayal of trust and a misuse of ministerial office. When the abuser is a member of the Congregation of the Mission, the integrity of the ministry, both ordained and lay, and the Church itself is damaged. Clerics serve the spiritual needs of the people. When the abuser is a lay member of the Congregation, the relationship of trust necessary for ministry is eroded.

The Province denounces all forms of sexual misconduct by its members whether against minors or vulnerable persons. The Province will not tolerate such misconduct, under any circumstances.

To promote a safe environment, the Province has enacted this policy entitled *Sexual Abuse of Minors and Vulnerable Persons*, as well as the policy entitled *Code of Ethical and Professional Behavior in Ministry for Members of the Western Province* and has implemented a mandatory educational and formational program for preventing sexual abuse of any form.

II. FORCE OF THIS POLICY

- A. All members of the Province are expected to be familiar with this policy and to observe faithfully its norms. To that end, all members are required to sign and return to the Province Offices the attached receipt form that acknowledges having received and carefully reviewed this policy.

Members are obliged to know and observe faithfully the corresponding policies of (Arch)Dioceses and Provinces in which they are apostolically assigned and/or reside.

- B. This policy conforms to both universal and particular law of the Church,¹ to the Constitutions and Statues of the Congregation of the Mission, to the Norms of the Province, and to all applicable civil laws.
- C. The Province and its members will comply with all applicable civil laws about reporting allegations of sexual abuse of minors and vulnerable adults to civil authorities and will cooperate in their investigation. Specifically:
 - 1. In every instance, the Province will advise and encourage a person's right to report to civil authorities and/or make the report itself.
 - 2. Members must report to civil authorities all known or suspected sexual abuse of a minor whether currently a minor or not, whether alleged to have been perpetrated by a member or a non-member (see III. B.). Members are also required to report known or suspected sexual abuse of a minor or a vulnerable person by a member or a cleric to ecclesiastical authorities. (See Appendix A: Contact Information)
 - 3. Members must report to civil authorities all known or suspected acquisition, possession or distribution of pornographic images of minors for the purposes of sexual gratification, by whatever means or using whatever technology.
- D. Members will also report to the Province allegations of sexual abuse of a minor or a vulnerable person by another member, including child pornography.
- E. Priest members who learn of sexual abuse of minors or vulnerable persons under the inviolable seal of the Sacrament of Penance may not report such, since to do so would violate the Sacramental seal (C 983§2, C 1388§1).
- F. If the accused member is sued in civil court or arraigned in criminal court, the canonical investigation and/or penal processes of the Province are suspended pending the outcome of the civil or criminal processes. Ordinarily, these same canonical processes are also suspended while an allegation is under investigation or a settlement is being negotiated by the Province's attorney. When the civil or criminal processes are concluded, the canonical processes resume.
- G. While all sexual misconduct by a member is an offense against God and violates the

¹ The Code of Canon Law (CIC), the Apostolic Letter *Sacramentorum sanctitatis tutela* (April 30, 2001), "Substantive Norms" (May 21, 2010), and *The Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, USCCB (May 15, 2006) and Apostolic Letter *Motu Proprio Vos estis lux mundi* (May 7, 2019).

law of the Church and the Constitutions of the Congregation, only some actions are delicts in canon law. Sexual abuse of a minor is a crime in civil law. Each State has its own statutes concerning abuse of vulnerable persons. In canon law, when sexual abuse of a minor or of a vulnerable person is committed by a cleric or a member of a society of apostolic life it is a delict in the Church. Abuse of minors and those who habitually lack the use of reason committed by clerics are delicts reserved to the Congregation of the Doctrine of the Faith² (hereafter “CDF”). Abuse of other vulnerable persons is not so reserved.³

- H. When a member acknowledges committing even a single act of sexual abuse of a minor or vulnerable person or when the canonical or civil/criminal processes establish the same, the member will be removed permanently from ministry and, if the case so warrants, will be dismissed from the Congregation of the Mission and from the clerical state.⁴

III. SCOPE OF THIS POLICY

- A. This policy outlines the actions the Province takes when there is an allegation of sexual abuse of a minor or vulnerable person by one of its members or such abuse is discovered. The Province’s program addressing the prevention of such abuse, including screening and education, is found in other policies.
- B. This policy applies to current, former, or deceased members of the Province. The policy does not apply to affiliates, associates, or those employed by the Province.

