

# Policy Regarding Ethical Ministry to Minors

**Dominicans, Province of St. Albert the Great, U.S.A.**

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**Acta #86** of the Provincial Chapter of 1990 mandated that the *Policy Regarding Child Sexual Abuse* be appended to the **Acta** [see: Appendix IX, pp.163-167]. The Chapter of

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1994 [Acta #95.1] commissioned the Prior Provincial and his Council to review or update this policy. Accordingly, this policy was revised as the *Policy Regarding Sexual Abuse of Minors* and was approved by the Provincial Council on June 2, 1995, together with *Protocols for Ministering to Minors*.<sup>1</sup> Acta # 133 of the Provincial Chapter of 1999 reaffirmed the policy and protocols [#6 of **Provincial Policies, Statements and Guidelines of the Province of St. Albert the Great** (1999), pp.25-33]. In March, 2002, the Provincial Council began a process of revision and updating, which led to the policy published on 28 March 2003. In light of the requirements of the pending Praesidium Audit in 2006, the Provincial Council once again revised the policy on September 16, 2005, including the incorporation of the document *the Protocols for Ministering to Minors*, adapted from the Diocese of Lafayette-Indiana, and recommended by the Provincial Council on June 2, 1995. The Policy underwent two minor revisions on June 15, 2006, in order to bring the document into full compliance with the Praesidium standards as set forth in the *Praesidium Accreditation Report: Preliminary Findings*, issued on June 14, 2006.

1. The primary concern in formulating this policy regarding sexual abuse of minors is the welfare of the young people to whom we minister. Sexual abuse of minors is abhorrent and the Province will not tolerate such misconduct by one of its friars. The Province is committed to taking appropriate steps to mitigate the destructive effects of the abuse on a victim, the victim's family, and the church community.
2. The Province is likewise committed to treating justly any friar who is accused of the sexual abuse of a minor.
3. The procedures described in this Policy are intended to provide for a prompt response to all allegations of sexual misconduct with a minor brought against its friars.

### Definition of Sexual Abuse

4. As used in this policy, sexual abuse means any sexual or sexualized conduct or contact, whether consensual or non-consensual, with a minor,<sup>1</sup> including any attempt to engage in such activity.

### Standards of Conduct

5. Minors should always be viewed, whether in a social or ministerial situation, as the "restricted individuals" they are, that is, they are not independent with the ability to make unfettered decisions of their own. Wherever they are and whatever they do should be with the explicit knowledge of their parents or guardians. Also, they are subject to specific laws in their own proper state and city, which may prohibit certain activities. For this reason, caution and professional attitudes are to be observed in all interactions with minors.

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<sup>1</sup>As used in this policy, a minor means one who is/was under 18 years of age when the sexual abuse occurred.

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6. A friar should always be aware of the “power” of his role/position. This can be a very seductive force in ministering to minors. Moreover, a friar should take care to avoid the trap of “father figure.” This tends to create an excessive emotional attachment for all parties.
7. A friar must recognize that on occasion he may become emotionally attached to a minor or a minor may become emotionally attached to him. When such attachment occurs, the friar must exercise greater vigilance than normal with regard to his personal and ministerial conduct, be even more attentive to maintaining all professional and pastoral boundaries, and in some instances request to be relieved from the responsibility of ministering to the minor in question.
8. A friar must understand that any erotic attraction toward a minor is a clear symptom of serious sexual dysfunction. Between such dysfunction and a friar’s sexual orientation it must be remembered that there is no established nexus.
9. Above all, reflection on the words of Christ regarding children are a healthy meditation for any friar involved in ministry with children. (Mt. 18:6; Mk. 9:42; Lk. 17:2; Mk. 10:13-16).
10. For these reasons, a friar who ministers to minors should make certain that:
  - a. another adult is present in every situation involving a minor, excluding sacramental confession and individual counseling or therapy;
  - b. doors are left open and interiors remain visible, including sacristies, when a minor is present;
  - c. participation in or supervision of games or sports activities takes place only in the presence of another adult;
  - d. on overnight or day trips with minors, the written consent of the parent or guardian of every minor has been previously obtained; and
  - e. on overnight or day trips with minors a sufficient number of adult chaperons have been procured.

