

Ministerial Policies to Ensure a Safe Environment



Franciscan Friars of Holy Name Province

February 28, 2020

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I. LETTER FROM THE PROVINCIAL MINISTER

Brothers and Sisters in Christ:

The policies and procedures of Holy Name Province contained in this handbook are intended to serve as a practical and effective response to the sexual abuse crisis of our times. We hope they will deter any such abuse in the future, provide a comprehensive and swift response to all reports of abuse, and result in the strong and just response that all abuse survivors deserve.

These policies and procedures indicate the deep commitment, full transparency and accountability, and strenuous efforts of Holy Name Province to ensure the safety of everyone who falls under our pastoral mission – but especially minor-age children, young people and vulnerable adults.

Our policies and procedures are the words on these pages put into action. They outline standards of conduct for ministry with minors, policies for reporting misconduct with minors and the investigation of claims, policies for ethical ministry with vulnerable adults, Compliance Board procedures, social media guidelines, and other aspects of ministerial conduct that ensure nothing less than safe environments for the most vulnerable populations.

Our commitment to accountability for all instances of sexual abuse and to pastoral care for abuse survivors has been guided by the zero tolerance policy that Holy Name Province implemented nearly two decades ago. Our investigative process and response to survivors are conducted with compassion, impartiality, fairness and integrity — no matter when the reported abuse occurred, or if the accused is an active, retired, deceased or former friar.

Our chain of accountability consists of an Assistance Coordinator, a team of independent investigators that includes legal and former law enforcement officials expert in matters of sex abuse and misconduct, a Compliance Board made up of lay professionals and clergy, and an independent compliance monitor (which specializes in sexual abuse prevention in the private sector corporations and religious orders) that reviews our policies and procedures. Holy Name Province’s policies and practices, which include mandatory training for existing friars (and those entering the

Province) have received accreditation from this independent monitoring firm during every review period.

Holy Name Province addresses every claim with the utmost respect and compassion, investigations are comprehensive and independent, and swift action is taken to permanently remove a friar from all ministries when abuse claims are found to be credible. These are not just words. They have been our actions.

Policies that safeguard children and vulnerable adults are as effective as the commitment of those charged with implementing these practices. As Provincial Minister of the Franciscan Friars of Holy Name Province, and with the support of my Provincial Leadership Council, we are steadfast in protecting children and vulnerable adults against sexual abuse, misconduct and unlawful behavior of any kind. Where abuse has occurred, we are committed to pathways of spiritual, emotional and psychological healing for abuse survivors and their families. Our policies and practices are effective because we stand by them, and because we vigorously apply them and follow the guidance of our independent legal, law enforcement, and compliance partners.

If you have information about alleged sexual abuse by a friar of Holy Name Province against a minor or vulnerable adult, I encourage you to report it by calling our Assistance Coordinator at 646-473-0265, or by writing to: Holy Name Province Assistance Coordinator 129 West 31st Street / 2nd Floor New York, NY 10001.

All of our ministerial policies and procedures for ensuring a safe environment can also be found on our website at <http://www.hnp.org>. Please join me in praying that through the power of the Holy Spirit remorse for these atrocities can be converted into healing and reconciliation for abuse survivors and their loved ones. And please say an extra prayer for all of our good, holy and faithful friars.

Fraternally,

A handwritten signature in black ink that reads "Fr. Kevin Mullen, OFM". The signature is written in a cursive, flowing style.

Fr. Kevin Mullen, O.F.M.
Provincial Minister, Holy Name Province

II. SEXUAL ABUSE OF MINORS: A PUBLIC RESPONSE BY HOLY NAME PROVINCE

The Franciscan Friars of Holy Name Province know of the profound suffering and harm which incidents of sexual abuse of minors 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, especially the safety of children. In regards to the sexual abuse of minors, we know and affirm that:

Sexual abuse of a minor (under 18 years of age) 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 abuse of a minor by a friar of our Province.

Sexual abuse of a minor by a friar is a crime. Holy Name Province will cooperate fully with civil authorities and will report to these authorities all allegations of sexual abuse of a minor that are brought against a friar of our Province.

Sexual abuse of a minor by a friar is a misuse of power and a violation of trust, and excludes a friar from functioning as a public minister. Holy Name Province will cooperate fully with all local dioceses and will make full disclosure of allegations of sexual abuse of minors by a friar of the Province to the local dioceses in which friars of the Province work. When it is established that a friar is guilty of sexual abuse of a minor, Holy Name Province will not request 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 abuse of a friar of the Province. When an allegation of sexual abuse of a minor has been found to have a reasonable foundation, Holy Name Province will provide pastoral care to the people who may have been injured, including: the person who makes an allegation of sexual abuse by a friar; the local friar community; if appropriate, the people we serve in a particular ministerial setting; and

the friar who has been accused of sexual abuse with full respect to his civil and canonical rights to due process.