IV. DEFINITION OF TERMS

A. Organizational Units and Administrators

1. Province: The Congregation of the Mission Western Province with its business offices in St. Louis, Missouri.
2. Visitor: The duly appointed head of the Western Province.
3. Members: Those attached to the Congregation of the Mission Western Province who have been admitted to the internal seminary and those incorporated by reason of vows. Cleric members are those ordained deacons or priests.
4. Superior General: The duly appointed international head of the Congregation of the Mission.
5. Congregation for the Doctrine of the Faith: A department of the Vatican which has

² CIC c. 1395, §2 and *Sacramentorum sanctitatis tutela*, art. 6, §1.

³ *Vademecum*, Congregation for the Doctrine of the Faith, I, 5.

⁴ USCCB, *Essential Norms*, n. 8.

exclusive authority in all cases of sexual abuse of a minor by a cleric.

6. Misconduct Review Board (hereafter “the Board”): The consultative body which, in allegations of sexual abuse of a minor by a member, advises and assists the Visitor and others, including the Misconduct Administrator.
7. Pastoral Listening Panel: A group appointed by the Visitor made up of the Misconduct Administrator, the Victim Assistant Coordinator or other person skilled in psychotherapy and a member of the Congregation of the Mission. This panel will listen to the alleged victim’s detailed allegation in the atmosphere of pastoral concern. The alleged victim may bring a friend, a canonical advisor or legal counsel to this listening session. Other requests aimed at assuring his/her safety and comfort will be welcomed.
8. Misconduct Administrator: The Visitor’s delegate, ordinarily the Assistant Visitor, who coordinates the response of the Province to the alleged abuse, especially in the initial stages of that response. At the request of the Visitor, the Misconduct Administrator also may serve as the investigator in a canonical investigation.
9. Victim Assistance Coordinator: A person with expertise in counseling and in dealing with victims of sexual abuse who is appointed by the Visitor and assigned to a particular case by the Misconduct Administrator to offer support to the alleged victim and family, assisting with referrals, being present at meetings, and facilitating communication among those involved.
10. Promoter of Justice: The person appointed by the Visitor of the Western Province who guarantees the fair and proper administration of the Code of Canon Law and the Constitutions, Statutes, Norms and Policies of the Congregation governing the procedures dealing with an allegation of sexual abuse of a minor or vulnerable person by a member of the Province.

B. Other Terms

1. Minor: A minor, according to canon law, is a person under eighteen years of age.
2. Vulnerable Person: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.⁵
3. Sexual abuse: Conduct or interaction between a member of the Province and a minor or vulnerable person that is an external, objectively grave violation of the sixth commandment as understood in canon 1395, §2 of the Code of Canon

⁵ Motu Proprio, *Vox est lux mundi*, art. 1, § 2 b.

Law.⁶ This policy defines sexual abuse in the following way:

(1) Intentional physical contact with a person's mouth, genitalia, buttocks, rectum or breasts for the purpose of sexual arousal or gratification. (2) Solicitation to engage in conduct described in section (1), whether in person, by telephone, by e-mail, in writing or otherwise. (3) Knowingly viewing pornography or other patently offensive materials of a sexual nature for the purpose of sexual arousal or gratification. (4) Knowingly engaging in lewd and explicit sexual conversation for purposes of sexual arousal or gratification. (5) Knowingly engaging in lewd, sexual behavior in the presence of a minor or vulnerable person. (6) Knowingly observing a minor or vulnerable person engage in lewd sexual behavior, for purposes of the cleric's sexual arousal or gratification. (7) Acquiring, possessing, downloading, and viewing graphic sexually explicit images of a minor and those equivalent to a minor in Canon Law is considered sexual abuse because it is child pornography.

4. Canon Law: The official body of universal and particular law that governs life in the Catholic Church.

V. RECEIVING ALLEGATIONS OF SEXUAL ABUSE OF MINORS AND VULNERABLE PERSONS

- A. All allegations of sexual abuse of a minors or vulnerable persons by a member will be received with respect and will be treated seriously, including those allegations made by a victim who is no longer a minor.
- B. Anyone, including members, may bring such an allegation to the attention of the Province. The allegation may be directed to the Visitor, the Misconduct Administrator, the Province's Attorney, or to any member of the Misconduct Review Board.
- C. Should the allegation be against the Visitor, it is immediately forwarded to the Assistant Visitor, who then presents it to the Superior General of the Congregation of the Mission.
- D. All allegations will be forwarded immediately to the Misconduct Administrator.

