

**OPERATING POLICIES AND PROCEDURES IN
THE ST. BARBARA PROVINCE
FOR FRIAR CONDUCT**

"Wherever they may be, (the Friars) can and must have recourse to their ministers. On their part, the ministers are able to welcome them with great love and kindness, and be so approachable toward them that these friars may speak with them and act as masters deal with servants." [Rule of St. Francis, Chapter 10)

In recent times there have arisen not infrequently accusations against members of religious communities, and at times members themselves have made self-accusations, regarding misconduct in their ministry or even in their general behavior. The following procedures have been developed by the province for dealing with such accusations.

As an operating premise the province will use a pastoral approach as mandated for us by our founder, St. Francis. This means that we will act out of pastoral concern for both the friar and for anyone who may have been injured by the alleged behavior of a friar.

The possible failures in behavior may be very broad. Every circumstance is different. Our province lawyer has advised us against trying to develop a detailed policy to deal with every case. Nevertheless, the provincial council has felt it helpful to provide some guidelines when these accusations arise either from the friars themselves or from others.

- I. The provincial administration has established a team that will operate when such accusations arise. This team consists of the provincial minister and two friars knowledgeable about the province, its policies, its insurance, finances, and other resources. This team shall have access to legal and financial consultation.
- II. The team will consider the following in addressing particular accusations of misconduct:
 - (1) After considering the accusation and consulting with the friar, the team will take any steps necessary for the protection of the possible victim. The friar may be put on administrative leave from his assignment and/or moved from the immediate area. If for significant reasons, he remains in the same location, appropriate guarantees must be made that the suspected behavior cannot continue.
 - (2) Should the particular behavior involve child abuse, the team will ascertain that the appropriate reporting has been made according to state child abuse laws. (Cf. Province Policy: "Reporting Known or Suspected Instances of Child Abuse," p. 4)
 - (3) The team will consider the appropriate pastoral response to any alleged victim of the behavior of the friar. They will determine those to approach the possible victim, the family, the others involved. Where appropriate they will offer whatever assistance that might be helpful.
 - (4) While careful to avoid any interference in the legal process, the team will inquire as to the circumstance of the charges, ascertain if there are other possible victims, and to the best of their ability attempt to discover what is the nature of the problem of the friar; and if the charges seem to be validated, how may the problem be addressed. In every case the mandate of St. Francis will be followed; the friar will be treated as a brother with love, compassion, and dignity. At the same time diligent care will be taken that the behavior is not left undressed.
 - (5) If there seems to be a basis for the accusations, the team will arrange for appropriate psychological evaluation. Normally the recommendations of the evaluation will be followed regarding treatment, limitations on ministry, and other considerations of the friar.

- (6) Following the treatment program or other appropriate measures to address the behavior, the team will recommend to the provincial council whether reassignment is appropriate, and if so what kind of assignment should be made, any possible restrictions that might apply, and any followup program that is prescribed. Normally this will be on the recommendation of those responsible for the treatment program. Spiritual direction will be part of this program.
- (7) During all this the team will consult with legal counsel wherever necessary. If there is a matter of a criminal charge, legal counsel shall be obtained for the accused friar independent of province legal counsel.
- (8) At the appropriate time the team will see to it that the insurance company is notified. It should be noted that where liability coverage is applicable, we will work with the insurance carriers to appoint legal representatives.
- (9) Wherever possible the team will keep the knowledge of accusations on a "need to know" basis. This may involve the provincial council, also the superior, formation director, or the person responsible for the ministries in the situation. The intent here is not to cover up the behavior but to protect the friar and the other party or parties involved until any formal charges are filed, or indeed in case the allegations not be substantiated.
- (10) The provincial minister and the team he appoints shall supervise long term care and follow up programs resulting from evaluations and treatment. They shall see to it that appropriate superiors and supervisors are informed on the basis of "need to know". They will also do all they can to support the friar in the period of recovery.
- (11) These policies shall be promulgated to all the friars of the province.

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