Holy Name Province has established a Compliance Board, made up of friars and laypeople, in order to respond to allegations of sexual abuse of a minor by a friar of the Province. Our Province has developed and published a “Policy for Responding to Allegations of Sexual Abuse of Minors Brought Against a Friar of Holy Name Province.” The text of this policy statement is available upon request at the Provincial Office and is also published on the Holy Name Province website at <https://www.hnp.org>.

In order to report an incident of sexual abuse of a minor by a friar of Holy Name Province, please contact: Holy Name Province Assistance Coordinator, 129 West 31st Street, 2nd Floor, New York, NY 10001-3403, or call 646-473-0265.

III. STANDARDS OF CONDUCT FOR MINISTRY WITH MINORS

The sexual abuse of minors is contrary to the teachings of the Church and is prohibited. Friars of Holy Name Province have a responsibility to protect minors from all forms of sexual abuse. Therefore, the Province provides the following guidelines for establishing and keeping boundaries with minors and other relationships in which the friar is primarily acting as a representative of the Province.

Annually each friar (and candidates for admission to the Province, as part of their application) will sign the policies for boundaries with minors, indicating he has read and understands Holy Name Province's policies.

Prohibited behaviors

- a. Using, possessing, or being under the influence of illegal drugs while in the presence of minors
- b. Using, possessing, or being under the influence of alcohol while supervising minors
- c. Known or suspected possession, distribution, downloading and/or intentionally viewing real or virtual child pornography
- d. Providing or allowing minors to consume alcohol or illegal drugs
- e. Swearing in the presence of minors
- f. Speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating
- g. Discussing sexual activities with minors unless it is a specific job requirement and the Friar is trained to discuss these matters
- h. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered

or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling

- i. Being nude in the presence of minors
- j. Possessing sexually oriented or morally inappropriate materials (magazines, cards, videos, films, clothing, etc.)
- k. Sleeping in the same beds, sleeping bags or tents with minors
- l. Engaging in sexual contact with minors. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person
- m. Friars are prohibited from transporting minors that are not family members without the written permission of their parent or guardian
- o. Friars are prohibited from having minors stay overnight at their residence. The only exception would be for young family members who are accompanied by their parents.
- p. Changing and showering facilities or arrangements for friars must be separate from facilities or arrangements for minors
- q. Friars should refrain from engaging in any inappropriate conversations or discussions with minors via electronic communications or social media

Appropriate and inappropriate physical contact

- a. Friars are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.

- b. Appropriate affection between friars and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for friars in ministry roles with minors:
 - Side-hugs
 - Pats on the shoulder or back
 - Handshakes
 - “High-fives,” hand slapping, and fist bumps.
 - Verbal praise
 - Touching hands, faces, shoulders and arms of minors
 - Arms around shoulders
 - Holding hands while walking with small children
 - Sitting beside small children
 - Kneeling or bending down for hugs with small children
 - Holding hands during prayer
 - Pats on the head when culturally appropriate

- c. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used by any friars:
 - Inappropriate or lengthy embraces
 - Kissing on the mouth
 - Holding minors over four years old on the lap
 - 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 a minor
 - Touching knees or legs of minors
 - Wrestling with minors

- Tickling minors
 - Piggyback rides
 - Any type of massage given by minor to adult
 - Any type of massage given by adult to minor
 - Any form of unwanted affection
 - Compliments that relate to physique or body development.
- d. Friars have an obligation to report known or suspected boundary violations and/or inappropriate forms of physical affection toward minors (see reporting procedures).
- e. It is the policy of Holy Name Province to interrupt and intervene in boundary violations before the activity may progress into criminal activity.

Training for Friars who work with minors

- a. Holy Name Province will educate the Friars regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious.
- b. All Friars who serve in public ministry, even those who only occasionally serve in public ministry, must participate in a minimum of three hours of education over a three-year period. This training must include the following:
- i. Information about both preferential and situational type sexual offenders. Warning signs of both types of offenders must be clearly stated in the materials.
 - ii. Information regarding self-protection from false allegations of sexual abuse of a minor, including what to do if one is concerned about being falsely accused.
 - iii. Information about child pornography as a crime both in canon and civil law.

- iv. Information regarding abuse with vulnerable adults, including its nature as an offense considered in the United States Conference of Catholic Bishops document, “Charter for the Protection of Children and Young People”
 - v. Information on how to make a report to the civil authorities of known or suspected sexual abuse of a victim who is currently a minor in the jurisdictions where the member is assigned.
- c. Educational programs may be provided at the local, Provincial or national level, but they should not be a repetition of the same program two years in a row.
 - d. Only the Provincial Minister may excuse a friar from the education programs addressing sexual abuse of a minor due to physical or medical difficulties and who will not be involved in public ministry.
 - e. Ongoing training programs will be provided and may include a variety of topics that support the prevention of the sexual abuse of minors more broadly, including the appropriate use of electronic communications and social media.
 - f. Friars shall review the “Ethics in Ministry Policies” and sign a statement that they have read and understood the policy.
 - g. Visiting religious who are not members of Holy Name Province (or of another other OFM province or religious institute) are expected to abide by these policies while residing in a Holy Name Province friary.
 - h. Friars who are returning from ministry outside of the U.S. will undergo an individual educational plan to ensure they are properly trained on these issues.

