



*General Curia*

# Missionaries of the Precious Blood

*Viale di Porta Ardeatina, 66*

*00154 Roma - Italia*

*Tel. +39 06 574 1656*

*Fax +39 06 574 2874*

## **Policy on Responding to an Accusation of Sexual Misconduct with a Minor**

### **Introduction**

The reality of the sexual abuse of children (minors under the age of consent) by clerics and members of religious congregations has been well documented. There have been many reported failures of religious members to live the requirements of consecrated life. While this is always a cause of sadness and concern, all the more so when that misconduct involves the sexual abuse of a minor. A second scandal has been the inappropriate response of religious superiors when such misconduct comes to light. This has resulted in grave scandal and has reflected badly on the Church and the religious institutes.

While the scandal is an embarrassment to us, it must be stated that the means to avoid embarrassment can never be to cover up or hide the misconduct of the member; that compounds the scandal by adding the misconduct of the religious superior and the religious institute. It is also inappropriate to place blame for the scandal on those that report the abuse. As Benedict XVI has said: "the greatest persecution of the church does not come from the enemies outside, but is born from the sin in the church." The means to avoid the scandal is to assist our members to faithfully live the requirements of consecrated life and to avoid any misconduct; and if the misconduct does occur and comes to light, to respond to the misconduct in ways that affirms our absolute value of the protection of children. The purpose of this policy is to affirm that value and to offer guidance to religious superiors and the congregation on how to respond to an accusation of a member regarding a sexual misconduct with a minor.

### **Foundational Principles and Values**

In a situation where there has been an accusation of sexual misconduct between a member and a minor, the primary concern and of grave importance, is **the protection of children**. This is the absolute value. Any sexual activity or inappropriate touching of a minor under the age of consent is a grave moral failure and always constitutes abuse.

It is essential that we follow the guidance of canon law, civil law and the Normative Texts. It is the responsibility of all religious superiors to be knowledgeable of these requirements and to be conscientious in following required prescription from these sources.

In a situation when someone is accused of the sexual abuse of a minor, all the parties involved have defined rights and responsibilities. The alleged victim of abuse has the right to justice and protection from further abuse; they have the reasonable expectation that they will be responded to with pastoral and psychological sensitivity and that their accusation will be considered seriously. Pastoral care of the victim of the sexual misconduct is to be a priority for the congregation. The one accused has rights and responsibilities as a member of the congregation and as a cleric (for priests). The same can be said for the congregation as a whole and the individual units; for the Moderator General and for other superiors.

While some ecclesial regulations are universal, local churches or Episcopal conferences may have additional requirements which must be observed.

The requirements of civil authority in these matters must always be observed; safeguarding the requirements of the seal of confession. These requirements are specific to location and vary from place to place.

### **Policy**

When an accusation is made against a member of sexual misconduct with a minor, it must be investigated seriously by that member's unit superior. The investigation needs to be both thorough and completed in a timely fashion. The investigation may include psychological testing and counseling for the members. During that investigation, it is essential that the one who stands accused does not remain in any ministerial or living situation where the alleged misconduct could possibly continue. This means that the one accused is temporarily restricted from all active ministry. This is a temporary restriction imposed during the investigation. Safeguards to protect children must be in place. All reasonable efforts should be made to protect the reputation of the one accused; however it is not permissible to limit the scope and effectiveness of the investigation for the sake of confidentiality.

The nature of the offense is such that often it will not be possible for the investigation to arrive at a *definitive* judgment on the validity of the accusation. For this reason, the investigation is completed when the immediate superior has reached a *reasonable* judgment about the validity of the accusation.

If after investigation it is reasonably believed that no alleged misconduct has occurred, the member is to be returned to active ministry and all efforts should be made to restore the member's reputation within and outside the congregation.

If after investigation it is reasonably believed that the alleged misconduct of the sexual abuse of a minor has occurred, that member must be **permanently removed from sacred ministry and is supervised**. The reason for this is that much evidence exists that the psychological treatment of pedophilia is ineffective and that the chance of reoffending is unacceptably high. Any sexual abuse of minors is unacceptable. The Moderator General is to be immediately informed, in writing.

