

SECTION 5 SAFEGUARDING POLICY

5.1 Introduction

In accordance with its principles, charism and mission as outlined in its Charter of Hospitality, the Hospitaller Order of Saint John of God – Province of the Good Shepherd in North America, hereafter known as the “Order”, is committed to the best possible care and protection of children, adolescents, vulnerable adults and elderly persons whom it serves. It holds itself accountable for the quality of its care, protection of clients from abuse, actions to prevent abuse and for responding to any possible harm or abuse that might occur in its services in a timely and effective manner.

It is the policy of the Hospitaller Order of Saint John of God – Province of the Good Shepherd in North America that every care is taken to ensure that all those receiving its services will be protected from abuse of any kind and that allegations and suspicions of abuse will be responded to appropriately. This policy is especially important given that most, if not all, clients who receive services from the Order have specific vulnerabilities. It is also the policy of the Order that it will work with and be accountable to civil and health and social service authorities in its care and protection policies and in its reporting of any abuse.

5.2 Safeguarding Commission

5.2.1 Establishment and Purpose

a. The Provincial Superior and the Provincial Council hereby establish a Province Safeguarding Commission for the purpose of providing advice to the Provincial Superior on the implementation and administration of the Abuse Policies and Procedures of the Province. The Safeguarding Commission exists solely to provide such advice as has no independent power or authority.

- b. The role of the Safeguarding Commission does not extend to the Safeguarding Commission to actively investigate allegations or to act as the Province’s “investigator” as this may create a dual role for the Commission and does not meet standards for independent review.
- c. The Safeguarding Commission shall consist of five (5) Members, including at least one (1) member of the Province and other individuals who are not Members.
- d. The Safeguarding Commission shall include representation from the following groups: religious (of the Province or from outside the Province), professionals from the social sciences, (psychologists, counselors, victims’ advocates and/or social workers), representatives from the legal or law enforcement profession or state protective services, and laity, preferably parents.
- e. While it may be acceptable for a Safeguarding Commission Member to also be an employee of the Province, it is preferable for the Safeguarding Commission Members not to be employees of the Province.
- f. The Safeguarding Commission will have policies and standard operating procedures. The operating procedures should address the following, as well as other policies as needed:
 - Confidentiality,
 - Constitution of the Commission,
 - Terms of membership,
 - Frequency of meetings,
 - Media and communications,
 - Records retention,
 - Required training for Safeguarding Commission,
 - How information is disseminated to the Safeguarding Commission Members,

- Agreed upon standards of operation that are considered under its procedures,
 - Possible alternative for the disposition of case(s),
 - Timeframe allotted for providing response once an allegation has been received by the Safeguarding Commission,
 - Role and responsibility of civil legal counsel.
- g. The role of the Safeguarding Commission is to provide advice and consultation to the Provincial Superior with respect to the fulfillment of the Provinces Abuse Policies and Procedures, and other community standards for the prevention and response to incidents and allegations of sexual abuse of minors. This role does not extend to the Safeguarding Commission actively investigating allegations or acting as the Province’s investigator as this may create a dual role for the Safeguarding Commission and does not meet prevailing standards of independent review.

5.2.1.1 Appointment and Removal of Members

- a. The Provincial Superior shall appoint Members of the Safeguarding Commission by letter of appointment signed by the Provincial Superior. A Member of the Safeguarding Commission may be removed at the discretion of the Provincial Superior in consultation with the Chair of the Safeguarding Commission. Members shall be removed by letter of removal signed by the Provincial Superior.
- b. Safeguarding Commission Members shall serve one (1) renewable term of three (3) years.
- c. It is preferable for the Safeguarding Commission to have no more than two (2) new Safeguarding Commission Members in one (1) year. When possible, terms should be staggered to provide continuity for the Commission.

- d. Vacancies created by the departure of Safeguarding Commission Members during their term shall be filled by appointment by the Provincial Superior. Safeguarding Commission Members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term and may then be re-appointed to a full term at the discretion of the Provincial Superior.

5.2.1.2 Officers

- a. The Safeguarding Commission Members shall elect a Chairperson who shall serve for a term of one (1) year and may be re-elected at the will of the Safeguarding Commission. The Chairperson shall call and chair meetings of the Safeguarding Commission, ensure that the work of the Safeguarding Commission is properly documented and communicated to the Provincial Superior and appoint other ad hoc officers as assistants from among the others as may be required to accomplish the work of the Commission.
- b. At the beginning of each meeting of the Safeguarding Commission, the Chairperson shall appoint a recording secretary to record the decisions and other relevant actions of the Safeguarding Commission during that meeting.

5.2.1.3 Record Keeping

- a. The files of the Safeguarding Commission are the property of the Province. The Provincial Superior and all current Safeguarding Commission Members shall have access to the Safeguarding Commission files. The Safeguarding Commission’s files shall be stored at a place designated by the Provincial Superior.
- b. The Safeguarding Commission shall create a file on each case or matter it considers. Each file shall contain a written

description of the matter presented to the Safeguarding Commission.

- c. A written summary of the advice given by the Safeguarding Commission.
- d. A written summary of the action ultimately taken by the Provincial Superior in light of the Safeguarding Commission advice, and such other information as the Safeguarding Commission determines to be relevant to any future consideration of the case or matter by the Safeguarding Commission or the Province.

5.2.1.4 Confidentiality

- a. Safeguarding Commission Members shall sign a confidentiality agreement and undergo a criminal record check.
- b. The records and other information received by the Safeguarding Commission shall be treated as confidential subject to the requirements of law and the Policies of the Province.
- c. The Safeguarding Commission advice to the Provincial Superior regarding particular cases shall be confidential. Provided, however, that the Provincial Superior may, at his discretion, disclose the advice he received from the Safeguarding Commission. The advice or position taken by Safeguarding Commission Members shall not be disclosed and need not be recorded in the Safeguarding Commission files.
- d. The Province recognizes that the Safeguarding Commission may receive confidential and sensitive information that could be used to injure the reputation of individuals. At the same time, the Province recognizes that the Safeguarding

Commission's records may contain information relevant to civil and criminal law investigations.

- e. It is the policy of the Province 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.
- f. To maintain confidentiality, Safeguarding Commission Members agree not to speak to the media and to refer all media inquiries to the Provincial Superior.