Supervision of programs that involve minors

- a. Programs for minors in which Friars are involved must be supervised by at least two adults.
- b. Friars in leadership roles shall be aware of all programs for minors that are sponsored by their parish, school or agency. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall examine these programs and consider whether there is adequate supervision.
- c. The Provincial will annually communicate with any organization in which a friar is employed or in public ministry. Such communication will include the contact information of the Provincial Minister.

Approved by the Provincial Council and distributed November 8, 2018

IV. HOLY NAME PROVINCE POLICY FOR REPORTING MISCONDUCT WITH MINORS AND THE INVESTIGATION OF CLAIMS

Boundary violations

- a. Friars must report when another friar violates the Province's policy on boundaries with minors or when another friar exhibits warning signs of inappropriate behavior with minors.
- b. The Province shall immediately intervene in situations where there is potential risk of harm to an identifiable minor.
- c. This report is made directly to the Provincial who, with the Assistance Coordinator, coordinates appropriate assistance for the at-risk Friar and draws up a written plan to ensure the on-going cessation of problem behaviors.

Abuse when the victim is currently a minor

- a. Friars must report known or suspected sexual abuse of a victim who is currently a minor to the appropriate civil authorities of the state in which the abuse allegedly occurred within 48 hours regardless of state mandatory reporting laws.
- b. The friar who has first-hand knowledge of the known or suspected sexual abuse of a minor must be the person to make the initial contact with the appropriate civil authorities. This task cannot be delegated or passed on to others.
- c. If the alleged victim is a minor at the time the allegation is received, his or her identity must be provided to the civil authorities.
- d. Friars must report known or suspected possession, distribution, downloading and/or intentionally viewing real or virtual child pornography to the appropriate civil authorities within 48 hours regardless of the state mandatory reporting laws.

Abuse when the victim is now an adult

- a. Friars must report known or suspected sexual abuse of a minor to the Provincial Minister, even 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, regardless of whether the accused friar is still living or not.
- b. Individuals who have approached Holy Name Province since June of 2002 to report the sexual abuse of a minor must be advised of their right to report to civil authorities and should be encouraged to make a report.
- c. If the alleged victim is an adult at the time the allegation is received and consents, his or her identity will be provided to the civil authorities, provided the alleged victim consents to have his or her identity disclosed. If the alleged victim does not consent, he or she will be informed that his or her identity may be disclosed if required by the civil authorities.

All reports and allegations

- a. In addition to reporting to civil authorities, reports of suspected or known sexual abuse of a minor may be made (unless otherwise required to be disclosed by canon law) to any of the following:
 - i. The chair of the Holy Name Province Compliance Board
 - ii. The local guardian
 - iii. The Provincial Minister, or
 - iv. The Minister General
- b. Allegations of sexual abuse will be reported to civil authorities regardless of whether the accused friar is living or dead, or whether he is a current or former member of the Province.

Reports and allegations of sexual abuse may come from a variety of sources, including alleged victims or their family members, diocesan offices, friars of the Province, a colleague in the workplace or from an alleged perpetrator.

Because each case is unique, the following is a general outline of the response system for allegations of abuse but is not necessarily a procedure that is to be followed in the same way for each case. The process may be modified according to the nature of the allegation, the needs of the alleged victim and the circumstances of the accused friar.

In every case, the Province commits itself to dealing pastorally with, and protecting the rights of, all those involved.

Initial response protocols

- a. The Province shall identify an Assistance Coordinator, qualified by education, training or experience, to respond to reports and allegations of sexual abuse by a current, former and/or deceased friar of the Province. The Assistance Coordinator will have written guidelines for fulfilling this role.
- b. The Province will have written protocols for responding to reports and allegations of sexual abuse of a minor, indicating who is responsible for each part of the Province's response, and will document adherence to these protocols.
- c. When an allegation of sexual abuse is first received, the Assistance Coordinator shall attempt to gather sufficient information to complete a written preliminary report. The report should include the following information:
 - i. Name of the alleged victim
 - ii. Age of alleged victim
 - iii. Address and phone number of alleged victim
 - iv. Name of alleged perpetrator
 - v. Approximate dates of alleged abuse
 - vi. Nature, type and location of alleged abuse
 - vii. Any additional relevant details

- d. All reports and allegations of the sexual abuse of minors shall be submitted to the Compliance Board, which will be kept apprised of the situation at regular intervals.

