

# **MISSIONARIES OF OUR LADY OF LA SALETTE**

Province of Mary Mother of the Americas

## **Province Policies for Maintaining Ethical Standards with Minors**

Revised November 2021

### **Introduction:**

#### **In the Rule of Life of the Missionaries of Our Lady of La Salette, we read:**

Our Congregation is called to be a sign and instrument of the work of Reconciliation accomplished by Christ and with which Mary, as she reminds us in her Apparition, is so closely associated. Drawing our inspiration from the message of Our Lady of La Salette, we dedicate ourselves to... the struggle against those evils which now compromise the salvific plan of God and the dignity of the human person. (No. 22-23)

#### **The Vision Statement of the Province of Mary Mother of the Americas states:**

We seek to mend relationships in need of healing.

One of the greatest evils of our day, and where relationships are most in need of healing, is the sexual abuse of minors and vulnerable adults. As a Province, we must respond effectively.

As Religious, we began to respond to this challenge years ago by joining with other members of CMSM and engaging in a lengthy program of education and training around the subject of sexual abuse of minors, titled "Instruments of Hope and Healing." These Policies are a result of that program and our own subsequent reflection.

**The following policies**, therefore, express our commitment to the safety and well-being of minors and vulnerable adults with whom we may have dealings in our ministry, our communities, and our personal lives. They are scrutinized when we undergo an onsite audit every three years.

They reflect the following documents:

*Charter for the Protection of Children and Young People (USCCB)*

*Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (USCCB)*

*2019 Apostolic Letter Vos estis lux mundi (Pope Francis)*

*2019 Orientamenti della Congregazione dei Missionari de Nostra Signora de La Salette sugli abusi sessuali (General Council of the Missionaries of Our Lady of La Salette)*

It is clear that the abuse and neglect of minors are contrary to the teaching of the Church and are prohibited. We La Salette Missionaries carry this awareness in a special way. We have always interpreted Our Lady's appearing to two children to mean that we have a special care in our ministry for those who are poor and vulnerable. Our Lady further specified her care for children when she noted how they in particular would suffer should her people not be converted. Finally, we have always interpreted her call to make the message known "to all my people" in the widest sense, and so our ministries have been undertaken with that in mind. Whether as individuals or families, people have been welcomed at our parishes, shrines and retreat houses as we proclaim a message of reconciliation and healing. The poor and vulnerable come to be healed, to experience compassion and care, not to be abused. To be abused in the face of neediness is a terrible subversion of the ministerial relationship. These Policies are one way we seek to avoid, prevent and respond to the sexual abuse of minors.

## **Definitions:**

Throughout this document the term "minor" means: any person under the age of eighteen, or who is considered by law to be the equivalent of a minor. It also includes "vulnerable adult," which means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their capacity of understanding or of will or, in any way, of resisting the offence (Cf. *Vos estis lux mundi*, Art. 1, § 2).

The term Member refers to any member of the Province, whether Professed, Oblate, Novice or in a formal pre-novitiate program, as well as La Salette Missionaries from other Provinces serving in ministries of our Province. When the Policies make reference to the Provincial Superior, it is understood that his official stand-in (Vicar Provincial and then the Second Assistant) is meant when the Provincial is unavailable.

**Note: La Salette Missionaries from other Provinces, who are working in the United States but not in ministries of Mary Mother of the Americas Province, are not included in this policy, unless but are under the exclusive supervision of their respective Major Superiors. If, however, MMA Province has provided them with letters of suitability, those Missionaries will be expected to abide by these policies.**

Let us continue to be responsible and accountable in our ministry, **mindful of Jesus' words, "Whoever receives one child such as this in my name, receives me" (Mark 9:37).** And may Our Lady of La Salette guide us in all we do in her name.

**Common sense tells us that much of what follows applies equally to adults. "Respect, propriety and prudence are required of all La Salette Religious" (cf. *Orientamenti*, 7). That said, this policy responds concretely and exclusively to the issue of the sexual abuse of minors.**

## **Section 1—Standards of Conduct for Ministry with Minors:**

The following standards are intended to assist us, the members of Mary, Mother of the Americas Province, in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families.

### **1. Prohibited Behaviors:**

(Please note: in all cases in a ministry setting it is not appropriate for a Province member to be the sole supervisor of an individual minor or a group of minors.)