⁶ USCCB, *Essential Norms*, Preamble. The norm to be considered in assessing an allegation of sexual abuse of a minor is whether the conduct or interaction qualifies as an external, objectively grave violation of the sixth commandment. It need not be a completed act of intercourse nor does it need to involve force, physical contact or a discernible harmful outcome. In doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized theologians should be consulted and the opinions of recognized experts should be obtained. Moral responsibility (imputability) for a canonical offense is presumed when the external act is placed, unless it is otherwise apparent. Ultimately, it is the responsibility of the Provincial, with the advice of a qualified review board, to determine the gravity of the alleged act. Cf. USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, NCCB, 1995, p. 6 and USCCB, *Essential Norms*, Preamble, footnote 2.

- E. The Province will receive with respect anonymous and incomplete reports of sexual abuse of a minor or a vulnerable person by a member, and the Province will answer all questions about making an allegation.
1. The Province will notify its attorney of such reports.
 2. If the accused member is named, the Province will inform the member and, in collaboration with its attorney, investigate the credibility of the report to the extent possible.
 3. If an allegation is made and a member is not named, the Province, in collaboration with its attorney, will investigate the credibility of the report to the extent possible.
 4. Unless the identities of both the alleged victim and the accused member are revealed, no canonical processes will be initiated.

VI. RESPONDING TO ALLEGATIONS

- A. In receiving an allegation of sexual abuse of a minor or a vulnerable person by a member, the Misconduct Administrator will immediately notify the Visitor and the Province's attorney. [If the accused is not a member of the Western Province, then his Visitor will also immediately be notified.]
- B. If the public authorities have not already been notified, the Misconduct Administrator will report to the appropriate public authorities.
- C. The Misconduct Administrator immediately conducts an initial study of the allegation in order to determine whether the allegation falls within the scope of this policy and at least seems true.⁷ He ordinarily does this in collaboration with the Province's attorney and the Pastoral Listening Panel. Steps include but are not limited to the following:
1. If the alleged victim presently is an adult, the Misconduct Administrator will contact the alleged victim. The Misconduct Administrator will:
 - a. Express pastoral care and concern for the person;
 - b. Assure the person that the Province does not tolerate such abuse and will take the allegation seriously;
 - c. Listen to the details of the allegation;
 - d. Provide the person with a copy of this policy;
 - e. Explain the process that will be used to investigate the allegation;
 - f. Answer the person's questions;

⁷ This is the approved English translation of "*saltem veri similem*" found in CIC c. 1717, §1.

- g. Offer a Victim Assistance Coordinator to serve as the contact/support person;
 - h. Inquire what the person needs at this time, including the opportunity to talk directly with the Visitor and, if requested, arrange for the same;
 - i) At least one other person officially related to the Province is to be present during such a meeting (e.g., the Misconduct Administrator, the Province's attorney, a member of the Misconduct Review Board, etc.);
 - ii) The alleged victim may invite the Victim Assistance Coordinator, an attorney, or another support person to be present during such a meeting;
 - i. Offer financial assistance for initial pastoral and/or psychological counseling for a period of time approved by the Visitor.
2. If the alleged victim presently is still a minor or a vulnerable person, the Misconduct Administrator will contact the legal guardian or person(s) representing the alleged victim and offer the same as above.
 3. The Misconduct Administrator will contact the member accused of abuse and will:
 - a. Describe the allegation that has been brought forward (note: the accused member has the right to know the nature of the allegations made against him, even if the identity of the accuser is withheld for serious reasons);
 - b. Recommend that the member retain a canon and civil lawyer whose expenses will be paid by the Province;
 - c. Express pastoral care and concern for the member;
 - d. Provide the member with a copy of this policy;
 - e. Explain the process that will be used to investigate the allegation;
 - f. Answer the member's questions;
 - g. Instruct the member not to contact the alleged victim;
 - h. Offer to assign someone as the contact/support person for the member;
 - i. Inquire what the member needs at this time, including the opportunity to talk directly with the Visitor and, if requested, arrange for the same.
 - j. Offer initial pastoral and/or psychological counseling for a period of time approved by the Visitor and paid by the Province.
- D. If the Misconduct Administrator, having consulted as appropriate and having

communicated with the alleged victim, considers that the allegation at least seems true, he then takes the following steps:

1. The Misconduct Administrator reports his initial findings to the Visitor.
 - a. If the Visitor judges that the allegation at least seems to be true, he can apply immediately the precautionary measures mentioned in CIC c. 1722 and invoke an administrative leave. These measures include withdrawing the accused from exercising the sacred ministry or any other ecclesiastical office or function, imposing or prohibiting residency in a given territory or place, and prohibiting him from public celebration of the Eucharist.⁸ The Visitor must verify the reasons for doing so, the accused must be cited, and the Promoter of Justice must be consulted to assure the proper procedures are followed.
2. The Misconduct Administrator informs the chair of the Misconduct Review Board.
- E. The chair of the Board, having been notified by the Misconduct Administrator of an allegation which seems true, calls a meeting of the Board at the very earliest opportunity.
- F. After the meeting has been scheduled, the chair offers the alleged victim to meet with the Board.
 1. Among the many purposes of such meetings may be the opportunity for the Board to more fully understand the allegation as the alleged victim reports in more detail and for the alleged victim to express what he/she needs as a result of the alleged abuse and what he/she expects by coming forward.
 2. The alleged victim has the right to invite the Victim Assistance Coordinator, an attorney, or another support person to attend the meeting.
 3. The alleged victim may request that the meeting take place with a representative of the Board or the investigator in a locale suitable to all parties.
 4. The alleged victim may decline the request for a meeting with the Board.
- G. The Board reviews the initial findings of the Misconduct Administrator.
 1. The Board recommends to the Visitor whether to open the preliminary investigation according to canon law (CIC c. 1717).
 2. The Board reviews and recommends to the Visitor regarding the status of the accused member.

⁸ USCCB, *Essential Norms*, n. 6.

- a. If an administrative leave has already been imposed on the accused member, the Board recommends whether such should continue; if the administrative leave should not continue, the Board recommends whether any restrictions should be placed on the member.
 - b. If an administrative leave has not already been imposed on the accused member, the Board recommends whether such should be imposed and what, if any, restrictions should be placed on the member. (See Appendix D.)
3. When the Promoter of Justice attends meetings of the Board, that person does not have a vote.

H. Rights of the accused member:

1. The accused member has the right to speak to the Visitor and, if he chooses, may admit the offense; no one can compel him to confess, to say anything incriminating or to take an oath [CIC c. 1728, #2]; he has the right to be heard and to present information, especially of an exculpatory nature.
 2. The accused member has the right to know what his canonical and civil rights are, as well as his right to remain silent until he has received appropriate counsel.
 3. The accused member may invite his attorney, his canonical advisor, or another support person to be present during this initial meeting; their participation will be facilitated/moderated/managed by the Chairman of the Board.
 4. The good reputation of the member related to an alleged case of sexual misconduct should be protected along with his right to privacy and confidentiality.
 5. During the process of dealing with the allegations, the member will continue to enjoy all of his rights of membership.
- I. To assist it in advising the Visitor, the Board can recommend to the Visitor that the accused member be asked to participate voluntarily in a professional, independent psychological evaluation at a time and place determined by the Visitor which is mutually acceptable to both parties.⁹

VII. INVESTIGATION OF ALLEGATIONS OF SEXUAL ABUSE OF MINORS OR VULNERABLE PERSONS

- A. The Visitor, having reviewed the initial findings of the Misconduct Administrator and having received the initial recommendations of the Board, will make a decision regarding the preliminary investigation according to canon law (c. 1717).
 1. The Visitor appoints an investigator and a Promoter of Justice.

⁹ USCCB, *Essential Norms*, n. 7.