5.2.1.5 Reporting

- a. All allegations of child sexual abuse committed by a member or other agent of the Province shall be promptly reported by the Chairperson of the Safeguarding Commission or the Provincial Superior to the appropriate civil authorities in the jurisdiction on which the alleged incident occurred.
- b. Each Safeguarding Commission Member is required to report any case of child sexual abuse by a Member in accord with the Province Recording Policies. Safeguarding Commission Members need not report matters which have already been reported by the Chairperson or Provincial Superior, provided that the report has been documented with a report number and is reviewed by the Safeguarding Commission Member.

5.2.1.6 Operating Procedures

- a. The Provincial Superior shall convene the Safeguarding Commission at each step of the investigation and processing of an allegation of sexual misconduct in which the Safeguarding Commission is to participate. The process is outlined in the Policies for Responding to Incidents and Allegations of Sexual Misconduct. The Provincial Superior or the Chairperson of the Safeguarding Commission may

choose to convene the Safeguarding Commission at other times he or she deems advisable.

- b. The Safeguarding Commission shall meet at least once per year for the annual review of safety plans and compliance reports as required.
- c. The Provincial Superior shall convene the Safeguarding Commission by notifying the Chairperson. The Chairperson shall promptly contact the Members of the Safeguarding Commission and schedule a meeting as soon as is practical.
- d. The Safeguarding Commission may meet in person or by telephone or other electronic means. The Chairperson shall call the meeting to order and introduce the Provincial Superior, his Representative or Investigator to present the matter(s) brought before the Safeguarding Commission.
- e. The Provincial Superior shall provide the Safeguarding Commission with information relevant to the matter under consideration, subject to the requirements of civil or Canon Law which may prohibit disclosure of such information. Where possible, the Provincial Superior shall obtain the necessary consents to release all such information. The Safeguarding Commission shall maintain the information with great respect to its confidentiality.
- f. The Provincial Superior or representative may present information in any form, oral, written graphic or recording for the Safeguarding Commission’s consideration. After the presentation, the Safeguarding Commission Members may ask questions, request additional information, or discuss the matter with the Provincial Superior or representative.
- g. After the Question-and-Answer period of discussion is completed, the Members of the Safeguarding Commission

shall deliberate and formulate their advice outside the presence of an outside investigator. Deliberations may take place in the presence of the Provincial Superior or his representative, at the discretion of the Safeguarding Commission.

- h. After the Safeguarding Commission receives presentation and information from the Provincial Superior or representative, the Commission shall carefully consider and deliberate over the information.
- i. The Safeguarding Commission shall make recommendations on the matters and at the times provided for in the Policy for Responding to Incidents and Allegations of Sexual Abuse.
- j. The recommendations of the Safeguarding Commission shall be summarized in writing for presentation to the Provincial Superior and a document shall be signed by the Chairperson on behalf of the full Commission. The original written recommendation shall be presented to the Provincial Superior and a copy shall be maintained in the files of the Safeguarding Commission.
- k. The Provincial Superior shall share recommendations of the Safeguarding Commission with the Provincial Council as needed.

5.2.1.7 Conflicts of Interest

- a. Any Safeguarding Commission Members who are related by blood or marriage to, in any kind of employment, financial or business relationship with, in any kind of professional or spiritual counseling relationship with, 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.

- b. Any Safeguarding Commission Member who determines that he or she has a conflict of interest or the appearance of a conflict of interest with the Province itself or with the work of the Safeguarding Commission, shall inform the Provincial Superior and the Chairperson of the conflict and shall resign from the Safeguarding Commission.

5.2.1.8 Conditions of Membership

- a. The Safeguarding Commission Members may serve as volunteers or as paid professionals.
- b. The Province shall reimburse all Safeguarding Commission Members for reasonable expenses incurred in attending meetings of the Safeguarding Commission or in otherwise performing their duties as Members of the Safeguarding Commission.
- c. The Province indemnifies and holds harmless all Safeguarding Commission Members 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 Safeguarding Commission. However, the Province does not indemnify the Safeguarding Commission Members for intentional tortuous or criminal acts.
- d. Safeguarding Commission Members are expected to participate in appropriate training / continuing education on relevant topics each year. This can be completed online or through reading of attending presentations and workshops.

5.2.2 Supervision and Care of Members Who Have Abused Minors or Vulnerable Adults

The 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 has been made. Most of these procedures address cases where the accusation is that of abuse of a minor or vulnerable person.

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 a structure within which the Member can continue his life as a Vowed Member of the Congregation.
- Guide Superiors, the Member, and others in the determining work, place of residence, and other activities.
- Encourage Member 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 communities of both proper care and appropriate limits with respect to their brothers in the Congregation.

*Approved by the Provincial Curia of the
Hospitaller Order of Saint John of God
–2021*

5.3 What is Abuse?

All forms of abuse constitute a betrayal of trust and an abuse of power by individual(s) over a child, vulnerable adult or elderly person. Abusive behavior causes harm to its victims and leaves them feeling threatened, helpless and demeaned. Abuse can leave the abused person with long-lasting pain and suffering. Abuse can take different forms and can occur in a range of settings. It can be perpetrated by people known to the victim or by strangers. Types of abuse include neglect, emotional abuse, physical abuse, sexual abuse, financial and institutional abuse. A child or vulnerable adult may be subject to more than one type of

abuse over time. The following is for illustrative purposes only and is not exhaustive.

5.3.1 Types of Abuse

5.3.1.1 Sexual Abuse

For the purposes of this policy, sexual abuse is sexual involvement or contact by a Brother, co-worker or volunteer with a person who is a minor, or a vulnerable adult, or a person who habitually has the imperfect use of reason. Sexual abuse is a criminal offense in all jurisdictions and must be reported to law enforcement officials. It is a policy of the Hospitaller Order of Saint John of God - Province of the Good Shepherd in North America to make such reports immediately and to co-operate fully with law enforcement officials in investigating any allegations of sexual abuse.

5.3.1.2 Sexual or Sexualized Harassment

As used in this policy, sexual or sexualized harassment includes, but is not limited to, sexually-oriented humor or language, questions or comments about sexual behavior or preference, unwelcome or undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements, in a situation where there is an employment relationship or a colleague relationship between the persons involved. This explicitly includes harassment of candidates, postulants, novices and Brothers.

