

# **POLICIES AND PROCEDURES FOR THE PROTECTION OF YOUNG PEOPLE & VULNERABLE ADULTS**

Xaverian Missionaries USA

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## Contents

INTRODUCTION.....	4
RESPONDING TO SURVIVORS.....	5
1. The Institute responds pastorally and compassionately to any person who reports sexual abuse of a minor to promote healing for survivors of sexual abuse.....	5
2. The <i>Delegation</i> has an Outreach Coordinator to provide support for those who allege to have sexual abuse of a minor or vulnerable adult.....	5
PREVENTION .....	6
3. The Delegate Superior needs to find ways to demonstrate competency in key areas of abuse prevention and response.....	6
4. The Delegate Superior demonstrates transparency and commitment to the members of the <i>Delegation</i> .....	7
4.1. The Delegate Superior or the Outreach Coordinator communicates annually to the confreres regarding commitment to the protection of minors.....	7
5. The Delegation screens new candidates for a history of sexually abusing minors or violating the boundaries of minors.....	7
5.1. The Delegation requires each candidate who has applied for membership into the Society during the assessment period to complete: Background check (multi-state criminal records search, National sex offender registry check, social security number trace and alias search, and individual country level search in each county the candidate lived, worked, or attended school over the last seven years).....	7
6. The Delegation provides specialized support and accountability at each stage in the initial formation of seminarians.....	8
7. The Institute identifies and utilizes systems of support and accountability for the confreres.....	8
8. The Institute has established and published clear policies for boundaries with minors.....	9
9. The Delegate Superior will ensure the confreres are educated on the knowledge and skills necessary for preventing and responding to abuse.....	9
10. The Institute interrupts and intervenes when a confrere violates the Institute's policies regarding boundaries with minors.....	10

RESPONDING TO ALLEGATIONS.....	10
11. The Institute adheres to written protocols for responding to reports and allegations of sexual abuse of a minor and maintains documentation of adherence to those protocols in a manner that guarantees it will be available to future leadership.....	10
12. The Institute reports known or suspected abuse of children who are still minors to civil authorities.....	11
13. The Delegate Superior will interrupt and intervene when a confrere violates the Institute's policies regarding boundaries with minors.....	11
14. The Delegation investigates all reports and allegations of sexual abuse of minors by a confrere, to the extent possible, based on the information provided.....	11
15. The Institute demonstrates transparency in its response to allegations of sexual abuse of minors.	
12	
16. The Delegation participates in a collaborative review board for the purpose of providing consultation to the Provincial on the response to all reports and allegations of sexual abuse of minors.	
12	
SUPERVISION .....	13
17. The Institute maintains a written, individualized Safety Plan to guide the supervision of any confrere against whom an allegation of sexual abuse of a minor has been established. ....	13
18. The <i>Delegate Superior</i> ensures confreres on a Safety Plan do not work in any position that allows access to minors or in any ecclesiastical ministry. ....	14
19. The Institute ensures Safety Plans are reviewed annually by the <i>Delegate Superior</i> and the review board to ensure ongoing compliance and the overall efficacy of the plan.....	14
20. The Delegate Superior and Council have identified appropriate levels of supervision for confreres who have Safety Plans. ....	15
GLOSSARY OF TERMS.....	16
Appendix A.....	18
Handout Response to Sexual Misconduct:.....	18
Appendix B.....	21
Protocol for responding to reports and allegations of sexual abuse of a minor .....	21
ALLEGATIONS OF SEXUAL MISCONDUCT .....	21

Appendix C.....	26
Template for Documentation of Allegations and Report to the Review Board.....	26
Appendix D .....	29
Leadership Culpability Report for Review Board.....	29
Appendix E.....	31
Internet and Social Media Policy.....	31
Appendix F .....	35
Guide for Mandatory Reporting of Child Abuse.....	35
The Institute will require any confrere with direct knowledge to immediately report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state's mandatory reporting laws. .....	35
The Institute also requires its members to report known or suspected sexual abuse of a minor by a confrere, living, deceased or former when the victim is no longer a minor in accordance with the civil laws of the state in which the sexual abuse of a minor was alleged to have occurred. ....	35
Appendix G .....	37
Policy for Confreres/Visitors Temporarily Assigned to the US Xaverian Delegation .....	37

## INTRODUCTION

These policies and procedures express the commitment of our Institute to protect children and young people in light of the scandal of sexual abuse by clergy and religious. We add our voice to the Bishops of the United States and religious congregations throughout this country to the abhorrence of sexual abuse of minors. These policies and procedures assist us in prevention, accountability, transparency, how we handle allegations of sexual abuse and follow-up outreach to victims, and how we may supervise confreres who may be charged with sexual abuse.

We wish to demonstrate our ability to comply with the [Essential Norms of the USCCB Charter for the Protection for Children and Young People](#) and its overall commitment to the highest child safety standards. We do this in symphony with the collaborative efforts and guiding norms of the [Conference of Major Superiors of Men](#) and our ongoing experience. In particular, these policies and procedures are based on procedural norms of our religious congregation (QF 04, 1-2), and on the standards approved by the National Board of the Conference of Major Superiors of Men (CMSM). These policies and procedures shall be reviewed during the re-accreditation process every three years.

The most recent clarifications of each of the standards in these policies may be referred to [the Accreditation Standards: For Catholic Men's Religious Institutes](#). The breakdown of each standard are requirements for accreditation with Praesidium. The Delegation uses the Standards as a companion volume to Provincial Policy in order to understand the rationale for each of the standards.

The ultimate of authority in these matters is the Provincial Superior, with his Council. Regular sharing with the General Direction is important so they understand these issues the Delegation must deal with. The Provincial works closely with the Outreach Coordinator in practical issues of allegation response.

The **POLICIES AND PROCEDURES FOR THE PROTECTION OF YOUNG PEOPLE (PPPYP)** is clustered into four key areas:

- **Standards for Responding to Survivors**- These standards ensure that individuals who report abuse to an Institute are received pastorally and compassionately.
- **Standards for Prevention**- These standards evaluate items such as leadership, transparency, how new members are screened, relevant educational programs for initial and ongoing formation, systems of support and accountability to ensure Members' well-being, and how the Institute manages internal reports of concerns about boundary violations.
- **Standards for Responding to Allegations**- These standards evaluate policies and procedures in areas such as reporting requirements, investigations, and the role of external review boards.
- **Standards for Supervision**- These standards evaluate the effectiveness of supervision for any Members against whom an allegation of sexual abuse of a minor has been established.

*The terms "Delegation" and "Institute" are used interchangeably throughout these policies and mean the same thing.*

## RESPONDING TO SURVIVORS

### **1. The Institute responds pastorally and compassionately to any person who reports sexual abuse of a minor to promote healing for survivors of sexual abuse.**

- 1.1. The Delegate Superior and/or Outreach Coordinator offer to meet in person with an individual who reports sexual abuse of a minor by a Member of the Institute to promote the healing process and to understand how sexual abuse has affected the individual. In situations where the survivor has legal representation, representatives of the Institute extend an offer to meet with the individual through their legal counsel. If this is not possible, the Institute will maintain documentation of the reasons.
- 1.2. The Delegation Superior and/or Outreach Coordinator provides written information to the individual to explain the process that we typically follow in responding to allegation, and that this process is publicly available<sup>1</sup>
- 1.3. The Delegation Direction ensures all individuals who have approached the congregation to report sexual abuse of a minor have been advised of their right to report to civil authorities and encouraged to make a direct report. The Delegate Superior documents the response to all individuals who have reported the sexual abuse of a minor since June 2002, or since the date of the **Delegation's** last Accreditation.

### **2. The *Delegation* has an Outreach Coordinator to provide support for those who allege to have sexual abuse of a minor or vulnerable adult.**

- 2.1. The Institute ensures the Outreach Coordinator has education, training, and/or experience in the following content areas:
  - 2.1.1. Dynamics of sexual abuse.
  - 2.1.2. Effects of sexual abuse.
  - 2.1.3. How to provide comfort to those who have experienced sexual abuse.
  - 2.1.4. How to encourage trust in those who report being sexually abused as a minor; and
  - 2.1.5. How to promote healing.
- 2.2. The Outreach Coordinator's duties include the following:
  - 2.2.1. To listen to the survivor and/or family.
  - 2.2.2. To accompany the survivor, show empathy, and always make them feel supported.
  - 2.2.3. To explain to the survivor, in written and verbal form, the Institute's response to the allegations raised.
  - 2.2.4. To offer support and professional resources to the survivor, the survivor's family, and other affected persons, assisting with referrals to therapists and/or support groups.
  - 2.2.5. To offer to be present during meetings between the survivor and/or family and the Institute, including the Major Superior or other representatives of the Institute.

