

CONGREGATION OF HOLY CROSS

UNITED STATES PROVINCE OF PRIESTS AND BROTHERS



Policy

On Response to
Allegations of
Sexual Abuse
of Minors

United States Province of Priests and Brothers
Congregation of Holy Cross

**POLICY ON RESPONSE TO ALLEGATIONS OF
SEXUAL ABUSE OF MINORS**

Context and Introduction

The United States Province of the Congregation of Holy Cross responds to all allegations of sexual misconduct with great care, especially when it involves the sexual abuse¹ of a minor. We acknowledge that inappropriate sexual conduct by clergy and religious and the mishandling of accusations by bishops and superiors have caused grave pain, anger, confusion and scandal for the faithful of the Church. This policy is for the purpose of protecting all those who are vulnerable, especially children and young people.

On June 14, 2002, the Conference of Catholic Bishops approved *The Charter for the Protection of Children and Young People*. The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons* were accepted by the USCCB on November 13, 2002, and ratified by the Conference of Bishops, December 8, 2002. The *Essential Norms* are particular law for the Catholic Church in the United States, and apply to all Holy Cross members who live and/or work in the United States. On June 17, 2005, the members of the USCCB approved a revised text of the *Essential Norms*. By decree on January 1, 2006, the *recognition* granted to the *Essential Norms* of 2002 was granted to the revised version. The *Essential Norms* of June 17, 2005, obtained force on May 15, 2006.

Since February 1994, the Indiana Province of the Congregation of Holy Cross has followed a *Policy on Sexual Abuse*. The 2003 Provincial Chapter of the Indiana Province approved a *Policy on Response to Allegations of Sexual Abuse of Minors*. The policy was revised and reaffirmed in the 2006 and 2009 Provincial Chapters. Henceforth this same policy has been normative for the United States Province. In 2005, the Eastern Province of the Congregation of Holy Cross contracted with Praesidium, Inc. to review their *Province Policies on Ethics and Integrity in Ministry* and to seek accreditation. The Eastern Province was accredited in 2006, and again in 2009. With the 2011 merger of the Indiana Province and Eastern Province into the United States Province, we contracted with Praesidium, Inc. in early 2012 to engage the new province's membership in an online refresher course. The Provincial Chapter of 2012 recommended that the provincial

¹ Sexual abuse of a minor, as defined by the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons*, includes "sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification." Sexual exploitation includes the sexualization of any pastoral relationship with a minor. It also includes, among other behaviors, the use of child pornography. A minor is defined as any person under the age of 18 years. See Appendix A.

administration pursue accreditation with Praesidium, Inc. for the United States Province. In May 2015, the Provincial Council unanimously approved contracting with Praesidium, Inc., to seek accreditation using the revised *Standards of Accreditation* of 2012 with the amendments of 2013. This present revision of *Policy on Response to Allegations of Sexual Abuse of Minors* was submitted to the Provincial Council of the United States Province for review and approval in March 2017.

As religious of Holy Cross, we are vowed to a life of consecrated chastity, revealing a pure and celibate love for all persons, male or female, young or old, by which we make present in our world God's own universal love. We are called to revere the most vulnerable of society, especially children, young people and vulnerable adults. Thus, we hold ourselves and will be held by others to a very high and inviolable standard of ethical conduct and behavior. All members of the Congregation of Holy Cross, an international apostolic community, are required to abide by the *2015 Ethical Standards of Conduct in the Congregation of Holy Cross*.

Because children and minors, whether pre- or post-pubescent, are legally defined as incapable of consent, they are always assumed not to be free and, therefore, are unwilling partners. Sexual contact with them, no matter how slight, is always and everywhere abusive. Child sexual abuse is a crime in every jurisdiction in which the United States Province ministers.

As ministers of the Church, we may encounter and occasionally be called to assist victims of sexual abuse. Our Constitutions declare that "*our concern for the dignity of every human being as God's cherished child directs our care to victims of every injury: prejudice, famine, warfare, ignorance, infidelity, abuse, natural calamity ...*" (C 2.15). We know the deep scarring that occurs when trust in a parent or authority figure is violated by that authority's sexual misconduct. Sexual abuse of children is violence with tragic repercussions for the victim that often lingers throughout their lives.