2. The Visitor notifies the (Arch)Bishop of the relevant (Arch)Diocese in which the accused member was apostolically assigned or living and addresses where and how the investigation of the complaint should take place and whether the accused should be assigned to another residence.
 3. If the alleged abuse occurred while the member was apostolically assigned or living in another Province of the Congregation of the Mission, the Visitor contacts the appropriate Visitor and addresses where and how the investigation of the complaint should take place.
 4. If not already applied, the Visitor may choose to apply the precautionary measures mentioned in CIC c. 1722 and invoke an administrative leave (as already described in VI. D).
 5. If no civil suit is filed and if there is no civil/criminal investigation or negotiation in process, the canonical preliminary investigation continues.
 - a. In the canonical investigation, evidence will be gathered from witnesses and documents according to CIC cc. 1558-1571. The investigation will attempt to establish the truth of the allegation and the imputability of the accused. All investigations will be done in confidence and as expeditiously as possible. The investigator will also determine which law of prescription was in effect for the particular alleged offense.¹⁰
 - b. The Promoter of Justice ordinarily should attend such Board meetings.
- B. If a civil suit is filed or if a civil/criminal investigation or negotiation is in process, the Visitor will suspend the canonical process at this point to avoid interference with the investigation. He will consult with the Promoter of Justice and file the necessary decrees so that the canonical procedures can resume properly once the civil/criminal processes are concluded. The Visitor will continue to consult with the Province's attorney and other advisors as he deems necessary and appropriate.
- C. During the investigative phase of the canonical process, the Board and the accused member may meet:

¹⁰ In the United States, for delicts against a minor that took place prior to November 27, 1983, the period of prescription is five years from the date of the offense (CIC [1917] c. 1703, 2^o). From November 27, 1983 to April 25, 1994 the period of prescription is five years from the date of the offense or, if the delict is continuous or habitual, from the day on which it ceased (CIC c. 1362, §1, 2^o and §2). From April 25, 1994 to the present, the period of prescription is ten years, running from the day the minor has completed the eighteenth year (Rescript of the Secretariat of State, April 25, 1994, Prot. N. 346.053). This derogation was extended for ten years on April 26, 1999 and became universal law on April 30, 2001. (Rescript of the Secretariat of State, December 4, 1998, Prot. N. 445.119/G.N. and Apostolic Letter, *Sacramentorum sanctitatis tutela*, art. 5, §2.) The revised Substantial Norms of *Sacramentorum sanctitatis tutela* issued on May 21, 2010 extended the period of prescription to twenty years from the time that the minor completes his eighteenth year of age, article 7.

1. The investigator or the accused member may request the meeting.
2. The accused member has the right to be heard and to present information, especially of an exculpatory nature. No one can compel him to confess, to say anything incriminating or to take an oath (CIC c. 1728, §2). Canon Law does not provide for the interrogation of the accused member or permit him to present a formal defense during the preliminary investigation of a canonical process. However, the accused will be invited to present a response, oral or written.
3. During the investigation, the accused enjoys the presumption of innocence, and all appropriate steps will be taken to protect his reputation.¹¹
4. The accused member has the right to invite his attorney, his canonical advisor, or another support person to be present during such a meeting. If the Promoter of Justice is also present at such meetings, the Promoter of Justice will be asked to submit relevant question to the chairperson of the Board.
5. The accused member may request that the meeting take place with a representative of the Board or the investigator in a locale suitable to all parties.
6. The accused member may decline the request for a meeting with the Board.

VIII. CONCLUSION OF THE INVESTIGATION OF ALLEGATIONS

- A. In the event of a monetary payment as regards any civil action, whether as part of a litigated suit or as part of a negotiated settlement, there will be no confidentiality agreement except for grave and substantial reasons and at the request of the alleged victim.
- B. Once the civil/criminal processes have concluded, the canonical process must resume in order to arrive at a recommendation to the Visitor regarding the accused member:
 1. Evidence gathered during civil/criminal processes while the canonical process was suspended may be entered by the canonical investigator once the canonical process resumes.
- C. At the conclusion of the investigation, the investigator shares the findings of the preliminary investigation with the Board for their review and recommendations.
- D. The Visitor receives the report and recommendations of the canonical investigator, having consulted with the Board.

¹¹ C. 1717, §2 and USCCB, *Essential Norms*, n. 6.