Response to Victims

- a. When a person comes forward with an allegation of being sexually abused as a minor, the Assistance Coordinator or a Representative of the Province will explain the procedure and provide a guide explaining the procedure the Province follows in responding to allegations.
- b. The Representative of the Province will offer to meet in person with the alleged victim if he or she so desires. The Representative will maintain a compassionate and pastoral manner regardless of the demeanor of the alleged victim, recognizing that the experience of sexual abuse and difficulty of coming forward may bring out strong emotions during the disclosure process.
 - i. It is recognized that some individuals who have experienced being sexually abused as minors may first approach the Province through legal proceedings. While this situation presents difficulties for assisting in the healing of the individual, Representatives of the Province will offer, through the legal counsel of the individual who alleges being sexually abused as a minor, to meet with him or her, as may be appropriate for the situation.
 - ii. While it is the sincere desire of the Province to meet and assist all who claim to be victims of sexual abuse as a minor, the Province understands that when a victim of sexual abuse is represented by legal counsel, these direct opportunities become limited. However, the Province will, through a victim's lawyer, extend an offer to meet or assist the victim with healing.
 - iii. It is understood that some individuals who have alleged being sexually abused as minors may choose to not accept a meeting with Representatives of the Province.

- iv. It is recognized that some unusual circumstances may cause a meeting or even an offer of a meeting with an individual who has alleged being sexually abused as a minor to be impossible. The Province will document these circumstances and any alternative form of pastoral assistance that has been offered.
- c. The Assistance Coordinator of the Province will document every attempt to assist in the healing of an individual who has approached the Province since June of 2002 to report being sexually abused as a minor by a current, former, or deceased Friar.
- d. The Provincial Minister may also assign an Assistance Coordinator to provide support for the immediate and ongoing needs of individuals who have experienced sexual abuse and their families.

Response to Friars

- a. The Province provides all friars with a basic procedure so that they will have an understanding of pastoral response to an individual who alleges sexual abuse of a minor and to ensure that the individual will be treated with respect and dignity.
- b. The Provincial Minister will inform an accused Friar of his right to seek canonical and civil counsel before any further conversation takes place. The Province recognizes that a Friar may need assistance to engage such counsel.
- c. The Provincial Minister will maintain contact with the accused Friar throughout the entire process.
- d. When the Assistance Coordinator has received the completed investigation report, either he or the Provincial will present the results of the investigation to the friar and provide an opportunity to respond.
- e. During investigations by civil authorities or by the Province, the Friar who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties.

Communication with Other Involved Parties

- a. The Province shall notify the diocesan bishop where the alleged abuse took place, and where the accused friar is currently residing, as appropriate to the circumstances.
- b. The Province will notify the employer of the place where the alleged abuse took place, and where the accused friar is currently employed, as appropriate to the circumstances.

Investigations

- a. All information that is provided to the Province must be investigated, to the extent possible, including information that is provided anonymously.
- b. The Province's Assistance Coordinator, with the knowledge of the Provincial and through the assistance of the Province's legal counsel, will hire when appropriate a trained professional investigator to independently gather information regarding an allegation.

In the cases of an established or undisputed allegation, an investigation will be conducted to identify any other potential victims and to obtain information to utilize when creating the on-going supervision plans for the friar who has abused.

- i. The Investigator will advise any parties that he/she represents the Province and that conversations with the Investigator are not subject to any attorney/client privilege.
- ii. The Investigator will advise the parties that, although pastoral care is available, the Investigator will not be the one to provide that care.
- iii. The Investigator, who shall obtain statements from the parties and any witnesses, will keep the Assistance Coordinator and Provincial informed regarding the status of the investigation.

- iv. The Investigator will produce a written report and submit it to the Provincial.
- c. All cases of sexual abuse of a minor reported since June of 2002 must have:
 - a. a documented investigation, or
 - b. documentation of the reason(s) an investigation is not possible or is not necessary.

A summary of the investigation findings will be stored in the personnel file of the current, former, or deceased friar who is the subject of the investigation.

- d. In order to fulfill his responsibilities, the Provincial will consult with the Compliance Board at each juncture of the process and will convene the Board as soon as possible after receiving the final report from the Investigator.
- e. The Provincial and the Province will cooperate fully with any investigation by civil authorities.
- f. When it has been established that a friar has sexually abused a minor, the Province will always seek to assist the victim by means of pastoral outreach and support.
- g. Once an accusation is made and is investigated and deemed credible. The report is forwarded to the Compliance Board for their review and recommendation to the Provincial Council.
- h. The Province protocols provide for the pastoral care and treatment of the credibly accused friar, offering him fraternal support in whatever penalties are imposed upon him by the legal system or the restrictions imposed upon him by the Province.
- i. If an allegation could not be established, the Province will reinstate the accused friar to ministry and will work towards the restitution of his good name.

- j. If sexual abuse of a minor has been established through an investigation, civil authorities shall be contacted again and a follow-up report will be submitted, if requested. If further investigation indicates that the allegation is not established, civil authorities will be contacted to provide the additional information.
- k. The Province will strive to maintain the rights of all concerned in the process of an investigation of sexual abuse of a minor.
- l. Documentation of allegations, reports, responses, and investigations are confidential and shall remain with the office of the Province.