We are called to undo the world's violence, not increase it; to heal the broken, not create more victims; to educate in the faith, and not undermine the Church's mission. Sexual abuse of minors is behavior we cannot tolerate. It injures innocent victims, destroys trust and credibility and corrodes the spirit. Its destructive effects expand beyond the victims themselves to many silent bystanders who will often not even know they have been injured for a long time. Then the sense of betrayal is even greater. Sexual abuse of minors by a religious subverts the mission of our whole Congregation and infects the brotherhood with sickness.

The United States Province is committed to the protection of children and young people. Wherever sexual abuse of a minor is alleged, the United States Province pledges to do everything possible to respond with compassion and understanding to the victim, whether still a minor or now an adult. Likewise, if the allegation is acknowledged or proven, with firm, consistent and effective resolve, we will assist the perpetrator to understand his actions, make amends and, where possible, reconcile himself to his

religious vocation. We must walk the journey with him through repentance, healing, forgiveness, and hopefully reconciliation.”²

The goal of this *Policy on Response to Allegations of Sexual Abuse of Minors* of the United States Province is to protect children and young people and enhance the future mission of the United States Province of the Congregation of Holy Cross as a religious community within the Church by:

1. Clearly stating our response to the tragedy and horror of sexual abuse of minors by our religious;
2. Describing the policies and procedures by which we will deal with situations in which a member of the United States Province stands accused of sexual abuse of minors;
3. Offering suggestions for the prevention of child sexual abuse by heightening awareness and increasing accountability in our community life; and
4. Seeking reconciliation and healing for all concerned.

Procedures

The following procedures are established for cases involving accusations of sexual abuse of a minor against a religious priest, brother, seminarian, novice, postulant or collegian of the United States Province:

1. The Province will establish a Review Board appointed by the Provincial Superior with the consent of his Council. The Review Board consists of at least five members, two of which may be members of the Province. The lay men and women of the Board must not be direct employees of the United States Province. Members will serve five year terms which are renewable.

The Review Board is required to meet at least annually. The functions of the Review Board will be (a) to advise the Provincial Superior in the assessment of all allegations of sexual abuse against minors, even anonymous or unspecified reports, and the steps to be taken; (b) to assist him in his determination of suitability for ministry; (c) to review policies of the Province for dealing with sexual abuse; (d) to offer advice on all aspects of these cases, whether retrospectively or prospectively; and (e) annually review all Safety Plans.

² *“Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,”* CMSM Annual Assembly, August 10, 2002.

The Review Board will be a consultative body to confidentially advise the Provincial Superior in the discharge of his responsibilities when allegations of sexual abuse of a minor by a religious arise.

Each district will establish a Review Board by July 2018.

2. All cases involving alleged sexual abuse of a minor must be immediately reported to the appropriate governmental agencies or authorities as well as to the Provincial Superior of the Province.
3. Every member of Holy Cross is a mandatory reporter. It is the responsibility for each member to know and observe the reporting requirements of the state in which they live and/or minister. A mandatory reporter is not required to actually witness the abuse or neglect of a minor. A mandatory reporter is legally required to report knowledge or suspicion of abuse or neglect. The only exception to this requirement is knowledge or suspicion gained through the strict and inviolable *Seal of Confession*.
4. When the Provincial Superior receives an allegation of sexual abuse of a minor, he will immediately report the accusation to appropriate governmental agencies or authorities, either directly or through legal counsel. In all cases of sexual abuse of minors, the Province will cooperate in any investigation by civil authorities. The Province may suspend its own investigation until the completion of any civil or criminal investigation. In every instance, the Province will advise the victim and/or the victim's parents or guardian of their right to make a report to public authorities.
5. Whenever the Provincial Superior receives an allegation of sexual abuse of a minor, he or his designee informs the Review Board, the local Bishop where the misconduct took place and the Bishop where the member is presently residing. The Provincial will keep the Bishop where the misconduct took place apprised periodically of his actions and the eventual outcome of the care of the victim(s) and religious.
6. Whenever the Provincial Superior receives an allegation of sexual abuse of a minor, he informs the Superior General.
7. Whenever the Provincial Superior receives an allegation of sexual abuse of a minor, he or his designee informs the employers where the alleged abuse took place and where the member is currently employed, as appropriate.
8. When an allegation of sexual abuse of a minor is received, the Provincial Superior or his designee will promptly and objectively initiate an Initial Evaluation in harmony with canon law (cc. 1717-1719) with due consideration for other investigatory procedures. The alleged victim and other pertinent parties will be contacted, if possible. The accused member will be informed and given an opportunity to respond to the allegation. The accused member is entitled to civil and canonical counsel and will be promptly notified of the results of the

investigation.³ A report will be made to the Provincial Superior, who will, in turn, share this information with the Review Board and the Provincial Council. All attempts will be made to care for the good reputation of the member during the inquiry.