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<sup>1</sup> It is a recognized best practice for the Delegation to not enter confidentiality settlements unless requested by the survivor.

- 2.2.6. To coordinate all communications between the survivor and/or family and the Institute, keeping all parties apprised of developments and progress in the case.
  - 2.2.7. To help maintain documentation that shows the actions the Institute takes in response to each report or allegation of sexual abuse.
- 2.3. While the Delegate Superior may participate in providing a pastoral response, the Institute ensures he does not serve as the Outreach Coordinator.<sup>2</sup>

## **PREVENTION**

### **3. The Delegate Superior needs to find ways to demonstrate competency in key areas of abuse prevention and response.**

- 3.1. The Delegate Superior must insure, together with the Council, that there is updated education, training, and/or experience in the impact of child sexual abuse and how to promote healing for survivors.
- 3.2. The Delegate Superior can describe civil and ecclesiastical reporting requirements.
- 3.3. The Delegate Superior can describe how he collaborates and communicates with the Review Board.
- 3.4. The Delegation has a written transition plan to ensure standards are maintained and critical information is not lost following changes in leadership, which should include at minimum:
  - 3.4.1. If the incoming Superior does not already have education, training, and/or experience in the impact of child sexual abuse and how to promote healing for survivors, he will participate in activities to become knowledgeable in these areas. These activities may include specialized training, conferences, or workshops or relevant courses or programs.
  - 3.4.2. The Superior will review and become familiar with the Accreditation Standards and all policies and procedures related to abuse prevention.
  - 3.4.3. If the Institute has designated a point person to coordinate abuse prevention and Accreditation efforts, the Superior will meet with this person.
  - 3.4.4. The incoming Superior will review all allegations of sexual abuse and boundary violations from at least the previous five years.
  - 3.4.5. The incoming Superior will review and become familiar with all existing Intervention Plans for Boundary Violations.
  - 3.4.6. The Superior will meet with the Outreach Coordinator regularly.
  - 3.4.7. The Superior will receive contact information for the chair of the Review Board and will also meet with the Review Board to introduce himself.
  - 3.4.8. The incoming Superior will learn the status of the Institute in the Accreditation process as well as the expiration of the current Accreditation.
  - 3.4.9. Where possible, the outgoing and incoming Major Superior will meet to discuss any open cases and other information pertaining to abuse prevention that is deemed of high priority or importance.

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<sup>2</sup> It is recognized that aiding survivors may be coordinated with an Arch/diocese or another Religious Institute.

- 3.5. The Delegation ensures documentation of all allegations, reports, and responses concerning the sexual abuse of minors.

#### **4. The Delegate Superior demonstrates transparency and commitment to the members of the *Delegation*.**

- 4.1. The Delegate Superior or the Outreach Coordinator communicates annually to the confreres regarding commitment to the protection of minors.<sup>3</sup>
- 4.2. The Delegate Superior or the Outreach Coordinator ensures communication contains the following:
  - 4.2.1. The status of the Delegation in the accreditation process as well as the expiration of the current accreditation, if applicable; and
  - 4.2.2. Information about any new reports or incidents of abuse that have occurred since the last communication, and the status of those reports or incidents.

#### **5. The Delegation screens new candidates for a history of sexually abusing minors or violating the boundaries of minors.**

- 5.1. The Delegation requires each candidate who has applied for membership into the Society during the assessment period to complete: Background check (multi-state criminal records search, National sex offender registry check, social security number trace and alias search, and individual country level search in each county the candidate lived, worked, or attended school over the last seven years).
- 5.2. If a background check is not possible due to international limitations, the reason is documented. (Some international backgrounds are possible in Mexico). Instead, three references (one from a family member) and a review of their social media, personal blog sites and website accounts.<sup>4</sup>
- 5.3. Candidates with established allegations of sexual abuse in his past, possessions of downloads of sexual abuse, will not be permitted to continue membership.

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3 The report may be made orally or in written form. The level of specificity will be determined by the Major Superior and other Members of the Institute. For example, it is recommended, but not required, that the Major Superior share with Members the financial costs associated with these efforts (i.e., prevention programs, pastoral care, Accreditation), as well as other related expenses such as legal costs. It is recommended, but not required, that the Major Superior share with Members the status of any Members who have had established allegations of sexual abuse.

4 Criminal background checks of Candidates from countries outside the United States should be conducted to the best ability of the Institute, recognizing that some countries may not record such information or provide it to the Institute

**6. The Delegation provides specialized support and accountability at each stage in the initial formation of seminarians.**

- 6.1. Initial formation includes first entrance, completion of undergraduate requirements, and postulancy period prior to acceptance to Novitiate. Novitiate and theology are done internationally.
- 6.2. The Delegation ensures that seminarians in formation are educated on how to develop a mature, integrated sexuality as a foundation for celibate chastity.
- 6.3. The Institute ensures seminarians in formation are educated on appropriate boundaries, including cultural competencies and behavioral norms relevant to the ministries in which they serve.
- 6.4. The Institute ensures seminarians in formation are encouraged to identify and address challenges to maintaining celibate chastity and healthy intimate relationships.
- 6.5. The Institute ensures a seminarian who sexually abuses a minor will be dismissed.
- 6.6. The Institute ensures a seminarian in formation who is unable to maintain appropriate boundaries with minors, despite guidelines and instruction, will not be permitted to continue in formation.
- 6.7. The Institute ensures seminarians in formation are educated about the requirements and procedures for reporting boundary violations, misconduct, harassment, and abuse to the proper criminal, civil, and ecclesiastical authorities.

**7. The Institute identifies and utilizes systems of support and accountability for the confreres.**

- 7.1. The Delegate Superior can describe the Institute's systems of support and accountability for confreres.
- 7.2. The Delegate Superior demonstrates ongoing adherence to the Institute's systems of support and accountability for confreres.
- 7.3. The Delegate Superior or his delegate meets at least annually with each confrere and maintains a written record of the occurrence. It is not necessary to document the content of these meetings.
- 7.4. The Delegation has a written plan for confreres who are returning from ministry outside of the U.S., as well as for international confreres who are coming for ministry within the U.S., and who are under the authority of the local Institute, which includes, at minimum, a review of the

Institute's policies for boundaries with minors and an educational program that includes a discussion of the appropriate cultural boundaries.<sup>5</sup>

**8. The Institute has established and published clear policies for boundaries with minors.**

- 8.1. The Delegation's policies for boundaries with minors identify those interactions that the Institute prohibits for confreres under all circumstances, including in social and familial settings and via electronic communications and social media.
- 8.2. These boundaries with minors also identify positive forms of affection and demonstration of pastoral care that would be appropriate for Members under most circumstances.
- 8.3. The Institute ensures confreres know and can describe the policies for boundaries with minors.
- 8.4. The Delegation requires all confreres to sign a statement indicating they have read and understand the policies for boundaries with minors at least once during each Accreditation cycle.

**9. The Delegate Superior will ensure the confreres are educated on the knowledge and skills necessary for preventing and responding to abuse.**

- 9.1. The Delegation requires all confreres in formation and those who serve in public ministry, even those who only occasionally serve in public ministry, to complete at least one educational program that includes the following topics: a. Information on how to make a report to the civil authorities of known or suspected sexual abuse of a child who is currently a minor in the jurisdictions where the Member is assigned; b. Information on recognizing and responding to boundary violations or other inappropriate behaviors with minors; c. Information about images of child abuse, including its nature as a criminal offense and as a grave delict considered under the Motu Proprio "Sacramentorum Sanctitatis Tutela (SST)"; and d. Information regarding abuse of vulnerable persons, including its nature as an offense under the Motu proprio, "Vos estis lux mundi."
- 9.2. The Delegation requires all confreres who serve in public ministry, even those who only occasionally serve in public ministry, to participate in a minimum total number of hours of education (3 hours or one hour yearly) that is equal to the number of years in the Institute's Accreditation period.
- 9.3. The Delegation ensures ongoing training programs include a variety of topics approved by Praesidium that support the prevention of abuse more broadly<sup>6</sup>

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5 When a confrere who is living outside the normal systems of support and accountability is reluctant to comply with the options, the Delegate may consider the use of restrictions on the confrere's lifestyle and limitations on financial support where they may reside.