5.3.1.3 Neglect

Neglect includes a child or vulnerable adult being deprived over time of food, clothing, warmth, hygiene, intellectual and social stimulation, safety, supervision, medical care and attention from their carers. For example, neglect reflects the omission of

behavior. It is the failure to meet the needs of a child or a vulnerable adult. Persistent neglect can result in significant long-term harm.

5.3.1.4 Emotional Abuse

Emotional Abuse occurs when the child or adult suffers emotional ill-treatment and/or rejection by those who have responsibility for their care. It can include harsh and verbal attacks on a dependent person as well as persistent anger, blame, threats, taunting, shouting, ignoring and unjust and unequal care and attention. It can also include being left in a situation with other people or patients who cause distress, fear and anxiety. Disrespect for social, racial, physical, cultural, gender identity, or other personal differences may also constitute emotional abuse.

5.3.1.5 Physical Abuse

Physical abuse is any form of non-accidental injury, or injury which results from willful or neglectful failure to protect a child or vulnerable adult. Examples of physical abuse are: Using excessive force in handling; hitting, shaking, suffocating, pinching, squeezing, burning, biting, kicking, choking the person, poisoning with drugs or alcohol, provision of incorrect/inaccurate medication, allowing a child or adult to be in a place of danger or to be harmed or injured by another person or patient or client.

5.3.1.6 Institutional Abuse

Any system, program, policy, procedure or individual interaction with a person in a service that abuses, neglects or is detrimental to their physical and/or psychological wellbeing. Issues of power/powerlessness are central to institutional abuse.

In institutions and residential settings, abuse may take the form of deprivation of basic rights, harsh disciplinary regimes or the

inappropriate use of medications or physical restraints (to hold down or to tie someone), financial abuse/exploitation.

Institutional abuse also occurs when patients, clients, and residents bully or harass other patients. The following are required:

- a. The Order's apostolic works provide policies to avoid such bullying or harassment, and
- b. Brothers, co-workers, or volunteers must be trained to prevent this happening and maintain a protective environment where everyone is safe and protective of one another. Moreover, all bullying, racism, discrimination, and harassment or inappropriate use of the patient/resident's assets is strictly forbidden.

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5.4 Sexual Exploitation

For the purposes of this policy, sexual exploitation is a betrayal of trust in a pastoral relationship by the development, or the attempted development, of a sexual or romantic relationship between a Brother and a person with whom the Brother has a pastoral relationship; sexual exploitation includes activity such as intercourse, kissing, touching of breasts or genitals, dating during the course of a counseling relationship, verbal suggestions by a Brother of sexual involvement or sexually demeaning comments by a Brother. The apparent consent of a possible victim to the sexual or romantic relationship seldom determines whether there has been sexual exploitation because the imbalance of power between the Brother and person in a pastoral relationship may undermine the validity of such consent.

5.5 Who are the Sexual Abusers within the Ministry?

Sexual abusers within the ministry exhibit a wide range of behavioral and personality traits. They cannot be characterized by a single list of traits. Rather, these abusers fall along a continuum. At one extreme is the type we can call the wanderer; at the other extreme is the sexual predator.

(NOTE: anyone who is sexual with a child is a sexual predator)

It is important to note that the effect on the victim is not determined by the type of abuser. Abuse by a wanderer can be just as damaging as abuse by a sexual predator.

5.5.1 What Traits Differentiate Them?

Wanderers

- wander across boundaries

Sexual Predators

- predatory, sociopathic (lacking conscience), seeking to exploit or oppress others

5.5.2 What is the Prognosis for Treatment?

Wanderers

- fair to good, if highly motivated to change

Sexual Predators

- poor to fair, even if highly motivated to change

5.5.3 What Traits are Typical of All Sexual Abusers in the Ministry?

- controlling, dominating;

- limited self-awareness;
- limited or no awareness of boundary issues;
- no sense of damage caused by own behavior;
- poor judgment;
- limited impulse control;
- limited understanding of consequences of actions;
- often charismatic, sensitive, talented, inspirational and effective in ministry;
- limited or no awareness of power;
- lack of recognition of own sexual feelings;
- confusion of sex and affection.

5.6 What Behavior is Typical of All Sexual Abusers in the Ministry?

All sexual abusers, from wanderers to sexual predators, have certain behaviors in common:

- may seek out vulnerable people;
- attract vulnerable people;
- are secretive;
- are manipulative;
- will minimize, deny, rationalize, and blame.

Sexual abuser's traits:

- workaholism;
- stress;
- alcoholism;
- drug abuse;
- not meeting personal needs;
- lack of significant one-to-one relationships;
- no supervision;
- isolation and secrecy;
- lack of consequences;
- opportunity and access to vulnerable people;

- high risk to violate boundaries and abuse.

5.7 Who are the Victims of Sexual Abuse Within Ministerial Relationships?

Victims can be anyone of any age or circumstance.

5.7.1 What Makes People Susceptible to Victimization?

Vulnerability makes people susceptible to victimization. It also makes them susceptible to coercion and manipulation.

a. Children or Teens

Vulnerability due to:

- age, size, social isolation, unstable family environment, special needs - developmental or mental health, street involved youth, history of abuse, children and youth that identify as 2SLGBTQI+.

Dependence on adults due to:

- need for adult approval;
- instinctive trust of adults;
- reliance on adults' interpretations of feelings, thoughts, and experiences;
- special relationship with adult involved.

Child Pornography

Child pornography can be:

- a photo, video or other visual representation that shows a person who is or is depicted as being under the age of eighteen (18) engaged in explicit sexual activity, or if their sexual organs are being shown;
- any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under eighteen (18);

- any written material that describes sexual activity with a person under eighteen (18); and
- any audio recording that captures sexual activity with a person under eighteen (18).

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b. Adults

Vulnerability due to:

- lesser power, gender, lack of resources, emotional needs, etc.

Expectations and feelings about one of the Brothers

- may trust in the Brothers as respected authority figures;
- may assume the Brothers are safe people to confide in because of their position and their Vow of Celibacy;
- may be attracted to the Brother's sensitivity, caring style, or power.

Behavior towards the Brothers

- may attempt to sexualize the relationship

c. Who is responsible?

The responsibility for protecting the integrity of the relationship lies with the Brother.

