

**POLICY FOR RESPONDING TO ALLEGATIONS OF SEXUAL
EXPLOITATION OF AN ADULT BROUGHT AGAINST A FRIAR OF HOLY
NAME PROVINCE**

Holy Name Province of the Order of Friars Minor

PREAMBLE

The Franciscan friars of Holy Name Province know of the profound suffering and harm which incidents of **sexual exploitation of an adult within a pastoral relationship** by some priests and members of religious orders have caused innocent people and the Church community at large. As brothers to all and as ministers within the Church, we must work to ensure the safety of all the people we serve.

For the purpose of this policy, we understand that sexual exploitation of an adult involves any sexual activity with a person 18 years of age or older who is in a pastoral or professional relationship with a friar. The pastoral or professional relationship is established when a friar as a public minister counsels, teaches, or functions as a sacramental minister to one who seeks out these services. The pastoral relationship constitutes a restricted zone of behavior that exists because the one in power, the friar, who has a relationship with another based upon trust. Therefore based upon the power differential that always exists, no matter who would initiate a sexual action or how willing the person says he/she is, the friar always has the responsibility to set appropriate boundaries regardless of the situation or circumstances and must avoid any sexual activity.

In regards to the sexual exploitation within a pastoral relationship, we know and affirm that:

Sexual exploitation of an adult within a pastoral relationship by a friar is contrary to our vowed life and our profession to live the Gospel.

Holy Name Province will not tolerate or excuse the sexual exploitation of an adult within a pastoral relationship by a friar of the Province.

Sexual exploitation of an adult within a pastoral relationship by a friar is a misuse of power and a violation of trust. As such, sexual exploitation of an adult seriously impairs and may, in some instances, exclude a friar from functioning as a public minister.

When it is established that a friar is guilty of the sexual exploitation of an adult

within a pastoral relationship, Holy Name Province will require that a friar receive appropriate psychological evaluation and treatment before assuming any further functions as a pastoral minister. Holy Name Province will inform the local diocese of any established act of sexual exploitation by a friar before requesting permission from a local bishop for this friar to function as a priest or as a public minister.

Consistent with our Franciscan heritage, Holy Name Province is committed to listen respectfully to all allegations made by a person who believes that he or she has been harmed by the sexual exploitation of a friar of the Province. When an allegation of sexual exploitation of an adult within a pastoral relationship has been found to have a reasonable foundation, Holy Name Province will provide *counseling* and pastoral care to the person who has been injured and to others who may have been affected, including; the friar who committed this offense, and if appropriate to the local friar community, and to the people we serve in a particular ministerial setting. Holy Name Province will honor the friar's right to due process according to canon and civil law.

PASTORAL RESPONSE TO ALLEGATIONS OF SEXUAL EXPLOITATION

Holy Name Province has established the following policies to guide our response to all allegations of sexual exploitation of an adult in a pastoral relationship brought against a friar of the Province.

As Franciscan friars, our first step in formulating a pastoral response to such allegations begins with the foundational Franciscan principle contained in the Rule of St. Francis that friars are called to be "brothers" to all people.

From this fraternal perspective, **Holy Name Province**, as a community of brothers, has the responsibility to:

1. protect and safeguard people who are served by the friars of our Province from any form of sexual exploitation;
2. listen respectfully and act upon all allegations of sexual exploitation brought against a friar of the Province;
3. educate ourselves and the people we serve about the pain, the harm, and the life-long suffering that occurs when people are the victims of sexual exploitation;
4. work to prevent the sexual exploitation by adopting screening procedures within our application process for potential members and within our Initial Formation Program by training new members;
5. cooperate with church officials.

In addition, we maintain that **each friar of the Province** has the responsibility to:

- *report to the Provincial Minister any allegation of sexual exploitation that is brought against another friar of the Province;*
- assist any person bringing an allegation of sexual exploitation against another friar of the Province by contacting the Provincial Minister and/or the Compliance Board.

Further, we hold that our **Provincial Minister** has the responsibility to:

- cooperate fully with local dioceses in which we work making full disclosure of any violations of sexual exploitation of an adult within a pastoral relationship;
- establish a Compliance Board, *composed of lay people and friars*, to assist the Provincial Minister with our response to allegations of sexual exploitation of an adult;
- make full disclosure to the Compliance Board of all allegations of sexual exploitation of an adult brought against a friar;
- assist and support a friar who has had an allegation of sexual exploitation brought against him by providing fraternal support and, if necessary, legal counsel;
- ensure that proper documentation of an allegation of sexual exploitation of an adult by a friar is recorded and maintained *with* the accused friar's personnel file.

COMPLIANCE BOARD

The Compliance Board of Holy Name Province is established: *(1) to ensure that the precepts of this policy are implemented by the Provincial Minister;* (2) to advise the Provincial Minister in formulating a pastoral response to the person advancing such an allegation and the friar who has been accused.

The Compliance Board will be composed of members who are *knowledgeable, sensitive*, possess pastoral skills, and some of whom possess *professional* training and experience in dealing with cases of sexual exploitation. Confidentiality will be exercised by the Compliance Board in all matters consistent with professional standards and with regards to the civil and canonical rights of the accused friar.

The Compliance Board will consist of at least *three lay people, one of whom must be a woman*, and at *least two friars of the Province*. The chair of the Compliance Board must be a lay person and will be selected by the members of the Board.

Members of the Compliance Board will ordinarily serve for three years or until a successor is appointed. Recommendation for new members will be advanced by the existing members and confirmed by the Provincial Minister.

The Compliance Board will meet at least twice a year or as often as necessary. *The*

Compliance Board will review this policy statement at least once every three years and will make any necessary recommendations to the Provincial Minister.

PASTORAL RESPONSE BY THE COMPLIANCE BOARD

Once an allegation of sexual exploitation by a friar has been brought to the attention of the Compliance Board, they will meet and review the allegation within three working days of receiving this information.

Regarding the response of Holy Name Province to an allegation of sexual exploitation by a friar of the Province, the first priority of the Compliance Board is to ensure the safety of the people involved by making the determination that:

- a. the Provincial Minister has been notified;
- b. the Provincial Minister has informed the friar accused of sexual exploitation of the allegation;
- c. the Provincial Minister has informed the local diocese of the allegation;
- d. *the Provincial Minister has sent a signed copy of a checklist stating that the directives of this policy have been implemented.*

The Compliance Board will establish a resource file in the Provincial Office which contains up-to-date:

- a. policies on sexual abuse in the dioceses and institutions where friars of Holy Name Province work;
- b. the State law where friars of Holy Name Province work;
- c. *educational references and materials on the topic of the sexual exploitation of vulnerable adults.*

The Compliance Board will be responsible for coordinating all internal and external communications about any allegation of sexual exploitation of a vulnerable adult that is brought against a friar of the Province.