



The Marianists  
PROVINCE OF THE UNITED STATES

*Policies for the*  
**Protection of Children and**  
**Vulnerable Persons**

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## INTRODUCTION

The obligation and duty of the Marianist Province of the United States to protect minors and vulnerable persons from all forms of abuse is a sacred trust that flows from the God-given dignity of every human being and our Marianist call “to follow in a special way Jesus Christ, Son of God, become Son of Mary for the salvation of all” (Rule of Life, 2).

Abuse and neglect of minors or vulnerable persons are contrary to the teaching of the Church. In the ideal world, abuse would never happen. Sadly, however, abuse of minors is a reality in our society, in our Church and in our Province. Our Founder, Blessed William Joseph Chaminade, responded to the crisis of his times and worked to protect the most vulnerable in society, especially the poor and the youth. In the same spirit, we respond to the crisis of abuse by a commitment to education, protection, healing and reconciliation.

These policies are aimed at protecting minors and vulnerable persons from all forms of abuse and neglect but especially sexual abuse. They are also intended to protect members of the Province from situations that could lead to a false accusation of sexual abuse.

Specifically, these policies provide directives for handling accusations of sexual abuse of minors and vulnerable persons. They provide requirements for the reporting and investigation of such accusations and assure the means of outreach both to those who have been abused and to the communities harmed by these actions. They describe a process for return to ministry for those exonerated as well as a means of support for them. Finally, they call for Marianist religious to take seriously all reports of possible sexual abuse by members of the Province of the United States or its employees, and to be committed to the effective implementation of these policies.

## PRINCIPLES GUIDING THESE POLICIES

1. There is no tolerance for any form of sexual abuse of minors or vulnerable persons in the Marianist Province of the United States (“**Province**”). Such conduct as defined below is strictly prohibited even though it may not be illegal (e.g. criminal or civil statutes of limitation may prevent prosecution).
2. These policies pertain to all professed religious of the Province, to all novices, and to all aspirants. For the sake of these policies all three stages of membership (professed, novice, and aspirant) are included in the term “**member.**”
3. The sexual abuse of minors and vulnerable persons is “by every standard wrong and rightly considered a crime by society; it is an appalling sin in the eyes of God” (John Paul II, April 23, 2002). The harm caused by sexual abuse of minors and vulnerable persons is devastating and long lasting. Pope Francis in his *Letter to the People of God* (August 20, 2018) has called us to “awaken our conscience and arouse our solidarity and commitment to a culture of care that says ‘never again’ to every form of abuse”.
4. When a member is involved in sexual misconduct with a minor or vulnerable person, the relationship of trust that is essential for ministry is compromised. The Province is committed to requiring programs of moral formation and continuing education for its members to help prevent such behavior from occurring. The Province will respond quickly, assertively and pastorally to any accusation of such behavior.
5. If a member is accused of sexual misconduct with a minor or vulnerable person, the Pastoral Assistance Coordinator (PAC) or the Provincial or the Provincial’s designee will respond pastorally to the alleged victim, the alleged victim’s family, the member involved, and the local Marianist community. As appropriate, the local ordinary and the places where the brother is ministering or has ministered will be notified. Likewise, the Provincial or his designee will report accusations of sexual abuse to the Province Review

Board and as required by law to civil authorities and will comply with all civil jurisdictional requirements. The goal of all action by the Provincial is to promote healing, understanding, pastoral reconciliation, and a just resolution. The primary concern is the safety and care of alleged victims, families and possible future victims. Other concerns are: care of the local Marianist community, the pastoral care of the faith community where the alleged abuse took place, the pastoral care of our members, and the integrity of the Province and the Church.

6. The Province has a responsibility to do whatever is possible to prevent occurrences of sexual abuse. This includes: careful screening of candidates; assuring that our members are provided with education and moral formation regarding sexuality and the nature and effect of sexual misconduct with minors and vulnerable persons; and, the maintaining of adequate records from one administration to subsequent administrations (*See Appendix 1*). This also includes the training of local community directors to be aware of situations or behaviors within the community that are suspicious, inappropriate or risky, to respond to these in an effective manner, and to immediately report this information to the Provincial or his designee.
7. If a member has been involved in sexual abuse of a minor or vulnerable person, the Provincial has a responsibility to seek appropriate professional counsel to determine the fitness of the member for any future internal assignments. In each case, a well-monitored Safety Plan (see C.1), including treatment and after-care must be completed prior to consideration of the return of a member to a restricted internal assignment.