9. The Provincial may also appoint a competent person to coordinate assistance for the pastoral care of the victim of the alleged abuse. If the Initial Evaluation determines that the allegation is credible, appropriate support for the immediate needs of the victim will be planned expeditiously and with compassion. The offer of counseling will be the first outreach toward any victim that comes forward.
10. When an allegation that sexual abuse of a minor has occurred, the Provincial Superior will immediately remove the accused member from his assignment on a temporary basis (*Can. 1722*) until the investigation is completed. When there is credible evidence of abuse, the Superior General will be updated and the Congregation for the Doctrine of the Faith will be notified on how to proceed.
11. In cases where allegations of sexual abuse of a minor seem credible, whether acknowledged or not by the member, the Provincial Superior may arrange for a psychological assessment of the member by competent professionals and, with their advice, determine what treatment, if any, is necessary and where it shall take place.
12. The member who acknowledges or is found responsible for sexual abuse of a minor will be offered the necessary treatment with an eye towards rehabilitation, which may not, however, include restoration to active ministry in the Church. A member who refuses such treatment may be dismissed from the Congregation.
13. After the assessment and in-patient treatment has been completed, the Provincial Superior, with the advice of the Review Board, will provide the member with a written "Safety Plan," which will detail all restrictions or stipulations on residence and ministry or other work to be imposed temporarily or permanently. A method of accountability for compliance with the plan will be included. Safety Plans are to be reviewed annually by the Province's Review Board and the Provincial Superior.
14. When even a single act of sexual abuse of a minor by a member is admitted or is established after an appropriate process (even without criminal prosecution), the religious will be permanently removed from public ecclesiastical ministry.⁴ If the case so warrants, after appropriate canonical consultation and with the advice of the Review Board and the Provincial Council, the Provincial may institute any and all canonical processes deemed necessary for the protection of the Congregation and the Church. This may warrant dismissal from the Congregation of Holy Cross

³ *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons, Norm 6.*

⁴*Ibid., Norm 8.*

and the clerical state, in compliance with the *Essential Norms* and *Sacramentorum Sanctitatis Tutela*.

15. When any accusation of sexual abuse of a minor is proven to be unfounded, every possible step will be taken to restore the good name and reputation of the member.
16. A member in temporary vows, a novice, a postulant or collegian, who is the subject of an accusation of sexual abuse that is proven to be credible after an investigation, will be dismissed.
17. The Provincial will take great care to assist the people of any apostolate from which a member has been removed, even temporarily, because of an accusation of sexual misconduct. Timely disclosure is especially important in cases of alleged child sexual abuse. Sensitivity to the reputations of those who have made accusations and the member accused is to be considered in making disclosures.

Prevention and Treatment

The United States Province of Holy Cross is committed to the prevention of child sexual abuse through appropriate education and screening, as well as sexual abuse prevention programs for those we serve in ministry. Because of the potentially devastating implications of sexual abuse, everything possible must be done to prevent its occurrence, deal with the problems that arise in accordance with this policy, and heal the wounds caused by the abuse. Though ultimate responsibility for dealing with particular cases of sexual abuse of minors falls to the Provincial Superior, all the members of the Province have a responsibility to keep it from occurring by the way they hold themselves accountable for their personal behavior and relationships.

The United States Province of Holy Cross “will educate its members regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious.”⁵ All members will educate themselves on the following topics: preferential and situational type sexual offenders, self-protection from false allegations, child pornography, vulnerable adults, mandatory reporting and how to make a report to civil authorities of known or suspected sexual abuse of a minor.