5.8 What are the Consequences of Sexual Abuse by a Brother for the Victim?

a. Emotional/Psychological

- anger;
- shame;
- guilt;
- fear of being blamed and/or disbelieved by congregation;
- inner conflict and confusion;

- fragmentation of self (mind/body/emotions);
- loss of trust;
- disruption and/or loss of relationship;
- depression;
- risk of self-destructive behavior;
- impaired capacity for sexual and emotional intimacy;
- vulnerability to further abusive relationships;
- loss of a safe place;
- no help for the original problem.

b. Spiritual/Religious

- loss of faith;
- loss of trust in religious leaders;
- estrangement;
- sense of sinfulness;
- sense of betrayal by Church and/or God;
- violation of covenants (e.g. adultery).

c. Particular Consequences for the Child Victim

- the abuse experience is often a child's first sexual experience, sets the context for future sexual expectations and encounters;
- developmental cycle is interrupted, the abuse may become the focus of the child's self-understanding;
- child receives a distorted view of sexuality and of the nature of intimate relationships;
- love/hate relationship established with the abuser, feelings of ambivalence become the basis for future relationships;
- child takes on the role of caretaker of the abuser, sees self as responsible for meeting the adult's needs;
- the abuse begins a process of separation from feelings;
- child associates sexual behavior with shame, guilt, and self-blame;
- distorts child's understanding of God.

5.9 Consequences of Sexual Abuse

- a. Order
 - public embarrassment;
 - loss of credibility in Community and/or general public;
 - sense of betrayal by abuser;
 - loss of confidence in their judgment of leadership;
 - erosion of ability to trust;
 - confusion and tension due to disparity between victim’s experience of abuser and their own experience of abuser;
 - temptation to blame the victim;
 - divisiveness, discord;
 - legal liability.
- b. Brother
 - shame, guilt;
 - fear of further disclosures;
 - loss of reputation and credibility;
 - disruption and/or loss of relationships (with the Order, with victim, with Church);
 - betrayal of colleagues’/co-workers’ trust;
 - betrayal of calling, ministry, professional integrity;
 - possible loss of job, livelihood, family;
 - violation of vows (marriage, celibacy);
 - legal liability.
- c. Ministry
 - loss of public credibility;
 - damaged reputation of the congregation/ministry;
 - possible loss of benefactors;
 - legal liability.

5.9.1 Characteristics of Ministry that Make Sexual Abuse by a Brother Particularly Damaging

- Brother as a representative of God;

- Brother as a representative of the ministry and the Church.

Because of these dimensions of ministry, sexual abuse by Brothers has a “multiplier effect”; the victim feels betrayed and damaged not merely by one individual, but by the Church, by the ministry, by God.

5.10 Sexual Contact within a Ministerial Relationship

When one or more of the following is evident within a ministerial relationship, it is a form of sexual contact:

- an affair;
- sexual addiction;
- falling in love;
- giving in to temptation;
- betrayal of celibacy;
- a fatal attraction;
- true love;
- adultery;
- succumbing to another’s advances;
- a momentary lapse of judgment;
- something that just got out of hand.

5.11 Sexual Contact within a Ministerial Relationship is a Violation of Role Boundaries

5.11.1 Goal

To maintain the integrity of ministerial relationships and to protect vulnerable persons such as client, co-workers, volunteer, etc., the Brother needs to understand Role Boundaries.

Role Boundaries Intact - Ethical

Role Boundaries Violated - Unethical

5.11.2 Definition

A violation of professional ethics occurs when any person in a ministerial role of leadership or pastoral counseling (clergy, religious, or lay) engages in sexual contact or sexualized behavior with client, co-worker, volunteer, etc. (adult, teenager, or child) in a professional relationship. This violation can occur within the context of formal or informal relationships.

5.11.3 Examples of Formal Ministerial Relationships

Sexual contact or sexualized behavior within ministerial relationships is exploitative and abusive because it takes advantage of the vulnerability of the less powerful person. The forms of exploitation can range from verbal harassment, seduction, and manipulation to molestation and rape.

These violations of the ministerial relationship are instances of professional misconduct in which the person in a position of religious leadership crosses the boundaries of the ministerial or supervisory relationship.

Some examples are:

- clients seeking pastoral guidance from a Brother.
- a Brother in relation with a co-worker.

5.12 Good, Bad, Confusing Touch

Touches can be good, bad or confusing.

5.12.1 Good Touches

Good touches are touches that make the receiver feel affirmed, nurtured, and good about himself/herself. Good touches are experienced by the receiver as warm and supportive.

Good touches do not convey any double messages, their sole message is one of affirmation and caring.

5.12.2 Bad Touches

Bad touches are touches that make the receiver feel bad about himself/herself, touches that hurt the receiver. Bad touches are experienced by the receiver as manipulative, coercive, abusive, or frightening.

The message they convey is one of harm, hurt, danger or disregard for the receiver's feelings and well-being.

5.12.3 Confusing Touches

Confusing touches are touches that make the receiver feel uncomfortable, uneasy, confused, or unsure. The receiver feels confused about the touch, about the person doing the touching, about that person's intentions.

Confusing touches are hard for the receiver to interpret. If they convey any message, it is a mixed message which results in complex and conflicting feelings in the receiver.

5.13 Sexualized Behavior

Since human beings are sexual by nature, all human relationships have a sexual dimension. However, people choose whether or not to make that sexual dimension overt. That is, they choose whether or not to "sexualize" the relationship. For example:

5.13.1 Verbal Behavior

- risqué jokes, sexual humor;
- sexual innuendo;
- tales of sexual exploits or experiences;

- inviting someone to share an experience involving nudity, such as a hot-tub, swimming at a nude swimming beach, massage;
- revelations of, or inquiries concerning the intimate details of one’s relationships;
- requests (direct or indirect) for active assistance;
- revealing one’s own sexual inadequacies;
- suggestive comments about appearance, dress, body shape/size;
- bids for sympathy about one’s partner’s sexual inadequacies.

5.13.2 Physical Behavior

- cornering someone and leaning against him or her;
- a prolonged hug, when hugging is the customary gesture;
- pressing up against the person’s body when hugging him or her;
- kissing on the lips, when kissing on the cheeks would be the customary gesture;
- “accidental” contact with sexual areas of body, e.g. reaching across someone and bumping against or brushing his or her breasts, genitals, buttocks, thighs;
- dancing sensually with someone;
- giving someone a gift of lingerie;
- fondling or caressing;
- sending someone a condom in a greeting card;
- prolonged gazes, insistent visual contact;
- tickling and playful aggression, e.g. wrestling;
- unreciprocated gift-giving.

