

## **SAFE CHILDREN POLICY** **(Approved: October 31, 2016)**

The Priests and Brothers of the Salesians of Don Bosco 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 of sexual abuse by one of its members, the Salesian Society maintains a primary concern for the victim's safety and well-being. Likewise, the Salesian Society is absolutely committed to the prevention of child sexual abuse presently and in the future.

The Salesians affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: "*There is no place in the priesthood or religious life for those who would harm the young.*" *Sexual abuse of a minor by a cleric is a crime in the universal law of the Church* (CIC, c. 1395 §2; CCEO, c. 1453 §1).

Because of the seriousness of this matter, once an accusation of sexual abuse has been found credible, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (*Motu proprio Sacramentorum sanctitatis tutela*, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

In keeping with the stated purpose of the *Dallas Charter*, that for even a single act of sexual abuse of a minor the Provincial is required to exercise his power of governance, within the parameters of the universal law of the Church and of the *Essential Norms* approved for the United States. This includes acts of sexual abuse of a minor - either past or present - that is admitted by the member or established after an appropriate process in accord with canon law. The Provincial is to ensure that any member, subject to his governance, who has committed even one credible act of sexual abuse of a minor as described below will not continue in ministry. The offending member will also be offered professional therapeutic assistance both for the purpose of prevention and also for his own healing 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 the 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 all Salesians of Don Bosco - this includes all ordained Priests and Deacons, those studying to be professed and professed lay Brothers. It also applies to novices and candidates as adjusted based on their canonical status. The whole process described herein will be conducted in accordance with canonical requirements. Definitions of terms appear in the final section (XI).

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**

1. 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 law enforcement or child welfare agency. All Salesian members are mandatory reporters and therefore must report known or suspected sexual abuse of a minor to authorities, no matter when it occurred (past or present). Sexual exploitation of a child is another form of child sexual abuse, and is defined in the law “*when a person depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct*” (CA, PC 11165.1c3).
2. Known or suspected abuse of a minor by a member of the Salesian Society, whether such abuse occurred currently or in the past, must also be reported to the Provincial as President of the Salesian Society.
3. 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.
4. An anonymous allegation made to the Provincial will be addressed to the extent feasible based on known information.
5. The Provincial will inform the person who reports the abuse that he will also convey the report to the appropriate civil authority.
6. 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.
7. If the nature and circumstances of the allegation so require, including whether the member is away from his place of assignment for the time being, the Provincial will meet with the parish or school staff to inform them of the allegation and the member’s response. He will also advise them of the action which will be taken. And as needed, appropriate communications also will be provided to the parish, school or other impacted faith community.
8. A member should inform the Provincial if he believes that another member exhibits warning signs of unhealthy boundaries or relationships with minors. Although warning signs in themselves may not constitute “reasonable suspicion” that sexual abuse has occurred, the Provincial is responsible for appropriate follow-up to such concerns.

## **II. Response to the victim**

1. The alleged victim and/or family will be provided with the name and contact information of the Mental Health Advisor or 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. The Provincial will offer to meet with the alleged victim and/or family to listen and provide pastoral support.

## **III. Response to the Accused Member**

1. After receiving an allegation of sexual abuse, the Provincial will meet with the accused individual in the presence of another member (eg, vice-provincial, community director, etc.). The Provincial will advise the member that the conversation is not confidential, and that before responding the member may wish to consult 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. The Provincial will also advise the accused member 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 will remove the member from ministry and place appropriate restrictions on the member pending the determination of the allegation. The Provincial may also change the residence of the member to assure the further safety of children. The Provincial may consult with the Review Board or the Mental Health Advisor to help him make these decisions.