1. If the Visitor judges that the allegation is clearly false or not credible, he concludes the investigation and closes the case.
 - a. He informs the accuser and the accused and seals the file (CIC c. 1719). A confidential summary of the complaint and the results of the investigation are placed in the member's personnel file.
 - b. Every effort will be made to restore the member's reputation if such is warranted.
 - c. The Visitor makes a determination regarding the member's assignment and ministry.
2. If the Visitor judges that the proofs gathered are sufficient to establish the probability of the delict, he will notify the accused of the results of the investigation and, without interrogation, listen to his response (CIC c. 50).
 - a. If not already applied, the Visitor will apply the precautionary measures mentioned in CIC c. 1722 and invoke an administrative leave (as already described in VI. D). Depending on the gravity of the case, the Visitor may also release the member from certain obligations and more strictly limit his exercise of ministry.¹²
 - b. The Visitor will transmit the acts of the preliminary investigation together with his *votum* to the Superior General. This transmission may include a request by a cleric member for dispensation from the obligations of the clerical state or a request from the Visitor for dismissal from the Congregation of the Mission even without the consent of the accused member.
3. If the Visitor judges that the allegation is credible but the proofs gathered are insufficient to establish the probability of a delict, he will notify the accused of the results of the investigation and, without interrogation, listen to his response (CIC c. 50).
 - a. The Visitor will transmit the acts of the investigation to the Superior General together with his *votum* explaining the insufficiency or doubtful nature of the proofs. If he so judges, the Superior General will send the entire case with his own *votum* to the CDF.
 - b. Especially when the member seems to be partially imputable for misconduct, the Visitor will take whatever appropriate administrative actions are deemed necessary to ensure the protection of children, vulnerable persons, and the common good. Such actions might include

¹² USCCB, *Essential Norms*, n. 9, footnote 6.

some or all the measures mentioned in CIC c. 1722. They also might include requesting a psychological assessment and if necessary treatment as a prerequisite for consideration for future apostolic assignment.

4. In the case of a non-clerical member accused of the same crime, the same procedures will be followed with the exception of sending the case to the Superior General and to the CDF. The case will be sent to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (hereafter “CICLSAL”).¹³
5. If the Visitor judges that there was no sexual abuse but that the member violated the Province’s policies regarding boundaries with minors and vulnerable persons (see the Province’s policy *Code of Ethical and Professional Behavior in Ministry*) and in every instance when suspicious or inappropriate behavior regarding minors and vulnerable persons are brought to the attention of the Visitor, whether connected to an allegation of sexual abuse or not, the Visitor will interrupt such behaviors and intervene.
 - a. The inappropriate behavior will be documented, along with the steps taken for intervention and this record will be maintained in the member’s confidential personnel file.
 - b. A written plan for ensuring on-going cessation of the behaviors will be drawn up and implemented, and the Province will demonstrate adherence to the written plan.

IX. ASSIGNING MEMBERS

- A. In general, when the Visitor wishes to assign a member to a new house and apostolate in an (Arch)Diocese, the “Proposed Guidelines on the Transfer of Assignment of Clergy and Religious” adopted in 1993 by the NCCB, The Conference of Major Superiors of Men, the Leadership Conference of Women Religious, and the Council of Major Superiors of Women Religious will be followed as well as any particular appropriate norms of that (Arch)Diocese.
- B. As regards members who have confessed to or whose guilt of sexual abuse of a minor or vulnerable person has been established by a canonical process:
 1. No member who is guilty of sexual abuse of a minor or vulnerable person may be transferred for public ministry to another (Arch)Diocese or Province in this country or overseas.¹⁴
 2. Before such a member can be transferred for residence to another (Arch)Diocese or Province or to another house within the Western Province, the Visitor shall forward

¹³ *Vademecum*, 8.

¹⁴ USCCB, *Essential Norms*, n. 12.

in a confidential manner to the local (Arch)Bishop / Visitor / superior of the proposed place of residence any and all information concerning any act of sexual abuse of a minor or vulnerable person and any other information indicating the member has been or may be a danger to children or young people or vulnerable persons. He will also indicate whatever appropriate administrative actions he has deemed necessary to impose on the guilty member.

3. The same conditions apply in the case of a member accused of sexual abuse of a minor or vulnerable person whose case the Visitor has judged credible and referred to the Superior General, and whose case is now pending.
- C. As regards members who have been accused of sexual abuse of a minor or of a vulnerable person and in whose case the Visitor has judged the allegation to be credible but the proofs insufficient to establish a delict:
1. Before such a member can be transferred for residence to another (Arch)Diocese or Province or to another house within the Western Province, the Visitor shall forward in a confidential manner to the local (Arch)Bishop / Visitor / superior the fact that such an allegation was made, that it was judged credible, but that the proofs were insufficient to establish a delict.
 2. Especially when the member seemed to be partially imputable for indiscreet actions, the Visitor will indicate in a confidential manner whatever appropriate administrative actions he has deemed necessary to ensure the protection of all the faithful and the common good.

