

The Passionists

St. Paul of the Cross/Holy Cross Provinces

Policy Statement on Sexual Misconduct

Revised March 2005

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REFLECTION

Robin Ryan, C.P.

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In June 2002, the Catholic Bishops approved the *Charter for the Protection of Children and Young People* to address the Church's commitment to deal appropriately and effectively with the cases of sexual abuse of minors by priests, deacons and other Church personnel. Following this mandate, the Passionist Provinces of the United States (St. Paul of the Cross Province and Holy Cross Province) undertook a careful study and proceeded to update their *Policy on Sexual Misconduct* ("Policy"). The Passionists are cognizant of their obligations to provide a safe environment for children and young people to worship and to reach out to individuals who may have been abused as minors in connection with its members serving in Church ministry.

It is the policy of the Passionist Community to promptly investigate all allegations of sexual misconduct made against any of its members. In connection with these allegations, the Passionists will report to the authorities as required by various state laws and cooperate fully with local authorities. Pending further investigation into these allegations, the Community will offer counseling and assistance to the victims of the alleged sexual misconduct. The accused may be referred to counseling and, if appropriate, removed from active ministry pending the results of the investigation. The Passionists will endeavor to cooperate with the policies of each archdiocese and diocese in communicating with the parishes and communities its members serve.

Each Province (St. Paul of the Cross and Holy Cross Provinces), under the direction of the Provincial Superior, has established a Review Board comprised of laity and clergy to, among other things, review and update this Policy periodically. The Passionists have established a web site and published a telephone number for victims of sexual misconduct. The Passionists Community will continue to educate its members and foster awareness of the issues addressed by this Policy.

I. INTRODUCTORY REMARKS

1. Our Passionist Constitutions state: “the power of the Cross, which is the wisdom of God, gives us strength to discern and remove the causes of human suffering.” (Constitutions #2). One of the grave causes of human suffering in the Church and society today is behavior that disregards or demeans the dignity of the human person, especially sexual misconduct. Such misconduct is behavior unacceptable for Passionists and those who are agents of and/or for the community of Passionists and therefore, we adopt the following to be our corporate Province Policy in this regard. In this document the terms “Passionists” and “members” denote those covered by this policy and include the agents of the Passionists such as their employees and volunteers. The term “agents” is used here in a general, layman’s sense, and is not intended to describe the Province’s relationship with any particular member, employee or volunteer.

2. For purposes of this Policy, sexual misconduct includes any illegal or inappropriate sexual activity of a heterosexual or homosexual nature irrespective of the age or marital status of the complainant, and any inappropriate sexual conduct, including words, behavior and gestures which offend and/or abuse a complainant, or any lewd conduct, whether in private or in public. Of course, we recognize that not all situations are clear, and there may be instances of words or gestures which are not abusive, but which may be perceived as such.

3. This policy binds all Passionists of St. Paul of the Cross/Holy Cross Provinces and their employees and volunteers when active as agents of the Passionists. This policy is intended to supplement, and not to replace, the current sexual harassment policy found in the employee handbooks and volunteer handbooks of Province institutions. All such sexual harassment policies shall be subject to the review and approval of the Councils.
4. It is the policy of St. Paul of the Cross/Holy Cross Provinces:
 - to investigate promptly all allegations of sexual misconduct involving their members regardless of the likelihood of truth;
 - to offer compassionate assistance to the victims of sexual misconduct by their members;
 - to comply with all applicable legal requirements; adhere to the provisions of any applicable insurance policies;
 - to cooperate with the policies of the arch/diocese in which their members serve; and
 - to assist the accused, as appropriate, in the processes of rehabilitation and recovery.
5. St. Paul of the Cross/Holy Cross Provinces will foster among their membership an informed awareness of the issues addressed by this policy. They will periodically review the policy in light of developing insights concerning sexual misconduct. Educational activities and policy review shall periodically occur at least every three years.

II. DISCOVERY AND REPORTING

1. St. Paul of the Cross/Holy Cross Provinces expects and requires all members, whether a vowed Passionist, an employee, a volunteer, a supervisor, or a manager, who becomes aware of illegal or inappropriate sexual conduct, or the imminent risk of such conduct, by a member of the Province to promptly inform the Provincial Superior, a local superior, or his personal representative. If a local superior or a personal representative of the Provincial Superior receives a report of such prohibited conduct, or a report of the imminent risk thereof, he must immediately inform the Provincial Superior. The Provincial Superior will then make the appropriate response.
2. St. Paul of the Cross/Holy Cross Provinces likewise expect and encourage any member who may himself experience difficulty with illegal or inappropriate sexual conduct, or who believes he is at risk of such conduct, to seek help and guidance from the Provincial Superior. Compassionate and appropriate assistance will be offered to any such member.