### *Prohibited Behaviors*

11. A friar must make certain that he:
  - a. never is alone with a minor in a priory, in a house, or in a closed room;
  - b. never brings a minor into his bedroom or into the private quarters of a priory or house, but limits all meetings to the public areas of our residences;
  - c. never allows a minor to work in a priory or house of the province unless another adult is also present;
  - d. never is present as the only adult in a locker room or other dressing areas when minors are using such facilities;

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- e. never is nude or in a state of undress in the presence of a minor;
- f. never photographs a minor who is nude or in a state of undress;
- g. never is alone with a minor on an overnight trip;
- h. never stays overnight in the same room or in a tent with a minor, even if there are two beds or two sleeping bags;
- i. never serves or supplies alcohol, illegal drugs, or any controlled substance to minors;
- k. never consumes alcohol or illegal drugs while supervising minors; and
- l. never possesses or uses in the presence of a minor pornographic, sexually explicit or morally inappropriate materials, including magazines, videos, films, DVDs, computer software, websites, games, recordings, etc, or encourages a minor to possess or use such materials.

### *Prohibited Speech and Physical Contact*

- 12. A friar must make certain that he:
  - a. never makes comments of a sexual nature in the presence of a minor, unless in answer to a specific question and in a manner that is appropriately and professionally phrased;
  - b. never introduces topics or vocabulary in the presence of minors that could not also be used comfortably in the presence of parents or another adult.
  - c. never tickles or wrestles with a minor;
  - d. never gives a massage to a minor or receives one from a minor;
  - e. never kisses a minor on the lips; and
  - f. never engages in sexual contact with a minor, defined for purposes of this policy as vaginal intercourse, anal intercourse, oral intercourse, or the touching of an erogenous zone of another for the purpose of sexually arousing or gratifying either person.

### *Counseling Minors*

- 13. A friar who offers pastoral counseling to a minor must make certain that:
  - a. counseling takes place in the public portion of the priory or house, never in the bedroom quarters;
  - b. the office door has a window or the door has been left open during

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- counseling;
- c. during the counseling session another adult is in close proximity, if possible;
- d. parents or guardians are present or aware of the session, unless the subject matter precludes it;
- e. the relationship remains professional during the sessions;
- f. any personal or physical attraction to or from the minor is recognized and acknowledged and that the minor is then referred to another friar or to a licensed professional;
- g. an evaluation is made with the parents or guardians, an adviser or licensed professional, if the counseling entails more than two sessions;
- h. careful boundaries are observed at all times with regard to physical contact, and that any such contacts are not initiated by the friar; and
- i. the sacrament of reconciliation is ordinarily celebrated in church, at a place so designated for this purpose.

### *Positive Behaviors That Are Customarily (But Not Always) Regarded as Appropriate*

14. Appropriate affection between a friar and the minors he serves in ministry constitutes a positive dimension of Church life and pastoral care. Nonetheless, any touching can be misunderstood and must be considered with great discretion.

Depending on the circumstances, it may be appropriate for a friar to engage in the following affirming behaviors with a minor:

- a. verbal praise;
- b. handshakes;
- c. pats on the shoulder or back;
- d. “high-fives” and hand slapping;
- e. holding hands while walking with a small child;
- f. hugs in the presence of the minor’s parents or another adult; and
- g. holding hands during prayer.

### *Cautions*

15. A friar who ministers to minors is often vulnerable to situations in which boundaries

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can become blurred so as to increase the risk of their violation. To protect himself, the friar must exercise the necessary caution by making certain that:

- a. any strong attraction to a minor, any powerful desire for the companionship of a particular minor, or any urge to frequently visit minors is carefully and objectively examined by him and preferably by a “sponsor”/mentor or mental health professional;
- b. minors are not regarded or treated as peers. In the event that the friar does relate to minors as peers, he should be assessed by a professional therapist, and if it is recommended, enter into counseling;
- c. fraternal support and communal activities are fostered among his fellow friars, with every effort being made to strengthen such bonds of brotherhood; and
- d. a strong spiritual and interior life is cultivated with an emphasis upon personal prayer, in the absence of which unhealthy, inappropriate, or sinful expressions of human intimacy too often arise.