While the permanent removal from sacred ministry is necessary, the decision to pursue a formal ecclesial penalty is a separate decision. When a sexual misconduct of a

member has been reasonably established, that member's immediate major superior has the responsibility of considering the application of the code of canon law and if ecclesial penalties (dismissal for delict) are to be pursued. [see canons 694-704] In these case canons 695 and 696 have specific bearing. During the process of dismissal, the member has:

- The right to direct communication with the Moderator General;
- the right to self-defense, with reasonable assistance from the congregation;
- and the right to appeal the decision to the Moderator General.

Since the Moderator General has the right and responsibility to make a decision in regard to an appeal that might be made by the member who is being dismissed, it is necessary for him to maintain appropriate distance from the actual process that the immediate superior conducts and the decision that is rightfully exercised by that superior.

The penalty of removal from sacred ministry is distinct from the question as to the members continued participation in the life of the congregation. While the misconduct may be abhorrent, unless a process is initiated to dismiss the member from the congregation, the member remains our brother in community and has rights and responsibilities protected by our Normative Texts and especially, through our living the bond of charity. While public ministry is not an option, the repentant member who desires to remain in community and to observe the requirements of our life, may be assigned to non-public ministry and continue to live in community, with the necessary safeguards to ensure that misconduct does not reoccur. That member must be given every reasonable assistance, including access to spiritual and psychological counsel, to fulfill his desire to live faithfully our common life.

The member who has been permanently removed from sacred ministry has the right to request an indult of departure from the congregation. In this matter we follow our Normative Texts. What must be stated is that if the member requests to transfer to another religious institute or to a diocese, we have an obligation to be transparent about that member's situation and all information about the accusation is to be made known to the other religious institute or diocese in accord with the obligations imposed by ecclesial and civil authority. Under no circumstances is it acceptable to keep private or confidential the information that needs to be public to safeguard the protection of minors. For this reason, it is necessary that a religious superior maintain an external forum relationship with their members so as to not receive under the seal of confession information that needs to be made public.

All members share in the responsibility of assisting one another to faithfully live the requirements of consecrated life. All share in the protection and promotion of the absolute value of the protection of children. For this reason, it must be a requirement of our members that when they have knowledge of another member's sexual misconduct with a minor or knowledge of an accusation against a member, safeguarding the requirements of the confidentiality mandated by the seal of confession (canon 983.1), they are to report this information to their immediate religious superior.

Each unit of the Congregation must have a Sexual Abuse policy which adheres to the requirements of this policy and all the requirements of civil law and the ecclesial requirements of common law and the local church. Units with existing policies should review their policies in light of this policy and make necessary modifications.

To assist our members to live faithfully the requirements of consecrated life, it is important that the units instruct their members of the sexual abuse policy of the unit. All programs of formation and the program of ongoing formation of the members should build awareness of the issue of sexual abuse within the Church and assist the members to have an appropriate and adequate understanding of the behaviors which are within the ordinary boundaries of a personal and pastoral relationship and which behaviors are to be avoided.

While this policy is specific to the concern of responding to accusation of the sexual abuse of minors, it is equally important that the formation programs and the ongoing formation program of the units consider ways to assist our members to avoid failures in fidelity in their vow of celibacy and to live the virtue of chastity. While it is beyond the scope of this policy, we want to also acknowledge that any form of abuse, be it sexual or non-sexual, against children and women and men, is abhorrent and that programs of formation and ongoing formation must assist the members to avoid such behaviors. Furthermore, religious superiors have a responsibility to respond in a serious and pastoral manner to any accusation of abuse by a member and take appropriate action to ensure that such behavior is not repeated.

**This policy is binding for all in the congregation and is effective from September 23, 2010 when it is approved by the Moderator General, acting in consultation with his Council and the members of the MMS.**