

*Sexual abuse is contact or interaction between a minor or vulnerable person and an adult when the minor or vulnerable person is being used for sexual stimulation of the adult. This occurs when an adult engages a minor or vulnerable person in any sexual activity.*

## **CROSIER POLICY REGARDING SEXUAL ABUSE BY CROSIER MEMBERS**

Adopted October 8, 2002

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### **INTRODUCTION**

The Crosier Fathers and Brothers are committed to providing a safe environment for all.

1. We do not tolerate sexual abuse.
2. If we become aware of any such allegations involving a Crosier, we report them immediately to appropriate law enforcement officials and child protection services in the state, in accord with that state's law, where the offense is believed to have occurred.
3. One of our primary concerns is the people who have been hurt, and we wish to act in the best interest of minors and vulnerable persons. We take all reports of sexual abuse seriously, and we make every effort to respond in helpful ways to anyone who contacts us.
4. Another primary concern is the prevention of sexual abuse. We have intensified our vigilance and have strengthened our reporting policies.

This Statement of Policy describes how the Crosier Fathers and Brothers will act upon these commitments. This policy will take effect on the date of its release, and we review it annually to ensure that it reflects current laws, standards and practices.

From the beginning, humankind was created in the image and likeness of God, and God saw all creation as good. Our sexual identity as male and female persons is an intimate part of the original and divine plan of creation. The mystery of what it means to be human — incarnate and, therefore, sexual — embodies and is bound up in the mystery and purpose of God, Who is the Author of all life and love itself.

Human sexuality is a gift, and so we approach the topic with a deep and abiding sense of appreciation, wonder, and respect. When human sexuality is integrated with the other gifts possessed by an individual, each man or woman's personality is enriched and enhanced. Sexual integration fosters human communication and encourages human relationships and love. When this happens, there is sexual health in persons and society. The sexual health, morality, and well-being of God's people also advance the work of building God's kingdom here and now.

Consistent with the teaching and example of Jesus, the Crosier Fathers and Brothers are concerned with the well-being of all people, particularly those who are most vulnerable and who cannot care for themselves. Therefore, in fulfillment of this pastoral responsibility, the Crosiers have established this Statement of Policy.

The Crosier Fathers and Brothers recognize that responding to allegations of sexual abuse requires immediate action, listening, determination, sensitivity, flexibility, and respect for all persons

affected, including the survivor, the Crosier member, their families and friends, the Crosiers, the institution served by the Crosier member, and the whole church. This policy is intended to provide a framework for guidance in dealing with these cases while preserving the discretion of the Crosier Fathers and Brothers to treat each person and each case in the manner necessitated by differing facts, circumstances, and needs of those affected. This policy cannot be imposed as rigid law, binding the Crosier Fathers and Brothers and others to its dictates; it must be interpreted and applied compassionately in accordance with the theological and biblical principles of the Gospel.

## **Definitions**

**1. “Sexual Abuse”** is contact or interaction between a minor or vulnerable person and an adult when the minor or vulnerable person is being used for sexual stimulation of the adult. This occurs when an adult engages a minor or vulnerable person in any sexual activity, including direct and non-direct sexual contact, such as frottage, exhibitionism, and the distribution, downloading, and/or intentional viewing of child pornography. Sexual abuse also includes any sexual contact between individuals when one does not or cannot consent due to the use of violence or threat or an abuse of authority that is used to procure sexual acts under any circumstance. (This is distinguished from “sexual misconduct,” which is other misbehavior of a sexual nature not involving minors or vulnerable adults. The Crosiers also take these situations seriously and hold members to account.)

**2. “Survivor.”** As used in this Statement of Policy, “survivor” means the survivor of the alleged sexual abuse.

**3. “Crosier Member.”** As used in this Statement of Policy, “Crosier member” refers to all of the following: (a) priests, deacons, and brothers professed for the Crosier Fathers and Brothers; (b) novices who seek profession of vows with the Crosier Fathers and Brothers; (c) all postulants who seek admission to the Crosier Fathers and Brothers during their live-in experience.

**4. “Established Allegation.”** As used in this Statement of Policy and by the Conference of Major Superiors of Men, an “established allegation” means, based upon the facts and the circumstances, there is objective certainty that the accusation is true and that an incident of sexual abuse of a minor or vulnerable person has occurred. [This is not based upon a “preponderance of evidence” but is rather in keeping with the canonical standard of “moral certitude,” which states the major superior recognizes that the contrary (that the allegation is false) may be possible but is highly unlikely or so improbable that the major superior has no substantive fear that the allegation is false.]

