

SECTION 5 SEXUAL MISCONDUCT POLICY

A Brother's sexual misconduct may constitute either sexual abuse, sexual harassment or sexual exploitation.

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 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 and 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.

5.2.1 Types of Abuse

5.2.1.1 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 who is a legally incompetent client. 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.

5.2.1.2 Sexual Harassment

As used in this policy, sexual 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.

5.2.1.3 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.

5.2.1.4 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.

5.2.1.5 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.

5.2.1.6 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.

*Approved by the Provincial Curia of the
Province of the Good Shepherd in North America
– September 2020*

5.3 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.

5.4 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.

5.4.1 What Traits Differentiate Them?

Wanderers

- wander across boundaries

Sexual Predators

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

5.4.2 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

5.4.3 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.

5.5 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.

5.6 Who are the Victims of Sexual Abuse within Ministerial Relationships?

Victims can be anyone of any age or circumstance.

5.6.1 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, lack of understanding, lack of experience.

- 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.
- 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.

5.7 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.

5.8 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.

5.8.1 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.

5.9 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.

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

5.10.1 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

5.10.2 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.

5.10.3 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.

5.11 Good, Bad, Confusing Touch

Touches can be good, bad or confusing.

5.11.1 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.

5.11.2 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.

5.11.3 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.

5.12 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:

5.12.1 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.

5.12.2 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.

5.13 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.

5.13.1 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.

5.14 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.

5.15 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.

5.15.1 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

5.16 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.

5.17 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.

5.18 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 persons 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 persons who see themselves as "consenting adults", the difference in role (and usually other factors as well) precludes the possibility of meaningful consent.

5.18.1 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.

5.19 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.

5.19.1 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.

5.19.2 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.

5.20 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.

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

5.21.1 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.

5.21.2 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.

5.22 Policies and Procedures for Responding to Accusations of Sexual Harassment by Members of the Order – CANADA

5.22.1 Introduction

The issue of sexual harassment has come to the forefront as a serious offense in the workplace. Any accusation of sexual harassment brought against a Brother requires a serious

and timely response by the Provincial and his Council, in order to correct such behavior, if it has, in fact, occurred, and as a means to help prevent its reoccurrence in the future. The policies and procedures set forth below shall be followed whenever a Brother is accused of sexual harassment.

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.

5.22.2 Purpose

Harassment in any form, and particularly sexual harassment, is contrary to basic standards of conduct between individuals. Accordingly, the Order has adopted this policy in an effort to ensure, to the greatest extent possible, that

- a. accusations of sexual harassment or abuse made against a Brother are fully, objectively and timely investigated;
- b. both the accused and the alleged victim are treated at all times with compassion and concern; and
- c. rehabilitation is available for the Brother and victim where accusations of sexual harassment are substantiated.

5.22.3 Definitions

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal or physical conduct or communication of a sexual nature, including unwelcome jokes and teasing, when

- a. submission to that conduct or communication is made explicitly or implicitly a term or condition of obtaining or retaining employment, accommodations, public services or housing; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, accommodations, housing or the availability of public services; or
- c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, accommodations, housing or the availability of public services, or creating an intimidating, hostile or otherwise offensive and poisoned environment for the individual.

5.22.4 Procedure for Responding to an Accusation of Sexual Harassment

- a. If an accusation of sexual harassment is made against a Brother, the Local Prior must immediately be informed. The Local Prior will inform the Provincial. The Local Prior will then assume responsibility for seeing that the following steps are taken as soon as reasonably possible.
 - The accusation is to be investigated immediately. Unless circumstances require otherwise, the investigation should be completed within sixty (60) days of the Local Prior's notification of the accusation.

- The Local Prior will not undertake the investigation himself. Rather, he will seek the assistance of an experienced professional in such investigations. Any investigation undertaken on behalf of the Order, must be done in cooperation with a civil investigation, if one is underway.
 - The Local Prior will immediately suspend the accused Brother from active ministry services until an investigation of the accusation has been completed.
 - The Order will secure the legal assistance of an attorney for the duration of the investigation. In the event a civil suit is filed by the alleged victim against the accused Brother, the Order will retain legal counsel to represent the Order and the accused Brother during the court proceedings.
 - The alleged victim will be assured of pastoral assistance by the Order.
 - If a psychological assessment of either the alleged victim or the accused Brother is deemed necessary to the investigation of the incident, the cost of the assessment(s) will be borne by the Order.
 - Costs of psychological counseling for the alleged victim and the accused Brother during the course of the investigation will generally be borne by the Order.
 - A written report of all investigatory steps taken, information gathered and conclusions reached during the course of the investigation will be prepared by the investigator and shall be retained by the Order.
 - Every effort will be made by the Order and its investigator to protect the confidentiality and reputations of the alleged victim and the accused Brother.
- b. If an accusation of sexual harassment by a Brother is substantiated, either through voluntary admission by the Brother or as the result of the investigation, the Local Prior will inform the Provincial, who with the advice of his Council will take appropriate disciplinary steps which may include dismissal from the Order, if the seriousness of the offense or repeated occurrence of the conduct so warrants.
- If the accused Brother believes that the resolution of the complaint is unsatisfactory, he may ask that the decision be reviewed by appeal.
 - Consistent with the advice of legal counsel, the Order may offer compensation to the victim for the cost of psychological counseling.
 - The victim will be allowed to resume or continue employment, accommodations, public services or housing that the Order facilitates if the victim so chooses.
 - The accused Brother may be required to participate in psychological evaluation and counseling. If the offense reoccurs, the Brother's dismissal from the Order will be initiated.
- c. If an accusation of sexual harassment cannot be substantiated through investigation, a written record of that determination is to be prepared by the investigator and made available to the accuser and the accused.
- d. 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.