- a. Viewing child pornography at any time. (This is a crime punishable by law.)
- b. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- c. Using, possessing, or being under the influence of alcohol while supervising minors.
- d. Providing alcohol or illegal drugs to minors or allowing minors to use them..
- e. Speaking to minors in a way that is or could be construed by any observer to be harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- f. Discussing sexual activities with minors unless it is a specific job requirement and the Member is trained to discuss these matters.
- g. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for young persons regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics, make them aware of appropriate boundaries, and urge them to report boundary violations. If youth have further questions not answered or addressed by their individual teachers they must be referred to their parents or guardians for clarification or counseling.
- h. Being nude in the presence of minors.
- i. Possessing in the presence of minors any sexually oriented or morally inappropriate materials (magazines, cards, videos, films, clothing, etc.).
- j. Sleeping in the same beds, sleeping bags or small tents with minors.
- k. 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 an erogenous zone 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.

### **2. Off-site events:**

- a. Members are prohibited from transporting minors without written permission of their parent or guardian. Even with permission, such transportation must be done with another adult present.
- b. Members are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.

- c. Minors should be transported directly to their destination. No unplanned stops should be made.
- d. Members are prohibited from having minors stay at their residence.
- e. Changing and showering facilities or arrangements for Members must be separate from facilities or arrangements for minors. The same prohibition would be in effect for sleeping arrangements.

### **3. Physical contact:**

- a. Members are prohibited from using any form of physical discipline in any way for behavior management of minors. 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 Members and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for Members in ministry roles with minors:
  - Side hugs.
  - Pats on the shoulder or back.
  - Handshakes.
  - “High-fives” and hand slapping.
  - Verbal praise.
  - Touching hands, faces, shoulders and arms of minors.
  - Putting 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 Members with minors:
  - 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.* Note: Within their own families and cultures, members may prudently have slightly broader leeway in this area, if the behaviors in question are common expressions of affection in the family and culture, and only when other adults are present. Under no circumstances will a member accept to baby-sit or to be alone with minor children even in his own family.

#### **4. Social Media**

1. It is forbidden to use social media to communicate with minors without parental consent.
2. Even in cases where parental consent is granted, social media accounts used in communication with minors must be public. The main purpose is for general communication, particularly about group events. It is always good to include parents/guardians among those who will receive posts.
3. The following behaviors are always prohibited when using social media:
  - Discussion of sexual matters or engaging in any sexually oriented conversations
  - Sexually explicit posts or suggestive images
  - Exchanging personal information
  - Communicating at inappropriate times (late at night, early in the morning)
  - Communication that can be construed as:
    - a. grooming
    - b. harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating
    - c. salacious
    - d. inappropriately frequent
    - e. inappropriately long

## **5. Accountability (see also “Reporting Abuse” below):**

- a.* We hold ourselves bound by the acceptable patterns of behavior and avoiding those considered unacceptable, as outlined in this Policy.
- b.* Since many of today’s young people are aware of appropriate boundaries, all our interactions with minors should be characterized by prudence, respect, and proper reserve.
- c.* In his own family and culture, a Member may prudently engage in displays of affection that are appropriate to that setting.
- d.* It is essential that, in our communities and the places where we work and minister, a transparent and effective system of monitoring and reporting is in place. Therefore all Members must remain vigilant regarding the maintenance of proper boundaries, on their own part as well as that of other Members. Therefore, a transparent and effective system of monitoring and reporting will be in place, which requires the following:
  - Each Member is responsible for identifying warning signs and responding to those signs.
  - Should a Member become aware that another Member is violating the boundaries outlined in this Policy, or exhibiting warning signs of inappropriate behavior with minors, he must notify the Provincial immediately; or he may notify the Local Superior, who will pass the information on to the Provincial.
  - The Provincial shall immediately intervene in situations where there is potential risk of harm to an identifiable minor.
  - Members are encouraged, if they feel comfortable, to discuss their concerns with the Member engaging in inappropriate behavior(s), after having reported the behavior(s) to the Provincial or Local Superior.
  - The Provincial is responsible for coordinating appropriate assistance for Members who have violated the boundaries as established in these policies.
    - The Provincial will document all reports and subsequent interventions, remedial actions taken, plans for continued observation, and conditions, if any, placed on the Member.
    - Such documentation shall be included in files maintained by the Institute. Access to these materials will be available on a need-to-know basis or as required by civil law. Access to these materials will be restricted as required by Canon Law.
  - The Institute will present any situation in which a Member has repeated boundary violations, or when a minor is known to be in danger, to the Review Board.
    - In these cases, an intervention plan must be developed which outlines how the boundary violations with minors will be interrupted, and the Institute will verify that the intervention plan has been implemented.