**5. “Pastoral Care of Souls.”** As used in this Statement of Policy, “pastoral care of souls” refers to the public ecclesiastical ministry to which a Crosier member is assigned by a bishop involving direct contact with members of the church.

**6. “Vulnerable Person.”** As used in this Statement of Policy, “vulnerable person” means any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty that limits their ability to understand, seek, report or otherwise resist an offense.

**7. “Major Superior.”** As used in this Statement of Policy, the major superior is the person who governs with the highest authority under canon law all Crosiers in the United States, organized as a conventual priory.

## **STEPS TAKEN BY CROSIER LEADERSHIP**

The role of the Crosier leadership is essentially two-fold. First, the major superior is responsible for ensuring pastoral care to persons served by Crosier members. Reports of sexual abuse by a Crosier member invariably create an acute need for such care and leadership. Second, a Crosier member who commits sexual abuse will be disciplined and face consequences, as specified in Section I. below. The major superior is primarily responsible for overseeing this process, which will be completed as promptly as possible, not withstanding that a response is required within 30 days.

In every sexual abuse case, the major superior and his staff will ensure pastoral care as appropriate to the survivor, the survivor's family, the Crosier who is alleged to have committed the abuse, the Crosier's family, his local community, the members of the institution served by the Crosier in cooperation with the appropriate (arch)diocese, the Crosier's colleagues, and others.

The major superior and his staff cannot themselves function as a pastor, counselor, advocate, attorney, or other "fiduciary" to any of these people. The ultimate responsibility of the major superior and his staff is to the Crosier Fathers and Brothers and not to any individual. If a conflict arises between what is in the Crosier Fathers and Brothers' interests and what is in the interests of someone else, the major superior and his staff are obligated to act on the Crosier Fathers and Brothers' behalf.

As the Crosier Fathers and Brothers ensure pastoral care and leadership in the wake of sexual abuse by Crosier members, they are performing acts of ministry. The freedom of the Crosiers to decide how God has called them to minister to those harmed by sexual abuse is constitutionally protected from governmental interference. The same is true of its freedom to decide who will be a Crosier member and of the freedom of the Crosier leadership to decide who will preach and teach on the Crosiers' behalf. Nothing in this Statement of Policy is intended to diminish these freedoms in any respect or to create any legal rights or responsibilities.

### **A. Prevention of Sexual Abuse by Crosiers**

The best way of addressing sexual abuse is to prevent it from occurring. Among the steps that the Crosiers are taking to prevent sexual abuse by Crosier members are the following:

First, the Crosiers do not tolerate any form of sexual abuse committed by a Crosier member. Such conduct violates Christian morals and principles, the Crosier Constitutions, the religious vow of chastity, as well as the doctrines, teachings, and canon law of the Roman Catholic Church. The Crosiers make their position clear in educational opportunities, in the manner in which leadership responds to reports of sexual abuse by a Crosier member, in discussions that it has with those seeking membership in the Crosier Fathers and Brothers, and in its public and private statements regarding this issue.

Second, the Crosier leadership will provide ongoing educational opportunities about sexual health and sexual abuse to Crosier members, employees, and volunteers. Those efforts will focus on such subjects as the dynamics of sexual abuse by religious and clergy and the impact of such abuse on its survivors as well as self-protection from false allegations. Crosier leadership will also provide members the care and assistance they need to maintain healthy, celibate lives. Crosiers who return from ministry outside the United States and international members who intend to be in the United States for an extended period of time will complete or renew training in the prevention of sexual abuse, including learning about appropriate boundaries with minors and vulnerable adults.

Third, Crosier leadership will do background investigations of those who seek membership or employment with the Crosier Fathers and Brothers, according to the current requirements indicated by the

Conference of Major Superiors of Men. The Crosier Fathers and Brothers will investigate whether such persons have any known history of sexual abuse. Those who have proven themselves unfit for ministry by acts of sexual abuse will not be accepted for membership.<sup>1</sup>

Fourth, the Crosier leadership will provide appropriate support to a member who has disclosed that he is attracted to minors but has not behaved inappropriately with minors. Such support is intended to help the member maintain healthy boundaries and may include, but is not limited to, having a more intense accountability partner or supervisor or participation in the *Program of Accountability and Care*.

Fifth, Crosier leadership will strive through the *Program of Accountability and Care* to prevent members who have committed sexual abuse from abusing others. There will be an annual review of restrictions and the person's maintenance plan by the Review Committee. As described below, the Crosier leadership will openly and honestly disclose incidents of sexual abuse of which it becomes aware (see Subsection J. below). Also, if Crosier leadership learns that any of its former members who committed sexual abuse is attempting to begin public ecclesiastical ministry elsewhere, Crosier leadership will attempt to notify the prospective superiors or employers of this person of past sexual abuse.