6 At the discretion of the Delegate Superior, or local superior, a confrere may be excused from the education programs if that confrere has physical or medical difficulties and will not be involved in public ministry.

**10. The Institute interrupts and intervenes when a confrere violates the Institute's policies regarding boundaries with minors.**

- 10.1.The Delegation has a written process that defines how confreres should respond when another confrere allegedly violates policies regarding boundaries with minors and who is responsible for addressing these concerns.
- 10.2.The Delegation requires the Outreach Coordinator to document the inappropriate behavior(s) and the steps taken for intervention and ensures the documentation is maintained in a manner that is helpful for future Superiors and those who will have official responsibility for the confrere.
- 10.3.The Delegation ensures the following when a confrere has repeated boundary violations with a minor or when a minor is known to be in danger: a. The situation is presented to the review board, b. An intervention plan is implemented that outlines how the boundary violations with minors will be interrupted, and c. The intervention plan is monitored for compliance.
- 10.4.The Delegation provides appropriate support to a confrere who discloses to leadership that he is attracted to minors but has not behaved inappropriately with minors.
- 10.5.The Delegation immediately intervenes in situations where there is potential risk of harm to an identifiable minor.

## **RESPONDING TO ALLEGATIONS**

**11. The Institute adheres to written protocols for responding to reports and allegations of sexual abuse of a minor and maintains documentation of adherence to those protocols in a manner that guarantees it will be available to future leadership.**

- 11.1.The Delegation's written protocols for responding to reports and allegations of sexual abuse include a. Responding to individuals who report sexual abuse of a minor; b. Responding to individuals who allege they have been sexually abused as a minor; c. Responding to confreres who have been accused; d. Complying with reporting requirements; e. Protecting the rights of all those involved; f. Conducting investigations; and g. Working with review boards.
- 11.2.The Delegation's written protocols identify who, by role, is responsible for each part of the response to allegations of sexual abuse of a minor.
- 11.3.The Delegation documents adhere to written protocols for all reports and allegations of sexual abuse of a minor by Members, including anonymous reports and allegations, which have been made since June of 2002, or since the last Accreditation site visit.
- 11.4.The Delegation ensures documentation is maintained in a manner that guarantees it will be available to future leadership.

11.5. For the purposes of this standard, “Confreres” include current, former, and deceased confreres of the Delegation.

**12. The Institute reports known or suspected abuse of children who are still minors to civil authorities.**

12.1 Civil authorities refer to the District Attorney’s office of the county where the abuse allegedly occurred.

12.2 Civil authorities may also refer to reporting to the local police.

**13. The Delegate Superior will interrupt and intervene when a confrere violates the Institute’s policies regarding boundaries with minors.**

13.1. The Institute cooperates with investigations of its confreres by civil authorities.

13.2. The Delegation ordinarily suspends its own internal investigations until criminal investigations are concluded. Decisions to move forward with investigations during a criminal investigation are made in consultation with law enforcement.<sup>7</sup>

**14. The Delegation investigates all reports and allegations of sexual abuse of minors by a confrere, to the extent possible, based on the information provided.**

14.1. The Delegation has written procedures for investigating reports of sexual abuse of a minor by its confrere.

14.2. The Delegate Superior ensures completion of an initial investigation to determine a “semblance of truth”<sup>11</sup> when an allegation or report is received, including anonymous allegations.<sup>8</sup>

14.3. If at the conclusion of an initial investigation, there is a “semblance of truth,” the Institute ensures the Member against whom the allegations are made has no unsupervised access to minors during a full investigation.

14.4. If at the conclusion of an initial investigation, there is a “semblance of truth,” the Institute ensures a full investigation is conducted by trained, third-party individuals who will produce a written report.

14.5. The Institute ensures allegations of sexual abuse of a minor reported since June of 2002, or since the last Accreditation site visit, have a documented investigation by trained, third-party individuals, or b. Documentation of the reason(s) an investigation is not possible or is not necessary.

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<sup>7</sup> The Delegation is expected to be familiar with and respect each Member’s rights under civil and canon law.

<sup>8</sup> To the extent possible, the Institute will document every effort to restore the good reputation of a confrere when an allegation is not established following a thorough investigation.

14.6.To the extent possible, the Institute will document every effort to restore the good reputation of a confrere when an allegation is not established following a thorough investigation.

**15. The Institute demonstrates transparency in its response to allegations of sexual abuse of minors.**

15.1.The Delegation communicates with the diocesan bishop and/or the organization where the alleged abuse took place, as well as with the diocesan bishop and/or the employer where the Member is currently working or residing when: a. A report or allegation is received, b. When an investigation is initiated, and c. When an investigation is complete.

15.2.The Delegation notifies the diocesan bishop and/or the organization where the alleged abuse took place, as well as with the diocesan bishop and/or employer where the Member is currently working or residing if an allegation is established or if a confrere has admitted to the sexual abuse of a minor.

15.3.The Delegation has written protocols for communication with the Religious Institute, the faith community, and the public if an allegation is established or if a confrere has admitted to the sexual abuse of a minor.

**16. The Delegation participates in a collaborative review board for the purpose of providing consultation to the Provincial on the response to all reports and allegations of sexual abuse of minors.**

16.1.The Institute ensures the review board provides recommendations regarding the response to all reports and allegations of sexual abuse of a minor by a confrere that has come forward since June of 2002, or since the date of the last Accreditation site visit.

16.2.The Institute provides the review board with the following written documentation when considering allegations of sexual abuse of a minor against a confrere: a. The original report or allegation of sexual abuse of a minor by a confrere that was submitted to the institute, b. The final written report of an investigation; c. All other allegations of sexual abuse by that Member; and d. Any relevant disciplinary actions that have been taken in the past about that Member and the reasons for the actions.<sup>9</sup>

16.3.The Institute ensures the review board provides consultation regarding the disposition of the case where alleged sexual abuse of a minor by a confrere cannot be investigated or established.

16.4.The Institute ensures review board members are familiar with the following documents: a. Charter for the Protection of Children and Young People,15 b. Essential Norms for Diocesan/Eparchical Policies c. Motu Proprio, “Sacramentorum Sanctitatis Tutela (SST)”; d. 2002 CMSM Statement of the Assembly; e. Institute’s Policies; f. Praesidium Accreditation Standards; and g. Motu proprio, “Vos estis lux mundi.”

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<sup>9</sup> The Review Board provides a form for reporting to the Board all allegations.

16.5.The review board has policies and standardized operating procedures, which include, at minimum, the following topics: a. Confidentiality; b. Constitution of the board; c. Terms of membership; d. Frequency of meeting; e. Media and communications; f. Records retention; g. Required training for review board members; h. How information will be disseminated to review board members; i. Possible alternatives for the disposition of cases; and j. Timeframe allotted for providing response once an allegation has been received by the review board.

16.6.The Institute documents that all allegations and reports of the sexual abuse of minors have been presented to the review board.

## **SUPERVISION**

### **17. The Institute maintains a written, individualized Safety Plan to guide the supervision of any conferee against whom an allegation of sexual abuse of a minor has been established.<sup>10</sup>**

17.1.The Delegate Superior and Council ensure the written Safety Plan includes a. A summary of the problem behaviors, which at a minimum will detail the number of survivors and the age and gender of the survivor(s); b. Information about how the Member spends the majority of his time; c. Any applicable sex offender registry requirements, including parole or probation.

17.2.A summary of the conferee's risk assessment and the risk-reduction strategies, including Limitations on the conferee's access to minors and how any such access is supervised, § Issues of personal relationships with friends and family, to ensure that the conferee does not have unsupervised access to minors, § Monitoring of the conferee's use of electronic communications, social media, and internet access, § Issues of financial accountability, and § The Member's current living situation, e. How the Institute will address issues of aging as they relate to risk, f. The person responsible for the implementation of each risk-reduction strategy; g. Consequences for non-compliance with the Safety Plan; and h. Dates on which the Safety Plan has been reviewed by the review board.