Decision-making

- a. Upon the conclusion of the investigation, the Compliance Board makes its recommendation to the Provincial who exercises his judgment in delivering an appropriate response. If the accused friar has admitted to the alleged violation, or in those cases where the allegation has been established, the Province's response could include any of the following:
 - psychological and medical assessment and intervention
 - restrictions on community life and personal activities
 - limitations imposed on ministerial activities, including total removal from public ministry
- b. The Province will inform the leadership of any organization or ministry in which the friar has admitted to the sexual abuse of a minor, or in which the friar has an established allegation of the sexual abuse of a minor. The Province will maintain documentation concerning this communication with organizations, including any reasons why this communication was not possible or not feasible, if such is the case.
- c. In cases where an allegation of sexual abuse of a minor by a Friar has been established, the Friar may not return to public ministry.

- d. If an allegation of sexual abuse of a minor cannot be investigated or established, the Compliance Board must be consulted regarding the disposition of the case.
- e. When an allegation of sexual abuse of a minor cannot be established, the Provincial will coordinate communication with all appropriate parties so that reconciliation can take place where possible and repair of damage to reputations can be undertaken.
- f. In all instances, the final disposition of the matter rests with the Provincial, always recognizing:
 - The Friar's right to appeal to the Minister General and/or the Holy See.
 - It is the Provincial's responsibility to communicate his decision to the person who made the complaint, to the friar involved, and to other parties, including the Minister General, as necessary and appropriate.
- g. If at any time during the course of implementing these procedures, civil or criminal proceedings are initiated against the accused Friar, these procedures may be suspended immediately, to be resumed, if deemed necessary, only after the completion of the civil or criminal proceedings. In such a case, the Assistance Coordinator shall recommend to the Provincial a possible course of action with respect to the accused Friar, in keeping with the intention of these procedures and in the interests of justice.

Approved by the Provincial Council and distributed November 8, 2018

**V. POLICY FOR RESPONDING
TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS
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 abuse of minors 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, especially the safety of children. In regards to the sexual abuse of minors, we know and affirm that:

Sexual abuse of a minor (under 18 years of age) 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 abuse of a minor by a friar of the Province.

Sexual abuse of a minor by a friar is a crime. Holy Name Province will cooperate fully with civil authorities and will report to these authorities all allegations of sexual abuse of a minor that are brought against a friar of our Province.

Sexual abuse of a minor by a friar is a misuse of power and a violation of trust and excludes a friar from functioning as a public minister. Holy Name Province will cooperate fully with all local dioceses and will make full disclosure of allegations of sexual abuse of minors by a friar of the Province to the local dioceses in which friars of the Province work. When it is established that a friar is guilty of sexual abuse of a minor, Holy Name Province will not request 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 abuse of a friar of the Province.

When an allegation of sexual abuse of a minor following an independent investigation and a review by the Compliance Board has been found to be credible, Holy Name Province will provide counseling and/or pastoral care to the people who may have been injured.

Pastoral Response to Allegations of Sexual Abuse of a Minor

Holy Name Province has established the following policies to guide our response to all allegations of sexual abuse of a minor brought against a friar of the Province.

As Franciscan Friars, our first step in formulating a pastoral response to allegations of sexual abuse of a minor 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:

- protect and safeguard people, especially children, who are served by the friars of our Province from any form of sexual abuse;
- listen respectfully and act upon all allegations of sexual abuse brought against a friar of the Province;
- educate ourselves and the people we serve about the pain, the harm, and the lifelong suffering that occurs when people are the victims of sexual abuse;
- work to prevent the sexual abuse of a minor by adopting screening procedures within our application process for potential members and within our Initial Formation Program, training new members;
- cooperate with civil authorities and 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 abuse of a minor that is brought against another friar of the Province;

- report to the appropriate civil authorities any allegation of sexual abuse of a minor that is brought against another friar of the Province;
- assist any person bringing an allegation of sexual abuse of a minor against another friar of the Province to contact the Provincial Minister and/or the Compliance Board.

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

- cooperate fully with all civil authorities and local dioceses in which we work, making full disclosure of all allegations of sexual abuse of a minor;
- establish a Compliance Board, composed of laypeople and friars, to assist the Provincial Minister with our response to allegations of sexual abuse;
- make full disclosure to the Compliance Board of all allegations of sexual abuse of a minor;
- assist and support a friar who has had an allegation of sexual abuse brought against him by providing fraternal support and independent legal counsel;
- place on administrative leave from pastoral ministry a friar who is under investigation by civil authorities for an allegation of sexual abuse of a minor;
- ensure that proper documentation of an allegation of sexual abuse of a minor by a friar is recorded and maintained with the accused friar's personnel file.

Approved by the Provincial Council and distributed November 8, 2018

VI. 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/harassment 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, has a relationship with another based upon trust.

Therefore based upon the power differential that always exists, no matter who initiates 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 has indeed engaged in 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/ Harassment

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:

- Protect and safeguard people who are served by the friars of our Province from any form of sexual exploitation;

- Listen respectfully and act upon all allegations of sexual exploitation brought against a friar of the Province;
- 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;
- 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;
- Cooperate with church and civil authorities.

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 laypeople 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.

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VII. 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 abuse. 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 laypeople (including parents), one of whom must be a woman, and at least two friars of the Province. The chair of the Compliance Board must be a layperson 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.