X. DISCLOSURE

As a rule, the Province will disclose all allegations that have been judged credible in the preliminary investigation. The name of the offender, the allegation, and the penalty will be appropriately communicated to the members of the Province in a way that protects the rights of the offender and the confidentiality of the victim.¹⁵

This policy is to be reviewed every three years.

Reviewed: April 9, 2021
Revisions approved: December 7, 2021

¹⁵ Pontifical Council for Legislative Texts, "Publication of Names of Accused Clerics," *Roman Replies and CLSA Advisory Opinions*, 2017: 5-9.

APPENDIX A

CONTACT INFORMATION

To report allegations of sexual abuse of a minor by a member of the Western Province, contact:

- Any local law official and/or the local Department of Child and Family Services
- The Childhelp National Child Abuse Hotline: 1-800-422-4453
- The Misconduct Administrator of the Western Province: 1-314-344-1184
- The Provincial Superior of the Western Province: 1-314-344-1184

To learn more about the prevention and treatment of child abuse, see the Childhelp website: <http://www.childhelp.org>. A faith-based website for victims is: <https://spiritfirelive.wordpress.com>

APPENDIX B

MISCONDUCT REVIEW BOARD

I. INTRODUCTION

The Misconduct Review Board (hereafter “the Board”) of the Western Province is an independent, confidential body which advises the Visitor in the discharge of his duties concerning allegations of misconduct by a member of the Province in the external forum, including but not limited to sexual misconduct and, in particular, sexual abuse of a minor or vulnerable person. The policy statement describing the full extent of the Board’s responsibilities is found elsewhere. As regards allegations of sexual abuse of a minor or vulnerable person by a member, the Board advises and assists the Visitor and others he designates, including the Misconduct Administrator.

II. SPECIFIC DUTIES

- A. To advise on developing policies for the Province regarding cases of sexual abuse of a minor by its members, both retrospectively and prospectively;
- B. To review the initial findings of the Misconduct Administrator in allegations of sexual abuse of a minor or vulnerable person that are brought against members, including former and deceased members, which at least seems true and to make a recommendation to the Visitor regarding next steps, including but not limited to advising whether to open a preliminary canonical investigation;
- C. To advise on assessing reports and allegations against a member;
- D. To advise regarding the reporting of cases to civil authorities when not required to do so by law;
- E. To review the findings of the preliminary canonical investigation, to advise on the disposition of cases of sexual abuse of a minor or a vulnerable person and to make recommendations to the Misconduct Administrator on the accused member’s suitability for ministry;
- F. To advise in determining appropriate work and other activities that are suitable for members on a Safety Plan and to review initial Safety Plans for members when the sexual abuse of a minor or vulnerable person has been established;
- G. To advise on members’ compliance with existing Safety Plans at least annually, to advise on any violations to existing Safety Plans and the appropriate response and/or disciplinary action necessary for such violations as well as to advise on any changes that are introduced into existing Safety Plans;
- H. To advise on the pastoral response to individuals who have alleged sexual abuse as a

minor or vulnerable person and to offer whatever assistance the Misconduct Administrator seeks in regard to communication with alleged victims and accused members;

- I. To serve as an interviewing panel for meeting with the alleged victim or the accused member;
- J. To collaborate with the Province's attorney, especially during any civil litigation or negotiation attempting to arrive at a settlement;
- K. To advise on and recommend a pastoral response to the wider Church and community, as appropriate to the circumstances of each particular case;
- L. To submit an annual report to the Visitor containing all recommendations on the aforementioned advice.

III. COMPOSITION OF THE BOARD

The Board is composed of at least five and no more than seven persons of outstanding integrity and good judgment, knowledgeable and respectful of the religious vocation. One person is a member of the Province. The majority are lay persons not in the employment of the Province or its apostolates. At least one person will have particular expertise in the treatment of the sexual abuse of minors or vulnerable persons.

IV. APPOINTMENT AND LENGTH OF TERM

Board members are appointed by the Visitor of the Western Province, having consulted with his Council, and serve three year terms which can be renewed. Board members receive no compensation for their services. They will be reimbursed for expenses.

V. TRAINING FOR REVIEW BOARD MEMBERS

Board members are given initial formation for their unique role in providing confidential consultation to the Visitor. These individuals receive copies and an explanation of the following documents:

1. *Charter for the Protection of Children and Young People*
2. *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*
3. *2002 CMSM Statement of the Assembly*
4. *2016 CMSM Standards for Accreditation*
5. *Western Province Policies: Code of Ethical and Professional Behavior in Ministry for Members of the Western Province; Sexual Abuse of Minors and Vulnerable Persons*

Along with the initial training, the Province provides Board members with on-going formation regarding best practices, as well as the opportunity to attend the annual

CMSM/Praesidium Safe Environment workshop.