#### **IV. Investigation and Determination**

1. Upon receiving an allegation of sexual abuse against a member, the Provincial will immediately inform the Mental Health Advisor and Review Board that an allegation or admission of sexual boundary violation has been made. The Mental Health Advisor will facilitate the collection of information for the Review Board. The Review Board will be convened as soon as possible to provide assistance and guidance in responding to the allegation.
2. If the matter has been turned over to the civil authorities and they assume conduct of the investigation, this process may be suspended pending the outcome of the civil or criminal investigation.
3. 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.
4. When an allegation of sexual abuse of a minor is first received, the Provincial, or his designee, will collect as much information as possible; this includes:
  - a. The name and contact information of the alleged victim;
  - b. The age of the alleged victim, both presently and at the time of the alleged abuse;
  - c. 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;
  - d. Information concerning the present and past ministry, assignments, training, and residences of the member;
  - e. 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;
  - f. Past disciplinary actions against the member and the reasons for the actions;
  - g. A statement about the alleged incident from the member accused;
  - h. Polygraph examination of the member related to the accusation;
  - i. Psychological assessment of the member related to the accusation;
  - j. Interviews of witnesses, interviews of others who may have knowledge of the incident;
  - k. Photographs of, or visits to the location of alleged abuse;
  - l. Other documents, statements, interviews, depositions;
5. The Provincial may seek advice from the Mental Health Advisor and/or Review Board throughout the investigation phase.
6. A member who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation, and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel.
7. If the member admits the allegation as stated by the victim, or he discloses perpetrating sexual abuse directly to his superior prior to a formal accusation, the Provincial will immediately proceed to Section V of this policy.
8. If the member denies the allegation, then the Provincial will seek advice from the Mental Health Advisor and the Review Board about employing an independent investigator who will assist in gathering information.

9. If an independent investigator is employed, a confidential report will be made by the investigator and sent to the Provincial, or his designee. The report will be forwarded to the Mental Health Advisor and the Review Board.
10. The investigation and determination should be completed within a reasonable amount of time from the date of the accusation.
11. The Review Board will make a determination: “**Credible**,” where the accusation of sexual abuse by the member has been supported by the information collected; and “**Not-Credible**,” where the accusation has not been supported by the information. The determination will be included in the report of the Review Board to the Provincial.
12. The Review Board acts as an investigatory and advisory body in the Provincial’s assessment of the credibility of any accusations of sexual abuse of a minor by a Salesian member.
13. The Provincial will consider the Review Board findings, as well as the results of any official civil or criminal investigation/litigation to determine the credibility of the accusation.

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

1. The Provincial will communicate his decision in writing to the member and indicate further steps to be taken in this matter.
2. 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 credible an accusation of sexual abuse of a minor.
3. Once an accusation has been deemed credible by the Provincial, the Provincial shall notify the Congregation of the Doctrine of the Faith of the determination.
4. The Provincial will restrict the member and direct that a **Safety Plan** be drafted.
5. The ISP must include:
  - a. The history and nature of problem behaviors;
  - b. How the member spends the majority of his time;
  - c. Risk reduction strategies which the Provincial may apply by virtue of the vow of obedience regarding:
    - work,
    - travel
    - association,
    - campus access,
    - residence location,
    - participation in community;
  - d. Risk reduction strategies which the Provincial may request but cannot require without the consent of the member, including:
    - psychological evaluation,
    - residential treatment,
    - outpatient treatment,
    - on-going therapy,
    - twelve step programs,
    - participation in a support group,
    - maintenance polygraph examination,
    - other strategies as recommended by the Review Board;
  - e. The supervisor responsible for the implementation of the risk reduction strategies;
  - f. The consequences for non-compliance with the ISP;
  - g. The dates the ISP has been reviewed by the Review Board;

- h. The duration of the ISP and the date of the next ISP review.
5. 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.
6. Each ISP must be annually reviewed and approved by the Provincial.
7. The ISP must be signed by the Provincial, the Mental Health Advisor and the supervisor of the member. The member will be requested, but cannot be required to sign the ISP.
8. The Provincial will meet annually with each member on restriction to review their progress on restriction. The Provincial will consult with the member's supervisor in order to prepare for the annual review.

## **VI. Procedures when Sexual Abuse Has Been Deemed Not-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 removed;
3. The Provincial and the Salesian Society will make every reasonable effort to restore the good name of the accused member.
4. The review board may make recommendations to the Provincial should it note any concerns in the behavior of the member.