3. Because the mandatory reporting laws vary by state and because normally privileged communications may not be protected in cases of sexual misconduct, individuals, religious superiors, and those in supervisory positions learning of allegations of sexual misconduct are not to attempt any independent investigation into the details of the alleged matter. Rather, they are to inform the Provincial Superior immediately.
4. All members are expected to take immediate steps necessary, including the immediate temporary removal or restriction of another member, if such steps are necessary to avoid a risk of harm to an individual while the reporting member is attempting to contact the Provincial Superior.
5. Any individual who in good faith reports an incident of sexual misconduct will not be retaliated against. Retaliation and/or discrimination against any person who in good faith complains of and/or reports any sexual misconduct is strictly prohibited and will not be tolerated.
6. This Policy is not intended to replace or interfere with any obligation of an individual or religious superior to report the known or suspected sexual abuse of a minor (male or female under the age of eighteen) to appropriate authorities under mandatory reporting laws, or to otherwise comply with legal reporting requirements. If mandatory reporting laws require that the authorities be contacted, the religious superior or the reporting member should contemporaneously contact the Provincial Superior, or his personal representative, and the local authorities with respect to the sexual misconduct. If the individual or religious superior is unclear about his reporting duty, he should consult with local counsel before proceeding.
7. In recognition of the privacy rights of the individuals involved, confidentiality is maintained to the extent consistent with this Policy and any legal reporting requirements.

III. RESPONSE AGENTS

1. The fundamental responsibility for response to an allegation of sexual misconduct rests with the Provincial Superiors of St. Paul of the Cross/Holy Cross Provinces. They seek the advice and assistance they deem necessary for the particular situation. Among those persons they may ask to assist them are:
 - a. A personal representative;
 - b. Legal counsel expert in the field;
 - c. Mental health professionals experienced in matters of sexual misconduct;
 - d. Particular local superiors;
 - e. Pastoral agents; or

f. Sexual Misconduct Response Office, where applicable by jurisdiction.

2. In all situations where a credible allegation of sexual misconduct is brought forth concerning a member, the Provincial Superior will consult with the Province Review Board.
3. Because St. Paul of the Cross/Holy Cross Provinces are geographically extensive, their legal response must match the law of the appropriate locality. Thus, the assistance of the Local Superior is important. He and the Provincial Superior should identify local legal and mental health professionals knowledgeable about the issues of sexual misconduct in specific localities. These local professionals will assist the Provincial Superior's response to a given situation.
4. In the event that an allegation of misconduct is made against the Provincial Superior, the First Consultor is responsible to implement the provisions of this Policy.

IV. RESPONSE PROCESS

Should an accusation of sexual misconduct be made against a member of the Province, the response is guided by the following steps, as they are appropriate to the situation:

1. The Provincial Superior is immediately informed.
2. If the sexual misconduct involves a minor (male or female under the age of eighteen), the Provincial Superior shall promptly comply with any mandatory reporting law of the locale. If the Provincial Superior or his personal representative is unclear about his reporting duty, counsel should be consulted before proceeding.
3. If the sexual misconduct involves a minor, the Provincial Superior will remove the member immediately from ministry and from any position of access to minors in the event the accusation is credible.
4. If the sexual misconduct does not involve a minor, the Provincial Superior should contact the local authorities, if appropriate, after consulting with legal counsel, in the event no mandatory reporting duty exists regarding the specific conduct.
5. The Provincial Superior will notify the person making the accusation that the Province has a set of procedures to be followed.

6. As soon as possible, a written record will be kept of all contacts the Provincial Superior or his personal representative have with the person making the complaint and the accused member.
7. Subject to Article III(2), the Provincial Superior will study the accusation and may seek assistance of those mentioned, as warranted.
8. The Provincial Superior will share the substance and the source of the allegation with the accused member as soon as practical, to the extent possible consistent with privacy and safety concerns.
9. The Provincial Superior may meet with or designate someone to meet with the person making the accusation and his/her family.
10. The Provincial Superior or his personal representative will initiate communication with appropriate arch/diocesan personnel or agencies.
11. The Provincial Superior will seek the advice of counsel for a recommendation whether the accused should engage legal counsel separate from that of the Province, and communicate with the accused regarding this possibility.
12. The Provincial Superior will consult with the Province Review Board in the event the accusation is credible.
 - a. The Review Board will consist of laypersons not employed by the Province, as well as religious persons and clergy, who are learned in civil law, communications, or the human sciences and who may be in other disciplines, as appropriate to the circumstances.
 - b. The Provincial Superior will share with the Review Board or appropriate members of the Review Board all pertinent information regarding the accusation. The Review Board will be free to investigate and interview the alleged victim and, where appropriate, that person's parents as well as the member against whom the allegation was made, as it deems necessary.
 - c. The Review Board will offer the Provincial Superior a recommendation as to a particular course of action to be taken regarding the member and his fitness for ministry, employment or volunteering. The recommendation will include an assessment of whether the accused has other problems that should be addressed, and formulation of suitable recommendations. While it is usually preferable to remove the accused pending the legal outcome of the case, practical considerations might sometimes indicate otherwise. There should be

strong, well articulated reasoning to support any decision not to remove the accused. If he is not removed, his activity should be severely circumscribed so as not to put the member in unsupervised contact with the alleged victim or in any other sensitive situations.