## **6. Training for Members who work with minors:**

- a.* Members shall review the Province Policies for Maintaining Ethical Standards with Minors, and agree in writing to comply with them.
- b.* Members who work with minors directly or who have contact due to their work or living situation must participate in training that addresses their role in protecting minors.

- c. Members returning to the Province after an extended absence, and La Salette Missionaries from other Provinces, on loan to Mary Mother of the Americas Province, will receive safe environments training within a month of their arrival. Certificates of their training will be kept at the Provincial Office.
- d. For Members from other Provinces coming specifically to assist the La Salette Mission Center, safe environments training will be organized through the Mission Center within a month of the Member's arrival. Certificates of training will be forwarded to the Provincial office.
- e. All diocesan obligations in these matters will be carefully observed. In particular, letters of good standing will be provided whenever, wherever, and in the form required.

#### **7. Supervision of Programs that involve minors:**

- a. Programs for minors in which Members are involved must be supervised by at least two adults.
- b. Members in leadership roles shall be aware of all programs for minors **sponsored by parishes, schools or other agencies in our care**. 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.

### **Section 2—Reporting Procedures for Reporting Abuse of Minors or Vulnerable Adults:**

**Note: Under no circumstance may information acquired during the Sacrament of Reconciliation be communicated to anyone.**

- 1. Any Member shall report known or suspected current abuse of minors or vulnerable adults to civil authorities immediately regardless of state mandatory reporting laws.
- 2. Members must report known or suspected possession, distribution, downloading and/or intentionally viewing real or virtual images of child abuse (child pornography) to the appropriate civil authorities within 24 hours regardless of the state mandatory reporting laws.
- 3. In addition to reporting to the civil authorities, Members shall immediately report any suspected or known abuse of minors or vulnerable adults, or any connection with child pornography, that may have been perpetrated by Members, directly to the Provincial Superior. Reports of suspected or known abuse may be made confidentially (unless otherwise required to be disclosed by Canon Law) to any of the following:
  - a. The Local Superior;
  - b. The Provincial Superior;
  - c. The Superior General or appropriate Bishop.

4. A specific and verifiable letter of concern may be sent to any of the above. Anonymous concerns will be investigated to the extent that is feasible based on known information.
5. All new allegations of sexual abuse that may have been committed by a Member or other agent of the Province shall be promptly reported to civil authorities in the jurisdiction in which the incident is alleged to have occurred.
  - a. Allegations of sexual abuse will be reported to civil authorities regardless of whether the person making the accusation is a minor or an adult at the time the allegation is received.
  - b. Allegations of sexual abuse will be reported to civil authorities regardless of whether the accused Member is living or dead, or whether he is a current or former Member of the Province.
  - c. Allegations of sexual abuse will be reported to civil authorities regardless of whether the alleged victim's identity is known.
  - d. Allegations of sexual abuse will be reported to civil authorities regardless of whether the allegations are believed to be credible at the time they are received.
5. If abuse of a minor is confirmed through investigation, civil authorities shall be re-contacted and a follow-up report will be submitted, if requested. If further investigation indicates the allegation is not credible, civil authorities will be contacted to provide the additional information. In no way would the province's investigation interfere in a civil investigation.
6. If the alleged victim is a minor at the time the allegation is received, his or her identity will be provided to the civil authorities. If the alleged victim is an adult survivor at the time the allegation is received, his or her identity will be provided to the civil authorities if the law requires it. Otherwise, if the alleged victim is an adult **survivor** at the time the allegation is received and does not consent to having his or her identity revealed, the identity will not be disclosed.
7. Files of allegations will be created at the time the allegation is received and will contain information about how the allegation was handled.
8. The Province will cooperate fully with investigations by civil authorities as well as with any dioceses concerned.

### **Section 3—Responding to Incidents and Allegations of Sexual Abuse:**

Allegations of sexual abuse may come from a variety of sources, including: alleged victims, **survivors**, their family members, **or lawyers representing these**; diocesan offices, members of the community, a colleague in the workplace or a **Member himself who has been accused**. Because each case is distinct, the following is a general outline of the response system for allegations of abuse but is not a procedure that is to be followed in the same way for each unique case. The process is to be modified according to the nature of the allegation, the needs of the