## DEFINITIONS

The following definitions, adapted from the 2016 Standards for Accreditation, are understood to apply throughout this policy statement:

- For purposes of these policies, sexual abuse is not only a civil matter but also includes canonical ramifications.
- A **child**, or **minor**, is any person under the age of 18, or a person who due to an impairment of mental function cannot be considered to be an adult.
- **Vulnerable persons** include any persons 18 years of age or older who, because of impairment of physical function, emotional status, or the nature of the relationship to the alleged perpetrator in question (e.g. athlete to coach, student to teacher, directee to spiritual counsellor), are unable or unlikely to report abuse or neglect without assistance.
- The term **sexual abuse** refers to sexual contact between a member and a minor or vulnerable person.
- For purposes of this policy, **sexual contact** is defined as follows:
  - a. Vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however light, is sufficient to complete vaginal or anal intercourse. In addition, sexual contact also includes the touching of an erogenous zone of another (including, without limitation, the thighs, genitals, buttocks, pubic region, or, if the person is a female, a breast), whether over or under clothing, for the purpose of sexually arousing or gratifying either person;
  - b. Indecent exposure of oneself (including nudity and masturbation) or sharing such photos of oneself in pictures or electronic media;
  - c. Distributing, downloading, or intentionally viewing child pornography of any kind (This is sexual abuse in both civil and canon law as well.);

- d. Conducting clandestine, voyeuristic observation (whether in person or by camera);
  - e. Having a minor or vulnerable person disrobe/expose themselves for voyeuristic reasons or as punishment or to cause shame;
  - f. Providing pornographic materials (text, pictures, and/or video), especially when coupled with lewd, suggestive invitations such as “sexting,” whether or not subsequent physical contact is made.
- The term **sexual misconduct** refers to all forms of unacceptable behavior of a sexual nature. While all are serious failings, not all are sexual abuse.
  - At certain points in these policies reference is made to **historical sexual abuse accusations** to refer to events that occurred several years ago (typically thirty or more years ago). Since in such cases the alleged abuser may be deceased, have withdrawn from the Society or be permanently infirm and similar significant changes in the circumstances of the person to have suffered abuse may have occurred, the actions indicated in these policies may have to be modified as necessary. This is not to imply, though that the seriousness of sexual abuse is lessened based on when it is reported.
  - An **allegation** is 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 Province through any form of communication, including any that are anonymous.
  - A **report** is a third-party accusation of sexual abuse of a minor brought against a current member, former member, or deceased member which is conveyed to the Province through any form of communication, including any that are anonymous.
  - Collectively, an allegation or report may be referred to as an **accusation**.
  - An allegation/report is termed an **established allegation/report** when based upon the facts and the circumstances, there is “moral certitude” that the accusation is true and that

an incident of sexual abuse has occurred. The current member, former member, or deceased member who is named in an established allegation/report is said to be **credibly accused** of sexual abuse.

- **Moral certitude** is the canonical standard that holds that while the decision maker recognizes that the contrary (that the allegation is false) may be possible, it is highly unlikely or so improbable, that the decision maker has no substantive fear that the allegation is false.



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## **A. POLICIES FOR MAINTAINING ETHICAL MINISTRY WITH MINORS AND VULNERABLE PERSONS**

### **SCREENING AND FORMATION OF CANDIDATES**

1. While respecting the reputation and privacy of the applicant, the Province Vocation Director oversees the screening process of applicants to the aspirancy for behavioral tendencies that may indicate a psychological predisposition to sexual misconduct. Included in this screening are the following:
  - criminal background checks performed on all applicants to the aspirancy program;
  - face-to-face interviews with more than one member of the vocation team;
  - check of at least three personal (one of which is a family member) and two professional references;
  - psychological testing, including a psychosexual component, and a clinical interview processing the results of the testing;
2. The Province Vocation Director meets with the applicant to share with him the findings from the screening process and, in the case of non-acceptance, informs him of this and makes appropriate recommendations for counseling and treatment.
3. When an applicant is accepted by the Provincial Council as a candidate, he enters into a period which is called initial formation. This period of initial formation, which extends for a minimum of six years, includes aspirancy, novitiate, and temporary profession. Each level of formation will have specific curricula in terms of readings, workshops, and reflections on the development of healthy adult sexual integration within a chaste, celibate life commitment.

4. At each level of formation, the candidate is evaluated by both the formation directors and the brothers with whom he lives as to his capacity to develop and maintain healthy, adult, loving, celibate relationships with both women and men. This formation, initiated during the candidacy period, is a life-long process.
5. If an allegation/report of sexual misconduct is substantiated concerning a candidate, he will not continue in the Province formation program.
6. Vocation and formation personnel will be trained in the identification of candidates who may be at higher risk to sexually abuse a minor.

## **EDUCATIONAL POLICIES**

1. The Province is committed to promoting the healthy physical, psychological, emotional, moral and spiritual development of each of its members. An important aspect of this is adult sexual integration.
2. The Province offers in-service training and educational programs for its members regarding healthy sexual integration, religious celibacy, sexual misconduct, reporting requirements and the Province's policies and procedures regarding allegations of sexual misconduct. These are done through the yearly Praesidium educational component and other programs the Province offers from time to time.
3. All members of the Province receive a copy of these policies and are responsible to know and understand them. All members must sign an affidavit indicating their understanding of these policies and their willingness to comply with them. These affidavits are returned to the Assistant Provincial and maintained in his office.
4. The policies set forth in this document will be updated as necessary but at least every five years. Revisions will be reviewed by the Province Review Board and by the members of the

Provincial Chapter. After approval by the Provincial Council they will be shared with the membership and each member of the Province will sign the enclosed "Affirmation and Acknowledgement" affidavit. If a member of the Province who is otherwise able, fails to or refuses to sign this affidavit he is liable to discipline including removal from public ministry. Every three years the members of the Province will review these policies whether they have been revised or not and sign the necessary affidavit.