5.23 Policies and Procedures for Responding to Accusations of Sexual Abuse of Minors by Members of the Order – U.S.A.

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 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 State Child Protective Services

Most states have established child protection services and agencies to handle incidents of alleged child abuse. Each Local Community shall become familiar with all state and local child abuse laws in its area, including all laws and regulations governing reporting of alleged child abuse, as a means 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, the policies and procedures set forth herein are not intended to take the place of policies and procedures that the accused Brother’s employer may have in effect. 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

- a. The accused Brother shall immediately contact the Provincial or, in his absence, a member of the Provincial Council, and inform him that he has been accused of sexual abuse of a minor and that he needs help.
 - 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 that might involve contact with children 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 Order's insurance company 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 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.
 - The Provincial, with the deliberate vote of his Council, will initiate the process of dismissal of the Brother from the Order. A report of the case will be forwarded to the Prior General for determination.

- 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.

5.24 Policies and Procedures for Responding to Accusations of Sexual Harassment and Sexual Abuse - United Kingdom

5.24.1 Introduction

- a. We believe that it is the church's position that she has a responsibility for protecting the moral welfare of her children which overrides any desire to protect those who work for the church from justifiable criminal action.
- b. Reference in these policies to 'children' includes young or vulnerable people and reference to 'parents' refers to either or both parents or to a guardian, including one appointed by a Court of Law.
- c. 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.
- d. Allegations of abuse against a Brother may carry with them severe legal and financial implications for the individual Brother as well as for the Order.

5.24.2 Purpose

- a. That accusations of abuse and harassment made against a Brother are taken seriously and are objectively and quickly investigated.
- b. That both the alleged perpetrator and the alleged victim, as well as the families of both, are treated at all times with compassion and concern.
- c. That where abuse is substantiated, the victim and the victim's family are properly dealt with, including being offered counseling and, subject to legal advice, financial compensation.
- d. That where an accusation of harassment or abuse has been substantiated, the perpetrator

is removed from such employment or other post in which he could re-offend and is given such residential care, counseling and treatment as is considered appropriate.

5.24.3 Definitions

- a. 'Sexual abuse' means the involvement of any person, particularly children and young people (as defined in the Children Act 1989) and of mentally or physically impaired adults, in sexual activities that they do not fully comprehend or to which they cannot give informed consent. It includes all or any of the following:
 - Rape, unlawful sexual intercourse (with mental defectives, girls under 13, or girls 13 or over but under 16), indecent assault upon a female of any age, or upon a male of any age.
 - Incest, sodomy, buggery.
 - Procuration of females by threats, fraud, or drugs, detention of females in brothels, permitting a child or young person to be in a brothel, living on the earnings of prostitution and importuning by male prostitutes.
 - Indecent photography of children.
 - Sexual exploitation, obscene phone calls, indecent exposure.
- b. 'Physical abuse' means an injury inflicted on a victim other than by accidental means, and it includes lacerations, fractured bones, internal injuries, severe/frequent/minor bruising.
- c. 'Mental abuse' is by its very nature much more difficult to prove but could result from teasing, bullying (including the incitement of others to do so), threats or harassment.
- d. 'Harassment' means any conduct, whether verbal, physical or visual, against a co-worker, tenant, volunteer, guest or other person in the care of the Order which impairs that person's human right to acceptance, personal respect, dignity and equal opportunity for service and employment.
- e. 'Sexual harassment' means the unwelcome sexual advance, request for sexual favors or other verbal or physical conduct, including gestures of a sexual nature, which is offensive to the average person or persons to whom it is directed.

