

# **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 has been found to have a reasonable foundation, Holy Name Province will provide counseling and 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.

## 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 life-long 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 lay people 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.

## **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 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 abuse of a minor 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 abuse of a minor by a friar of the Province, the first priority of the Compliance Board is to ensure the safety and protection of the minor child, by making the determination that:

- a. the Provincial Minister has been notified;
- b. the appropriate civil authorities have been contacted;
- c. the local diocese has been informed;
- d. the Provincial Minister has placed the friar accused on administrative leave from pastoral ministry during the time the allegation is under investigation by civil authorities;
- e. 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 contain 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 abuse of minors.

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