

Protocol
for
Independent Response Team
for Sexual Misconduct and Abuse

In recent years there has been increased reporting of cases of sexual offenses against children and adults by members of religious orders and the diocesan clergy. These offenses are compounded by the high regard, faith and power given to those in positions of pastoral example and leadership in the Catholic community. Whenever there is sexual abuse by such a person, there is spiritual and emotional abuse. Victims feel betrayed by the one who represents the Church, and, in turn, God.

Vowed to the Gospel life, we friars unreservedly believe that sexual abuse and sexual harassment cannot be tolerated. Above all, we abhor the sexual abuse of children, who are essentially powerless and voiceless. We also detest the sexual harassment of adults by any member of our communities, or by employees of the Province or of our institutions. Because breaking the silence is often a frightening and traumatic experience for victims, the Province needs to create an atmosphere of trust and safety for those reporting abuse or harassment; and the Province must respond to such reports in a quick, thorough, effective and sincere manner.

If abuse is reported/discovered, we want to proactively provide necessary support services to help heal the victims, their families, and the local community in which the abuse occurred. The Province's primary goal is to help the victims and their families, and to provide necessary safeguards for both victim and accused, and to institute appropriate treatment and aftercare for those established to be offenders.

As followers of Saint Francis of Assisi, a man of peace and reconciliation, we committed to search with all available resources to find the truth and to set a course of healing based on Gospel values and beliefs. To carry out this directive, the Provincial Definitorium, will establish a permanent Independent Response Team to investigate cases of sexual abuse and sexual harassment when the accused is a member of the Province.

This Independent Response Team has an essentially pastoral purpose, acting for the good of the victim, the well-being of the community and the friar, and the integrity of the Church. It is fact-finding, consultative and advisory, not adversarial or adjudicative. Its primary tasks are two: (1) pastorally to care for victims; and (2) to advise the Provincial Minister or his

delegate on how to best work with the friar in the case of sexual misconduct.

Because the victims and/or their families may not be able to directly deal with the Province for fear of not being heard or believed, and in order to be as proactive and pastoral as possible, the Provincial will also designate provincial ombudspersons, who will be liasons to the Independent Response Team. Such persons shall be lay people, trained in the issues and dynamics of sexual abuse and harrassment, who will be stationed strategically throughout the Province in distinct regions in order that the Independent Response Team shall be as visible and accessible as possible. They will act as the initial contact point for persons reporting abuse and harrassment, will assist in the formulation and presentation of formal reports for the Independent Response Team, and will act as advocates and support persons for victims and their families throughout the process of the Team's investigation and resolutions of such reports.

This protocol for an Independent Response Team for sexual misconduct and abuse supplements the Provincial Policies and Procedures re Accusations of Sexual Abuse of Children (II.2, January, 1992); and is a supplement to all other policies which are already in place in the Province of St. Barbara.

DEFINITIONS

1. Sexual Abuse includes, but is not limited to any contact or interaction between a **MINOR** or **VULNERABLE ADULT** on the one hand, and an adult on the other, when the **MINOR** or **VULNERABLE ADULT** is being used for sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between an adult, and a **MINOR** or **VULNERABLE ADULT** is always considered forced whether or not consented to by the **MINOR** or **VULNERABLE ADULT**.

A "**MINOR**" is anyone under the age of 18.

A "**VULNERABLE ADULT**" is any person 18 years of age or older who is in a pastoral or professional relationship with a friar of the Province. The pastoral or professional relationship constitutes a "forbidden zone" which exists because the one in power (the friar) has a relationship with another based upon trust. No matter who initiates an action or how willing the vulnerable person says he/she is, the friar always has the responsibility to set appropriate boundaries regardless of the situation or circumstances.

2. Sexual harassment in the workplace is unwelcome sexual advances, requests for sexual favors, or other inappropriate visual, verbal, and/or physical conduct of a sexual nature, whether explicit or implicit, which adversely affects employment

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decisions, interferes with an individual's professional performance, or creates an intimidating, hostile or offensive employment environment.

INDEPENDENT RESPONSE TEAM

The Provincial Definitorium will establish a Independent Response Team ["Team"] to consider all allegations of sexual misconduct brought against any friar. The Team is not a Franciscan entity. It is an independent consultative body.