As fellow religious, we have obligations to the common good and to the welfare of one another. If anyone is concerned about inappropriate thoughts or unhealthy attraction toward children, he is urged to seek help outside the internal forum. Psychological counseling and therapy are available to all members.

Among the behaviors which must cause us to seek help for ourselves is the use of child pornography. Child pornography cannot be produced except by sexually abusing

⁵ *Instruments of Hope and Healing, Safeguarding Children and Young People, CMSM, Standard 5.*

children. Use of such pornographic material, including viewing child pornography via internet sources, participates in sexual violence against children.

In the pastoral setting, a member should not spend excessive time alone with minors or pay undue attention to children or adolescents beyond the requirements of his ministry. If we observe a fellow member involved in such questionable behavior with minors, we have a responsibility to question him directly and fraternally. Inappropriate behaviors with minors are described in the “*Standards of Behavior for Holy Cross Religious*,” in *Appendix D*. If we are concerned that a fellow member is engaged in a pastoral relationship which is at risk for becoming exploitative or which appears to involve “grooming,” even unconsciously, for future exploitation, the member must be questioned and we must share our concerns with the local superior or Provincial Superior. Thereby, we might assist a fellow member before he engages in serious criminal action, violating the young and burdening the Church and community by this scandal.

In any instances when we have reason to believe that child sexual abuse has occurred, we must immediately inform the Provincial Superior and the appropriate governmental agencies or authorities. As stated previously, all members must know and observe the mandatory reporting requirements of the state in which they live and minister.

Every effort will continue to be made to screen individuals seeking to join the United States Province for potential problems and the United States Province will keep abreast of new screening tools. Screening is one of the most developed areas of sexual abuse prevention. The Vocation Office will maintain the highest standards of due diligence to ensure adequate screening of applicants for potential sexual misconduct.⁶ The guidelines for screening will be reviewed and updated on a regular basis in consultation with the United States Province Formation Committee.

While those found responsible for child sexual abuse may not, under the *Essential Norms*, be returned to public ministry, treatment for these individuals is critical. At every step of treatment, however, the goal in the treatment process is therapeutic, not punitive. Every effort will be made to work with the member and others concerned in this spirit.

Healing and Reconciliation

The damage resulting from sexual abuse of minors is widespread. Healing in such situations must, therefore, take into account all of those affected: the victim, the offender, the communities in which the abuse took place and our religious brotherhood in Holy Cross. Beyond prevention and treatment, and even when the life-changing consequences of a violation cannot be changed, we, as believers in a Lord who came to reconcile the world, hold out hope for, and work toward, reconciliation in every situation. We hope that healing and reconciliation will involve the restoration of the faith of the victim and the renewal of trust in the Church, her priests, religious, those discerning a vocation to religious life in Holy Cross and her ecclesiastical ministry will be reinvigorated.

⁶ Ibid., *Standard 1*.

Appendix A

Sexual Abuse of Minors

The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, established by the USCCB, explains the offense of sexual abuse of a minor as understood in accord with the provisions of *Sacramentorum Sanctitatis Tutela (SST)*, article 6, which reads:

§ 1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1°. the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2°. the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology.⁷

“Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (Code of Canon Law, c. 1395, §2). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (Code of Canon Law, c. 1395, §2) need not be a complete act of intercourse. Nor to be objectively grave, does an act need to involve force, physical contact, or a discernable harmful outcome. Moreover, ‘imputability [moral responsibility] for a canonical offense is presumed upon an external violation ... unless it is otherwise apparent’ (Code of Canon Law, c. 1321, §3, cc. 1322-1327). If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/ eparch, with the advice of a qualified Review Board, to determine the gravity of the alleged act.”⁸

⁷ *Sacramentorum Sanctitatis Tutela (SST)*, Article 6.

⁸ USCCB *Charter for the Protection of Minors and Young People, 2002, Preamble and Article 1.*

Appendix B

Child Pornography

The Congregation for the Doctrine of the Faith (CDF) states that illegal involvement with child pornography is a grave delict to be included under *Sacramentorum Sanctitatis Tutela (SST)*. It is a grave delict because creating a market for such pornography directly contributes to child abuse and exploitation. Pornography of children is an injury to the broader community's value of human life. There is no specific canonical standard establishing which child pornography cases should be sent, but where a civil legal case has been pursued, such facts would warrant review by CDF as outlined in *SST*.