5. Marianist brothers and priests from another province, region, district or sector or religious from another religious congregation, or diocesan priests/deacons/seminarians, who are residing for more than 60 days in a Marianist Community are obligated to sign and return the "Affirmation and Acknowledgement" affidavit located at the end of this document. This will indicate they have read, understood and agree to the *Policies for the Protection of Children and Vulnerable Persons*. For religious from other congregations or for diocesan priests/deacons or seminarians, the Province of the United States must have written permission from the individual's major superior, indicating that he is a member in good standing and has had no established allegations of sexual abuse of a minor or vulnerable person; the superior must also indicate the duration of the residency. If the visitor resides in the house for more than a year, he must participate in the yearly Praesidium educational component with the community (*See Appendix 2*).
6. Following any substantive revision of these policies, but at least every five years, members will be asked if they have any questions or clarifications about the policies as revised. Directors will be asked each year at the annual Directors Meeting about clarifications they need for the educational component for that year. For members living outside of a Marianist community, the annual visitation following the revision of these policies will include a review of these policies.
7. Dioceses and institutions in which members serve may also have policies for the protection of minors and vulnerable persons. Members are responsible to know, understand, and

comply with such policies as well. Members in professions that have legal reporting requirements are responsible for following state law and regulations for their professions.

8. Ongoing communication between the Provincial Council and the members of the Province and its ministries on these issues are a part of the usual Province communications.

## **THE PROVINCE CHILD PROTECTION COORDINATOR AND PASTORAL ASSISTANCE COORDINATOR**

1. The Provincial will appoint a Province Child Protection Coordinator (PCPC) to ensure compliance with all policies described in these *Policies for the Protection of Children and Vulnerable Persons*. This person may be a member of the Provincial Council such as the Assistant Provincial. The Provincial will also appoint one or more Pastoral Assistance Coordinators. With the concurrence of the alleged victim, the Pastoral Assistance Coordinator (PAC) will:
  - Receive the allegation/report and request information from the person making the allegation/report regarding the nature of the reported offense, the identity of the accused individual, and the contact information of the person making the allegation/report.
  - Listen respectfully and offer support and professional resources to the alleged victim, his/her family and other affected persons, assisting with referrals to therapists and/or support groups. With the approval of the PAC, the alleged victim will determine from which source she or he wishes to receive such services, and will, as approved, be reimbursed for reasonable expenses.
  - Explain to the person making the allegation/report the Province's process for addressing allegations/reports of abuse and serve as the main liaison between the

person making the allegation/report and the Province. Throughout this process, the PAC keeps the person apprised of the general actions taken by the Province, including the nature of any investigation into the allegation/report that has been initiated at the behest of the Province.

- Offer to be present during meetings of the individual and/or family member, or other friend/support person and representatives of the Province including the Provincial/Assistant Provincial.
- Coordinate communications between the alleged victim and/or family and the Province, keeping all parties apprised of developments in the case.
- Provide timely notification to law enforcement and child protection authorities regarding a report of abuse as required by law and/or the Province's policy. In particular, in the case of current allegations/reports of abuse of minors, the appropriate authorities must be contacted immediately.

The PAC is a third party who has expertise in counseling and working with victims of sexual abuse.

## **MINISTERING WITH LOVE AND PRUDENCE**

1. Our ministry of love and healing must be exercised with prudence, especially in regard to the hospitality offered by our communities. Hospitality is one of the characteristic virtues of Marianist communities. However, minors will not be offered overnight hospitality in our communities without a parent or guardian present and the permission of the community director. No minor is to be alone with a member in his private room at any time. No person (other than an adult family member or fellow brother) is permitted to spend the night in the same room with a member.

2. Professional standards should mark every aspect of both formal and informal counseling conducted in the community residence or places of ministry. Whenever possible, counseling should be conducted in a professional ministerial setting. When a counselee is seen within the community residence, it should always be in a public room of the residence.
3. No member of the Province will ever chaperone alone an overnight trip or activity with a minor. Programs for minors and vulnerable persons in which members are involved must be supervised by at least two adults. Transporting minors and vulnerable persons should be done only with written permission of their parent or guardian and there must be at least two adults in the vehicle. Minors and vulnerable persons should be transported directly to their destination. Changing and showering facilities or sleeping arrangements for members must be separate from facilities or arrangements for minors and vulnerable persons. Being nude in the presence of minors or vulnerable persons and sleeping in the same beds, sleeping bags or small tents is prohibited even if the minor is a part of the member's family.
4. Appropriate affection between members and minors and vulnerable persons, including those who are a part of the member's family, constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for members in ministry roles with minors and vulnerable persons: hugs, pats on the shoulder or back, hand-shakes, verbal praise, holding hands while walking small children, holding hands during prayer and similar activities. In all cases, it must be public, appropriate and non-sexual.
5. The following forms of physical affection with minors have often been used by adults to initiate inappropriate sexual contact with them and, therefore, are examples of inappropriate expressions of affection: kissing on the mouth; touching buttocks, chests or genital areas; showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms; being in bed with them; wrestling with them; tickling them; giving them piggyback rides; any type of massage (given by a minor to an adult or an adult to a minor);

compliments that relate to physique or body development; and any form of unwanted affection.