5.24.4 Procedures for Response to the Accusation of Sexual Abuse

- a. The Victim
 - An allegation made by anyone that a child has been sexually abused by a Brother must immediately be referred to
 - o The Child Protection Unit (or similar department) at the local County or Borough Social Services Office;
 - o The Safeguarding Officer of the Diocese;
 - o The Local Prior;
 - o The Provincial, or in his absence, to a member of the Provincial Council.
 - Under no circumstances should the child be interviewed (i.e. questioned) by any Brother but be told that the disclosure will be taken seriously and acted upon promptly, including involvement of the Social Services department, and that they are in no danger from the alleged perpetrator of the abuse.

b. The Alleged Perpetrator

- He should, if an employee of the Order, be immediately suspended, told that the suspension is as a result of an allegation being made which is not proven but which must necessarily be taken seriously.
- A Brother or a lay person acting in a voluntary capacity will also be suspended from his role.
- This policy will have been discussed, explained and signed by each member and therefore, while perhaps being able to argue that the allegation is false, may not argue about his suspension in accordance with this policy.
- It is important that any suspension should continue until all investigations are completed, and the suspension is entirely without prejudice and should not imply any presumption of guilt.
- In justice, the alleged perpetrator should be given details of the allegation once the victim is safe, so that he may obtain legal advice to defend himself, but the allegations themselves should not be discussed in detail with him. This is in order to prevent potential incrimination by the alleged perpetrator and unnecessary involvement of the Order.

c. The Parents

'Parents' in this case means either or both parents and any legal or de facto guardian of the child.

In liaison with the Child Protection Unit, the Local Prior should:

- notify the child's parents of the complaint (assuming that they are not already involved) and reassure them that the child's name will be kept anonymous.
- advise the child's parents of the steps to be taken, including medical checks and possible police investigation and assure them of the Order's support.
- ensure that without being unduly unsettling, the child understands the action that will be taken.
- reassure the parents that effective steps will be taken to protect their child and other children from abuse.

d. 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 solicitor.
- 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.

- e. Legal Problems
- Once outside agencies are informed (e.g. the police or Child Protection Unit) the possibility of criminal proceedings against the alleged perpetrator should be taken seriously and an experienced solicitor retained to look after his interests.
 - It is unlikely that the Order would itself be the subject of criminal proceedings in respect of which one or more of its Brothers are accused. Nevertheless, a civil claim could be instituted by the victim or members of his/her family, and it is important that legal advice be obtained early on as to what should or should not be said in relation to the allegations, and it may be necessary to retain suitable notes of the allegations made and the procedures employed in order to defend the Order in relation to a subsequent claim by the victim or members of his/her family.
- f. The Consequences of Child Abuse being Substantiated
- If a Brother makes a voluntary admission of guilt or is convicted in a Court of Law in relation to abuse, then
 - o he must be permanently removed from his assignment or employment.
 - o he must either enter into a program for psychiatric assessment and counseling, or be dismissed from the Order
 - o If he remains a Brother he must not be given an assignment in any location where the possibility could arise of re-offending, except in the unusual circumstances of a consultant psychiatrist giving a written opinion that the Brother in question will not re-offend.
 - The policies and procedures for the Order, including these policies, should be re-examined to ensure that so far as possible the climate or potential for further abuse is significantly diminished.
- g. Harassment and Sexual Harassment
- The Order regards both harassment and sexual harassment as wholly unacceptable conduct.
 - Any Brother engaging in harassment or sexual harassment is likely to be permanently removed from his assignment or employment and renders himself liable to be dismissed from the Order.

*Approved by the Provincial Curia of the
Province of the Good Shepherd
in North America – March 2016*

5.25 Sexual Abuse

5.25.1 Procedures to be Followed in the Case of Charges of Sexual Abuse Committed Against Minors Who is a Legally Incompetent Client, by a Brother

It is the responsibility of the Provincial Superior and the Superior General to investigate any alleged cases of abuse, personally or through an appropriate person and to open the canonical process which may ensue (Canon 1717 and 1718).

1. Whenever the Provincial Superior receives allegations of abuse by Brother, he must inform the Superior 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 Superior 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, the Provincial Superior must open the canonical process which, once concluded must be referred to the Superior 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 Superior 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.

5.25.2 Procedures to be Followed in the Case of Sexual Abuse Committed Against Minors or Adults with Mental Disabilities by the Brother who is a Priest or Deacon of the Order

The Congregation for the Doctrine of the Faith has exclusive jurisdiction over cases of sexual abuse committed against minors or adults with mental disabilities by a priest or deacon. (Montu Proprio – “Sacramentorum Sanctitatis Tutela” and norms on the crimes reserved to the Congregation for the Doctrine of the Faith).¹

The Provincial Superior and the Superior General are responsible for investigating all alleged cases of the abuse, either personally or through a suitable person (cf. Canon 1717).

1. Whenever the Provincial Superior receives allegations of abuse, he must inform the Superior 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 1722.
3. When the preliminary investigation has been completed, the Provincial Superior must forward his report to the Superior 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 Superior General who will then forward it to the CDF; for although they are

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*

- 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 (*c.f. Canon 1717*), 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*