

SAFE CHILDREN POLICY
(Approved by Provincial Council 10-1-2008)

The Priests and Brothers of the Salesian Society are vowed to a chaste celibate way of life and mutual respect among persons with whom they come in contact, as they seek to imitate the love and respect Jesus showed to all. The Salesian Society views sexual abuse of minors by its members to be morally reprehensible. In addressing an incident or allegation of sexual abuse by one of its members, the Salesian Society maintains a primary concern for the victim's safety and well-being.

Allegations of sexual abuse may come from a variety of sources, including alleged victims or members of their family, diocesan officials, members of the Salesian Society, a colleague in the workplace or from an alleged perpetrator. Because each case is unique, the following is a general outline of the response process for allegations of abuse but is not a procedure that is necessarily to be followed in the same way for each unique case. The process is to be modified according to the nature of the allegation, the needs of the alleged victim, and the circumstances of the accused member of the Salesian Society. In every case the Salesian Society commits itself to dealing pastorally with, and protecting the rights of, all those involved.

This policy applies to professed Priests and Brothers of the Salesian Society (member). It applies to novices and candidates as adjusted based on their canonical status. Definitions of terms appear in the final section (X).

Recognizing that sexual abuse has tragic consequences for the victim and serious consequences for the abuser, and any member accused, the Salesian Society adopts the following policy:

I. Reporting

A. If a person is a "mandatory reporter" as defined by law, he or she must follow the requirements of the law and report known or suspected abuse of a minor to the proper authority. A member must report (even if he is not a mandatory reporter) known or suspected sexual abuse of a minor to authorities, no matter when it occurred.

B. Known or suspected abuse of a minor by a member of the Salesian Society, whether such abuse occurred currently or in the past, must be reported to the Provincial as President of the Salesian Society.

C. The Provincial will also report known or suspected abuse of a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred, as required by state law.

D. An anonymous allegation made to the Provincial will be considered to the extent feasible based on known information.

E. The Provincial will inform the person who reports the abuse that he will convey the report to the appropriate civil authority.

F. A member should inform the Provincial if he believes that another member exhibits warning signs of unhealthy boundaries or relationships with minors. Warning signs in themselves may not constitute reasonable belief that sexual abuse has occurred. The Provincial is responsible for appropriate follow-up to such concerns.

G. In the event that an allegation concerns a member of another province, a member of another religious order or a diocesan priest or deacon residing in a community of the Salesian Society, the reporting process stated above will be followed. In addition, initial response and investigation as stated below will be followed. The Provincial will inform the person's superior and, cooperate with the superior with his/her investigation of the allegation.

II. Initial Response

A. Review Board

1. Upon receiving an allegation of sexual abuse against a member, the Provincial will inform the Review Board that an allegation has been made. The Review Board will be convened as soon as possible to provide assistance and guidance in responding to the allegation.

B. Pastoral Response to the Alleged Victim

1. The alleged victim and/or family will be provided with the name of a trained Assistance Coordinator to assist in pastoral support.
2. The alleged victim will be offered pastoral support during the time of the investigation regardless of the credibility of the allegation.
3. Once an investigation has been completed, the Provincial will offer to meet with the alleged victim and/or family to listen and provide pastoral support.

C. Pastoral Response to the Accused Member

1. After receiving an allegation against a member of sexual abuse, the Provincial will meet with the member. Prior to explaining the allegation, the Provincial will advise the member that the conversation is not privileged, and, therefore, before responding the member may wish to consult civil and canonical legal counsel and, if advisable, have such counsel present for his meeting with the Provincial and how to obtain civil and canonical legal counsel.
2. The Provincial will advise the member of the nature of the allegation and any reports made to civil authorities., and how to obtain civil and canonical legal counsel.
3. The Provincial will discuss with the member the advisability of immediate psychological evaluation, and, if appropriate, psychological care. The Provincial may not require the member to undergo evaluation or psychological care.
4. The Provincial may temporarily remove the member from his work and/or residence pending the determination of the allegation. Removal will always be done if the allegation seems initially credible. The Provincial may consult with the Review Board to help him make this decision.

III. Investigation and Determination

A. If the matter has been turned over to the civil authorities and they assume conduct of the investigation, the process described above may be suspended pending the outcome of the civil or criminal investigation.

B. The Provincial will cooperate with authorized state and federal civil and criminal authorities in their investigation of allegations of sexual abuse of minors involving a member.

C. When an allegation of sexual abuse of a minor is first received the Provincial will collect as much information as possible, including:

1. The name and contact information of the alleged victim;
2. The age of the alleged victim, both presently and at the time of the alleged abuse;
3. The original report or allegation of abuse that was submitted, a statement from the alleged victim including: the name of the alleged perpetrator(s), approximate dates of the alleged abuse, the nature and location of the alleged abuse;
4. Information concerning the present and past ministry, assignments, training, and residences of the member;
5. Other allegations of sexual misconduct by the member; other items of concern about the member, or other information deemed relevant by the Provincial from the personnel file;
6. Past disciplinary actions against the member and the reasons for the actions;
7. A statement about the alleged incident from the member accused;
8. Polygraph test results of the member related to the accusation (if available; a polygraph cannot be required);
9. Psychological test results of the member related to the accusation (see II.C.3 above);
10. Interviews of witnesses, interviews of others who may have knowledge of the incident;
11. Photographs of, or visits to the location of alleged abuse;
12. Other documents, statements, interviews, depositions;
13. The Provincial may seek advice from the Mental Health Advisor and/or Review Board members through the investigation phase.