5.14 Dual Relationships

A dual relationship is one in which a person attempts to fulfill two roles with the same person, e.g. to have a professional and a personal relationship with the same person.

Sexualized behavior within a professional relationship, or any attempt to sexualize a professional relationship, automatically creates a dual relationship; namely, a relationship between a professional and a client, and a relationship between intimate partners.

5.14.1 Examples of Attempted Dual Relationships

- an English professor who has an affair with one of the students;
- a Ph.D. student and their adviser who are “drinking buddies”;
- a therapist who attempts to treat a close friend;
- a physician who attempts to treat a family member;
- a teacher whose child is a student in the school in which they teach, in a relationship with the school’s principal;
- a Brother who seeks financial advice from one of his clients, who is a stockbroker;
- a Brother who dates one of his clients;
- a Brother who becomes a close family friend of another Brother's family.

When a Brother attempts a dual relationship with a person, the ministerial relationship is in jeopardy. If the attempted relationship includes sexualized behavior, the person may experience a betrayal of trust on several levels. The consequent damage to or loss of a relationship that the client has relied upon for his well-being often results in spiritual, emotional, psychological, and sometimes physical suffering.

5.15 Sources of Power and Vulnerability

Power and vulnerability are relative, and they are contextual. To speak of a person “having power” or “being vulnerable” is a misconception; a person has power in relation to another person in a given context and is vulnerable in relation to another person in a given context.

This is because power is a measure of one person's (or group's) resources as compared to another person's (or group's) resources. Those who command greater resources than others have power relative to them, those who command fewer resources are vulnerable relative to them.

The Brothers possess a certain degree of power in relation to the clients, co-workers, volunteers, etc., and they are vulnerable in relationships with the Brothers.

Being aware of the obvious and the more subtle sources of power and vulnerability is an important hedge against the always possible misuse of the degree of power that the Brothers possess in ministry.

5.16 Ethical Analysis - Factor #1

When a Brother engages in sexual contact or sexualized behavior with a client, co-worker, or volunteer, it is a violation of role and of fiduciary responsibility.

The ministerial relationship presupposes certain role expectations: the Brother is expected to make available certain resources, talents, knowledge, and expertise which will serve the best interests of the client, co-worker, volunteer, etc. Sexual contact or sexualized behavior is not part of the ministerial role. Such behavior is characteristic of a sexually intimate relationship, not a professional relationship; it is not appropriate to a professional (ministerial) relationship.

5.16.1 Ethical Analysis

Ministry includes:

- some degree of intimacy with clients

Ministry does not include:

- mutual intimacy
- sexualized behavior

Mutual intimacy or sexualized behavior in a ministerial relationship is:

- crossing the boundaries
- a violation of the ministerial role

5.17 Ethical Analysis - Factor #2

When a Brother engages in sexual contact or sexualized behavior with a client, co-worker, or volunteer, it is a misuse of authority and power.

The role of the Brother carries with it authority and power, and the attendant responsibility to use this power to benefit the people who call upon the Brother for service. This power can easily be misused, as is the case when a Brother uses (intentionally or unintentionally) his authority to initiate or pursue sexual contact with a co-worker. Even if it is the co-worker who sexualizes the relationship (or attempts to do so), it is still the Brother's responsibility to maintain the boundaries of the ministerial relationship and not pursue a sexual relationship.

5.18 Ethical Analysis - Factor #3

When a Brother engages in sexual contact or sexualized behavior with a client, co-worker, or volunteer, it is taking advantage of vulnerability.

To be vulnerable to another person is the result of having less power or fewer resources than that person. Clients, co-workers or volunteers are by definition vulnerable to the Brothers, that is in multiple ways, they usually have fewer resources and less power than the Brothers. When the Brother takes advantage of this vulnerability by gaining sexual access to a client, co-worker, or volunteer, the Brother violates the mandate to protect the vulnerable from harm, a mandate which derives from the Christian traditions of hospitality.

5.19 Ethical Analysis - Factor #4

When a Brother engages in sexual contact or sexualized behavior with a client, co-worker, or volunteer, it is an absence of meaningful consent.

Meaningful consent to sexual activity requires a context not merely of choice, but of equality; hence meaningful consent requires the absence of any constraint or even the most subtle coercion. When there is an imbalance of power between two people arising out of role differences, there is no real equality. There is always some imbalance of power and thus inequality between a Brother and those whom he serves or supervises. Even in the relationship between two people who see themselves as “consenting adults”, the difference in role (and usually other factors as well) precludes the possibility of meaningful consent.

5.19.1 Not Just Consent ... Meaningful Consent

- a. Meaningful consent requires
 - equality of resources.
 - lack of coercion (direct or indirect).
 - lack of constraints on choice.
 - ability to say “no” (self-confidence or maturity).
 - freedom to say “no” (not punished, rejected, or shamed for saying “no”).
- b. No meaningful consent possible when there is a power differential
 - potential constraints on choice.
 - potential coercion.

5.20 Ethical Analysis: Summary

Sexual activity in this context is exploitative and abusive. The sexual nature of this boundary violation is significant only in that the sexual context is one of great vulnerability for most people.

The essential harm is that of crossing boundaries within the ministerial relationship and thereby betraying a trust.

5.20.1 Violation of Role

The ministerial relationship presupposes certain role expectations: the Brother is expected to make available certain resources, talents, knowledge, and expertise which will serve the best interests of the client, co-worker, volunteer, etc. Sexual contact or sexualized behavior is not part of the ministerial role. Such behavior is characteristic of a lover relationship, not a professional relationship.

5.20.2 Misuse of Authority and Power

The role of the Brother carries with it authority and power, and the attendant responsibility to use this power to benefit the people who call upon the Brother for service. This power can easily be misused, when a Brother uses (intentionally or unintentionally) his authority to initiate or pursue sexual contact with a client, co-worker or volunteer. Even if it is the client, co-worker or volunteer who sexualizes the relationship (or attempts to do so), it is still the Brother’s responsibility to maintain the boundaries of the ministerial relationship and not pursue a sexual relationship - for with power comes the responsibility to use that power ethically.

5.21 Vulnerability or Risk

“Vulnerable” means “able to be injured or damaged”.