17.3.The Delegate Superior ensures the written Safety Plan is signed by the Member, the Major Superior, and at least one individual who is directly involved in the supervision of the individual.<sup>11</sup>

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10 All Members who have an established allegation of sexual abuse of a minor, including men who are in a residential treatment center or long-term nursing care or who are on parole/probation, are required to have a Safety Plan. Safety plans are not necessary for men who are incarcerated but should be developed in the event of release. Distributing, downloading, or intentionally viewing images of child abuse of any kind is sexual abuse of a minor in both civil and canon law. Any individual who has engaged in these behaviors must have an individualized Safety Plan. If the Member chooses not to sign the Safety Plan, this should be documented.

11 Distributing, downloading, or intentionally viewing images of child abuse of any kind is sexual abuse of a minor in both civil and canon law. Any individual who has engaged in these behaviors must have an individualized Safety Plan.

17.4.The Delegate Superior and Council ensure implementation of the written Safety Plan, and that the Member understands the consequences for non-compliance with the Safety Plan.

**18. The *Delegate Superior* ensures confreres on a Safety Plan do not work in any position that allows access to minors or in any ecclesiastical ministry.**

18.1.The Delegate Superior ensures appropriate work for a Member on a Safety Plan is determined in consultation with the review board.

18.2.The Delegate Superior and Council ensure the specific assignment for a confrere must be documented in the Safety Plan for the confrere.

18.3.The Delegate Superior or the Outreach Coordinator communicates with any organization in which a confrere on a Safety Plan is employed or volunteers in and ensures the communication: a. Includes a history of the problem behaviors; b. Includes current restrictions; c. Includes the name and contact information of the Major Superior; and d. Is documented in some form.

18.4.The Delegation ensures confreres on Safety Plans do not hold an ecclesiastical office.

18.5.It is recognized that confreres on a Safety Plan may participate in community mass; however, it is encouraged the Institute exercise caution in assigning duties to a confrere on a Safety Plan when members of the public attend community mass.

**19. The Institute ensures Safety Plans are reviewed annually by the *Delegate Superior* and the review board to ensure ongoing compliance and the overall efficacy of the plan.**

19.1.The Delegation has written protocols for regular documentation of compliance with Safety Plans, which include a. Frequency of meeting between the supervisor and Member; b. Frequency of meeting between the Major Superior and the supervisor; and c. A summary of the confrere's current strengths and challenges under the Safety Plan.

19.2.The Delegate Superior or his representative evaluates and documents compliance with Safety Plans at least annually.

19.3.The Delegate Superior ensures the review board reviews each new Safety Plan within 30 days of the Safety Plan's development.

19.4.The Delegate Superior ensures the review board reviews each existing Safety Plan at least annually.

19.5.The Delegate Superior ensures the review board receives a written report of compliance annually, which includes a. The confrere's overall response to the Safety Plan; b. Information about any violations of the Safety Plan; and c. Information about any other boundary violations or misconduct.

19.6.The Delegate Superior ensures if a confrere who is currently on a Safety Plan experiences any significant change in behavior, health status, the need for a change in residence, or a new allegation surfaces, his Safety Plan is reviewed as soon as possible by the Provincial and any adjustments made to the Safety Plan for managing risk are communicated to the supervisor and review board immediately.<sup>12</sup>

## **20. The Delegate Superior and Council have identified appropriate levels of supervision for confreres who have Safety Plans.**

20.1.The Delegate Superior and Council have determined and documented in the Safety Plan the level of risk for each Member on a Safety Plan at least once per accreditation cycle.

20.2.The Delegate Superior ensures supervisors receive written guidelines regarding their role and procedures for supervision, including how to respond if the supervised Member violates his Safety Plan.<sup>13</sup>

20.3.The Delegate Superior and Council ensure supervisors are trained regarding their responsibilities and that systems of support and accountability are in place for supervisors.

20.4.The Delegate Superior ensures supervisors have adequate information to fulfill their duties to supervise, which may include the following: a. Relevant history of sexual abuse of a minor; b. All allegations of sexual misconduct, including those with adults; c. History of compliance with Safety plans; d. Current progress in treatment, if applicable, or information about treatment completion; and e. History of substance abuse and/or abuse if applicable.

20.5.The Delegate Superior and Council require confreres who have Safety Plans to live in a supervised setting with individuals who provide support and accountability and ensures at least one person in the community or residence is notified of the following: a. History of the problem behaviors; b. Current restrictions; and c. Name and contact information of the Major Superior or supervisor.

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12 It is highly encouraged the Major Superior give timely notice of the review board meeting to the Member, his Local Superior, and the supervisor to submit information for consideration and requests for modifications of the Safety Plan.

13 Supervisors may be qualified Members, employees, or contractors of the Institute. When the supervisor is a Member of the Institute, the other assignments of the supervisor must not interfere with the responsibility of supervision.

## GLOSSARY OF TERMS

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

**Candidate:** An individual who is applying for membership in an Institute.

**Images of Child Abuse or Child Pornography:** Any activity which involves a graphic depiction of a minor that is sexually explicit.

**Confidential:** Private information which shall be kept restricted from others and only be disclosed to an authorized person for legitimate reasons of the Institute or because the disclosure is legally required.

**Confidential Documents:** Documents which are given confidential status as defined by the Institute in its policies and procedures and as required by canon and civil law and whose confidential status has been communicated to the Members of the Institute.

**Credible Allegation:** A credible allegation is one that has semblance of truth and or does not appear to be manifestly false or frivolous.

**Ecclesiastical Office:** An ecclesiastical office is a function established in a stable manner by divine or ecclesiastical authority to be exercised for spiritual purpose such as the office of provincial, superior, or bishop.

**Established Allegation:** 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. This is a definition which keeps it in line with the concept of moral certainty required by canon law. The judgment of the major superior must be objective, i.e. based upon facts and circumstances discovered during the investigation. It is not based upon a percentage of the evidence, i.e. most likely true or most likely occurred, which implies 50 + 1% of the evidence. It allows for the canonical principle in moral certitude which states that the judgment of the major superior admits that the contrary (the falsity of the accusation) is indeed possible but highly unlikely or improbable, to the extent that the major superior has no fear that the contrary (the falsity of the accusation) may be true.

**High-Risk Member:** A Member who has sexually abused a minor in the past and is likely to sexually abuse a minor again if left untreated and/or unsupervised.

**Institute:** The individual religious province, delegation, association, monastery, abbey, congregation, society, or order that is seeking Accreditation.

**Major Superior:** The responsible leader according to the proper law of the Institute that is seeking accreditation.

**Member or Confrere:** A person for whom our congregation is fully responsible according to its proper law.

**Ecclesiastical Ministry:** Any ministry that is under the authority of a diocesan bishop.

**Public Ministry:** Any ministry that is under the authority of a diocesan bishop and/or under the sponsorship of a religious institute, and/or with the permission of the major superior.

**Minor:** Anyone under the age of 18.<sup>14</sup>

**Report:** A third-party accusation of sexual abuse of a minor brought against a current confrere, former Member, or deceased Member which is conveyed to the Institute through any form of communication, including any that are anonymous.

**Review Board:** An advisory group of individuals not employed by the Institute with unique knowledge, expertise, and experience, who provide counsel and recommendations to the Major Superior in situations involving the sexual abuse of a minor.

**Risk Assessment:** Is the prediction of the degree of possibility of re-offense for someone with a known history of sex offenses.<sup>15</sup>

**Safety Plan:** A formal, written supervision program for an individual who, it has been established, has sexually abused a minor.

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

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14 This definition of a minor reflects the stipulation of the USCCB Charter for the Protection of Children and Young People (revised June 2011), which states that “for purposes of this Charter, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads: §1. The graver delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are: 10 to the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.”

15 According to Association for the Treatment of Sexual Abusers (ATSA), risk assessment is “concerned with predicting the degree of possibility of a sexual re-offense for someone with a known history of sex offending . . . the task of risk assessment is to strike a scientific and ethical balance among the identification of offenders, while optimizing public safety.”