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

#### **A. Initial Response:**

1. The Provincial Superior (or his delegate) shall receive allegations of sexual abuse and coordinate assistance to anyone who brings an allegation of abuse by a Member.
2. When an allegation of abuse is first received, the Provincial Superior shall attempt to gather sufficient information to complete a preliminary report. The information would include the following:
  - a. Name of the alleged victim;
  - b. Age of alleged victim;
  - c. Address and phone number of alleged victim;
  - d. Name of alleged perpetrator;
  - e. Approximate dates of alleged abuse;
  - f. Nature, type and location of alleged abuse;
  - g. Any additional relevant details.
3. Upon receipt of an allegation of sexual abuse of a minor, the Provincial Superior will promptly follow Province reporting procedures and report the allegation to civil authorities (see Reporting Procedures).
4. The Provincial Superior and the Province will cooperate fully with any investigation by civil authorities.
5. The Provincial Superior will offer to meet in person with the alleged victim if he or she so desires. The Provincial Superior will maintain a compassionate and pastoral manner regardless of the demeanor of alleged victim, recognizing that the experience of abuse and difficulty of coming forward may bring out strong emotions during the disclosure process.
6. The Provincial Superior must meet in person (using electronic means when necessary) with any alleged victim who requests such a meeting.
7. A Victims Assistance Coordinator, preferably from outside the Congregation, will be assigned to assist with the immediate and ongoing needs of individuals who have experienced abuse and their families.
8. The Provincial Superior will notify the accused Member of the allegation and its substantial details. He will take steps to ensure that the accused Member receives the support and assistance he needs while the allegation is being investigated. This support may take the form of assigning a mentor for the accused.
9. The Provincial Superior will inform the accused Member of his right to seek canonical and civil counsel before any further conversation into the matter. The Province recognizes that the Member may need assistance to engage such counsel.

10. The Provincial Superior will also be attentive to any pastoral response needed by the local religious community or ministerial setting.

## **B. Internal Investigation:**

(In all cases we recognize the priority of a civil investigation.)

1. During investigations by civil authorities or by the Province, the Member who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties.
2. The Provincial Superior will designate an independent Investigator to gather information regarding the allegations. In the cases of substantiated or undisputed allegations, an investigation may be conducted to identify any other potential victims and to obtain information to inform the ongoing supervision plans for the Member who has abused.
3. In order to fulfill his responsibilities, the Provincial Superior will consult with the Review Board at each juncture of the process and will meet with the Board as soon as possible after receiving the final report from the Investigator.
4. Should a Member be found guilty of sexual misconduct, the Province will provide for the pastoral care of the victim and the victim's family.
5. A temporarily professed Member against whom an allegation of sexual misconduct has been substantiated will not be allowed to renew his vows. If the member is not professed, he will be dismissed immediately.
6. If an allegation of sexual misconduct has been substantiated in the case of perpetually professed Member, or of an Oblate Member with over ten years of membership, the Province will also provide for the pastoral care and treatment of the Member, offering him fraternal support in whatever penalties are imposed upon him by the legal system or restrictions imposed upon him by the Province.
7. Should an allegation be unsubstantiated, the Province may reinstate the accused Member to ministry and may work to restore his good name.
8. Province investigations will be documented. Documentation of Province investigations will be stored in the office of the Provincial Superior. A summary of the investigation findings will be stored in the confidential personnel file of the Member who is the subject of the investigation (Compare Canon 489).
9. Documentation of investigations is the property of the Province and shall remain with the office of the Provincial Superior following election of a new Provincial Superior.
10. The Provincial Superior will usually engage an Investigator to review the allegations, question the parties involved, and act as the representative of the Province. This may be arranged through legal counsel.
  - a. 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.
  - b. The Investigator will advise the parties that, although pastoral care is available, the Investigator will direct them to the Victims Assistance Coordinator.

- c. The Investigator, who shall obtain statements from the parties and any witnesses, will keep the Provincial Superior informed regarding the status of the investigation.
11. The Provincial Superior will maintain contact with the accused Member throughout the entire process.
12. When he has received the completed investigation report, the Provincial Superior will discuss the investigation with the Member.