### **Responsibility of Friars to Inform the Prior Provincial<sup>2</sup>**

16. Any friar who has engaged in the sexual abuse of a minor or believes that he is at risk of engaging in such conduct is encouraged to contact without delay the Prior Provincial, who shall take such steps as are necessary for the protection of children.
17. In the event that any friar learns of or reasonably suspects that another friar has engaged in sexual conduct with a minor or has violated one of the boundaries that should be maintained with minors, he shall immediately bring the matter to the attention of the Prior Provincial so that appropriate interventions may be made.
18. Any friar who believes that a situation has arisen in which he may be falsely accused of sexual abuse of a minor should discuss this immediately with the Prior Provincial and another member of the provincial team.

### **Responding to an Allegation**

#### *Preliminary Investigation*

19. Whenever the Prior Provincial learns of an allegation of sexual abuse by a friar he shall in consultation with his advisors arrange immediately for a preliminary investigation of the allegation.<sup>3</sup> Initially he should try to obtain the name of the alleged victim, the

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<sup>2</sup>Wherever the title Prior Provincial is found in this Policy, it is understood as also including his Socius and Vicar Provincial(s).

<sup>3</sup>The Prior Provincial may designate his Vicar(s), another friar, or someone outside the Province to conduct this investigation. Should the Prior Provincial himself be the friar accused,

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age, address and telephone number of the alleged victim, the name of the alleged perpetrator, the nature of the alleged abuse, as well as the date and place. Some or all of the following procedures may be implemented:

- a. The Prior Provincial in consultation with his advisors will contact the minor's parents or guardians, both to obtain additional information concerning the basis for the allegation and to provide pastoral support and any other assistance he deems appropriate. The Prior Provincial shall also notify the Sexual Misconduct Review Board that an allegation has been made. In instances where the reported victim is no longer a minor, the Prior Provincial may meet with the victim directly for these purposes.
- b. The Prior Provincial will meet with the accused friar to inform him of the allegation. The Prior Provincial will inform the accused friar of his right to seek canonical and civil counsel before any further conversation between them takes place. When appropriate, he will assist the accused friar in obtaining legal counsel distinct from that of the Province to advise him of his rights and provide independent representation in any civil or criminal proceedings that may arise.

Where the allegation appears to be serious and credible, the Prior Provincial in consultation with his advisors shall direct the accused friar to cease all public ministry and may direct the accused friar to move from his place of residence to a place of temporary residence to be determined by the Prior Provincial while the allegation is being investigated. Such measures are a matter of prudence and reflect the seriousness with which such allegations are regarded. They are not intended to, and do not, indicate any judgment on the part of the Prior Provincial or his advisors as to the accused friar's guilt or innocence.

- c. If necessary in order to determine whether the accusation is credible, the Prior Provincial is to meet with other persons likely to have information relating to the alleged abuse.

### *Action Following the Preliminary Investigation*

20. If the friar admits the truth of the allegation, the Prior Provincial:
  - a. shall remove the friar from all public ministry;
  - b. shall notify the local ordinary of the place where the abuse occurred;
  - c. shall notify the local ordinary of the place where the friar has been currently ministering;
  - d. shall notify all appropriate civil authorities; and
  - e. shall provide an appropriate medical and psychological evaluation for the friar.
21. If the friar denies the allegation, the Prior Provincial shall refer the matter to the Provincial Sexual Misconduct Review Board. In this case the Review Board shall<sup>4</sup>:

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the Socius of the Provincial shall arrange for the investigation.

<sup>4</sup>These four steps were taken from **Sexual Misconduct Policy of the Western Dominican Province**, October 3, 2002.

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- a. suggest the appropriate course the investigation should take;
- b. see that all necessary interviews are conducted;
- c. after reviewing the results of the investigation, offer an opinion as to whether the allegation is supported by the weight of the evidence; and
- d. recommend all appropriate action to be taken, including whether the accused friar should be restricted in or removed from ministry (or restored to ministry, if such restriction or removal has already taken place).

The Review Board shall make its report and its recommendations to the Prior Provincial, who shall then make the final determination regarding the appropriate action(s) to be taken.