6. Wherever possible, for those in ministry, communications through social media must be through an organization's official e-mail, public page or website. Direct communications between adults and minors or vulnerable persons involving social media shall be limited to matters that deal with the professional relationship between the member and minor or vulnerable person.

Members shall not engage in communications with minors and vulnerable persons through the use of electronic communications or social media except as provided for in the paragraph above. Electronic communications include, but are not limited to, email, texting, instant messaging, WhatsApp, GroupMe, Slack, Skype, and Viber. Social media shall include, but is not limited to, Facebook, Instagram, Twitter, Foursquare, Snapchat, Tumblr, and all photo-sharing websites.

Members with profiles on social networking sites may not request to be "friends" with minors or vulnerable persons or approve "friend requests" from minors or vulnerable persons.

Care should be taken to maintain professional and appropriate boundaries in all communications. When posting to an organization's public page or website, members are strictly prohibited from:

- Posting comments that are or could reasonably be construed by an observer as harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating;
- Engaging in sexually oriented conversations or discussions about sexual activities;
- Posting private messages between a member and minors or vulnerable persons;
- Posting inappropriate pictures or inappropriate comments on pictures.

7. It is inappropriate to engage in any sexually oriented conversations with minors and vulnerable persons unless the conversations are part of a legitimate lesson and discussion regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If students have further questions not answered or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling.
8. Other behaviors (some punishable by law) that are prohibited in the presence of minors and vulnerable persons are:
  - Possessing and sharing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.);
  - Possessing child pornography and sharing pornography, including computerized images;
  - Using, possessing, or being under the influence of illegal drugs;
  - Providing or allowing minors and vulnerable persons to consume alcohol or illegal drugs;
  - Using, possessing, or being under the influence of alcohol while supervising minors and vulnerable persons.
9. Using physical discipline in any way for behavior management of minors and vulnerable persons is unacceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors and vulnerable persons. This prohibition also includes speaking to minors and vulnerable persons in a way that is harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.



10. Because sexual abuse of minors and vulnerable persons is often the end result of developing an inappropriate relationship, it is important that members be caring and vigilant toward one another. When a member exhibits warning signs of unhealthy boundaries or relationships with minors and/or vulnerable persons (e.g., what appears to be grooming), his fellow brothers should approach him with a sense of fraternal support and correction. This concern must also be shared with the local community director. If the member does not respond with a change of behavior, the behavior is reported to the Provincial or his designee by the community director so that an intervention can be made before the violation of boundaries leads to an act of sexual misconduct. If the member initially ceases the problematic behavior but the behavior is observed again, it is essential that the community director personally inform the Provincial so steps may be taken to interrupt the inappropriate behavior.
11. Local communities will periodically evaluate these policies and discuss them at the community meeting when the educational component is completed. It is expected that all Province-sponsored ministries will meet the safe environment requirements established by the dioceses in which the ministries are located. Members are required to know these requirements and abide by them.
12. No person with a sex offense conviction will knowingly be kept in service or be considered for placement or hire by the Province.

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## **B. Policies and Procedures Regarding Accusations of Sexual Misconduct**

The response of the Province to an accusation of sexual misconduct will be conducted in a spirit of charity and compassion, both for the alleged victim and his or her family, as well as for the person against whom an accusation has been made.

### **HOW ACCUSATIONS OF SEXUAL MISCONDUCT ARE HANDLED**

1. If a member is made aware of an accusation of sexual abuse of a current minor in the context of an institutional ministry, he is obligated to report the accusation to the proper institutional/civil authorities consistent with the policies of the institution. The member may contact the Province Child Protection Coordinator (PCPC) and/or Pastoral Assistance Coordinator (PAC) for guidance.
2. If the report of an accusation which involves the sexual abuse of a current minor comes outside of an institutional ministry, the accusation is reported to the proper civil authorities. This is mandatory. If the accusation involves the sexual abuse of a victim who is no longer a minor, it is reported to the proper civil authorities as required by state and local reporting laws. The member may contact the Province Child Protection Coordinator and/or Pastoral Assistance Coordinator for guidance.
3. Any accusation of sexual misconduct by a member will be reported immediately to the PAC, the Provincial or, in the Provincial's absence, to the Assistant Provincial. Accusations should be reported promptly and in person, or by telephone, and then subsequently in writing.
4. The written record of the accusation should provide, if possible, the name of the member who is the subject of the accusation, the name or names of the alleged victim or victims, an

accurate description of the alleged misconduct, the relevant dates, times and circumstances in which the misconduct allegedly occurred and the names, addresses, and telephone numbers of other persons who may have knowledge of the alleged misconduct.