### **C. Decision-Making:**

1. Upon conclusion of the investigation, the Provincial Superior will exercise his judgment in delivering an appropriate response. If the accused Member has admitted to the substance of the allegation, or in those cases where the allegation continues to be deemed credible or has been substantiated, the Provincial Superior's response **must include**:
  - a. psychological and medical assessment and intervention;
  - b. restrictions on community life and personal activities, **through a Safety Plan**;;
  - c. total removal from public ministry.
2. In cases where the allegation has been deemed credible or has been substantiated, the Provincial Superior will contact the appropriate diocesan offices to communicate the nature of the allegation and to inform the diocese of the procedure followed and the response of the Provincial Superior to the allegation.
3. In cases where an allegation of sexual abuse of a minor is substantiated, the Member may not return to public ministry.
4. If an allegation is deemed to be unfounded, the Provincial Superior will coordinate communication with all appropriate parties so that reconciliation can take place where possible and repair of damage to reputations can be undertaken.
5. In all instances, the final disposition of the matter rests with the Provincial Superior, always recognizing
  - The Member's right to appeal to the Superior General.
  - It is the Provincial Superior's responsibility to communicate his decision to the person who made the complaint, to the Member involved, and to other parties, including the Superior General, as necessary and appropriate.
6. If at any time during the course of implementing these procedures, civil or criminal proceedings are initiated against the accused Member **or the Province**, the procedures described herein 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 Provincial Superior's delegate shall recommend to the Provincial Superior a possible course of action with respect to the accused Member, in keeping with the intention of these procedures and in the interests of justice.

## **Section 4—Review Board Policies and Operating Procedures**

The Province of Mary Mother of the Americas, of the Congregation of the Missionaries of Our Lady of La Salette, does not have its own Review Board. It utilizes, instead, a Review Board whose services are shared among the Provinces of many Religious Congregations belonging to Region 1 of the Conference of Major Superiors of Men (CMSM).

### **Establishment and Purpose**

The Provincial Superior utilizes the Review Board for the purpose of providing consultation to him on the Institute's management of all cases of sexual abuse of a minor by current, former, and/or deceased Members.

The Institute shall notify the review board within 30 days of when an allegation or report of sexual abuse of a minor is received and when the investigation is complete.

The Review Board is also responsible for providing their recommendations and input with respect to the development of new Safety Plans. The Review Board will also review all Safety Plans at least annually and provide recommendations about any modifications that should be made.

The Review Board will also assist in the review of situations where a Member has engaged in repeated boundary violations or where a minor is known to be in danger. They will also provide recommendations for the development of an intervention plan to help the Member cease the problematic behavior.

Membership of the Review Board is by invitation. Major Superiors may recommend qualified persons to the Chair of the Review Board, who then may propose them to the current Board, especially in view of replacing an outgoing member.

A member of the Review Board may be removed at the request of two or more Major Superiors, in consultation with the chair of the Review Board.

The Review Board exists solely to provide advice and has no independent power or authority.

### **Operating Procedures**

The Review Board shall have its own operating procedures, which are made available to the Major Superiors for their comments.

#### **A. Confidentiality**

- i) Review Board Members shall sign a confidentiality agreement and undergo a criminal records check.
- ii) The records and other information received by the Review Board shall be treated as confidential, subject to the requirements of law and the Policies of the Institute.
- iii) The Review Board's advice to the Major Superior regarding particular cases shall be confidential; provided, however, that the Major Superior may, at his discretion, disclose the advice he received from the Review Board. The advice or positions taken by Review Board Members shall not be disclosed and need not be recorded in the Review Board files.

- iv) The Institute recognizes that the Review Board may receive confidential and sensitive information that could be used to injure the reputations of individuals. At the same time, the Institute recognizes that the Review Board's records may contain information relevant to civil and criminal law investigations.
- v) It is the policy of the Institute to cooperate fully with all legal requirements and law enforcement agencies while, at the same time, respecting any applicable civil and canon law rights and requirements of confidentiality and privacy.
- vi) The law of certain states and of the United States prohibits the disclosure of certain information, such as mental health communications, substance abuse and alcohol treatment records and HIV testing and AIDS treatment records. The Review Board shall protect the confidentiality of such information, which it may receive by way of appropriate releases of information, to the fullest extent of the law.

#### B. Constitution of the Board

- i) The Review Board shall consist of not less than five (5) individuals; the Major Superiors themselves may not serve as members, but may recommend a qualified member of their Institute.
- ii) The Review Board shall include representation from the following groups: professionals from the social sciences, (psychologists, counselors, survivors' advocates, and/or social workers), representatives from the legal or law enforcement profession or state protective services, and laity.
- iii) It may occasionally be acceptable for an individual on the Review Board to also be an employee of one of the Institutes, but it is not preferable. At no time may the majority of Review Board Members be employed by the Institutes. Individuals shall be over the age of twenty-one (21) years.
- iv) The survivor assistance coordinator/counselor or legal representative/counsel of the Institute cannot be a member of the Review Board.
- v) Members of the Review Board should be mindful of not taking responsibilities for the Institutes that may create a dual role that also presents a conflict of interest and challenges the independent nature of the Review Board.