The main purpose of the Team is to respond to reports of sexual abuse or harassment by a friar, and to make professional recommendations to the Provincial concerning the following matters:

1. The validity and weight of the report;
2. Whether further investigatory or fact-finding measures are necessary or appropriate;
3. Appropriate evaluation or assessment procedures;
4. Appropriate and effective implementation of evaluators' recommendations; and,
5. Any required or advisable changes in Provincial policies or procedures.

If the abuse involves a minor, the friars will cooperate with all civil and criminal authorities and will follow the civil and criminal law in each locale. Additionally, Team members who are mandated reporters under applicable reporting laws (child abuse, elder abuse or dependent adult abuse) will make all reports required as a result of information received.

The Team will offer a safe, secure, and neutral arena wherein victims and their families, as well as alleged offenders, will believe that they will be heard and that allegations will be thoroughly and fairly considered. Although the Team's function is consultative, in light of its specialized knowledge and experience, any recommendations it presents to the Provincial will be taken with the utmost seriousness and given substantial weight.

A. MEMBERSHIP: The Team will consist of 5 people. It is recommended that the following qualifications and characteristics be considered when making appointments:

1. A female religious;
2. A psychotherapist with specific training and experience in the treatment of sex offenders;
3. A psychotherapist with specific training and experience in the treatment of victims of sexual abuse;
4. A child welfare professional, such as a social worker or probation officer, with specific

training and experience in the area of sexual abuse;

5. A legal professional with specific training and experience in the area of sexual abuse; and,
6. A lay person whose life has been significantly impacted by sexual abuse.
7. A Franciscan Friar from outside the Province.

B. **TERM:** Members of the Team will serve staggered terms of three years. A term may be extended for three more years. The Provincial Minister and the Council will appoint the members of the Team, which shall designate its own Chairperson, who shall not be the cleric or female religious. For the initial appointments, the Board of Inquiry Regarding St. Anthony's Seminary will be consulted.

C. **QUALIFICATIONS:** The Team will be composed of members who are trustworthy and pastorally sensitive and who know about the dynamics of sexual abuse in order to properly assess whether sexual abuse or sexual harassment has taken place.

D. **MEETINGS:** The Review Board will meet as often as necessary, and no less than once every calendar quarter. In keeping with the intent that the Team be visible and accessible, the quarterly meetings shall be held at different locales throughout the Province. Once an allegation of sexual abuse or harassment by a friar has been brought to the attention of the Team, it will meet as soon as practicable, and no later than three (3) weeks from the receipt of the report.

E. **RULES OF PROCEDURE:** In consultation with the Provincial Minister, and mindful of both its advisory and independent status, the Team will adopt its own rules of procedure, including the process to be followed when reports of abuse surface.

DUTIES OF THE INDEPENDENT RESPONSE TEAM

The Independent Response Team shall:

1. See that all allegations presented to it, either directly by the reporting party or through the Team ombudsperson, are put in writing and signed.
2. Upon receipt of such written allegations, commence its investigation within seven (7) days, and conclude its processing of the case as expeditiously as possible under the circumstances.

3. Direct the Team ombudsperson/liason to maintain contact, explain the process and timing clearly, and offer ongoing support to the reporting party, so that he/she will, as much as possible, be supported throughout the process and kept apprised of the progress of the case.
4. Because it appears that victims would often be embarrassed or threatened by an appearance before the entire Team, it will depute one member as contact person to relay necessary information back to the Team, including information about the victim's willingness to appear before it, and any necessity therefor.
5. Assist the Provincial Minister in providing professional care for the victim and their families who have been injured by the misconduct of the friar.
6. Assist the Provincial Minister in establishing an educational and pastoral outreach program in the locale where the abuse took place.
7. Advise the Provincial Minister in obtaining appropriate evaluations of alleged offenders.
8. Advise the Provincial Minister in establishing a treatment, placement and aftercare plan for the friar established to be a sexual offender.
9. Maintain the confidentiality of all matters communicated in confidence to the Team, any of its members or ombudspersons. Such information shall only be shared with the Provincial Minister or his appointed delegate.
10. Have no contact or communication with the press or other media. [It will be the responsibility of the Provincial Minister or his delegate to release appropriate information to the media, keeping in mind the rights of the victims and the offenders].
11. Keep accurate records of all meeting agendas, actions, findings and recommendations.
12. Establish a referral list of qualified therapists with specific experience in treating victims and family members, and of qualified therapists with specific experience and competence in treating sex offenders. No Team member shall provide direct services to any victim, family member or alleged or established offender, whose case has been considered by the Team.
13. Provide assistance to the Provincial Minister in establishing policies and other programs to educate the