d. In matters involving minors, removal pending the legal outcome of the case is mandatory and no unsupervised contact is permissible.

e. The Review Board will offer the Provincial Superior a recommendation whether the accused should be evaluated by mental health professionals with expertise in sexual disorders.

f. The Review Board also will recommend a particular course of action to be taken regarding the victim and his/her family, which might include ongoing pastoral and financial assistance. The Province will seek to facilitate this action and assure that all necessary assistance is offered.

g. The Review Board will regularly review this Policy on Sexual Misconduct and offer suggestions for changes and updates, as well as offer suggestions for ongoing education of members in the area of sexual misconduct and harassment.

13. In consultation with the Review Board and legal counsel, the Provincial Superior will determine if and how the religious and ministerial communities will be informed of the accusation against the member.

V. EVALUATION AND TREATMENT

1. No Province member against whom an accusation involving a minor has been substantiated or who has been treated for pedophilia or ephebophilia may be returned to public service. The Provincial Superior will determine with the accused member realistic expectations for the future.

2. A Province member against whom an accusation of sexual misconduct has been substantiated, but not involving a minor, will be asked to undergo a mental health evaluation and/or counseling. After that evaluation, the Provincial Superior, in consultation with his advisors and the Review Board, will determine whether that member should be permitted to serve in ministry, and, if so, under what conditions.

a. The Provincial Superior, in consultation with his advisors and experts in the field of treatment, will further determine if long-term treatment is required, what after-care therapy is needed, placement and supervision.

3. Ordinarily, an employee or volunteer against whom a serious accusation has been substantiated will be dismissed.

VI. CONTACT INFORMATION

Any person within the scope of this Policy who knows of or suspects illegal or inappropriate sexual conduct, or an imminent risk of such conduct, can report the sexual misconduct by contacting the Provincial Superior of St. Paul of the Cross Province at the Pastoral Center: Phone: 732.257.0632

FAX: 732.257.3158

Email: Provincial@cpprov.org

Mail: Provincial Superior Province Pastoral Center
80 David Street
South River, NJ 08882

or the Provincial Superior of Holy Cross Province at the Provincial Office:

Phone: 773.631.6336

FAX: 773.631.8059

Mail: Provincial Superior Passionist Provincial Office
5700 North Harlem Avenue
Chicago, IL 60631

For more information on the Passionists or this Policy, please visit us at our websites at: <http://www.thepassionists.org> and <http://www.passionist.org>

VII. CONCLUSION

Passionists believe that the Reign of God is a sign of hope and a source of healing. The members of St. Paul of the Cross/Holy Cross Provinces regard this policy, which addresses a practical struggle of grave concern, as an effort to expand the presence of God's Reign. It is their fervent conviction that this policy and its guidelines contribute to that end.

REFLECTION

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All of us who love Christ and the Church have experienced a great deal of turmoil during the past two years. The disturbing revelations about sexual abuse by members of the clergy and others closely associated with the Church, coupled with the recognition of serious mistakes made by those in authority, have left all of us with a confusing array of feelings and reactions. The Body of Christ has been seriously wounded by the crime of the abuse of minors and by other forms of

sexual misconduct. A significant number of Catholics have become alienated from the Church. We are living through what is clearly one of the most trying periods in the history of the Catholic Church in the United States.

As those who have been inspired to keep the memory of the Passion of Jesus in our minds and hearts, Passionists and those associated with the Passionist community are called to face these problems honestly and to stand with those who are suffering. We are summoned to be men and women of compassion and justice. This means that we must do more than just comment upon or react against the wrongdoings and mistakes of others. We are called to reach out in compassion to those who have been hurt or alienated by the Church. And we are also invited to recognize in this situation an opportunity to reflect upon our own lives and the ways in which we relate to others.

The topic of sexuality is such a difficult one for many of us to discuss. Each one of us has struggled – with moments of success and of failure – to integrate the marvelous gift of sexuality into our lives in a way that is healthy and holy. The revised policy on sexual misconduct which is being set forth by the Passionists of both U.S. provinces represents a guide for all of us in our relationships. It is of critical importance that each diocese and religious institute publish such a policy as a norm of conduct. The objective of this policy is not to create an atmosphere of suspicion or to stifle normal human interaction. Rather it is to remind us of that Gospel summons to treat all people with the respect they deserve as daughters and sons of God. May each of us come to a deeper awareness of our own God-given dignity, the dignity of those with whom we live and work, and that of each person to whom we minister.