#### C. Terms of Membership

- i) Individuals shall be appointed for a term of five (5) years and may be reappointed indefinitely.
- ii) Any member may resign at any time by giving a written notice of such resignation to the Chair of the Review Board.
- iii) Any vacancy on the Review Board occurring during the year may be filled by an appointment by the Chair for the unexpired portion of the term. Those appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the

unfinished term and may then be reappointed to a full term at the discretion of the Chair.

- iv) In exceptional cases, an individual may request a leave of absence from the Board. Such a request is ordinarily directed to the Chair of the Review Board.
- v) Any individual on the Review Board who is related in any way to an alleged victim, whether by blood or marriage, any kind of employment, financial or business relationship, any kind of professional or spiritual counseling relationship, or who would have any other conflict of interest or the appearance of a conflict of interest with the alleged victim or the accused Member, shall inform the Chairman of the conflict and recuse himself or herself from all deliberations concerning the particular matter in question. Any individual on the Review Board who determines that he or she has a conflict of interest or the appearance of a conflict of interest with any of the Institutes themselves or with the work of the Review Board, shall inform the Chairperson concerning the conflict and shall resign from the Review Board.
- vi) The Review Board Members may serve as volunteers or as paid professionals. The Institutes, through the Chair of CMSM Region 1, shall reimburse individuals on the Review Board for reasonable expenses incurred in attending meetings of the Review Board or in otherwise performing their duties on the Review Board. The Institutes indemnify and hold harmless all individuals on the Review Board for any and all claims, lawsuits, damages or other actions, including but not limited to reasonable costs of defense, which may arise from their service on the Review Board. However, the Institute does not indemnify individuals on the Review Board for intentional tortious or criminal acts.

#### D. Frequency of Meeting

- i) Normally, the Review Board meets at the same time as CMSM Region 1, so as to be more readily available to the Major Superiors. When that is not possible, there shall be an annual meeting of the Review Board to be held as designated by the Chair of the Board.
- ii) Special Meetings: A special session of the Review Board may also be held at any time on the call of the Chair (or in the event of his/her absence or inability to act), the Vice-Chair, Secretary, or any three (3) individuals, or as new cases and/or special needs arise.
- iii) Notice of Meeting: Notice of all meetings shall be given to the members of the Review Board and, if necessary, to the Major Superiors, via email by the Chair at least fourteen (14) days before the meeting. Supporting materials for meetings shall be provided at least one week prior to a scheduled meeting. The notification period may be shortened if it is deemed necessary for any urgent matters.
- iv) Manner of Meetings: The Review Board may meet in person, by conference call, or web conferencing. Major Superiors meet individually with the Board. The Chair shall call the meeting to order and ask the Major Superior, his representative or Investigator to present the matter(s) brought before the Review Board. Regardless of

the manner of the meeting, the Review Board shall discuss the matter at hand as a group before submitting any recommendations or feedback.

- v) Quorum: At least 60% of the members must be present.

#### E. Media and Communication

- i) The members of the Review Board shall abstain from answering any inquiries made by the media or others with respect to matters related to the Institutes, unless expressly authorized to do so.
- ii) All media inquiries should be directed to the respective Major Superior.

#### F. Records Retention

- i) The files of the Review Board are the property of the respective Institutes. Each Major Superior and all current Review Board Members shall have access to the Review Board's files relating to the Institute in question. The Review Board's files shall be stored at a place designated by the Chair.
- ii) The Review Board shall create a file on each case or matter it considers. Each file shall contain a written description of the matter presented to the Review Board, a written summary of the advice given by the Review Board, a written summary of the action ultimately taken by the respective Major Superior in light of the Review Board's advice, and such other information as the Review Board determines to be relevant to any future consideration of the case or matter by the Review Board or the respective Institute.

#### G. Required training for Review Board Members

- i) The individuals on the Review Board are provided initial formation for their unique role in providing confidential consultation to the Major Superiors. These individuals are provided copies and an explanation of the following documents:
  - Charter for the Protection of Children and Young People;
  - Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons;
  - Motu Proprio, "Sacramentorum Sanctitatis Tutela (SST)";
  - 2002 CMSM Statement of the Assembly;
  - Policies of the respective Institutes;
  - Praesidium Accreditation Standards; and
  - Motu proprio, "Vos estis lux mundi."

- ii) The Institute shall provide individuals on the Review Board with ongoing formation regarding best practices in the disposition of cases of sexual abuse of minors by Members.

