

RESPONDING TO ALLEGATIONS OF SEXUAL ABUSE OR MALTREATMENT

Introduction

The Brother receiving the allegation is to directly report the alleged sexual maltreatment of a minor to the appropriate state and/or local agencies *and* to report the allegation to the Provincial. It is then the sole responsibility of the Provincial or his designate to communicate the allegation to any person outside the religious community, or to do any subsequent investigation into the matter. Only the Provincial will report an allegation to the appropriate Diocesan office or Bishop, members of the press, or any other person. If approached by any party other than a fellow community member, the Brother is to say nothing and refer the questioner to the Provincial office.

Allegations of sexual abuse may come from a variety of sources, including alleged victims or their family members, diocesan offices, members of the community, a colleague in the workplace or from the alleged perpetrator. 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 Brother. In every case, the Provincial commits himself to dealing pastorally with, and protecting the rights of, all those involved.

Protocols for Responding to Reports

1. If a Brother is reporting that an accusation has been made against him, the individual should only state, "I have been accused of (action) and I need legal representation." (See Sections 11 and 12 below for additional assistance offered to the accused Brother).
2. The Provincial (or his delegate) will receive allegations of sexual abuse and coordinate assistance to anyone who brings an allegation of abuse by a Member of the Province. The Provincial offers to meet in person with the alleged victim as soon as possible, if he or she so desires. This is of primary importance in order to express the concern of the Province and to extend an offer of pastoral help. He will explain the subsequent actions the Province will take and give the alleged victim a copy of the "Explanation Sheet" (see Appendix E).
3. The Provincial will maintain contact with the Province's insurance carrier throughout the process.
4. The Provincial will have earlier identified a **Response/Safety Team** that is responsible for responding to allegations of maltreatment by a Member. The team is advisory to the Provincial, and includes appropriate individuals from the Province administration, as well as someone representing the legal interests of the Province, and a licensed mental health care professional. The task of the Response/Safety Team is to work with the Provincial:
 - a. To ensure that the alleged victim and all potential victims are safe from additional maltreatment;

- b. To ensure that civil authorities have been notified and pastoral outreach has been made to the alleged victim;
 - c. To recommend a pastoral outreach to the local community affected by the alleged actions of the accused;
 - d. To be available to participate in any internal investigative process. (Any investigation done by the team members will only be conducted with the knowledge and consent of the legal authority charged to investigate the allegation.)
 - e. To gather sufficient information to complete a preliminary report. The information would include the following:
 - i. Name of the alleged victim;
 - ii. Age of alleged victim;
 - iii. Address and phone number of alleged victim;
 - iv. Name of alleged perpetrator;
 - v. Approximate dates of alleged abuse;
 - vi. Nature, type, frequency and location of alleged abuse;
 - vii. Timeline of events surrounding the alleged abuse.
5. The Provincial may appoint a **Victim Assistance Coordinator** who has expertise in counseling and dealing with victims of sexual abuse. The Victim Assistance Coordinator is not a member of the Review Board. The Victim Assistance Coordinator may be a Member of the Province, a religious or a lay person. The Victim Assistance Coordinator maintains a professional relationship with the alleged victim and/or family and does not act officially as a therapist, attorney, or spiritual director.
- The Victim Assistance Coordinator's duties include the following:
- a. To listen with respect to the alleged victim and/or family;
 - b. To offer support and professional resources to the alleged victim, the victim's family and other affected persons, assisting with referrals to therapists and/or support groups;
 - c. To explain to the alleged victim the Province's response to the allegations raised;
 - d. To offer to be present during meetings between the alleged victim and/or family and the Province, including the Provincial and/or the Review Board;
 - e. To coordinate all communications between the alleged victim and/or family and the Province, keeping all parties apprised of developments in the case
6. Upon receipt of an allegation of sexual abuse of a vulnerable person, the Provincial will promptly follow Province reporting procedures and report the allegation to civil authorities (see Reporting Procedures) if the person making the allegation has not already done so. Files of allegations will be created at the time the allegation is received and will contain information about how the allegation was handled.
7. The Provincial and the Province will cooperate fully with any investigation by civil authorities.
8. It is of primary importance that all contact with the alleged victim communicates the Province's compassion and desire to help. Therefore, as stated above, an offer is made to meet with the alleged victim. If the alleged victim is still a minor or other vulnerable person, contact is made with the parents or guardians of the alleged victim, as appropriate.

9. If the alleged victim is a vulnerable person from a corporate ministry of the Province, the Provincial, in discussion with the Director of the ministry, will design a pastoral outreach to the alleged victim and his/her family. (see Victim Assistance Coordinator in #5 above.)
10. The Provincial 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.
11. The Provincial will notify the accused Brother of the allegation and its major details. He will take steps to ensure that the accused Brother receives the support and assistance he needs while the allegation is being investigated. This support may take the form of assigning a temporary mentor for the accused.
12. The Provincial will inform the accused Brother of his right to seek canonical and civil counsel before any further conversation into the matter. The Provincial will arrange for legal representation for the accused Brother. The Provincial will advise the Brother not to discuss the facts of the allegation without first consulting with his attorney. This is to ensure that the civil rights of the accused and the confidentiality of the case are preserved.

Below is a link to Midwest Province Abuse Risk Prevention Policy.

[Midwest Province Abuse Risk Prevention Policies](#)