Sacramentorum Sanctitatis Tutela describes this grave delict as, "the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology." In the United States and most other jurisdictions, a minor is defined as anyone under the age of eighteen. In the United States, it is a federal crime to possess any type of child pornography. All members knowing of a violation of this law are obliged to report it to the proper authorities.⁹

⁹ *Revised Guide to the Implementation of the U. S. Bishops' Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, and Sacramentorum Sanctitatis Tutela, 2010.*

Appendix C

Electronic Communication Policy

As members of the Congregation of Holy Cross we limit our use of social media.

“We avoid what are—or what can be seen as—boundary violations in the use of social media. Members are encouraged to participate in the social media and online discussion groups sponsored by their ministries. Many ministries strictly limit or totally prohibit social media contact; therefore, members are to observe all rules about the use of social media set forth in their own apostolic, diocesan and congregational settings.

We do not have contact with minors, including those served in ministry, through our own or the minor’s personal social networking, or communication sites (e.g. Facebook, Twitter, Tumblr, Snapchat, Instagram, Skype, blogging and similar forms of social media). Members with personal profiles on social networking sites may not request to be friends with or approve friend requests from minors who are not immediate family members.

We exercise great discretion when communicating online with adult members of our ministry community—for example, coworkers, employees, adults served in ministry, parents, volunteers, etc.

We remember that, once sent, emails, photos, Twitter phrases, and chat room conversations cannot be recalled, nor do they eventually disappear. They continue to exist somewhere in cyberspace. Records of visits to all Internet sites, even if nothing is downloaded, are maintained by the Internet provider and by the websites contacted, sometimes for months or years. Government agencies can subpoena this information. Some ministries reserve the right to review the content of a computer provided by the institution or ministry. Hackers can gain access to this information.”¹⁰

For vocations purposes, authorized personnel may contact minors if a "parent/guardian permission form" is on file.

¹⁰ *Ethical Standards of Conduct in the Congregation of Holy Cross*, February 17, 2015, p. 12.

Appendix D

Standards of Behavior for Holy Cross Members

The following behaviors are listed as minimal standards of behavior which provide guidelines for appropriate demeanor in ministering to children and adolescents. It is not an exhaustive list and does not exempt the member from making prudent judgments in every particular situation. Cultural differences in other countries may suggest variances to these standards. These standards also apply to minors who are members of one's extended family.¹¹

1. Members do not place ourselves in the position of being unable to exercise good judgment, perform our ministry or fulfill our community obligations due to our consumption of alcohol.¹²
2. Members do not possess, distribute, or partake in any illegal drug or narcotic. We do not abuse prescription drugs.¹³
3. Members may occasionally be in a position to provide transportation for minors. While we assume prudence and good judgement on the part of all members, the following guidelines should be observed:
 - a. A guiding principle is one should never be alone with a minor.
 - b. Minors should never be transported alone.
 - c. Except for the spontaneous, casual ride, minors should never be transported without written permission. Parents should be notified, however, prior to the ride.
 - d. Minors should be transported directly to their destination. No unauthorized stops should be made.
 - e. Unnecessary and/or inappropriate physical contact while in the vehicles must be avoided, such as having a child sit on one's lap.
4. Members must never be nude in the presence of minors. Changing and showering arrangements for members must be separate from facilities for minors.
5. Members are prohibited from engaging in any sexually oriented conversations with minors.

¹¹ *Instruments of Hope and Healing, Safeguarding Children and Young People, CMSM, Standard 4, Requirement 3*

¹² *Ethical Standards of Conduct in the Congregation of Holy Cross, February 17, 2015, p. 8.*