D. If the member admits the allegation as stated by the victim, the Provincial will immediately proceed to Section V of this policy.

E. If the member denies the allegation or aspects of the allegation, then the Provincial will seek advice from the Review Board about employing an independent investigator who will assist in gathering information regarding the allegation.

F. If an independent investigator is employed a confidential report will be made by the investigator to the Provincial. The Provincial will forward the report to the Review Board.

G. The collection of information and investigation should be completed within 60 days from the date of the accusation.

H. The Review Board will consider the information it has received and make a recommendation within 30 days to the Provincial. If the Review Board needs more information to make a determination, a request is made to the Provincial to collect it. This may extend the investigation beyond 60 days.

I. The Review Board will make a determination. “Credible,” where the accusation of sexual abuse by the member has been supported by the information collected; “Not-Credible,” where the accusation has not been supported by the information, and “Unable to Determine,” if the Review Board cannot determine the credibility of the accusation based on the information it has. The determination will be included in the report of the Review Board to the Provincial about the case.

J. The Provincial will consider the findings and report of the Review Board, the results of any official civil or criminal investigation, and the result of any litigation to make a decision about the matter.

IV. Procedures when Sexual Abuse Has Not Been Deemed Credible by the Provincial

A. If an accusation of sexual abuse of a minor by a member has not been deemed credible by the Provincial:

1. The Provincial will issue a canonical decree to this effect within ten days and the case is closed;
2. The Provincial may reinstate the member to any responsibilities and duties from which he was temporarily removed;
3. The Provincial and the Salesian Society shall make every reasonable effort to restore the good name of the accused member.

V. Procedures when Sexual Abuse Has Been Deemed Credible by the Provincial

A. The Provincial will communicate his decision in writing to the member and indicate further steps to be taken in this matter.

B. The Provincial will inform the leadership of any organization such as a school or parish or civic group in which the member is working or ministering that the member has admitted to or the Provincial has deemed an accusation of sexual abuse of a minor credible.

C. After appropriate consultation, the Provincial will restrict the member and direct that an Individualized Safety Plan (ISP) be drafted.

D. The ISP must include:

1. The history and nature of problem behaviors;
2. How the member spends the majority of his time;
3. Risk reduction strategies which the Provincial may apply by virtue of the vow of obedience regarding:

- a. Work,
 - b. Travel,
 - c. Association,
 - d. Campus access,
 - e. Residence location,
 - f. Participation in community;
4. Risk reduction strategies which the Provincial may request but cannot require without the consent of the member, including:
- a. Psychological evaluation,
 - b. Residential treatment,
 - c. Outpatient treatment,
 - d. On-going therapy,
 - e. Twelve step programs,
 - f. Participation in a support group,
 - g. Maintenance polygraph examination,
 - h. Other strategies as recommended by the Review Board;
5. The supervisor responsible for the implementation of the risk reduction strategies;
6. The consequences for non-compliance with the ISP;
7. The dates the ISP has been reviewed by the Review Board;
8. The duration of the ISP.

E. An ISP must be for a definite period of time but for no longer than three years. Each time the ISP expires, the Provincial may again impose the same ISP, establish a new or revised ISP, or discontinue the ISP.

F. The ISP must be reviewed initially within 60 days of the determination by the Provincial that the accusation of sexual abuse of a minor is credible and thereafter annually by the Provincial and the Review Board. Materials used to write and review the ISP are subject to Section .

G. The ISP must be signed by the Provincial, the supervisor of the member, and a representative of the Review Board. The member will be requested, but cannot be required to sign the ISP.

VI. Communication

A. There will be only one spokesperson that officially coordinates all public communication in the name of the Salesian Society. When advisable, this spokesperson will act in concert with designated representatives of the ministry, or other appropriate entity.

B. The Provincial will communicate about the allegation with other members of the Salesian Society and church officials as soon as appropriate.

C. A public statement will be prepared and released as appropriate.

D. The Provincial will follow the policies of a diocese about pastoral responses to communities affected by an allegation if the allegation arose in the context of ministry or employment in a diocesan entity.

E. If an accusation of sexual abuse by a member is deemed credible by the Provincial and has occurred in connection with work or ministry, the Provincial, in coordination with the leadership of the work or ministry will work out the communication plan.

VII. Documents

A. Written consent of the member is required before the following materials may be released to a third party, an investigator, or the Review Board by the Provincial.

1. Medical records,
2. Psychological records,
3. Legal documents provided by the member,
4. Notes or written records of conversations with the member regarding matters of canonical privacy or manifestation of conscience.