5. Any member, including a community director, who fails to make a report when required by this policy will be subject to disciplinary action by the Provincial and may be subject to applicable local or state laws.
6. No retribution will be made by the Province against a person making an accusation of sexual misconduct in subjective good faith against a member of the Province. An accusation of sexual misconduct made in subjective good faith may turn out to be impossible to substantiate or may even be false. At the same time, the rights of a member to confidentiality, respect, due process and a good name will be protected and defended as much as possible and appropriate.
7. Nothing in these policies requires the violation of any legal privilege for confidentiality, including the Seal of the Confessional in those States that recognize such an exemption. At the same time as a priest applies for faculties in a new State, he should confirm with the (arch)diocese what legal responsibilities he has, if any, as a mandated report. However, a knowledge or suspicion of sexual abuse of a minor or vulnerable person, received in situations outside the strict context of a sacramental reconciliation, must be reported when required by law and by these policies. The Province requires that all its members comply with the applicable civil laws with respect to reporting actual or suspected child abuse with due regard for the Seal of the Sacrament of Penance.

## **ROLE OF THE PASTORAL ASSISTANCE COORDINATOR (PAC) IN AN ACCUSATION AGAINST A PROVINCE MEMBER**

1. A person making an allegation/report of abuse is directed to the Province's PAC. The phone number and email address for making a report to the PAC is made available

to the public. Though alleged victims of abuse are recommended to speak with the PAC, they may request to speak with the Provincial or his designee.

2. Under the framework of the Province's comprehensive *Policies for the Protection of Children and Vulnerable Persons*, the PAC works to ensure that the Province provides an appropriate, compassionate and thorough response to persons who indicate that they have, or someone they know has, been the victim of abuse. Upon receipt of such an allegation/report, the PAC makes reports to law enforcement and child protection officials as mandated by law and Province policy; notifies the Provincial/Assistant Provincial, and attempts to provide or arrange for the spiritual and/or temporal needs of the person affected by the alleged/reported abuse, as appropriate. On behalf of the Province the PAC serves as liaison to the person making the allegation/report and guides him/her through the Province's process of addressing allegations/reports of abuse.
3. See also page 12 for a further description of the role of the PAC.

## **ROLE OF THE PROVINCIAL/DESIGNEE IN AN ACCUSATION AGAINST A PROVINCE MEMBER**

When an accusation is brought forward, the Provincial or his designee will respond in the following manner as appropriate to the circumstances.

**Case 1: When the Allegation is brought by the person alleging abuse, his/her Parent, Family Member, or Close Friend, but not by an attorney representing them.**

1. Notifies the PAC and strongly encourages the person to speak with him about forms of assistance or support the Province is able to offer.

2. Notifies the Province Review Board and the Province's legal counsel of the accusation, what is known at that point, and solicits their guidance.
3. Offers to meet with the alleged victim, the person making the report and others who may have relevant information. In this initial conversation, he will make a sincere effort to determine the personal needs of the individual making the accusation and will offer a course of personal counseling to assist in the healing process.
4. Offers the alleged victim the support of the Pastoral Assistance Coordinator. The PAC maintains a professional relationship with the alleged victim and/or family and does not act officially as a therapist, attorney, or spiritual director. Any expenses associated with the work of the PAC are supported by the Province.
5. Determines whether the accusation is such that an independent investigator should be appointed. In such cases an independent and professional investigator with training and demonstrated experience in the investigation of sex crimes and/or child sexual abuse will be directed by the Provincial to conduct in a timely manner an administrative investigation, on behalf of the Province regardless of any civil investigation taking place.
6. Informs the member of the accusation and asks to meet with him. He explains to the member at the beginning of their conversation that he is required to make and keep a written and signed report of this meeting. The rights of the individual member to privacy and confidentiality are respected. He will be informed in a timely fashion and consulted throughout the investigation and review process. The Provincial remains concerned about the health and well-being of the member throughout the process.
7. Informs the local community director of the accusation.
8. Notifies the ordinary of the diocese or archdiocese where the alleged/reported abuse took place and, if not the same, where the accused member is currently residing. He also notifies the senior administrator of the institution where the alleged/reported abuse took place and,

if not the same, where the accused member is currently employed. These same persons are also notified at the conclusion of the investigation of its findings.

9. Meets with the accused member if still living about the accusation and explains the procedures that will be followed. If the accusation involves sexual abuse of a minor, he informs the accused that the specific accusation of abuse has been reported or will be reported to the appropriate authorities. An accused member is entitled to personal legal counsel apart from the Province and will be informed that the Province will cover appropriate legal and canonical expenses. The member will be encouraged to obtain counseling, if appropriate, and will be offered spiritual support during an investigation. A record will be made of all conversations.
10. Complies with all civil reporting requirements related to sexual abuse for the jurisdiction where the abuse allegedly occurred. The Province will cooperate in any investigation duly mandated by law.
11. Meets with the local community and director to determine the healing needs of the community in dealing with the accusation. Together they will develop and implement, after consultation, a planned response to the wider community. They will offer to provide independent counseling and/or spiritual direction to those affected by the accusations.
12. Unless the accusation of sexual abuse of a minor is deemed clearly unsupported, he relieves the accused member of ministry until a determination of further action is made. If the accused member is ordained, he may not publicly celebrate the Eucharist, administer the sacraments, preach or engage in any form of public ministry until the matter is resolved. According to Canon 1722, the Provincial or his designee may impose other restrictions on the accused if he judges the case warrants them. This action does not imply any judgement of the truth or falsity of the accusation.
13. Notifies the Province's insurance carriers of a potential claim and complies with the terms of any applicable policies.