Finally, the major superior and his staff will continue to take advantage of educational opportunities that are available to them. Annually, each member will participate in an educational session related to the prevalence, identification, and prevention of sexual abuse of minors and vulnerable persons with special attention to topics that are relevant to religious.

The Crosiers recognize that society generally, and churches particularly, have much to learn about sexual abuse perpetrated by religious and clergy. As the Crosiers' understanding of this problem changes, this Statement of Policy and their educational efforts may change as well.

These preventive efforts are intended to complement similar efforts that have been or will be undertaken by dioceses, parishes, seminaries, and other entities with whom the Crosier Fathers and Brothers are affiliated.

Sadly, even the best preventive measures cannot completely eliminate sexual abuse. Therefore, Crosier leadership must always be prepared to respond to reports of sexual abuse.

## **B. Steps Taken Upon Receiving Reports of Sexual Abuse**

The more open the Crosiers are to receiving reports of abuse, the more likely it is that sexual abuse by a Crosier member will be reported. Anyone who knows or suspects that a current or former Crosier may have been involved in sexual abuse is strongly encouraged to report that knowledge or suspicion to the major superior or to one of his councilors. Their names and telephone numbers can be found on the Crosier website, [www.crosier.org](http://www.crosier.org), under Safe Environment. If a survivor does not wish to contact the Crosier Fathers and Brothers directly, then the survivor can contact the Crosiers' Survivor Assistance Coordinator, whose contact information is available on the Crosier website. However, it must be stressed that this person is acting on behalf of the Crosier Fathers and Brothers in receiving these reports, and any information received will be shared with the major superior.

Once the initial contact is made, Crosier leadership will refer the individual to the designated Survivor Assistance Coordinator. This person is trained to work with survivors of sexual abuse and will

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<sup>1</sup> Further procedures to be followed in recruitment of new members are outlined in the *Crosier Vocation/Formation Handbook*.

serve as a liaison between the major superior and the survivor, unless the survivor chooses to work directly with the major superior or another Crosier member.

A report may be made with the major superior or other authorized person by mail, by telephone, or in person. The survivor need not identify herself or himself when she or he first contacts the Crosiers. The survivor may anonymously ask questions about how the Crosiers would respond to a particular complaint of sexual abuse. However, Crosier leadership can do little about a report of sexual abuse until the survivor identifies herself or himself and the Crosier member involved in the misconduct.

If an allegation of sexual abuse is made against the major superior, the master general of the Order of the Holy Cross must be informed, and he thereafter directs the response to the report.

### **C. Initial Response to a Report**

The major superior, the Survivor Assistance Coordinator, or other person contacted by the survivor will (1) assure the survivor that the Crosiers do not tolerate sexual abuse and take seriously all reports of sexual abuse; (2) explain Crosier leadership's process for responding to reports of sexual abuse and offer to provide a copy of this Statement of Policy; (3) answer the survivor's questions about the policies and procedures of the Crosiers; (4) express care and concern for the survivor; and (5) when the survivor is anonymous, encourage the survivor to identify herself or himself and the Crosier member involved in the sexual abuse.

In all meetings with the major superior, Survivor Assistance Coordinator, and/or the major superior's designee, the survivor may be accompanied by another person of her or his choice. Additionally, the survivor will be invited to contact a trained support person and to be accompanied by that person through the reporting and investigative process, and, if necessary, disciplinary processes. The major superior or other person contacted by the survivor may offer to provide the survivor with a list of trained support persons who are available to provide support and to help interpret the Crosiers' policies and procedures. This list will include some trained support persons who are not affiliated with the Crosier Fathers and Brothers. If the survivor requests, Crosier leadership will contact a trained support person for her or him. The survivor is welcome to use a support person who does not appear on the list—such as a friend or family member—or to decline to use a support person altogether.

If any Crosier or any other affiliated party considers himself or herself to be in a conflict of interest or is unable to maintain the necessary impartiality toward guaranteeing the integrity of the response and investigation, he or she is obliged to recuse himself or herself and report the circumstance to the major superior.

### **D. Initial Meeting with the Survivor**

Promptly after a report of sexual abuse by a Crosier has been received from an identified survivor, the major superior, Survivor Assistance Coordinator, or another designee of the major superior will interview the survivor in person or, if that is not possible, by telephone. In this and all meetings with Crosier members, the survivor may be accompanied by another person of her or his choice. The major superior, Survivor Assistance Coordinator, or major superior's designee will ask the survivor to provide as much information about the sexual abuse as the survivor is comfortable sharing. The survivor may be asked to provide the information in writing or to sign a written statement prepared by the Crosier leadership. The major superior, Survivor Assistance Coordinator, or major superior's designee will also ask the survivor what she or he most needs in coming forward. The survivor will be given a copy of this Statement of Policy if she or he has not already received it. It is made clear to the survivor that he or she is free to make a report to law enforcement.