#### H. Preparing and Conducting Review Board meetings

- i) When considering the disposition of a case of sexual abuse of a minor by a Member, the individuals of the Review Board are given the following:
  - Initial report of allegation and documents, such as in-take forms, letters, e-mail, etc.
  - Documentation of notice to civil authorities
  - Written report of the Investigation
  - Any other cases of sexual misconduct by the Member, including with adults.
  - Other relevant disciplinary actions against the Member and the reasons for the actions.
  
- ii) The Major Superiors or their representatives may present information in any form, oral, written, graphic or recording for the Review Board's consideration. After the presentation, the Review Board Members may:
  - Ask questions;
  - Request additional information; and/or
  - Discuss the matter with the respective Major Superior or representative.
  
- iii) After the question and answer period or discussion is completed, the Review Board Members shall deliberate and formulate their advice outside the presence of the investigator. Deliberations may take place in the presence of the respective Major Superior or his representative, at the discretion of the Review Board. After the Review Board receives the presentation and information from the Major Superior or representative, the Board shall carefully consider and deliberate over the information.

#### I. Possible alternatives for the disposition of cases

- i) After carefully reviewing all the information, the Review Board makes a recommendation to the Major Superior regarding
  - the assessment of the allegation of sexual abuse allegedly committed by a Member and;
  - the suitability for ministry for the accused Member.



- ii) Based on the facts and circumstances, an allegation of sexual misconduct can be established only when there is objective certainty that the accusation is true and that an incident of sexual abuse of a minor has occurred.
- iii) After hearing the Review Board, the Major Superior alone judges whether an allegation of sexual abuse of a minor by a Member has (or has not) been established.
- iv) The judgment of the Major Superior must be objective, i.e., based on facts and circumstances discovered in the course of the investigation. The judgment of the Major Superior admits to the contrary (falsity of the accusation) is indeed possible but highly unlikely or improbable, to the extent that the Major Superior has no fear of the contrary (falsity of the accusation) may be true.

J. Timeframe allotted for providing a response once an allegation has been received by the Review Board

- i) Normally, the Review Board will provide a response and recommendations regarding an allegation the same day on which they meet to decide the matter.

When that is not possible, the Review Board will provide a response and recommendation regarding an allegation within one week after meeting and receiving all relevant information.

## **Section 5. Supervision and Care of Members Who Have Abused Minors or Vulnerable Adults**

These procedures describe the elements of a pastoral care framework which will be developed for each Member of the Province about whom a credible accusation of sexual abuse of a minor has been made.

The purpose of this framework is to:

- assure the Church and the public, especially children and minors, of all reasonable measures to prevent any future occurrence;
- provide appropriate care for the Member and the opportunity for such personal conversion and rehabilitation as may be needed;
- guide superiors, the Member, and others in determining work, place of residence, and other activities;
- encourage local communities in welcoming and supporting the Member in his desire to continue his life as a Member within this framework; and
- assure Member's own community of both proper care and appropriate limits with respect to their brother in the Order.
- It is intended that all of the elements below be adapted in a Safety Plan for each Member, depending on such factors as severity of the accusation(s), notoriety, age and health of the Member, and the recommendations of the Province's Review Board. The framework, however, sets out the elements to be developed in writing for each Member, reviewed by

the Review Board, and shared with the Member, his superiors, and, as appropriate, Members of his local community.

- The Safety Plan shall be signed by the Member and the Provincial Superior.

#### **A. Evaluation and Therapy:**

1. A Member about whom a credible accusation has been made may be asked to submit to a professional evaluation as to his psychological condition and proclivity to harmful behavior in the future.
2. According to Canon Law the Member is free not to undergo an evaluation. Should he so decide, he will still be placed under a Safety Plan. If the Member agrees to undergo an evaluation, the Provincial Superior or his delegate will arrange for the evaluation.
3. Subsequent to that evaluation, the Member may be asked to participate in such in-patient and/or out-patient treatment as recommended by the evaluating professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be recommended by such professionals or the Review Board, as well as the terms of his Safety Plan.
4. The Member may be required to report to the Provincial Superior in writing periodically (e.g., monthly, quarterly or annually, as appropriate to the situation), describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.
5. Information resulting from such evaluation, treatment and correspondence is the property of the Member. He may agree to make it available to the Provincial Superior or he may decline to do so.
6. A Member may further agree to have the information available to the Review Board.
7. Any information about a Member who has been accused of abuse shall be kept confidential by those receiving it, except as required by law.