In the context of abuse, “vulnerable” is a valid description of those who are in danger of being abused, not those who are in danger of abusing others. All of those whom the Brothers serve or for whom the Brothers have responsibility are vulnerable in relation to the Brothers. They are therefore in a position to be

injured or damaged.

In ministerial relationships, all are at risk for violating the boundaries of the ministerial role, thereby abusing clients, co-workers or volunteers, knowingly or unknowingly.

Generally speaking, those whom the Brothers serve or supervise are in danger of being injured or damaged by the Brothers; and the Brothers are in danger of causing injury or damage to them and to the ministerial relationship by crossing boundaries.

Therefore, it is not accurate to describe the Brothers in ministerial roles as vulnerable. The Brothers are not vulnerable but are moral agents. Because the Brothers are moral agents, they are responsible for maintaining the boundaries of the ministerial relationship. When those boundaries are crossed, Brothers are not the abused but are the abusers.

Brothers may feel anxious or “vulnerable” when having to deal with the sexualized behavior of a client, co-worker, or volunteer. Such behavior can be very unnerving. Not wanting to hurt their feelings or cause them to feel rejected, and not wanting to further increase their sense of vulnerability, the Brother must give them a clear and unequivocal message that there is no interest in sexualizing the relationship, yet there is value in the ministerial relationship. Brothers may be anxious about this situation, about what they feel, or about what they may or may not do, but that is anxiety, not vulnerability.

However, sometimes a Brother may in fact be vulnerable to clients, co-workers or volunteers. When a Brother fails to maintain boundaries, then abuse is committed. In situations where clients, co-workers, or volunteers have more power than the Brother does, i.e. usually where they are in a position to influence the Brother’s employment, then there is a situation of vulnerability for the Brother. A young, inexperienced Brother may find himself in this situation.

5.22 Preserving Boundaries in the Ministerial Relationship: Individual, Personal and Professional Health

5.22.1 Ten Guidelines for Maintaining Ministerial Boundaries

1. To Counsel, or Not to Counsel
 - Do not attempt counseling unless you are trained as a counselor.
 - Do not attempt to counsel victims, survivors, or abusers for their abuse without special training in this area.
2. If You do Decide to Counsel,
Set limits:
 - Avoid counseling in any setting that might suggest dating or other social interaction.
 - Limit the length and number of the sessions in advance.
3. Sexual Feelings
 - Be aware of any sexual feelings vis-à-vis clients, co-workers, volunteers, etc. (expect to have these feelings).
 - Acknowledge these feelings to yourself, to a supervisor, and/or in a consultation session, not to the individual who is the object of those feelings, nor to any other client, co-worker or volunteer.
4. Sexualized Behavior
Do not attempt to sexualize any ministerial relationship. If a client, co-worker, or volunteer engages in sexualized behavior towards you, do not respond in kind, maintain your ministerial role, reaffirm the ministerial relationship, and consult with a colleague, consultant, or supervisor.
5. Stress Management and Self-Care
Provide for your own physical, psychological, and spiritual self-care, recreational time, time off to care for self or family, retreats,

educational leave, etc. As a check to see whether you are doing this, list activities you engage in outside your Local Community living. The Order has an obligation to support individuals' self-care, through financial support and generous leave policies.

6. Dual Relationships

Avoid dual relationships in which you are both minister and friend to a client, co-worker, volunteer, etc.

7. Personal Relationships and Intimacy Needs

Attend to your personal and communal relationships. Maintain and nurture them. As a check, list the relationships you have with people who are not members of the Order.

8. Avoiding Workaholism and Burn-out

Be clear about your job description and the accompanying expectations. When you encounter situations beyond your expertise, consult and refer. If your workload seems unreasonable or unmanageable, discuss this with a supervisor or a consultant and see what can be done.

9. Supervision and Evaluation

Ask a supervisor to periodically review your position and your work with you, if your supervisor does not do this on his/her own initiative.

10. In Order to Avoid Isolation

- Maintain contacts with colleagues;
- Consult regularly.

5.22.2 Other Physical and Mental Abuse

Physical, verbal or mental abuse of the young or vulnerable in the Order's care may make them feel diminished or unhappy. In the worst case, that person could be moved to injure himself.

Bullying, whether by teacher towards pupil, caregiver towards patient, superior towards junior employee, (or vice versa) is unacceptable behavior and must be taken seriously. This cannot be put down to 'mere teasing'.

Brothers must make every effort to ensure that such physical or mental abuse of the young or vulnerable does not take place. Any Brother who engages in such conduct is liable to be removed from his assignment or employment and, in a serious case, to be dismissed from the Order.

5.23 Policies and Procedures for Responding to Accusations of Sexual Abuse of Minors by Members of the Order in North America

5.23.1 Introduction

Sexual abuse of minors is a more frequent occurrence than was commonly perceived in the past. Allegations of sexual abuse/harassment of minors against a Brother may carry with them severe legal and financial implications for the individual Brother as well as the Order. The accused Brother may face criminal as well as civil charges, and the Order may face civil litigation seeking monetary compensation for its alleged negligent failure to supervise the accused Brother. In an effort to ensure that the Order responds in a uniform, appropriate and timely manner to accusations of sexual abuse of minors made against any Brother, the policy and procedures set forth below shall be followed whenever a Brother is accused of sexual abuse of a minor.

The sexual, physical or other abuse of children, the sexual harassment of people of all ages and the physical, verbal and mental abuse, particularly of the young and the vulnerable, are wholly unacceptable by the Order or in institutions or projects run by the Order.

5.23.2 Purpose

The Order has adopted this policy in an effort to ensure, to the greatest extent possible, that

- a. accusations of sexual abuse made against any Brother are fully, objectively and timely investigated;
- b. both the accused and the alleged victim and his/her family are treated at all times with compassion and concern;
- c. rehabilitation and therapeutic intervention are available for the Brother and victims and their families where accusations of sexual abuse are substantiated.

5.23.3 Definitions

“Sexual abuse of a minor” means any sexual intercourse, sexual contact, or sexual exploitation of any person under eighteen (18) years of age. The term encompasses touching or applying force to the intimate parts of a minor, and causing a minor to touch one’s intimate parts. “Intimate parts” means the genital areas, groin, buttock, anus or breast.