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VIII. THE PROTECTION OF MINORS: THE FORMATION AND EDUCATION OF MISSIONARIES WHO RETURN TO MINISTRY IN THE UNITED STATES

Rationale

Effective training about the sexual abuse of minors can teach Friars of Holy Name Province about their role as protectors. In addition, training about the sexual abuse of minors is designed to provide instruction to Friars on how to recognize and respond to inappropriate interactions that may indicate that an adult poses a high risk to sexually abuse a minor.

It also educates friars on how to monitor high-risk activities and locations and how to protect themselves and their brothers/colleagues from false allegations of sexual abuse of a minor. Training also communicates that the Province has shown due diligence in its attempts to prevent the sexual abuse of minors, and it sends the message: “We will not tolerate any form of abuse in this Province.” All child-serving industries are accountable for this key component of sexual abuse of minors risk management.

In accord with the Conference of Major Superiors of Religious Men, Holy Name Province adopts the following:

Holy Name Province will educate its Friars upon return from the foreign mission of the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious.

The Province will orient those Friars who are returning from ministry outside of the U.S., as well as international Friars who are coming for ministry within the U.S. and who are under the authority of the local Institute.

Prior to receiving an assignment or making a request for faculties, every returning missionary will be expected to participate in a mentored program of study that will include:

- a. The USCCB's policies on the *Standards for the Protection of Minors*, a briefing on the history of the problem of the abuse of minors in the U.S. and the Province's response both before and after the original *Standards for the Protection of Minors* were adopted by the USCCB in 2001.
- b. A briefing on all Holy Name Policies and Procedures with regard to the Protection of Minors and Ministry with Vulnerable Adults, including their agreement to observe those procedures.
- c. The ongoing requirements for compliance, including the annual meeting with their guardian, active participation in the ongoing education/formation activities, their agreement to observe the policies with regard to ministry with minors, vulnerable adults and the observance of appropriate boundaries, and obligation to report any knowledge they might have that someone (Friar or other minister) may have been or is being abused.

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IX. POLICY FOR ETHICAL MINISTRY WITH VULNERABLE ADULTS

Adults with cognitive impairments or other conditions that inhibit their ability to give consent are defined as vulnerable adults for the purpose of this policy. Friars ministering to vulnerable adults should maintain appropriate boundaries using the *Standards of Conduct for Ministry with Minors* as a guide. This policy addresses boundary violations; should conduct between a friar and a vulnerable adult involve sexual activity then the *Policy for Responding to Allegations of Sexual Exploitation of an Adult Brought against a Friar of Holy Name Province* should be followed.

1. A friar who is aware that another friar has violated appropriate boundaries while working with a vulnerable adult should bring this to the attention of the friar's guardian or his ministry leader. If the friar violating boundaries is the guardian or ministry leader, the friar who has knowledge of violated boundaries should call the Provincial Minister.
2. The guardian/ministry leader should investigate the allegation: [1.] speaking to the friar who reported the violation, [2.] the friar alleged to have violated boundaries, and, if necessary, [3.] others who may have witnessed the violation.
3. In the initial investigation, the guardian/ministry leader should use the policy on ethical ministry as a basis for his questions.
4. If there was a violation of boundaries, or, if substantial suspicion of the violation of boundaries remains, the guardian/ministry leader will inform the friar and advise him of what he has discovered in his preliminary investigation of the accusation.

If the friar acknowledges that he has committed a boundary violation, he should discuss the circumstances with the guardian. They should reach a mutual agreement as to the circumstances and to determine how to best ensure that the friar is committed to responsible ministry with adults in the future. Depending on the circumstances, the friar may be prohibited from being involved in ministry for a period of time or be supervised in his ministry. At any point during this process, the accused friar has the right to speak with the Provincial.

5. Depending on the circumstances, the Provincial or his delegate may undertake the investigation, as described above, or arrange for an independent investigation of the accusation.
6. If the accused friar continues to deny the boundary violations and the investigative evidence is non-conclusive, the Provincial will advise the friar and his guardian/ministry leader that his ministry with vulnerable adults will be limited and/or closely supervised and reviewed periodically. The guardian/ministry leader will ensure that this supervision takes place.
7. If the accused friar admits to the violations, or the investigation substantiates the allegation, the Provincial will assist the friar in seeking appropriate professional help that will: (a.) address the boundary violations, (b.) attempt to identify underlying causes, and (c.) determine an appropriate course of treatment (e.g., counseling, education, and/or more in-depth treatment as might seem appropriate). An appropriate safety plan will be put in place. It should be reviewed annually and amended as seems appropriate in consultation with the Provincial or the liaison.

Awareness of and Commitment to Ethical Ministry with Vulnerable Adults

1. All friars will review the Policies for Ethical Ministry and agree in writing to comply with the policies.
2. Guardians or ministry leaders will document any allegations of boundary violations and the steps taken to investigate them.
3. Cases of boundary violations that are brought to the Provincial and the steps taken to address them will be documented by the Provincial or his delegate and the records maintained in a confidential location.
4. All cases of boundary violations with vulnerable adults will be reported to the Compliance Board.