14. Alerts the Director of Communications of the accusation and what is known so that communications planning may be initiated.
15. In the case that an accusation/report refers to an act of sexual abuse that is to have occurred in the distant past, the procedures above are modified as appropriate and necessary.

**Case 2: When the Allegation is brought by an attorney representing a Person asserting abuse.**

1. When an accusation is brought forward by an attorney representing the person alleged to have been abused, the Provincial or his designee notifies the Province's legal counsel. Consistent with requirements of US law, the Province's legal counsel serves as a primary point of contact. The counsel for the Province contacts the counsel for the person allegedly abused and confirms that notice of suit has been received and as necessary clarifies the allegations.
2. Consistent with the standard in the Policies and Procedures approved by the Province Review Board at its meeting of April 19, 2021, if the brother accused is still living and a member of the Province, the Provincial informs the member of the allegations and explains how separate counsel will be arranged for him. Again, consistent with US law, the Provincial indicates that the member should not discuss any details of the allegations being made against him, unless the brother's lawyer is present.
3. If the brother accused is in a ministry or living in proximity to minors, he is promptly reassigned to a community and a ministry where this will not be the case.
4. As in Case 1, the Provincial explains to the member that he is required to make and keep a record of their meeting and that the member will be informed in a timely manner of developments in the case.

5. The Provincial informs the local community director(s) of the allegations.
6. The Province's counsel notifies the legal counsel of the (Arch)Diocese where the alleged abuse took place and, if not the same where the accused member is currently residing, the Province's counsel also notifies the legal counsel of the (Arch)Diocese where the Provincial intends to assign the member to confirm that this will be acceptable.
7. The Province's counsel determines whether an independent investigator should be appointed. If so, an appropriately qualified investigator is commissioned.
8. The Province's counsel will insure compliance with all civil reporting requirements and cooperate with any investigation duly mandated by law.
9. The Province's Child Protection Coordinator will inform the Province Review Board of the threatened lawsuit and periodically update the Review Board on its status.
10. Most often such lawsuits/threatened lawsuits end in a negotiated financial settlement. Consistent with the policies of the US Bishops and the Province, confidentiality is never required by the Province. At times, though, confidentiality is desired by the legal counsel of the person alleging abuse. In such a case, the Province may accept this condition. If the alleged victim, his/her attorney, and the Province's legal counsel agree, the Provincial will offer to meet with the person who has made the allegations. Typically, if this occurs, it will be after a settlement has been reached.
11. Unless specified to the contrary, the other provisions of Case 1 of this Section also apply.

## **THE ADMINISTRATIVE INVESTIGATION CONDUCTED BY AN INDEPENDENT INVESTIGATOR**

1. The purpose of an administrative investigation is to collect complete and accurate information pertaining to any accusation so that sound decisions may be made regarding the



treatment of the victim, the treatment of the offender and other issues concerning the implementation of this policy.

2. The investigator will conduct an administrative investigation and submit a report of findings, including support materials, written statements and oral summaries, to the Province Review Board and the Provincial for review. Province members will give the investigator full cooperation.
3. The investigation will proceed regardless of whether civil or criminal action is pending, providing that the administrative investigation does not interfere with an investigation by civil authorities.
4. All investigations will be handled with due regard for confidentiality and privacy. The investigation must always be conducted with professional discretion and handled with due care, in order that the investigation does not needlessly endanger anyone's good name and reputation. In an appropriate fashion, the Provincial shares the results of the investigation with the member involved.
5. If the victim is a minor and the victim is to be questioned, the interview will be conducted by an appropriate professional as advised by the Province legal counsel. Every effort will be made to limit the number of such interviews.
6. It is desirable that, whenever possible, the investigation include interviews with the alleged victim, the victim's parents or guardian, the person making the initial report, the accused person and any other person who may have knowledge of the incident.
7. Anonymous reports are unhelpful and are difficult to assess. However, anonymous reports will be evaluated and investigated in a responsible and practical manner by the Provincial in consultation with the Province Review Board, Province legal counsel and others he deems appropriate.

8. If, during the course of an administrative investigation, new information that has significance is received which adds credence a report that previously was considered not supported, it will be treated as a new report, and will be assigned for investigation. The new information will be shared with local legal authorities as appropriate. The procedures set forth in this section will then be followed.
9. When an accusation of abuse against a member is retracted, unsubstantiated or judged to be false, the Provincial will provide assistance in the difficult task of rehabilitation of the member's good name, reputation and ministry.

## **THE PROVINCE REVIEW BOARD**

1. The Provincial and the Provincial Council have established a Province Review Board (Board) for the purpose of providing advice on the implementation and administration of the *Policies for the Protection of Children and Vulnerable Persons* and the response to accusations of sexual abuse. The Board exists solely to provide such advice and has no independent power or authority.
2. This Board consists of the Assistant Provincial who serves as Chair, and the following non--Province members: a lawyer, a psychologist or psychiatrist, and at least two others, possibly an expert in Canon law. The membership of the Board is approved by the Provincial Council. Its mandate, responsibilities and procedures are, set out in the document *Province Review Board Policies and Procedures, Marianist Province of the United States*.
3. The Board is convened in order to review reports by the PCPC, the PAC, legal counsel, the investigator, if one has been commissioned, and any civil authorities so that the Board can submit advisory recommendations.