## Appendix A

### Handout Response to Sexual Misconduct: Maintaining Boundaries in Ministerial Relationships

The Xaverian Missionaries recognizes that sexual misconduct by confreres has devastating consequences for victims and their families, for the lay and religious communities, and for the perpetrators. We have become increasingly aware of the effects of this tragic behavior and have developed a steadfast commitment to helping those affected.

This brochure is intended to provide basic information and (1) how the Institute defines sexual misconduct within ministerial relationships, (2) what its procedures are for responding to complaints of sexually inappropriate behavior, and (3) to whom those subjected to sexual misconduct can turn for help.

#### SEXUAL MISCONDUCT IN A MINISTERIAL RELATIONSHIP

**A ministerial relationship** is one in which a person receives pastoral care from a religious, including:

- Clergy
- Members of religious communities
- Spiritual directors and pastoral counselors

**Sexual misconduct** is a general term that encompasses sexual harassment, sexual exploitation, and sexual abuse.

**Sexual harassment** is defined as unwanted sexualized conduct or language between co-workers. It may include, but is not limited to:

- Unsolicited sexual advances and propositions
- The use of sexually degrading words to describe an individual or his/her body
- The telling of inappropriate or sexually charged jokes
- Retaliation against a co-worker who refuses sexual advances
- Offers of preferential treatment such as promotions, positive performance evaluations, or favorably assigned duties or shifts in exchange for sexual favors

**Sexual exploitation** consists of sexual contact between a religious and person receiving pastoral care from him. **Sexual abuse** is sexual contact between a religious and minor or vulnerable adult.

Sexual exploitation or sexual abuse can include physical contact or actions such as:

- Sexual touch or other physical contact that makes the person being touched feel uncomfortable
- Giving a sexually charged gift
- A prolonged hug when a brief hug is customary behavior
- Kissing on the lips when kissing on the cheek would be appropriate

- Showing sexually suggestive objects or pornography
- Sexual intercourse, anal, or oral sex

Sexual exploitation or sexual abuse can also include verbal behavior such as:

- Innuendo or sexual talk
- Suggestive comments
- Descriptions of sexual experiences, fantasies, or conflicts
- Sexual propositions

To be clear, the Institute's stance is this: **Sexual misconduct**-whether harassment, exploitation, or abuse-by Members, employees, and volunteers is contrary to Catholic morals, doctrine, and canon law. **It is never acceptable in a pastoral relationship** with a parishioner, employee, spiritual directee, counseling client, or anyone who has sought the church's ministry.

It is not uncommon for those who seek the church's ministry to feel attracted to a religious or to be flattered by his attention. A layperson's attraction to a confrere or enjoyment in being the object of his sexual interest does not excuse any form of sexual misconduct on his part, however. **It is entirely the responsibility of the religious to maintain appropriate emotional and sexual boundaries with those with whom he works and/or serves.**

#### HOW THE INSTITUTE RESPONDS TO COMPLAINTS OF SEXUAL MISCONDUCT

The Institute, through the Provincial Superior and independent investigators will respond swiftly to evaluate and investigate any accusation of sexual misconduct by a confrere. Any confrere who has engaged in the sexual abuse of a minor will join the Institute's *Aftercare Program*. This rigorous relapse prevention program provides appropriate psychological treatment specific for offenders and entails ongoing monitoring and supervision.

The Institute, consistent with the directives of the Catholic Bishop's *Charter for the Protection of Children and Young People*, participates in a collaborative *Review Board* in Region II of the Conference of Major Superiors of Men (CMSM). This interdisciplinary board of lay professionals advises the Institute on all matters related to sexual misconduct.

#### PREVENTING SEXUAL MISCONDUCT

In addition to establishing procedures for responding to sexual misconduct, the Institute has undertaken a series of measures to prevent future incidents of abuse. These include extensive mandatory psychological evaluation of seminarians and novices before they enter formation and the provision of continuing education programs for Members about issues of sexuality and personal conduct.

## CONCLUSION

It is our firm belief that religious must maintain appropriate boundaries with laypersons to preserve the integrity of the ministerial relationship. Moreover, we call upon those with knowledge of a confrere's inappropriate behavior-whether past or present-to come forward with this information so that innocent victims may be spared from further harm. In short, we ask everyone to join with us to protect the safety of children, women, and men, and with firm determination, to promote healing where there is pain.

## WHERE TO TURN FOR HELP

**If you or someone you know believes that a confrere has violated the boundaries outlined in this pamphlet, we urge you to report such behavior immediately to the Major Superior, and/or the Pastoral Outreach Coordinator [or equivalent title].** Your case will be handled with the strictest sensitivity and confidentiality.

This is the contact information for the Delegation.

**Office of the Delegate Superior**  
**Xaverian Missionaries - USA**  
**4500 Xavier Drive**  
**Franklin, WI 53132**  
**(414) 421-0831**

## **Appendix B**

### **Protocol for responding to reports and allegations of sexual abuse of a minor**

#### **ALLEGATIONS OF SEXUAL MISCONDUCT**

Issues of sexual misconduct are to be taken seriously, handled attentively, kindly and expeditiously.

#### **When an allegation is received**

1. The person making the allegation is to be directed to write to the Provincial Superior, and he/she should be given the name, address, and phone number of the Delegate Superior/representative.
2. During investigations by civil authorities or by the Institute, the confrere who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties.

#### **The Delegate Superior**

1. Will see to it, without delay, that the District Attorney of the location where the alleged misconduct took place is duly notified, either by the victim, by the diocesan authorities, or by his office. If the Diocesan authorities are notified first of the allegation, they in turn may proceed to inform the local District Attorney and our Provincial Office.
2. Will keep the General Direction informed, and obtain from them whatever support and authority is necessary to address the issues at hand.
3. Will keep his Council informed about matters of this nature so that due support be given to the confrere accused, and proper understanding shown to the victims.
4. The Delegate Superior will designate an investigator to independently gather information regarding the allegations and produce a written report. He may do so with the knowledge of his Council. Any documentation regarding matters of sexual misconduct is to be handled with the utmost reserve, and due confidentiality.
  - a. The investigator will advise any parties that they represent the Institute and that conversations with the investigator are not subject to any attorney/client privilege.
  - b. The investigator will advise the parties that, although pastoral care is available, the investigator will not be the one providing that care.
  - c. The investigator, who shall obtain statements from the parties and any witnesses, will keep the Provincial Superior informed regarding the status of the investigation.

#### **FOLLOW-UP INVESTIGATION**

#### **In the case of credible allegations**

1. In the cases of an established or undisputed allegation, an investigation may be conducted to identify any other potential victims and to obtain information to inform the ongoing supervision plans for the confrere who has abused.
2. They are to be received and handled with due respect, concern, welcome, and interest and subsequently followed expeditiously. Believing, supporting, caring for the victims is to be a primary concern.
3. Both the victim(s) and the perpetrator are provided with the due psychological therapy, evaluation and spiritual counseling. Particular attention is to be given to the victims and he/she is offered a competent guide or "advocate."
4. The **Delegate Superior** will maintain contact with the accused confrere throughout the entire process.
5. While the allegation made against a Xaverian confrere is being investigated, due attention, welcome,

- listening, is afforded to the accuser. Even though the facts have not been determined, the Xaverian community will provide pastoral and psychological assistance to the victim, and assistance to enable him/her to understand the procedure, terminology and various steps of the solution.
6. During the investigation and eventual court proceedings the confrere, alleged to have engaged in sexual misconduct, is provided with appropriate and complete legal assistance and community moral support. In some cases, it may be also necessary for the Xaverian community to retain legal assistance as well.
  7. When the completed investigation report is received by the **Delegate Superior**, he will present the results of the investigation to the accused confrere for a response.

## **COLLABORATION**

The CSM Review Board is to be kept informed of any matters dealing with confreres of the United States Delegation of the Xaverian Missionaries.

The Delegate Superior is to work closely with diocesan authorities regarding any allegation of sexual misconduct by Xaverians.

Local Diocesan Guidelines are to be respected. As the US Bishops stated, any priest, religious, or pastoral minister judged by civil authorities or an independent investigator to have sexually abused a minor will not be allowed to serve in any public ministerial capacity or hold any pastoral office in a given diocese.