B. The member has the right to withhold consent to the release of all or any part of the materials and documents listed in section above, as well as the right to withhold consent to the release of all or any part of the confidential file and documents described in section below.

C. All documents concerning an allegation of sexual abuse of a minor by a member are confidential and maintained in a special file to which only the Provincial has access.

D. A notation is placed in the personnel file of the member specifying that a confidential file exists. The notation should indicate whether or not the accusation of sexual abuse of a minor by the member was deemed credible by the Provincial.

E. If a member has an ISP, the complete ISP is kept in the confidential file. Additionally, a copy of only that portion of the ISP specifying the risk reduction strategies, the supervisor, the consequences of non-compliance, and the duration is kept in the personnel file of the member.

F. A complete copy of the ISP is given to the supervisor of the member. In the event that a different person assumes the role of supervisor, the previous supervisor returns to the Provincial the copy of the complete ISP and any other materials that had been provided to him by the Provincial.

VIII. Administrative Recourse

A. At each stage of the process the member has a right to administrative recourse according to the norms of canon law, in this order:

1. Generalate,

2. Congregation for Consecrated Life,
3. Apostolic Signatura

IX. Education

A. All professed members of the Salesian Society, with the exception of those who do not serve in any form of ministry because of physical or mental challenges, will participate in a minimum of three hours of education and training every three years about how to maintain a safe environment for children and young people. Such education must include the following topics:

1. Boundaries with minors, including instruction in positive forms of expressing emotion and demonstrating ministerial care;
2. The prevalence, identification and prevention of child sexual abuse;
3. Self-protection from false allegations of sexual abuse;
4. Warning signs associated with both preferential and situational sexual abuse of minors.

B. Updated information about these topics will be provided to the members of the Salesian Society at least annually.

C. The Provincial or persons appointed by the Provincial are charged with organizing and maintaining this education and training. The Provincial may contract outside resources to provide such education and updates or may develop internal resources by appropriate professional training.

D. The Provincial will select and verify the qualifications of the Assistance Coordinator. If additional training is needed, the Provincial will approve and fund this training.

X. Definitions

A. Administrative Recourse: The procedures provided in canon law by which a member may appeal to a hierarchical authority regarding an administrative decision. In the context of this policy, this refers to the right of a member to appeal a decision of the Provincial to hierarchical authority according to the norms of canons 1732-1739 of the Code of Canon Law and articles 121-125 of the Apostolic Constitution on the Roman Curia entitled Pastor Bonus (1988).

B. Allegation: A verbal or written statement that a member has sexually abused a minor.

C. Assistance Coordinator: A competent person designated by the Provincial to coordinate pastoral assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by a member of the Salesian Society.

D. Canonical Decree: An official canonical declaration stating that sexual abuse of a minor has or has not been established.

E. Civil Authority: An agency responsible for accepting a report of suspected child abuse under California Penal Code Section 11165.9, or a similar law in a state other than California.

F. Essential Norms: Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons published by the United States Conference of Catholic Bishops. The Essential Norms were made applicable to religious institutes and societies of apostolic life by the Apostolic See in Rome in 2006 in cases of sexual abuse by a priest or deacon of the institute or society. They were not made applicable to other members of an institute or society. The interpretation and application of the Essential Norms to an institute or society is governed by footnote 1: “When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.”

G. Hope and Healing: Instruments of Hope and Healing: Accreditation Standards (April 30, 2004) prepared by Praesidium, Inc. under the auspices of The Conference of Major Superiors of Men. These are voluntary standards and do not have the force of law.

H. Member: A priest or brother who has made initial vows in the Salesian Society. A novice (one who is in the one-year training period to become a professed Salesian). A pre-novice (one who has formally entered a preparation period immediately preceding the novitiate). A candidate (one who has entered a formal program to discern entering the Salesian Society).

I. Minor: A person under the age of 18 years old.

J. Provincial: The person who holds the office of Provincial and President of the Salesian Society. It also applies to a person whom the Provincial delegates to carry out his responsibility.

K. Reporting Statute: A state statute that mandates reporting abuse of a minor, e.g., California Probate Code Section 11164, et seq.

L. Review Board: Competent persons appointed by the Provincial to advise and assist the Provincial in responding to allegations of sexual abuse by a member of the Salesian Society. The team is composed of at least three persons. Membership may include a mental health professional, an attorney, a member of the Salesian Society, and a canonical lawyer. The group assists by collecting information, giving advice, and by monitoring Individualized Safety Plans for members. The Review Board also advises about education programs for all Salesian Society members. The Review Board’s precise functions and governance of the Review Board are contained in the document, “Review Board for the Protection of Minors: Policies and Procedures.” For CA Statute 626.556.

M. Sexual Abuse: Any offense by a member against the sixth commandment of the Decalogue with a minor as understood in canon law (see Essential Norms, Preamble). Also see California Penal Code sections: 11164.1-11165.1.

N. Supervisor: Normally the Director of the community where the restricted member is living.