## **COMMUNICATIONS PLANNING**

1. The Provincial, the Province Child Protection Coordinator and the Director of Communications develop a communication strategy with the goal of providing a proactive response to the members of the Province, our ministries that may be affected and potential media inquiries. As appropriate, further professional support may be secured.
2. Depending on the circumstances, the Provincial determines which person or persons are authorized to respond to inquiries. It is very important that our responses are consistent with best practices: they are truthful, do not speculate, are respectful of the privacy of the alleged victim, and the like.
3. In the case of removal from ministry, the Provincial makes appropriate public disclosure of the reason for removal to the head of the ministry, the local Marianist community and to the local ordinary where the accused served.
4. All media inquiries should be directed to [info@marianist.com](mailto:info@marianist.com) or 314-338-7218.

## **WHEN AN ACCUSATION OF SEXUAL ABUSE AGAINST A MEMBER IS ESTABLISHED**

If an accusation of sexual abuse against a member is established, such as by voluntary admission or other evidence, and independent of the outcome of any civil or criminal proceeding, the following consequences will follow:

1. The Provincial or his designee will ask the accused member to undergo a diagnostic evaluation by a mental health facility qualified in these matters. If the preliminary diagnostic evaluation results in a recommendation of further evaluation and/or treatment, the Provincial or his designee will make such arrangements as quickly as possible. The

Provincial or his designee will monitor an accused member's treatment while maintaining respect for the confidential relationship between the accused member and his psychological counselor.

2. If an accusation of sexual abuse of a minor or vulnerable person is established, the member may not return to **any form** of public ministry.
3. If the member chooses not to undertake a restricted ministry, or the Provincial does not permit him to do so, or he refuses psychological treatment, he will live in a fully controlled setting or will petition for dispensation from his vows and, as applicable, laicization.
4. If the member so directed refuses to either live in a supervised setting or petition for dispensation from his vows, the Provincial may pursue dismissal and, as applicable, laicization according to the applicable norms of canon law.
5. At the discretion of the Provincial, the opportunity for continued therapy may be offered to the member.
6. In the case a member undertakes a restricted ministry, the Provincial appoints a local supervisor for the member and makes appropriate disclosure of the circumstances of the assignment to the local community director and, if distinct, the director of the ministry. A safety plan is drawn up and is shared with the community director and the local supervisor.

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## C. Supervision and Care of Members Who Have Abused a Child or Vulnerable Person

1. A written **Safety Plan** will be developed for each member against whom an accusation of abuse of a minor or a vulnerable adult person is found to be established.

The purpose of the Safety Plan is to:

- Provide a structure within which the member can continue his life as a vowed member of the Province.
  - Provide appropriate care for the member and the opportunity for such personal conversion and rehabilitation as may be needed.
  - Guide superiors, the member, and others in determining the character of the restricted ministry, place of residence, and other activities.
  - Encourage his new community to welcome and support the member in his desire to continue his life as a member within a safe framework.
  - Provide assurance that necessary measures have been taken to prevent any future occurrence.
2. The following areas will be considered in preparing a **Safety Plan** for each member for whom it is required:
    - Evaluation and therapy
    - Appropriate work
    - Restricted internal ministry

- Place of residence
  - Use of the internet and electronic means of communication
  - Community support and community roles
  - Contact with others
  - Travel, vacation, and retreats
  - Driving
  - Publications and publicity
  - Information for community members and others
  - Consequences for non-compliance with the Safety Plan
3. The elements of the **Safety Plan** will depend on such factors as severity of the accusation, notoriety, age and health of the member, and the recommendations of the Province Review Board. In separate documents on **Safety Plans**, a template is given outlining the elements to be developed in writing for each member. Also, a worked example is provided.
  4. Each Safety Plan is reviewed by the Board, and shared with the member, his superiors and supervisor, and, as appropriate, members of his local Marianist community.
  5. Each **Safety Plan** is signed by the member, his local supervisor and the Provincial.

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#### **D. Supervision and Care of Members Found to have Engaged in Repeated Boundary Violations, Highly Inappropriate Behaviors and/or Serious Misconduct but not Sexual Abuse of a Child or Vulnerable Person**

1. While accusations of sexual abuse of a child or vulnerable person by a member may not be found to be supported, there may be findings of repeated boundary violations, highly inappropriate behaviors and/or serious misconduct that warrant precautionary measures.
2. In such a case, the Provincial or his designee will ask the member to undergo a diagnostic evaluation and possible treatment as indicated above for those found to have committed sexual abuse.
3. In consultation with the Province Review Board the Provincial may determine that restrictions be placed on the member for the benefit of both the Province and individual member. These conditions are documented in a written and signed **Restriction Plan**.
4. The nature and purposes of a **Restriction Plan** parallel those of a Safety Plan.

## CONCLUSION

Every year at the Provincial Chapter meeting, the Provincial or his designated representative will present a confidential summary of all accusations made during the previous year. The report will include the nature of the accusations, results of investigations, status of alleged or confirmed victims, status of the alleged or established abusers, the outcome of any civil judgments, and the Province Review Board's recommendations.