#### **B. Public Ministry as a Member:**

1. An ordained Member found to have abused a minor or vulnerable person would not be allowed to function publicly as a priest or deacon, including public celebration of the sacraments and use of the title "Father" or "Reverend" or "Deacon" in public communications.
2. In the case of a Brother or a Scholastic, he would not be allowed to function publicly in external ministry associated with the congregation (e.g., school teaching, coaching, parish staff work) or use of the title "Brother" in public.
3. No clerical or distinctive religious attire would be allowed for a Priest or Brother who has abused a minor.

#### **C. Appropriate Work:**

1. If physically and mentally able, the Member who has been removed from public ministry should engage in appropriate work in support of the ministries of the Province or in other service to people in need.

Such employment might include the following:

- internal work in a community of the Province, such as a place of retirement;
  - administrative work for the Province;
  - remunerative non-ministerial work to support the ministries of the Province;
  - service to people in need such as writing to prisoners, taping books for the sight-impaired.
2. Where appropriate, Members restricted or removed from public ministry may need vocational assessment and/or occupational counseling to assist in determining meaningful and useful work. The Provincial Superior should consult with the Member involved to determine his interests and capacities and to promote his initiative in developing work opportunities, where appropriate.
  3. In all cases, the service of prayer for the Community and the Church would be a valuable contribution.

#### **D. Place of Residence:**

1. Any restricted Member would be allowed to live only in a La Salette community or other appropriate supervised place of residence, as determined by the Provincial Superior.
2. No separate apartment, private home, or other domicile would be allowed as a permanent residence for the Member.

#### **E. Community Support and Community Roles:**

1. The local community can and should play an important part in helping a Member who has been restricted and who wishes to continue his life as a La Salette.
2. During and after a Member has submitted to evaluation and appropriate treatment, Member communities should continue to treat the restricted Member as a brother.
3. It may also be appropriate for a mentor to be appointed for the Member who would assist and support him in his efforts to maintain his program of care and treatment.
4. A restricted Member would not be allowed to serve as Superior. A restricted member must have the specific permission of the Provincial Superior to serve in other roles of community service.
5. Upon the recommendation of the Provincial Superior, the local superior shall, as appropriate, inform all or part of the community in which such a Member shall live of the fact that a Member is so restricted and the appropriate specific terms of his Safety Plan, so that the community can assist him in achieving its goals.

#### **F. Contact with Others:**

1. Under no circumstances would a Member with a substantiated allegation of abuse of a minor be allowed contact with minors without the ongoing supervision of other adults present at the time.
2. This prohibition would include meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices, community parlors, bedrooms, etc.

## **G. Travel, Vacation, Retreat:**

1. For a Member with a substantiated allegation of abuse of a minor, vacations alone or with minors, even supervised, would not be permitted. Vacation should be restricted to La Salette communities or travel with other La Salettes.
2. Retreats in locations alone would not be permitted, and retreats would be restricted to La Salette or other Catholic retreat facilities or La Salette communities.
3. Other travel may be restricted to that related to assigned work or family visits; if appropriate, a companion La Salette may be required for travel.
4. Additional specific permissions for travel may be required from the Provincial Superior.

## **H. Driving:**

1. Restrictions may be placed on driving alone or having personal use of a vehicle.
2. Some restricted Members may be required to request specific permissions for use of house cars from the local superior, to keep a driving log or to drive only with other Members.

## **I. Publications and Publicity:**

1. Restrictions on publications, letters to the editor, web pages, radio and television appearances, and e-mail may be appropriate.
2. Sensitivity for victims would dictate caution with regard to photographs of Members displayed in Member publications and institutions, especially those in service to minors.
3. In some cases a Member's use of mail and phone and social media may need to be regulated.

## **J. Information for Members and Others:**

1. The Provincial Superior, in consultation with the Review Board, will determine whether and/or how to inform the Province Membership—in general terms—of those Members who have been restricted.
2. The Provincial Superior, in consultation with the Review Board, will determine whether and/or how to inform others who may have a need to know—in general terms—of those Members who have been restricted.
3. In the case of a substantiated allegation, the name of the abuser will normally be released to the public through the website of the diocese where the abuse took place.

**MISSIONARIES OF OUR LADY OF LA SALETTE  
Province of Mary Mother of the Americas**

**Province Policies for Maintaining Ethical Standards with Minors  
Revised November 2021**

**STATEMENT OF COMPLIANCE**

- I have received the November 2021 Revised version of Province Policies for Maintaining Ethical Standards with Minors.**
  
- I have read the November 2021 Revised version of Province Policies for Maintaining Ethical Standards with Minors.**
  
- I pledge that I will observe the November 2021 Revised version of Province Policies for Maintaining Ethical Standards with Minors.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date