A copy of these guiding principles and procedures is filed with the diocesan authorities wherever Xaverians are actively engaged, and/or our religious houses have been established.

The Delegate Superior will provide the diocese with a document of presentation which will also indicate whether credible allegations exist against any individual member working in or seeking to minister within the diocese.

## **RESOLUTIONS**

A confrere, who has been accused of sexual misconduct, is to be given spiritual direction, psychological therapy, assistance, attention and welcome to a determined Xaverian house.

A Xaverian who has been duly adjudged to have abused a minor is to be removed from ministry, assigned to reside in a religious house with a safety plan in place, or a third-party specialized facility.

The General Direction will be consulted for any further action that may be needed.

If the accusation proves to be unfounded every step is to be taken to restore the good name of the falsely accused member and reinstate the accused to ministry.

## **POSSIBLE LEGAL SOLUTIONS AVAILABLE**

Cases of sexual misconduct can and may be prosecuted according to the laws of individual States.

If the Statutes of Limitations have expired, and other more pastoral solutions prove to be not possible, it may be advisable or necessary to revert to mediation.<sup>16</sup>

Mediation should not ordinarily be entered upon. However, if this procedure is deemed necessary, the **Delegate Superior**, after hearing his council members, can authorize this type of solution. Considering the financial aspects of such a procedure the Council members should be duly informed of the details of the ultimate settlement. **None of the funds specifically gathered through the Mission Cooperation plan for our overseas work are to be diverted for such legal settlements.**

#### **REPORTING TO THE PUBLIC / THE PRESS**

Information related to allegations of sexual misconduct is to be made available by the spokesperson delegated for this task by the Delegate Superior. Denials, “no comment,” refusal of information, are not valid responses to legitimate questioning. A listening stance allows due information to be processed and researched before any final statement, issued by the Provincial Superior, is made.

In dealing with the press the Delegate Superior will provide *a written statement* that is brief, clear, and impartial.

#### **RECORD KEEPING**

Records regarding the allegation and follow up will be maintained in the Provincial archives. The Delegate Superior alone has access to these documents. The documents are to be kept indefinitely. It is well that the General Direction is to be informed in a pertinent and succinct fashion, regarding the decisions taken in such matters.

The records are to be reserved in that part of the archives where important personnel and decisional documentation is kept. It is suggested that documents regarding serious personal matters of a religious member be placed in a sealed manila envelope, on the outside of which nothing but the profession number of the person to whom the documents refer is inscribed.

#### **REPORTING TO THE REVIEW BOARD FOR CONSULTATION**

Allegations against members the things that the Review Board looks for in the Provincial Presentation or Delegation Report (the material you will send to the Board) are the following:

1. Date of the allegation, date of the incident, the present ages of accused and alleged victim (or date of death) and ages at the time of the incident.
2. The nature of the abuse in some detail and the number of times the abuse was suffered
3. The Delegation's Pastoral Response to the alleged victim(s)
4. Delegation's notification to both civil authorities and diocesan authorities
5. Delegation's notification to the accused Religious that Delegation Authorities have explained to him his civil and canonical rights and his removal from ministry

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<sup>16</sup> Mediation - the lawyer for the victim of misconduct and the lawyer for the Xaverians (community or confrere who is presumed/alleged to be guilty of sexual misconduct) meet and agree upon a sum of money to be passed to the victim to provide for psychological counseling or compensation for expenses incurred by the victim as a result of or on occasion of the misconduct. Mediation is entered into when an alleged victim wishes to prosecute at any cost.

6. Completed Investigation Report: whatever form that report might take, which could be anything from an official report by a professional third party investigator to [in the case of a member accused by an unknown person] the simple summary of an interview with the member.

If in a given case the Delegation has not done one or more of the above, please explain why in this case it was not done. E.G. you are submitting a case to the Review Board and in the report, you have not notified Diocesan authorities. You might give an explanation in the report stating that the Provincial will only make his determination after the Review Board Consultation. The Provincial has decided in this case that the Diocesan authorities will be notified of the accusation and the Provincial's determination simultaneously.

After The Review Board has reviewed the cases, the Board will send the written summary of their consultation. After the Provincial reads the report, he can contact the Board Chairperson and can report the action the Provincial has taken considering the advice.

The Completed Investigation Report for each case, or at least a summary of the report, is very important and would give the information needed for the Board to better understand the case.

For anyone on Safety Plans the Review Board needs the following information:

1. History and details of the abuse
2. Risk Assessment (ATSA or clinical) ATSA are Risk Assessments that meet certain industry standards (best practices) and are executed by a certified professional
3. Copy of the Safety Plan, a statement of whether the accused member has verified or denies the allegation(s)
4. Physical situation of the member e.g. present age, present health, living situation (e.g. nursing home, Provincial community, retreat house where minors might at times be on retreat, etc)
5. The confrere's history of compliance with the Safety Plan
6. Who is the supervisor (e.g. lay or religious and his/her training), supervisor's report, including frequency of meeting with the offender, does the supervisor suggest any changes in the Plan.
7. Consequences for non-compliance

The Review Board used by the Delegation is a shared Review Board with other congregations of Region II of the Conference of Major Superiors of Men.

## **FOR OUR COMMUNITIES**

No confrere or local community is to deal with matters of sexual misconduct on their own. All must report and refer alleged victims to the Delegate Superior or his representative.

The members of the Delegation community are expected to be understanding and supportive of whatever steps are taken by the Provincial Council to deal with the matter at hand.

By religious profession a Xaverian becomes a full-fledged member of the community. A priest member, while always a member of his religious family, receives authority to carry out ministry from the Ordinary of the Diocese where he works. Sexual misconduct must be considered under both of these aspects. Restriction of priestly faculties may oblige the termination of a pastoral ministry; however, a confrere remains a member of the community and must be so assisted and aided.

Resolving matters of sexual misconduct by members of our communities and the detection, prevention and deterring of future abuse remain a priority issue for the Delegation Administration. Sexual abuse is a crime for which justice is demanded. It is grave sin, which must be duly confronted and must not be tolerated.

Sensitive to survivors, all confreres who have credible allegations against them may not have their names listed in any community publications or on any congregational internet resource, other than the assigned page on our main website.<sup>17</sup>

These guidelines constitute a response requested by USCCB and CMSM statements, which are awaiting approval. They have the approval of the US Xaverian Provincial Administration, and they will be periodically revised and updated to meet the requirements of the guidelines issued by the USCCB, by the Dioceses where we are present and/or the CMSM.

At least every three years the Provincial Council shall review these policies and procedures and make recommendations and amendments to the Delegate Superior.

The Delegate Superior may amend these policies and procedures at any time upon the recommendation of the Council or on his own initiative.

*Approved by the Provincial Superior and Council, December 5, 2002  
Last revision August 2022*

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[17 Release of Names of Xaverian Missionaries Credibly Accused of Sexual Abuse of a Minor - Xaverian Missionaries USA](#)

## Appendix C

### Template for Documentation of Allegations and Report to the Review Board

#### Review Board Case Report

Review Board Reference Number

Date Received by Review Board

Date report written:

Report written by:

Reason for report: For example, “An accusation was made by John Doe against Fr. Rossi.” Or “This is an update to a previous report submitted on Jan. 1, 2019.” Or “This is our yearly update to the Review Board as per Standard 7 of Instruments of Hope and Healing.”

#### A. Contact

1	Date of first contact and type, i.e. letter, email, phone:	
2	Who received the first contact?	
3	Was the diocese where the abuse happened (and the accused is now living if different) been contacted? When? By Whom?	
4	Has your Major Superior at the Curia been notified? When? By Whom?	
3	When was the District Attorney or competent authority contacted? By Whom?	
5	Has the accuser been met with face to face?	
6	Has the accused been notified, how and on what date?	

#### B. Description of Person Who Made Contact

1	Name of person who made contact	
2	Name of allegedly abused person	

3	Has this person reported this to the District Attorney or competent authority? If no, were they encouraged to?	
4	Is the alleged victim represented by legal counsel? If so, who.	