22. Should the Review Board conclude that the allegation is sustained, the Prior Provincial shall take the following or other actions as deemed appropriate:
  - a. removal of the friar from all public ministry;
  - b. notification of the local ordinary of the place where the alleged abuse occurred;
  - c. notification of the local ordinary of the place where the friar has been currently ministering;
  - d. notification of all appropriate civil authorities; and
  - e. provision for an appropriate medical and psychological evaluation for the friar.
23. The Prior Provincial shall see to it that the purported victim and the accused friar are apprised of the disposition of the allegation.
24. The Prior Provincial will report all credible allegations of sexual abuse of minors to civil authorities and will cooperate with law enforcement agencies and authorities. If civil authorities are investigating the matter, the Prior Provincial is to avoid interfering with the investigation.
25. A friar must report to civil authorities all known or suspected sexual abuse of someone who is currently a minor, even if the known or suspected abuse is by an individual who is not a member of the Province. The friar must further comply with all of the reporting requirements of the civil jurisdiction where the sexual abuse of a minor is alleged to have occurred, even when the alleged victim is no longer a minor. In the event that the alleged perpetrator is a friar of the Province, the Prior Provincial should also be informed immediately about the alleged abuse.

### **Pastoral Care of a Victim**

26. The Prior Provincial shall arrange for the pastoral care of a victim.<sup>5</sup> He shall meet

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<sup>5</sup>Whenever the Prior Provincial is mentioned in regard to the pastoral care of a victim, it is understood that such care may be carried out by another friar or some other person or agency.

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with the parents or guardians of the abused minor as soon as possible after the incident has occurred in order to allay their concerns and fears and shall assure them of immediate action and understanding. He shall assure the family that the Province does not condone the act, that appropriate action is being taken, and that the Province will provide for needed psychological intervention for the victim. There should be appropriate pastoral follow-up with the victim and/or the victim's family. The Prior Provincial will determine the appropriate contact with the victim and the victim's family. If the victim is no longer a minor, the Prior Provincial shall meet with the victim directly.

### **Pastoral Care of a Parish/Institution**

27. The Prior Provincial shall arrange for any pastoral care required for the parish or institution in which the abuse occurred. This shall be done in conjunction with the appropriate office/personnel of the diocese in which the abuse occurred. In particular, he shall communicate with the pastor of the parish or the director of the ministry at which the abuse occurred, as well as with the local superior of the Dominican community to which the alleged perpetrator would have been assigned at the time of the abuse, as well as with anyone else whom the provincial deems it necessary to communicate.

### **Provincial Sexual Misconduct Review Board**

28. The Provincial Sexual Misconduct Review Board (Review Board) shall consist of five members appointed by the Prior Provincial, the majority of whom shall be lay persons who are not in the employ of the Province; at least one member shall be a friar who will serve as Chair of the Review Board and, if possible, at least one member shall be a lay professional charged with the care of children, and at least two shall be women. The members shall be appointed for a term of five years, which can be renewed.
29. The functions of this Review Board shall include:<sup>6</sup>
  - a. advising the Prior Provincial in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
  - b. evaluating periodically all pending cases and allegations against friars of the Province;
  - c. offering advice on all aspects of such cases;
  - d. examining provincial policies that deal with sexual abuse of minors;
  - e. reviewing annually the kind of supervision and restrictions required of friars who have been removed from ministry because of sexual abuse of a minor; and
  - f. providing consultation to the prior provincial about the kind of work that would be appropriate for a friar who has been removed from ministry because of sexual abuse of a minor.

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<sup>6</sup>See: **Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons** (November 13, 2002), #4.

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### **Admissions, Initial and Continuing Formation**

30. The Director of Vocations will see to it that every candidate to the Order undergoes a criminal background check before he appears before the Admissions Board of the Province. Moreover, the Director of Vocations will specifically inquire of every such candidate about any history or incidence of sexual abuse of minors.
31. As a regular part of the preparation for participating in the admissions process, the members of the Admissions Board shall be educated about the sexual abuse of minors in order to understand what factors make a candidate a high risk or potential abuser.
32. Local formation personnel have a responsibility to provide friars in initial formation with resources for spiritual, personal, and psycho-sexual development, as well as input on professional and sexual boundary issues. The Master of Students shall see that an annual presentation on these issues is made to the students and the Master of Novices shall see to the same for the novices. Any substantiated allegation of abuse of a minor against a friar in initial formation will lead to his dismissal.
33. The Province recognizes the need for our own continuing education with respect to the many aspects of human sexuality as well as sexual misconduct, including the clinical, legal, and pastoral issues related to sexual abuse and exploitation of minors. In addition to each friar's own responsibility for continuing education in these areas, the Province will continue to make resources available. Each friar is responsible for knowing the reporting laws in the state and also the policy of the diocese in which he ministers. Each friar and institution within the Province shall abide by the policies of their respective dioceses.