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X. HOLY NAME PROVINCE POLICY FOR INFIRM AND RETIRED FRIARS

Friars who are confined to the infirmary – Holy Name Friary (Ringwood, NJ), or a similar facility – and friars who are retired with no ministerial involvement are not expected to participate in the continuing education programs in connection with the protection of children or ministry with vulnerable adults.

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XI. HOLY NAME PROVINCE POLICY FOR RELIGIOUS/PRIESTS IN RESIDENCE

All religious and/or priests who are residing in a Holy Name Province Fraternity, and are not members of the Province, are required to be compliant with the standards for the Protection of Minors and Ministry with Vulnerable Adults. They may elect to:

- a. participate in the Province's compliance verification program
- b. participate in the compliance verification program of their religious institute; or
- c. participate in the Diocesan compliance program.

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APPENDIX I

XII. KEEPING EVERYONE SAFE

Appropriate displays of affection in ministry:

- asking permission before touching
- hugs
- pats on the shoulder or back
- handshakes or fist bumps
- “high fives” and hand slapping
- verbal praise, i.e. “good job”
- touching hands, face, shoulders, arms
- arms around shoulders
- holding hands during prayer or when person is upset
- holding hands while walking with small children
- sitting close to small children in a public space
- kneeling or bending down for hugs with a small child in public
- holding or picking up children 3 years of age and younger

Inappropriate displays of affection in ministry:

- any form of unwanted affection
- full frontal hugs or “bear hugs”
- touching bottoms, chests or genital areas
- laying down or sleeping beside minors
- massages
- patting children on the thigh, knee or leg
- tickling or wrestling
- touching or hugging from behind
- games involving inappropriate touching
- kisses on the mouth
- showing affection in isolated areas of the program such as bedrooms, closets, restricted areas, or other private rooms
- compliments that relate to physique or body development

Behaviors that have led to false accusations:

- meeting alone in isolated places
- showing favoritism

- engaging in physical contact that was misinterpreted
- wearing provocative or revealing attire
- giving money to a “special minor”
- meeting in homes and in bedrooms without others present
- being nude in front of minors
- sleeping in the same bed with minors
- giving special or secret gifts
- graphically discussing sexual activities or allowing others to do so
- keeping secrets about relationships
- having “secret relationships”
- failure to adhere to uniform or accepted standards of affection
- showing affection when no one else is around
- staring while others are dressing
- commenting on minors’ bodies
- taking pictures while minors are dressing or showering
- shaming or belittling an individual
- inappropriate online conversations with minors
- sharing obscene photographs with minors online or in person

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APPENDIX II

XIII. PREACH THE GOSPEL AT ALL TIMES

Guidelines for Evangelizing Through Social Media

INTRODUCTION

Pope Francis constantly urges us to “go into the streets, to the outer reaches of society” with words of mercy and hope. Social media is one potent way of doing this. As Pope Benedict has said, “The world of digital communication, with its almost limitless expressive capacity, makes us appreciate all the more St. Paul’s exclamation, ‘Woe to me if I do not preach the Gospel.’”

Since the time of St. Francis himself, Franciscans have been on the cutting edge of spreading the Gospel message in new ways and to new places. It’s no wonder, then, that so many in the Franciscan family have found the modern tools of electronic communication to be a fruitful and powerful way to continue that tradition of evangelization. Social media and electronic communication provide friars and partners-in-ministry with a way to exchange information and ideas faster and farther than ever before. Because this electronic frontier is also one with its own dangers and pitfalls, it is the hope that this *Social Media Guideline* can help navigate that new territory so that Franciscans might make the best use of these exciting tools of communication and evangelization.

As background, the online encyclopedia Wikipedia defines social media as “media designed to be disseminated through social interaction, using highly accessible and scalable publishing techniques. Social media use Web-based technologies to transform and broadcast media monologues into social media dialogues.” Social media commonly refers to (but is not limited to) the following Web- or app- based protocols: Facebook, Twitter, blogs, and YouTube. Since the landscape of social media is constantly changing, this list could be in a near constant state of evolution.

Through photos, words and videos, social networking sites can be used to post a variety of items and themes – announcements, homilies, reflections, event dates, links, catechetical and prayer resources, and follow-up about significant events. In addition to communicating specific information, they can strengthen the sense of community both within provinces and among our partners-in-ministry.

There is little doubt that the Internet provides those who serve the Gospel with a creative opportunity to share the Word and the uniqueness of our Franciscan way of life in imaginative, immediate, and engaging ways.

Social media offer both opportunities and challenges to those who use them. Precisely because of the ability to disseminate information worldwide so quickly and easily, it is essential that these resources be used in a professional, mature and responsible manner.