¹³ *Ibid., p.10*

6. Members are prohibited from possessing any sexually oriented or morally inappropriate printed or electronic materials (magazines, cards, videos, films, clothing, internet pornography, etc.), especially in the presence of minors.
7. Members are prohibited from sleeping in the same beds, sleeping bags or small tents with minors. When the sleeping quarters are the same, a member should always have another adult present.
8. Houses used for residences of religious should “Provide some measure of domestic privacy where we can be at home among ourselves and find an enclosure of silence, prayer, recreation, study and rest.”¹⁴ With the exception of occasional visits with immediate family members, minors are not permitted to be overnight guests in the religious residence. At no time may a minor be alone in the room of a member. If a religious house has separate quarters for visiting family members, minors must be accompanied at all times by their parents or another adult family member.
9. Physical contact with minors:
 - A. Appropriate affection between a member and those we serve in ministry, including minors, is a positive part of Church life. These are some appropriate examples:
 - Side hugs or shoulder-to-shoulder hugs
 - Pats on the shoulders or back
 - Hand shakes
 - “High fives” and hand slaps
 - Verbal praise
 - Arms around shoulders
 - Sitting beside small children
 - Kneeling or bending down for hugs with small children
 - Pats on the head when culturally appropriate
 - B. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors (grooming). These examples must be avoided by members:
 - Inappropriate or lengthy embraces
 - Kissing on the mouth
 - Touching bottoms, chests or genital areas
 - Showing affection in isolated areas
 - Sleeping in or lying on a bed with a minor
 - Wrestling or “rough housing” with minors
 - Tickling
 - Any type of massage
 - Any form of unwanted affection
 - Inappropriate compliments that relate to physique or body development

¹⁴ *Constitutions of the Congregation of Holy Cross on Brotherhood, Constitution 4, #39.*

Appendix E

Pastoral Outreach Coordinator

The Provincial Superior of the United States Province has assigned the Provincial Vicar, as the contact person responsible for assisting and dealing with victims of sexual abuse. As the Pastoral Outreach Coordinator the Provincial Vicar is responsible for pastorally responding to the alleged victim and his/her family. He does not act as a therapist, attorney, or spiritual director, but listens, offers compassion and seeks to facilitate healing. His primary role is to accompany the alleged victim through the process of reporting and investigation, offering pastoral care and the face of Holy Cross.

This role necessitates an understanding and sensitivity to the impacts of sexual abuse, particularly minors. The Pastoral Outreach Coordinator maintains a professional relationship with the alleged victim and/or family and does not act officially. His role, like the Review Board, is advisory to the Provincial Superior.

The responsibilities of the Pastoral Outreach Coordinator include the following:

1. To listen with respect and compassion to the alleged victim and/or family;
2. To offer support and professional resources to the alleged victim, the victim's family and other affected persons, as well as assisting with referrals to therapists and/or support groups;
3. To explain to the alleged victim, the United States Province's response and protocol to the allegation(s) raised;
4. To offer to be present during meetings between the alleged victim and/or family and representatives of the United States Province as appropriate;
5. To coordinate all communications between the alleged victim and/or family and the United States Province, keeping all parties apprised of developments in the case.

Appendix F

Sexual Misconduct

Maintaining Boundaries in Ministerial Relationships

The United States Province of the Congregation of Holy Cross recognizes that sexual misconduct by its members has devastating consequences for victims and their families, for the lay and religious communities involved, for the Universal Church, for Holy Cross and for the offender. We have become increasingly aware of the effects of this tragic behavior and have developed a steadfast commitment to helping those affected.

These guidelines are intended to provide basic information on (1) how the United States Province of Holy Cross defines sexual misconduct within ministerial relationships, (2) what its procedures are for responding to complaints of sexually inappropriate behavior, and (3) to whom those subjected to sexual misconduct can turn for help.

Sexual Misconduct in a Ministerial Relationship

A ministerial relationship is one in which a person receives pastoral care from a member of Holy Cross, including:

- Clergy
- Members of religious communities
- Spiritual directors and pastoral counselors

Sexual misconduct is a general term that encompasses sexual harassment, sexual exploitation, and sexual abuse.

Sexual harassment is defined as unwanted sexualized conduct or language between co-workers in a ministerial or church setting. It may include, but is not limited to:

- Unsolicited sexual advances and propositions
- The use of sexually degrading words to describe an individual's body
- The telling of inappropriate or sexually-charged jokes
- Retaliation against a co-worker who refuses sexual advances
- Offers of preferential treatment such as promotions, positive performance evaluations, or favorably assigned duties or shifts in exchange for sexual favors

Sexual exploitation consists of sexual contact between a religious and a person receiving pastoral care.

Sexual abuse is sexual contact between a religious and minor or vulnerable adult.