5.23.4 Confidentiality

Most States/Provinces recognize what is commonly referred to as the “priest-penitent” privilege, which protects from disclosure all confidential pastoral communication between a penitent and any priest, religious sister or religious brother. However, communication between an accused Brother and another member, being the Provincial or a Council Member, would not necessarily be a privileged communication protected by law in some states, which means that a prosecutor could subpoena the Provincial or a Provincial Council Member, to testify under oath as to what they know about a case of alleged sexual abuse of a

minor by a Brother. Accordingly, whenever such an accusation is made, great care and concern must be used by all Brothers to protect the confidentiality of the case as well as the reputations of the alleged victim and the accused. Because of the legal consequences, the accused Brother is counseled not to discuss the facts of the case or admit any culpability to the Provincial or a Provincial Council Member or his Local Prior or any other person without first consulting with an attorney.

5.23.5 Child Protective Services

Most States/Provinces have established child protection services and agencies to handle incidents of alleged child abuse. Each Local Community shall become familiar with all State/Provincial and local child abuse laws in its area, including all laws and regulations governing reporting of alleged child abuse, to ensure that all entities required by law to be notified of alleged incidents of abuse are so notified.

5.23.6 Brothers in Ministry

Where the accused Brother is employed in a ministry, and it is alleged that sexual abuse of a minor by the Brother occurred during the course of such employment. All employed Brothers are to follow their employer’s policies and procedures, as well as the policies and procedures set forth herein. The Order will cooperate with the accused Brother’s employer, and will not interfere in any way with the employer’s investigation of the alleged incident.

5.23.7 Procedures for Responding to an Accusation of Sexual Abuse

It is the responsibility of the Provincial Superior and the Prior General to investigate any alleged cases of abuse through an

appropriate person and to open the canonical process which may ensue.

- a. The accused Brother shall immediately contact the Provincial or, in his absence, a Member of the Provincial Council, and inform him that he is accused of sexual abuse of a minor and that he needs assistance.
 - If any Brother is informed that another Brother has been accused of sexual abuse of a minor, he shall immediately notify the Local Prior of that accusation.
 - Whenever a Local Prior is informed that a Brother has been accused of sexual abuse of a minor, he shall immediately notify the Provincial of such accusation, and seek the Provincial's advice concerning the legal and pastoral responsibilities of the Order.
- b. Upon learning of an accusation of sexual abuse of a minor by a Brother, the Provincial or in his absence, a Member of the Provincial Council shall:
 - immediately suspend the accused Brother from active ministry until an investigation of the accusation has been completed by a trained professional and the legal authorities, and take any other appropriate steps to ensure that the accused Brother will have no assigned duties for the duration of the investigation of the alleged incident.
 - immediately notify all entities required by law to be notified of alleged incidents of sexual abuse of minors. The Provincial or in his absence, a Member of the Provincial Council will arrange for a Brother to act as liaison with the legal authorities in the investigation of the alleged incident.
 - assist the accused Brother in retaining an attorney, whose fees shall be paid by the Order. The Brother's attorney

will then assume responsibility for advising the accused Brother on how to deal with other attorneys, civil authorities, the media, etc.

- immediately notify the Prior General, and the Order's insurance carrier of the alleged incident and where liability coverage may be available, work with the insurance carrier to secure legal representation for the Order and/or Brother.
- c. During the course of investigation of the alleged incident, the Provincial or his delegate shall
 - provide guidance to the accused Brother and assist him in obtaining counseling and in following these procedures, treat him at all times as a Brother according to the Statutes and Constitutions of the Order.
 - consistent with the advice of counsel, arrange for a visit to the family of the child who is making the accusation, to assure them that the intent of the Order is to facilitate a full and timely investigation of the facts, and to take whatever action is necessary for the protection and well-being of the child. The family will also be assured of the cooperation and support of the Order in arranging counseling.
 - d. If sexual abuse of a minor by a Brother is substantiated, either through voluntary admission by the Brother or as the result of investigation or prosecution of the incident, the following steps may be taken as appropriate under the circumstances
 - Consistent with advice of counsel, the Provincial or his delegate shall arrange for a meeting with the child's family to express, on behalf of the Order's support and concern, and to offer financial support for the costs of therapy for the child and members of the child's family.
 - Consistent with advice of counsel, the Provincial or his delegate will arrange for a psychological/psychiatric

evaluation for the Brother. The recommendations of the examining psychotherapist regarding treatment will be followed, and the Provincial will personally supervise or appoint a Member of the Provincial Council to oversee the implementation of the treatment program, pending the advice of legal counsel and the directions of law enforcement authorities.

- As mandated by Canon Law, the Prior General will initiate the process of dismissal of the Brother from the Order. *Canon 1398-§1*

e. The Media

- It is imperative that one person is appointed to deal with the media, preferably someone with relevant experience, as soon as practicably possible to encourage the adoption of a uniform approach and to demonstrate an efficient, consistent and professional stance to the public.
- All enquiries should be directed to this person and, if questioned or confronted about an incident or a situation, no comment should be made by any other person other than to refer enquiries to the appointed person.
- A statement should be issued at an early stage to demonstrate the fact that the matter is being properly dealt with - even if that statement simply informs that the matter is being dealt with by a particular lawyer.
- Generally speaking it is proper and reasonable to provide only the barest of factual information while proceedings, legal or otherwise, are pending or in process.
- A statement should be prepared by the appointed person prior to the conclusion of any proceedings, in anticipation of its release after the conclusion of proceedings.

24. Sexual Abuse

5.24.1 Procedures to be Followed in the Case of Charges of Sexual Abuse Committed Against A Minor or with a Person Who Habitually has the Imperfect Use of Reason, by a Brother, a Priest or a Deacon of the Order

It is the responsibility of the Provincial Superior and the Prior General to investigate any alleged cases of abuse through an appropriate person and to open the canonical process which may ensue.

1. Whenever the Provincial Superior receives allegations of abuse by Brother, he must inform the Prior General.
2. When such abuse is proven or when there have been complaints about abuse, the Provincial Superior must inform the diocesan Bishop and follow the Protocol and the procedures laid down by the Bishops' Conference of the country in which the abuse has taken place.
3. Countries where the Bishops' Conference has no Protocol on abuse, the Provincial Superior must request the Union of Major Superiors. If there is no such Protocol, the Prior General must be informed to indicate the process to be followed, which must begin with a prior investigation of the facts and the cautionary measures to be taken against the accused Brother.
4. When it has been ascertained that any abuse has been committed and no third party has reported the matter to the secular courts, all the facts known must be reported to the authorities as required by the law of the land, after having consulted the Order's legal counsel.