GUIDELINES

The following guidelines and cautions are provided as an aid to effective use of social media. Sloppy use of this means of communication will result in constituents being confused by the information offered, or worse, by receiving a negative impression of the Franciscans. When using social media and other electronic communications, Franciscan organizations — including friars, staff and volunteers — are advised to keep in mind the following:

1. All communication by friars and partners-in-ministry mirrors the Church and the Order. Social media are a global platform. Once something is posted, it is available and visible to anyone in the world who visits that site. Mindful of the public nature of social media, all content should be characterized by charity and should not contradict the vision and mission of our Franciscan way of life. Staff members and ministry volunteers are encouraged to keep in mind these guidelines.
2. All publicly available online information (profile information, postings, updates, and the like) should be consistent with the same professional Codes of Conduct followed in other public areas of ministry.
3. Images (photos, videos and graphics) are powerful. Care should be taken in the selection of the images posted assuring that all photos and videos are appropriate and respectful. Specifically, the following should never be posted:
 - Images that contain any level of nudity
 - Images that are provocative or suggestive
 - Images that contain a child alone or children by them-

selves (with no adult in the photo) unless specifically ministry related and the permission of a parent or guardian has been obtained in line with the policies of your respective province and diocese.

- Images that contain personal or identifying information (names, addresses, phone numbers, license plates, etc.)
 - Images that depict an illegal act or activity
 - Images that contain vulgar symbols or gestures
 - Images that are likely to be offensive to a reasonable person
4. The fact that online information is widely available should always be kept in mind. Though privacy settings are available, very little information can be limited to a small audience. Deleting information, posts, photos and comments is often possible but sometimes difficult. What is posted will be visible for a long time.
 5. Interaction with minors through social media requires caution. Because the safety of children is always our priority in ministry, a few important reminders regarding appropriate interaction with minors through social media should be kept in mind:
 - Be sure to obtain permission from a minor's parent/guardian before contacting the minor via social media or before posting pictures, video, and information that may identify that minor. Frequently, written permission is obtained.
 - Make parents aware if social media are being used by their minor children in relation to your ministry.
 - Save copies of conversations whenever possible, especially those that concern personal sharing. (This may be especially important with text messaging.)
 - Adhere to the policy of your local diocese
 6. Aim to keep posts appropriate, clear, respectful and always characterized by charity.
 7. Be responsible. When in doubt about the content or tone of a post, leave it out. Although the style of social media text is infor-

mal, text should avoid sounding immature or unprofessional.

8. Be mindful that text does not always convey tone. Be cautious in the wording of posts (especially sarcasm meant as humour) since tone can often be misunderstood.
9. Identify yourself: authenticity and transparency are driving factors in the blogosphere and social media. When appropriate, provide your name and your role at your organization when you blog about topics that are related to your mission.
10. Respect the privacy of others. Do not publish or cite personal details and photographs of employees, volunteers, members of a ministry community, etc., without their permission.
11. Always comply with copyright laws and requirements.
12. Post a clear Code of Conduct for visitors to organizational websites and/or social media accounts. Do not allow defamatory, libellous, or slanderous speech. Example: “All posts and comments should be marked by charity and respect for the truth. They should be on topic and presume the good will of other posters. Discussion should take place primarily from a faith perspective. No ads please. Violations to these rules will be deleted.”
13. Monitor postings regularly and remove posts that do not abide by site policy or individual standards. It’s your site/page and you can police it as you see fit.
14. If problems arise with objectionable posts, consider strengthening privacy settings as a way to prevent postings from people whose topics or tone may be objectionable.
15. While anyone is free to create and maintain personal websites and social media content, users should be mindful that even personal sites must reflect Catholic and Franciscan values. It is important to understand that we are witnessing to the faith and to our Franciscan way of life through all social networking, whether organizational or individual. On personal sites like blogs, it is recommended to include a disclaimer, such as “The views ex-

pressed on this site are mine alone and do not necessarily reflect the views of my employer.”

- a. Be careful about online associations. The people and organizations (pages, groups) with whom you connect (“like” or join) convey an image. (Ex: A status update such as “Br. John likes ‘Let’s burn down churches’” would arouse curiosity and probably concern.) On social media sites, be alert to the links on your profile page and what they convey. The image and intent of followers and friends affect one’s own image.
- b. Never disclose confidential information about yourself, individuals or the organizations you serve.

CONCLUSION

The English-speaking Conference of the Order of Friars Minor strongly encourages the use of social media by its members. These tools serve as an effective way to spread the Gospel and our Franciscan spirituality, to make visible the good works that we do in so many places, and to prove to be a valuable way to recruit vocations to our way of life.

By keeping in mind that every post and comment — both text and images — convey an impression of a person, our Franciscan ministry and a province, the posts can be a valuable method of sharing the Gospel. As is attributed to St. Francis, “preach the Gospel and, when necessary, use words.”

Additional information is available from a variety of resources, including:

- Website of the United States Conference of Catholic Bishops, from which sections of this document are based <http://www.usccb.org/about/communications/social-media-guidelines.cfm>
- Pontifical Council for Social Communications, “The Church and the Internet” http://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_20020228_church-internet_en.html
- Praesidium <http://www.praesidiuminc.com/>

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This booklet contains various policies of the Franciscan Friars of Holy Name Province regarding the protection of minors and the creation of a safe environment for all. If you have any questions regarding the content of this booklet, please contact the liaison to the HNP Sexual Misconduct Compliance Board at 646-473-0265.

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