### C. Description of Accused

1	Name	
2	Birthday	
3	Age entered formal relationship with Institute	
4	Education	
	High School	
	College	
	College, other	
5	Date of Final Vows/Promises	
6	Any disciplinary actions against him by the institute?	
7	Any psychological issues where treatment has been sought?	
8	Any previous legal issues? If yes, what and how many	
9	Any previous allegations? If yes, how many	
10	Please list assignment history with dates.	

### D. Presenting Accusation

1	Location of alleged abuse	
2	Date, or range of dates, of alleged abuse, age of alleged victim	
3	Does the accused affirm or deny the accusation? Is he cooperating?	
4		

	Please use the space below to describe the accusation, noting facts which make the accusation credible or doubtful. Please be specific as to the nature and number of sexual acts.
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### E. Response of Institute

1	Has an investigation been done?	
2	Was the investigation done by an independent group?	
3	What conclusions do you draw from the investigation? For example: “It was a: false accusation or probable but not substantiated or clearly demonstrated or other.”	
4	Has the victim been in contact with your Victim Support Officer?	
5	Has the victim been offered counseling?	
6	Has the accused had psychological counseling or an evaluation? Or on a safety plan?	
7	What is the ministerial state of the accused?	
8	Where is the accused living? i.e., near children?	
9	Please use the space below to describe the pastoral response of the Institute for the accuser and the accused, including number of times met with both parties.	

### F. Updates/Clarifications

	Please use the space below for updates. Please reference the information by section, i.e., updating “E.5”. This may be submitted separately after initial report.
1	
2	

## Appendix D

### Leadership Culpability Report for Review Board

<b>Review Board Reference</b>	Click or tap here to enter text.
<b>Date Received</b>	Click or tap to enter a date.
<b>Date Reported</b>	Click or tap to enter a date.
<b>Report Written by</b>	Click or tap here to enter text.
<b>Reason for Report</b>	Click or tap here to enter text.
<b>CONTACT</b>	
Date of first contact and type ( <i>phone call, email, meeting</i> )	Click or tap to enter a date. Type of contact.
Name of person who made contact/allegation	Click or tap here to enter text.
Receiver of contact	Click or tap here to enter text.
Notification of major superior	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notification of civil authorities	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notification made by	Click or tap here to enter text.
Date of notification	Click or tap to enter a date.
<b>UNDERLYING FACTS OF ABUSE WHILE ACCUSED WAS IN LEADERSHIP</b>	
Allegation of abuse investigated previously	<input type="checkbox"/> Yes <input type="checkbox"/> No
If so, date of that investigation	Click or tap to enter a date.
Review Board review	<input type="checkbox"/> Yes <input type="checkbox"/> No
If so, when was the review	Click or tap to enter a date.
Notification to civil authorities	<input type="checkbox"/> Yes <input type="checkbox"/> No
Location of allegation of abuse	Click or tap here to enter text.
Date(s) of abuse	Click or tap here to enter text.
Facts of allegation of abuse. Include of accused and accuser in case. Include names of accused and accuser. Click or tap here to enter text.	

## LEADERSHIP CULPABILITY

Name of clergy in leadership at time of abuse	Click or tap here to enter text.
Birthday	Click or tap to enter a date.
Age entered institute	Click or tap here to enter text.
Education	Click or tap here to enter text.
Final vows/promises	Click or tap to enter a date.
Disciplinary actions	Click or tap here to enter text.
Psychological issues	Click or tap here to enter text.
Number of previous allegations	Click or tap here to enter text.
Number of previous legal issues	Click or tap here to enter text.
Assignment history with dates	Click or tap here to enter text.
Click or tap here to enter text.	
Assignment at time of abuse (location/dates)	Click or tap here to enter text.
Nature of member's leadership assignment <b>at the time of the abuse</b> . Include duties and responsibilities, facts showing knowledge of abuse above, and any responses to communications regarding that knowledge, or lack thereof. <i>Be specific as possible</i> .	
Click or tap here to enter text.	

## RESPONSE AND PASTORAL CARE

Was there investigation regarding leadership culpability?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was investigation done by independent group?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, what were the conclusions of the investigation?		
Current ministerial state of accused in leadership	Click or tap here to enter text.	
Residence of accused in leadership currently	Click or tap here to enter text.	
Pastoral care for survivor in underlying case	<input type="checkbox"/> Yes	<input type="checkbox"/> No
List dates and nature of outreach (meeting, phone call, email).		
Is the survivor currently represented by counsel with respect to the case of leadership culpability?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
List dates and nature of all outreaches.		
Any pastoral response for the accused in leadership?		
List dates and nature of outreach.		

## Appendix E

### Internet and Social Media Policy

#### INTRODUCTION

The Xaverian Missionaries of the USA Delegation acknowledges that technology has advanced to the point that many electronic and telecommunication devices are easily accessible and allow swift communication and tools for mission animation. Also, technology offers an effective and important means to retrieve and share information. Yet, the use of technology requires judgment, discretion, and prudence to ensure that a confrere maintains proper boundaries, adheres to basic moral principles, avoids situations that may question his integrity as a religious, and respects others always. When using electronic communication, a confrere is to take necessary precautions to avoid inappropriate and excessive access and use. All use of these resources is subject to the normal requirements of legal, moral, and ethical behavior. Whenever we use electronic communications, we speak in the name of the congregation.

Mission and vocation animation with young people is experienced more through electronic communication of some kind. The Delegation has an official website, blog and social media network that include Facebook, You Tube, Flickr and Twitter which is overseen by the *Mission Media Office*. We encourage confreres to share and participate in these ways of promoting mission with young people. In doing so, however, prudence, particularly with minors, is to be kept in mind. The following policies of the Delegation emphasize the positive use of technology and establish safeguards to prevent inappropriate or abusive relationships with minors, as well as to avoid situations that may be open to misinterpretation or misunderstanding.

#### DEFINITIONS

1. *Electronic Communication* – a message or interaction through a device which provides direct communication, including but not limited to voice or text-based telecommunication devices and computers, and other venues that facilitate indirect contact/cyber-interaction using an intermediate method, including but not limited to Internet-based social networks.
2. *Electronic mail* – digital information or communication transmitted by use of the Internet, a computer, an electronic tablet, a facsimile machine, a pager, a mobile telephone, or any other electronic device or means, which is sent to a person identified by a unique address or address number and received by that person.
3. *Social networks* – locations on the Internet where users may interact with other users; examples include, but are not limited to, Facebook, MySpace, Flickr, YouTube, and Twitter.
4. *Internet sites* – any site (including but not limited to web pages, newsgroups, user groups, usenet, chat rooms, blogs, applications, games) accessed by electronic means through a computer, mobile phone, tablet, or similar device.
5. *Online Gaming* – any game played over some form of computer or electronic network such as the Internet.

6. *Minor* – an individual under 18 years of age or, for the purpose of this policy, any student or youth.

## **COMMUNICATIONS AND BOUNDARIES**

7. A confrere does not solicit or enter into any type of communication, electronic or otherwise, with a minor that is not within the scope of his ministry, or any communication that would undermine the parent-child relationship or serve to foster an inappropriate relationship with a minor or group of minors.
8. A confrere avoids relationships and communication, particularly with minors, that are secretive, exclusive, competitive, and obsessive.

## **GENERAL GUIDELINES**

9. Confreres are to respect appropriate boundaries in all electronic communication, especially with minors.
10. Any adult who becomes aware of a boundary violation regarding Electronic Communication and social media by a confrere is to notify his local superior and provincial.
11. If a minor in need reaches out through electronic media to a confrere for support and/or guidance, he is to be supported but directed to continue the conversation with a trusted adult in a supervised ministry setting. If the individual is in danger, is a danger to himself or herself, or is a danger to others, the confrere notifies appropriate professionals and abides by all mandatory reporting laws.
12. A confrere is to report to the provincial immediately any communication, either initiated or received, with a minor that may be construed as inappropriate and forward that communication to the provincial.
13. A confrere is never to communicate on a personal level or of a personal nature, with a minor via internet based social networking sites, mobile phones, texting, instant messaging, etc. A confrere may use electronic communication with a minor only for ministry-related and ministry-appropriate communication.
14. A confrere may use electronic media for more personal communication with relatives who are minors, provided the relatives' parents are aware of the existence of such communication.
15. Each confrere is to inform young people with whom they interact electronically that Delegation policy limits such communication to ministry-related topics, forbids discussion or sharing of personal information, and prohibits extensive and frequent communication with individual students or young people.
16. We understand that even communication considered private in the digital world often has the possibility of becoming public, sometimes without an individual's knowledge or consent.