The major superior, Survivor Assistance Coordinator, or major superior's designee will discuss with the survivor how she or he feels about the possibility that her or his identity may become known to the accused or others. Insofar as possible, Crosier leadership will respect the wishes of the survivor regarding confidentiality. However, at some point, Crosier leadership may be legally required to disclose the identity of the survivor. Also, in unusual circumstances, the fact that the major superior, Survivor Assistance Coordinator, or major superior's designee is responsible to the Crosier Fathers and Brothers may require that he or she act contrary to the wishes of the abuse survivor. Finally, his or her identity may become known despite the best efforts of Crosier leadership to protect it. The Crosiers cannot guarantee absolute confidentiality.

The major superior, Survivor Assistance Coordinator, or major superior's designee will discuss with the survivor her or his needs for pastoral care or professional counseling. If the survivor requests, the major superior, Survivor Assistance Coordinator, or major superior's designee will help to put the survivor in touch with persons who can provide such care or counseling. In appropriate cases, the Crosier Fathers and Brothers will help to defray the costs of any professional counseling. In order to avoid a conflict of interest, under no circumstances will any member or employee of the Crosiers function as the survivor's advocate, support person, spiritual director, or counselor.

The major superior or major superior's designee will appoint a contact person within the Crosier Fathers and Brothers. That contact person will customarily be the Survivor Assistance Coordinator (but may also be the major superior or major superior's designee), who will keep in regular contact with the survivor and will inform the survivor of significant developments. That contact person will also be available to respond to the survivor's questions and concerns about the process.

#### **E. Preliminary Review of the Case**

After interviewing the survivor, the major superior and/or major superior's designee will carefully review the preliminary information provided by the survivor. If this initial report appears credible and involves sexual abuse, the major superior or major superior's designee will inform the local ordinary where the events are said to have taken place and conduct a more thorough review to determine whether information either supporting or contradicting the report exists. This review may include (1) further discussions with the survivor; (2) an examination of the records of the Crosier Fathers and Brothers or other entity affiliated with the Crosiers; or (3) interviews of various people who know or have worked with the accused Crosier or the survivor.

The initial and, if necessary, more thorough reviews will be conducted as quickly and as discreetly as is possible under the circumstances. All of those contacted will be asked to keep the contact in strictest confidence. If further investigation in line with the steps outlined in this policy later determines that the member did not commit sexual abuse, that conclusion will be communicated to those who were contacted by the Crosiers in the course of the review.

## **F. Initial Meeting with the Crosier Member**

The major superior will usually meet with the Crosier member after the preliminary review is concluded. (The major superior should be accompanied by the major superior's designee or another person.) In some cases—such as when the member may pose an immediate danger to members of his parish community or himself—the major superior or major superior's designee may meet with the member immediately after or perhaps even before meeting with the survivor. If the major superior meets alone with the member, the major superior will clarify that the meeting is not confidential and that the major superior may disclose anything that he is told.

At their meeting, the major superior will provide the Crosier member with information regarding the complaint and ask him to respond. The major superior may ask the member to provide a written response. The major superior will also (1) give any member who denies an allegation of sexual abuse a full and fair opportunity to contest it; (2) explain Crosier leadership's process for responding to reports of sexual abuse and provide a copy of this Statement of Policy; (3) answer the member's questions about the policies and procedures of the Crosiers; (4) express care and concern for the member; (5) direct the member not to have any contact with the survivor, either directly or indirectly; and (6) invite the member to contact a support person to accompany him through the process and inform the major superior who the support person is. Crosier leadership will offer to assist him in finding a support person. The member may decline to use a support person.

The major superior or major superior's designee will discuss with the member his needs for pastoral care or professional counseling. The major superior or major superior's designee will offer to put him in touch with persons who can provide such care or counseling. Under no circumstances will the major superior or a member of his staff function as the individual Crosier's advocate, support person, or counselor with respect to the sexual abuse allegation.

The major superior or major superior's designee will appoint a contact person within the Crosier Fathers and Brothers. That contact person (who may be the major superior or major superior's designee) will keep in regular contact with the member and will inform him of significant developments. That contact person will also be available to respond to the member's questions and concerns about the process.