By being alert and aware, the members of the Society of Mary are able to protect minors and vulnerable persons, ourselves, the Province of the United States and the Church.



## *Appendix 1*

*Adopted by the Provincial Council at its Meeting, October 28 – 29, 2020*

### **Policy for Ensuring Continuity at the Time of the Transition in Provincials**

Because of the key role the Provincial plays in abuse prevention, special attention is given to the transition at the time a new Provincial is named and takes office. To ensure the continuity of the Province's commitment to creating a safe environment and its abuse prevention efforts, the following transition plan will be observed when a new Provincial assumes responsibility for the leadership of the Province.

1. If the incoming Provincial 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:
  - a) Specialized training, conferences, or workshops.
  - b) Relevant courses or programs.
2. The Provincial will review and become familiar with the Accreditation Standards and all policies and procedures related to abuse prevention.
3. The Provincial will meet with the Province's Child Protection Coordinator, currently the Assistant Provincial. Because of this ex-officio responsibility, when there is a new incoming Assistant Provincial, he is also included in the transition meetings described below:
4. The incoming Provincial will meet with the Pastoral Assistance Coordinator (PAC), the designated point person to coordinate reports of abuse and their follow-up.
5. The incoming Provincial will review all allegations of sexual abuse and boundary violations from at least the previous five years.

6. The incoming Provincial will review the personnel files for all Members currently on a Safety Plan. At a minimum, he will review the Safety Plans and the risk evaluations that have been conducted since the most recent Accreditation.
7. The incoming Provincial will review and become familiar with all existing Intervention Plans for Boundary Violations.
8. The incoming Provincial will meet with or establish communication with all Safety Plan Supervisors to introduce himself.
9. The incoming Provincial will meet with the Province Review Board to introduce himself.
10. The incoming Provincial will meet with the Province's legal counsel who deals with cases of alleged abuse and lawsuits arising from them.
11. The incoming Provincial will work with the Office Assistant responsible for maintaining files and documentation and generally familiarize himself with the current procedures.
12. The incumbent Child Protection Coordinator will inform the incoming Provincial of the status of the Province in the Accreditation process as well as the expiration date of its current Accreditation.
13. If at all possible, the outgoing and incoming Provincials will meet to discuss any open cases and other information pertaining to abuse prevention that is deemed of high priority or importance.
14. If the incoming Assistant Provincial will not be serving as the Province Child Protection Coordinator and since he may be called upon to act on behalf of the Provincial, he will be involved in this process of orientation as appropriate.

The incoming Provincial will complete all items included in this transition plan ideally prior to taking office, but in case, no longer than forty-five (45) days after assuming the role.

## *Appendix 2*

*Adopted by the Provincial Council at its Meeting of October 28 – 29, 2020*

### **Policy on the “Reintroduction” of Members of the Province of the United States Returning from an International Ministry and the Orientation of International Members to the Standards of Conduct They Are to Observe While Residing in a Marianist Community in the United States**

We recognize that acceptable interpersonal behaviors and practices differ between cultures. For this reason and to help our Members succeed in their studies and/or minister in a pastoral, yet safe manner within the United States, we have established specific norms for the prevention of sexual abuse of minors and vulnerable persons.

All Members returning after three or more years of ministry outside the United States and all International Members coming for study or ministry within the United States, for sixty (60) days or longer, will complete the following before they begin any public ministry/study:

1. Read the Province’s *Policies for the Protection of Children and Vulnerable Persons* and sign a statement agreeing to adhere to them.
2. Complete an educational program that includes the following topics before they begin any public ministry:
  - a) Information on recognizing and responding to warning signs, boundary violations, or other inappropriate behaviors with minors;
  - b) Information on how to make a report to civil authorities of known or suspected sexual abuse of a person who is currently a minor in the jurisdictions where the Member is assigned;
  - c) Information about images of child abuse (child pornography), including its nature as a criminal offense and as an offense considered in the *Motu Proprio, Sacramentorum Sanctitatis Tutela (SST)*; and,

- d) Information regarding abuse of vulnerable persons, including its nature as an offense considered under the *Motu Proprio*, "*Vos estis lux mundi*."
3. In the case of an International Member desiring to come for ministry or study, prior to their acceptance into the Province, the Member's Major Superior must write a "letter of attestation" to the Provincial indicating that the Member has not been found to have abused a minor or have any restrictions due to related misconduct.
  4. The Member serving as our International Student Coordinator will be responsible for those International Members coming to the United States to pursue studies; the Assistant for Religious Life will be responsible for those International Members coming to the United States to attend the Novitiate; and the Provincial or his designee will be responsible for those Members of the Province returning to the United States after an extended period of service in an international placement.
  5. Since Mexico is a territorial community of the Marianist Province of the United States and so follows all Province policies, it is not considered "international" for the purpose of this policy.
  6. International Members will be asked to participate in an appropriate enculturation program. In the case of students, this may be provided by the educational institution. For pre-novices, this is ordinarily a part of the language study. In those communities where an International Member resides, the Director is asked to see that he receives the necessary support, a responsibility shared by others in the community.
  7. Once the Member completes the foundational program described in Point 2 above, he will continue to participate in all child protection educational programs required by the Province and the Arch/Diocese(s) in which he resides/ serves.