VI. OFFICERS OF THE BOARD

The Visitor designates the chair and vice-chair from the Board members and appoints a secretary.

VII. MEETINGS OF THE BOARD

Meetings are scheduled as often as necessary to perform its duties. Ordinarily the Board meets in person, but when necessary it can meet by conference call. The Visitor, Misconduct Administrator, Canonical Investigator, Promoter of Justice, and Victim Assistance Coordinator attend meetings as warranted. The chair may invite resource persons (e.g., lawyers, doctors, etc.) to all or part of a meeting.

VIII. RECORDS RETENTION

The files of the Board are the property of the Western Province. The Visitor and all current Board members shall have access to the Board's files. The files are stored at the Western Province offices.

Each case or matter considered by the Board shall have its own file.

IX. CONFIDENTIALITY

All discussions and recommendations of the Board are held in the strictest confidence. No member of the Board will speak with the media, reserving all public statements to the Visitor or his delegate. To this end, each member signs a non-disclosure agreement.

APPENDIX C

SURVIVOR'S ASSISTANCE COORDINATOR

I. INTRODUCTION

The Survivor's Assistance Coordinator is a person, appointed by the Visitor and assigned by the Misconduct Administrator to a particular case, who has expertise in counseling and in dealing with victims of sexual abuse. The Survivor's Assistance Coordinator is not a member of the Board or Provincial administration. The Victim Assistance Coordinator is not compensated by the Province.

II. DUTIES

The Survivor's Assistance Coordinator's duties include the following:

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

III. PROFESSIONAL CONDUCT

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

APPENDIX D

SAFETY PLANS

The Province will maintain a written, individualized Safety Plan to guide the supervision of any member who is known to have sexually abused a minor or vulnerable person.

The Review Board will review each Safety Plan annually, having received the input of the member under supervision and of the individuals supervising, and offer recommendations to the Misconduct Administrator regarding appropriate adjustments. The Misconduct Administrator will recommend appropriate adjustments to the Visitor who sets the terms of the Safety Plan.

Individuals who supervise members will be physically and emotionally capable and adequately trained to perform the duties involved in supervision. Those who supervise members under Safety Plans will have access to all pertinent information that is not otherwise privileged concerning the member under a Safety Plan including the following:

- a. relevant history of sexual abuse of a minor or vulnerable person;
- b. all allegations of sexual misconduct, including those with adults;
- c. history of compliance with Safety Plans;
- d. current progress in treatment, if applicable;
- e. history of illegal substance use and/or abuse, if applicable.

The Visitor or his delegate will monitor compliance with all safety plans annually.

- a. At the time for the annual review, the Visitor or his delegate notifies the Misconduct Administrator who notifies the supervisor.
- b. The supervisor meets with the member to review the plan and discuss compliance. The member may ask for modifications in the plan for the coming year.
- c. The supervisor meets with the supervision team who give their input, review the supervisor's and member's judgment on compliance and the member's request for modifications, if any.
- d. The supervisor writes a report summarizing all the information he has received and gives it to the Misconduct Administrator.
- e. The Misconduct Administrator convenes the Misconduct Review Board who reviews the entire portfolio and makes a recommendation to the Visitor.
- f. The Visitor makes a decision about the recommendation, puts the document in the confidential file and informs the member of his decision.

Community residences which house "high-risk" members under Safety Plans will be visited by outside auditors on an unannounced basis to ensure consistent implementation of safety planning protocols.

APPENDIX E**FORM FOR MEMBERS OF THE WESTERN PROVINCE
ACKNOWLEDGING THAT MEMBERS OF THE PROVINCE
HAVE RECEIVED AND CAREFULLY REVIEWED THIS POLICY**

I, the undersigned, hereby acknowledge that I received a copy of the Western Province's policy concerning *Sexual Abuse of Minors and Vulnerable Persons*. Further, I acknowledge that I have read the policy, understand its meaning, and agree faithfully to observe its directives as stated and as might be amended in the future. I also understand that this acknowledgment will be kept in my personnel file.

Date of Receipt of the Policy

Signature

Printed name