Sexual exploitation or sexual abuse can include physical contact or actions such as:

- Sexual touch or other unwanted physical contact that makes the person being touched feel uncomfortable
- Giving a sexually suggestive gift
- A prolonged hug when a brief hug is customary behavior
- Kissing on the lips when a kiss on the cheek would be appropriate
- Showing sexually suggestive objects or pornography
- Masturbation, sexual intercourse, anal, or oral sex

Sexual exploitation or sexual abuse can also include verbal behavior such as:

- Innuendo or sexual talk
- Suggestive comments
- Descriptions of sexual experiences, fantasies, or conflicts
- Sexual propositions

For the United States Province sexual misconduct—whether harassment, exploitation, or abuse—by members of Holy Cross, employees, and volunteers is contrary to Catholic morals, doctrine, and canon law. It is never acceptable in a pastoral relationship with a parishioner, employee, spiritual directee, counseling client, or anyone who has sought the Church's ministry.

It is not uncommon for those who seek the Church's ministry to feel attracted to a religious or to be flattered by his attention. A layperson's attraction to a religious or enjoyment in being the object of his sexual interest does not excuse any form of sexual misconduct on the member's part. It is entirely the responsibility of the religious to maintain appropriate emotional and sexual boundaries with those with whom he works and/or serves.

Appendix G

How the United States Province of Holy Cross Responds to Complaints of Sexual Misconduct

The United States Province responds to all allegations of sexual misconduct with great care. To ensure that we handle each instance promptly, thoroughly, and compassionately, the United States Provincial Superior has appointed the First Assistant and Provincial Vicar as the Victim Assistance Coordinator of the Province. The Victim Assistance Coordinator will respond promptly and pastorally to listen, understand, and offer assistance, including appropriate psychological counseling for those affected by a member's misconduct.

The United States Province, through the Victim Assistance Coordinator and independent investigators, will respond swiftly to evaluate and investigate any accusation of sexual misconduct by a member. If the conduct involves a minor, the United States Province will follow the guidelines spelled out in the *“Protocol for Investigation: Allegations of Sexual Abuse of a Minor.”* The United States Province, consistent with the directives of the Catholic Bishop's *Charter for the Protection of Children and Young People*, has established the United States Province Review Board. This interdisciplinary board of lay professionals advises the Provincial Superior on all matters related to sexual abuse of minors.

Any member who has engaged in the sexual abuse of a minor will be removed from public ministry. He will be provided appropriate psychological treatment and risk assessment specific for offenders and a rigorous relapse prevention program. Following risk assessment, the Provincial Superior, with the advice of his Provincial Council, the Review Board, canonical and legal counsel, and others as appropriate, will decide what further steps need to be taken with the member ranging from internal ministry and supervision for the rest of his life, to the seeking of dispensation or canonical dismissal.

Preventing Sexual Misconduct

In addition to establishing procedures for responding to sexual misconduct, the United States Province has undertaken a series of measures to prevent incidents of abuse. These include extensive mandatory psychological evaluation of candidates before they enter formation and the provision of continuing education programs for members about issues of sexuality and personal conduct. The United States Province “will educate its members regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious.”¹⁵

¹⁵ *Instruments of Hope and Healing, Safeguarding Children and Young People, CMSM, 2016 Standards for Accreditation, Standard 5.*

Conclusion

Members of Holy Cross must maintain appropriate boundaries with laypersons in order to preserve the integrity of the ministerial relationship. Moreover, we call upon those with knowledge of a member's inappropriate behavior, whether past or present, to come forward with this information so innocent victims may be spared from further harm. We ask everyone to join with us to protect the safety of all women, men, and especially children, with firm determination to promote healing where there is pain.

Where to Turn for Help

If you or someone you know believes a member of Holy Cross has violated the boundaries outlined in this policy, we urge you to report such behavior immediately to the Provincial Superior, and/or the Provincial Vicar. The case will be handled with the strictest sensitivity and confidentiality. This is the contact information for the United States Province of Holy Cross:

Office of the Provincial Superior

P.O. Box 1064

Notre Dame, IN 46556

(574) 631-6196

Office of the Provincial Vicar

Pastoral Outreach Coordinator

P.O. Box 1064

Notre Dame, IN 46556

(574) 631-6196

March 24, 2017