17. In all electronic communication and postings, a confrere is not to say or post anything that is, or could be construed by any observer, as harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Furthermore, any sexually oriented conversation or discussion about sexual activities is prohibited.
18. All confreres must comply with all federal and state laws, as well as all applicable contracts and licenses governing use of electronic media.
19. Transmission of any material in violation of civil or criminal codes is prohibited, including threatening or obscene materials or any materials/programs protected by trademarks or copyright laws.

#### **GUIDELINES FOR USE OF SOCIAL MEDIA**

20. All use of social media is considered public behavior. Anything posted on social media reflects not only upon the individual, but also on the religious community of which he is a member. In social network postings (whether written, photographic, video, or audio), a confrere posts nothing that compromises his personal integrity or that of the community. He is to always be respectful and courteous.
21. We are to maintain a private profile on any social networking site so that a minor does not have access to our private information.
22. A confrere is not to “friend” minors or to communicate with them through social network site, except when the minors are relatives and their parents have access to the information shared.
23. On social network pages, confreres are not to contradict Church teaching, criticize other confreres or employees, friends and benefactors, disagree with Delegation or ministry site policies, or be critical of Delegation or ministry site authority.
24. Because information of a social networking page is public information, a confrere is to avoid posting anything which works against the building of unity and brotherhood within community.

#### **GUIDELINES FOR USE OF INTERNET**

25. Confreres are to monitor their use of the Internet so that it does not become addictive or interferes with community responsibilities and community dynamics.
26. Confreres are never permitted to view sites that promote obscene or pornographic material. Possession, distribution, downloading, and/or intentional viewing of real or virtual child pornography is a criminal act.
27. If a confrere has a blog or participates in other blogs or posts comments on websites, he is to adhere to the same principles of conduct outlined above regarding social media.

## **CONSEQUENCES**

28. The inappropriate use of technology, social media, the Internet, or any other form of electronic communications may result in, but are not limited to, restrictions to the use of computers, mobile phones, or other electronic devices.
29. Any use, possession, or transmission of child pornography will be turned over to criminal authorities for prosecution and may result in dismissal from the Institute.
30. Any transmission of sexually explicit, graphic, or suggestive material, particularly to or from a minor, is a serious boundary violation and will result in immediate removal from active ministry and further disciplinary actions.
31. The Provincial has the authority to revoke the tacit permission for any and all use of electronic devices on a case-by-case basis.

## **Appendix F**

### **Guide for Mandatory Reporting of Child Abuse**

#### **Introduction**

The updating of the policy of the region regarding the protection of young people requires some changes. One matter is the new requirement that all confreres are now mandatory reporters of abuse. Our regional policy, *The Policies and Procedures for the Protection of Young People* (PPPYP, 12-13) state:

The Institute will require any confrere with direct knowledge to immediately report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state's mandatory reporting laws.

- Members must be educated in their obligations under the Institute's policy that they must report to civil authorities all allegations of known or suspected sexual abuse of a minor, regardless of the civil mandatory reporting laws of the jurisdiction. Reports are made to appropriate civil authorities.
- Confreres must report to appropriate civil authorities known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography. Child pornography is considered sexual abuse of a minor according to both church and civil law.
- 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.
- The Delegate Superior is to be informed *after* reporting to civil authorities. He will then enact the protocol for response of the Institute.

The Institute also requires its members to report known or suspected sexual abuse of a minor by a confrere, living, deceased or former when the victim is no longer a minor in accordance with the civil laws of the state in which the sexual abuse of a minor was alleged to have occurred.

- When the victim is no longer a minor, we will advise and support a person's right to make a report to public authorities.

#### **Laws by State**

To assist confreres in this important commitment, this guide provides some practical procedural information. Each of the three states we reside and work in require mandatory reporting by clergy and religious.

#### **Massachusetts**

All clergy and religious personnel are considered mandatory reporters for acts of child abuse and must report any incident with 48 hours to the Department of Children and Families at 800-792-5200 any time, day or night. All reports of suspected child abuse or neglect must be phoned in to DCF. Please call

immediately if you know of, or suspect, an incident of child abuse or neglect. During regular business hours (8:45 a.m.-5 p.m. M-F) call the Department of Families and Children (DCF) area office that serves the city or town where the child lives. Nights, weekends, and holidays dial the Child-at-Risk Hotline at (800) 792-5200.

The content of the report should contain, when possible the names and addresses of the child and their parent, guardian or other, the child's age, the nature of the child's injuries or abuse and any other information that may be helpful with respect to the abuse and the identity of the perpetrator. Failure to report can result in a fine up to \$1,000.00. If the failure to report results in serious body injury, or death, of a child, then the mandated reporter may be fined up to \$5,000.00 or imprisonment for up to 2.5 years.

## **Wisconsin**

As in Massachusetts and New Jersey, ordained priests and religious personnel are considered mandatory reporters. Reporting is done immediately to the Department of Child Protective Services in the county where the child resides here: [Report Child Abuse and Neglect in Wisconsin | Wisconsin Department of Children and Families](https://dcf.wisconsin.gov/reportabuse). (<https://dcf.wisconsin.gov/reportabuse>)

The content of the report should contain, when possible the names and addresses of the child and their parent, guardian or other, the child's age, the nature of the child's injuries or abuse and any other information that may be helpful with respect to the abuse and the identity of the perpetrator. Failure to report can result in a fine up to \$1000.00 or imprisonment for not more than six months, or both.

## **Knowledge of Abuse through the Sacrament of Reconciliation**

It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under Canon Law. Canon Law recognizes confessors (C. 984) and spiritual directors (C. 240, §2) as having privileged information of the internal forum which cannot be revealed in these circumstances, following the constant tradition of the Church regarding manifestation of conscience in a one-on-one relationship. (PPYP, 7.2) In state law they call this "privileged communication" which is also allowable in the three states where we reside. Privileged communications are exempt from the requirement to report suspected abuse or neglect. The privilege of maintaining this confidentiality under state law is provided by statute.

## Appendix G

### Policy for Confreres/Visitors Temporarily Assigned to the US Xaverian Delegation

This set of policies pertains to Confreres who are temporarily assigned to the Delegation for various reasons, such as the study of the English Language or some other studies. This may also apply to non-Xaverian priests and religious (Visitors).

1. The US Delegation, to accept a Confrere/Visitor from another Province/Region/Delegation or from a different Institute, must have the written permission of his respective authority. For us Xaverian Missionaries, the Major Superior is the Superior General, for others it could be different.
2. The Major Superior/Ordinary must send a letter to the US Delegate Superior affirming the Confrere/Visitor's good standing and suitability and attesting to the lack of reports of inappropriate behavior with minors. (**See Appendix G-1**)
3. The Major Superior/Ordinary must also provide his written opinion regarding the Confrere/Visitor's moral, intellectual, physical, and psychological attributes...
4. The US Delegation provides the receiving Confrere/Visitor with a copy of its "*Policies and Procedures for the Protection of Young People...*", and requests that he sign a document acknowledging its receipt and agreeing to adhere to the Policy. A copy of this document should be kept in the Confrere/Visitor's file and be easily accessible to the US Delegate Superior.
5. The US Delegation provides the Confrere/Visitor with an orientation program regarding the Delegation's "*Policies and Procedures for the Protection of Young People...*", as well as other pertinent information established for such Confreres/Visitors, e.g., criminal background check, educational training, etc.
6. The Confrere/Visitor will complete an educational training program covering basic concepts of the protection of youth and minors and the state's mandatory reporting requirements before he initiates any public ministry. This will be done under the Virtus Program of the diocese where he is assigned to study. An optional program is the Armatus on line program of Praesidium.
7. The US Delegate Superior will include in his annual report to the bishop of the diocese the list of Confreres/Visitors present therein.
8. A member of the community, appointed by the Delegate Superior, will accompany the Confrere/Visitor in his initial orientation into the US Delegation and his ongoing journey with us.
9. The Confrere/Visitor is expected to participate in the local community life to the extent possible.