5. When a complaint has been lodged with the secular courts, it is necessary to await the outcome of the case and final judgement, including any appeals which may be lodged.
6. When the case becomes public knowledge, the Provincial Superior should set up a commission including himself, the lawyer and another person enjoying their confidence, to coordinate matters and provide the appropriate information to the mass media.
7. If the judgement goes against the Brother and the Brother does not apply for dispensation/laicisation, the Provincial Superior must open the canonical process which, once concluded must be referred to the Prior General, so that the latter may, if he considers it appropriate and with the consent of his Council, refer the matter to the Congregation for Institutes of Consecrated Life and Societies Apostolic Life, which has the last word.
8. If the Brother is acquitted by the secular court, the Provincial Superior and the Prior General shall decide whether that is the end of the matter, or whether there are still sufficient grounds to open a canonical process, following the same procedure as indicated in the previous paragraph.
9. In the cases referred to in Paragraphs 7 and 8, account must be taken of the possible developments in terms of risks to the defendants (whether or not already convicted), the Order, the Church and society.
10. When a complaint has been lodged with the secular courts, full cooperation must be provided to the judicial authorities in order to clarify the facts. The necessary measures must also be adopted to accompany the Brother: a lawyer must be appointed to act for the accused Brother; the case must be entrusted to professionals to provide psychological support, and the Brother must be given spiritual help, and no guilt must

be ascribed until all the facts have been fully and finally clarified.

11. When the charges are deemed plausible, and even more so when they are proven, the necessary pastoral accompaniment measures must be provided to the victims. Genuine efforts must be made to contact the victims, respecting their silence or their right to speak about the events that happened to them. Pastoral care must be given to the victims in a manner that will bring them peace of mind and foster their psychological and spiritual well-being.
12. All Superiors must bear very clearly in mind, and provide all necessary psychological and pastoral care to the “*silent victims*”, namely, any Brothers who may have been unjustly accused, and who have thereby suffered irreparable harm. If any charges and reports of abuse have been made, the Provincial Superior, with the help of his Council, must carefully look after and accompany the other Brothers of the Province, and as far as possible our co-workers and guests, who are seriously affected by this situation.

5.24.2 Procedures to be Followed in the Case of Sexual Abuse Committed Against A Minor or with a Person who Habitually Has the Imperfect Use of Reason by a Brother, a Priest or a Deacon of the Order

The Congregation for the Doctrine of the Faith has exclusive jurisdiction over cases of sexual abuse committed against minors, or a person who habitually has the imperfect use of reason by priest or deacon. (Montu Proprio – “Sacramentorum Sanctitatis Tutela” and norms on the crimes reserved to the Congregation for the Doctrine of the Faith).¹

¹ Congregation for the Doctrine of the Faith. Norms on the crimes reserved to the Congregation for the Doctrine of the Faith. Vatican City. 2012

The Provincial Superior and the Prior General are responsible for investigating all alleged cases of the abuse through a suitable person.

1. Whenever the Provincial Superior receives allegations of abuse, he must inform the Prior General of the matter, and conduct a preliminary investigation to confirm, or otherwise, the likelihood of the facts.
2. If the charges are deemed to be plausible, the Provincial Superior must take all the precautionary measures provided by Canon Law.
3. When the preliminary investigation has been completed, the Provincial Superior must forward his report to the Prior General, to be forwarded to the Congregation for the Doctrine of the Faith, which has jurisdiction in these cases, accompanied by the Form required by the CDF (Form for reporting graviora delicta cases (Form 55 in the Handbook). The Congregation will then open a canonical process against the accused priest or deacon, and issue judgement. It may request the Major Superiors (Provincial and General) to provide any information it deems appropriate.
4. When it has been ascertained that any abuse has been committed and no third party has reported the matter to the secular courts, all the facts known must be reported to the authorities as required by the law of the land, after having consulted the Order's legal counsel.
5. In the event of proceedings taken before a secular court, the proceedings will follow their natural course which will be different from the canonical process. When the secular court hands down its judgement, the Provincial Superior must immediately forward it to the Prior General who will then forward it to the CDF; for although they are two separate procedures, and may result in different judgements, the

secular court judgement is important for the final decision reached by the canonical process.

6. When passing judgement in the canonical process, account must be taken of the possible developments in terms of risks to the defendants (whether or not already convicted), the Order, the Church and society.
7. When a complaint has been lodged with the secular courts, full cooperation must be provided to the juridical authorities in order to clarify the facts. The necessary measures must also be adopted to accompany the priest or deacon: a lawyer must be appointed to act for the accused priest or deacon; the case must be entrusted to professionals to provide psychological support, and the priest or deacon must be given spiritual help, and no guilt must be ascribed until all the facts have been fully and finally clarified.
8. When the charges are deemed plausible, *a a fortiori* when they are proven, the necessary pastoral accompaniment measures must be provided to the victims. Genuine efforts must be made to contact the victims, respecting their silence or their right to speak about the events that happened to them. Pastoral care must be given to the victims in a manner that will bring them peace of mind and foster their psychological and spiritual well-being.
9. All Superiors must bear very clearly in mind and provide all the necessary psychological and pastoral care to the “*silent victims*”, namely, any Brothers who may have been unjustly accused, and who have thereby suffered irreparable harm. If any charges and reports of abuse have been made, the Provincial Superior with the help of his Council, must carefully look after and accompany the other Brothers of the Province, and as far as possible our co-workers and our guests, who are seriously affected by this situation.

Considerations and Suggestions

- a. Whenever a case of abuse of this kind arises, the Provincial Superior must visit the Bishop of the diocese and brief him on the case.
- b. The preliminary investigation can be carried out in the manner the Provincial Superior deems most appropriate, but it is suggested that a prior canonical investigation be instituted by appointing a Canon Lawyer to prepare the case and a notary to assist and accompany him. The diocesan bishop will be able to suggest a Canon Lawyer, if necessary, to conduct this prior investigation.
- c. When the case becomes public knowledge, the Provincial Superior should set up a commission including himself, the lawyer and another person enjoying their confidence, to coordinate matters and provide the appropriate information to the mass media.

*Approved by the General Curia of the
Hospitaller Order of Saint John of God
– September 2018*