## **VII. Communication**

1. 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.
2. The Provincial will notify other members of the Salesian Society and church officials of any allegation of the sexual abuse of minors.
3. Once an accusation has been deemed credible by the Provincial, the Provincial shall notify the Congregation of the Doctrine of the Faith of the determination.
4. Once an accusation has been deemed credible by the Provincial, a statement will be prepared and released to the affected public.
5. 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.
6. 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.

## **VIII. Documents**

1. 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.
  - a. medical records,
  - b. psychological records,
  - c. legal documents provided by the member,
  - d. notes or written records of conversations with the member regarding matters of canonical privacy or manifestation of conscience.
2. All investigation documents concerning an allegation of sexual abuse of a minor by a member are confidential and maintained in a **confidential** file to which only the Provincial, and/or his designee, has access.

3. 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.
4. If a member has a *Safety Plan*, the complete *Safety Plan* is kept in the confidential file. Additionally, a copy of the entire *Safety Plan* is kept in the personnel file of the member.
5. A complete copy of the *Safety Plan* 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 *Safety Plan* and any other materials such as supervision forms and notes, as well as documents that have been provided to him by the Provincial.

## **IX. Administrative Recourse**

1. At each stage of the process the member has a right to administrative recourse according to the norms of canon law, in this order:
  - a. Generalate,
  - b. Congregation for Consecrated Life,
  - c. Apostolic Signatura

## **X. Education**

1. 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 four hours of education and training every year about how to maintain a safe environment for children and young people. Such education must include the following topics:
  - a. Boundaries with minors, including instruction in positive forms of expressing emotion and demonstrating ministerial care;
  - b. The prevalence, identification and prevention of child sexual abuse;
  - c. Self-protection from false allegations of sexual abuse;
  - d. Warning signs associated with both preferential and situational sexual abuse of minors.
  - e. Reading and discussing the policies related to safe children.
2. Updated information about these topics will be provided to the members of the Salesian Society at least annually.
3. 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.
4. Members who supervise individuals on an ISP shall receive initial training and yearly continuing education on specific topics relevant to their role.

## **XI. Definitions**

1. **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).
2. **Allegation:** Generally, a verbal or written statement by an individual (minor or adult) that a member has sexually abused them when they were a minor. However, allegations of sexual abuse may come from a

- variety of other sources, including members of the victim's family, diocesan officials, members of the Salesian Society, a colleague in the workplace or from the perpetrating member himself.
3. **Mental Health Advisor:** A mental health professional designated by the Provincial to develop and implement the Safe Children policies, develop and distribute educational materials on prevention and response to child abuse, assist the Review Board in their deliberations, coordinate pastoral assistance for the immediate pastoral care of persons who claim to have been victim of sexual abused by a Salesian, and assist and advise the Provincial in all matters relating to the mental health and wellbeing of the members.
  4. **Canonical Decree:** An official canonical declaration stating that sexual abuse of a minor has or has not been established.
  5. **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.
  6. **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."
  7. **Hope and Healing/Instruments of Hope and Healing:** Accreditation Standards (rev. 2012) 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.
  8. **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).
  9. **Minor:** A person under the age of 18 years old.
  10. **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.
  11. **Reporting Statute:** A state statute that mandates reporting abuse of a minor, e.g., California Penal Code Section 11164.1-11165.1.
  12. **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 **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, (Protocol: Salesian Society Review Board, approved by Provincial Council 10-5-09)
  13. **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. (See Below California Penal Code 11165.1 for definition of Sexual Abuse)
  14. **Supervisor:** Either the Director of the community where the restricted member is living or another individual appointed by the Provincial.

**California Penal Code 11165.1:** *As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:*

(a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), Section 264.1 (rape in concert), Section 285 (incest), Section 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), Section 288a (oral copulation), Section 289 (sexual penetration), or Section 647.6 (child molestation).

(b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:

- (1) Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- (2) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- (3) Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.
- (4) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
- (5) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(c) "Sexual exploitation" refers to any of the following:

- (1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).
- (2) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.
- (3) A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

(d) "Commercial sexual exploitation" refers to either of the following:

- (1) The sexual trafficking of a child, as described in subdivision (c) of Section 236.1.
- (2) The provision of food, shelter, or payment to a child in exchange for the performance of any sexual act described in this section or subdivision (c) of Section 236.1.