In cases involving an allegation of sexual abuse that appears credible, the major superior places the Crosier member on administrative leave from public ministry in order to assure the safety of the public, places restrictions on his ministry, or requests that the religious take a leave of absence from public ministry until Crosier leadership's investigation is concluded. In cases involving a criminal investigation, Crosier leadership suspends any internal investigation until law enforcement has completed its investigation or has approved the Crosiers to begin their own investigation. This action should not be construed as an indication that Crosier leadership has concluded that the allegations are true.

## **G. Consultation with Review Committee / Use of Major Superior's Advisory Panel**

Reports of sexual abuse often present the major superior with a difficult decision. For example, the major superior may be confronted with "one person's word against another's"—that is, a situation in which both the survivor's report and the Crosier member's denial of the report appear credible, and no one but the survivor and the Crosier can know for certain who is being truthful.

Upon receipt of a report of sexual abuse, the major superior will consult with the existing Review Committee within 30 days.

To assist him in making these difficult decisions, the major superior may also appoint an advisory panel, a group of religious and laypersons who are asked to recommend a course of action to the major superior. Before making that recommendation, the panel may interview the survivor, the Crosier, the major superior, the major superior's designee, and/or others. The recommendation may be communicated verbally or in writing, and the major superior may or may not choose to share the recommendation with the survivor and/or the Crosier member. The purpose of the advisory panel is to give the major superior—and, at the major superior's choice, the member and the survivor—the benefit of a credible outside perspective on the matter before the major superior makes a final decision.

## **H. Assessment of the Information**

After meeting with the Crosier member, the major superior will review the information provided by the survivor, discovered during the preliminary investigation, and provided by the member. Further consultation with the Review Committee may occur. The major superior will then decide upon a course of action. Among options available to the major superior are the following: no further action; further investigation; requesting the member to undergo a psychological evaluation; removing him from pastoral care of souls; or other canonical processes.

## **I. Final Decision**

After the investigation is concluded and the advisory panel or Review Committee has made its recommendation, the major superior will make a final decision regarding the status of the Crosier member. A record of this decision will be placed in the member's personnel file.

If there is an established allegation of sexual abuse, the major superior will remove the individual from any public ministry. He may also take one or more of a wide range of additional actions against the member, including initiating canonical procedures against him to remove him as a Crosier member.

If the allegation is not established, steps will be taken to restore the good name of the Crosier.

The major superior will make an effort to provide care for the person who reports any abuse by a Crosier and to inform the person who alleged the offence of the final decision regarding the Crosiers' response to the accusation.

The major superior will also make an effort to provide fraternal care for the Crosier.

## **J. Disclosure**

Crosier leadership will disclose all established allegations of sexual abuse by one of its members. Although disclosure can increase the short-term pain caused by sexual abuse, experience has demonstrated that disclosure speeds the healing of the primary and secondary survivors of sexual abuse, empowers unknown survivors to come forward and seek help, protects others from being abused by the same person, and demonstrates the commitment of the Crosiers to deal openly and honestly with the problem.

Decisions regarding who will make what disclosure to whom and when will vary from case to case. In general, though, Crosier leadership will abide by the following guidelines:

1. Disclosure of sexual abuse will be made to the Crosier's ministry assignments and to Crosiers.

2. Disclosure will be made if (a) the member admits to committing sexual abuse; or (b) the member resigns after being accused of sexual abuse; or (c) the member is removed, either temporarily or permanently, from pastoral care of souls in response to an allegation of sexual abuse; or (d) secular legal proceedings (civil or criminal) are initiated against the member for sexual abuse.
3. Crosier leadership will first disclose to the leaders and staff of the Crosier member's current assignment and discuss with them how disclosure to others can best be made.
4. To protect the privacy of those abused by the Crosier member, only the following will be disclosed: (a) the fact that the member has been accused of, admitted to, or been found guilty of committing sexual abuse against a minor or vulnerable person; (b) whether the survivor was an adult or a minor at the time of the sexual abuse; and (c) where the abuse was alleged to have taken place. Disclosure will almost never include the name of the survivor or facts from which she or he could readily be identified. If the Crosier has denied the allegations, that fact will also be disclosed.
5. At that time of disclosure, other persons who believe that they have been harmed (directly or indirectly) by the Crosier member will be invited to contact the Crosier leadership either directly or through the Survivor Assistance Coordinator or the civil authorities.

#### **K. Follow-up**

Crosier leadership will work with dioceses and other entities to help ensure that care and support are available for all of those harmed by sexual abuse by clergy and religious. As noted above, Crosiers cannot provide this care themselves if the abuse was perpetrated by a Crosier, but they will assist the primary and secondary survivors of sexual abuse to access resources that might help them on their journey to healing.