



## **F.1a POLICY CONCERNING SEXUAL ABUSE OF A MINOR AND OTHER VULNERABLE PERSONS**

### **I. Introduction**

The Sisters of Charity of Saint Elizabeth call themselves to embody the Gospel values of justice and charity in all they do and say, both as individuals and as a congregation. They value the God-given dignity of each person in all circumstances. They likewise recognize that all persons, including their own members, are gifted and, at the same time, limited. The Congregation acknowledges that, at times, members act in a manner inconsistent with the Congregation's stated values.

Therefore, the Congregation will take seriously and respond immediately in a responsible and compassionate manner to any complaint, allegation, or suspicion that a member of the congregation has engaged in inappropriate behavior resulting in sexual abuse of a minor or other vulnerable person.

Abuse is a breach in the respect owed to each person; it violates the trust accorded an adult, a minister, and a member of a religious congregation and it can have severe and detrimental effects on all involved. Likewise, false or incorrect allegations can have similar severe and detrimental effects.

This policy describes, in a general way, the procedures which will be followed to arrive at the truth of a complaint, allegation, or suspicion. The application of these procedures expresses a judgment neither of guilt nor innocence, but indicates the serious nature of such cases and strives to protect the rights of all involved.

### **II. Definition of Terms**

- A. When used in this document, **sexual abuse** shall include the infliction of physical or psychological injury or the causing of the deterioration of a minor and/or other vulnerable person resulting from sexual abuse. Sexual abuse occurs when a minor or vulnerable person is used sexually by an adult or someone with some kind of power over the individual. Categories of sexual abuse include but are not limited to:

*Incest, pedophilia, exhibitionism, molestation, exploitation, statutory rape, rape, child prostitution and child pornography.*

- B. A minor is any person under the age of 18. Other vulnerable persons would include, but not be limited to, any person beyond the age of majority who, because of impairment of mental or physical function or emotional status is unable, even temporarily to recognize and /or report abuse, neglect, or exploitation without assistance.
- C. By member is meant any professed member of the Congregation of the Sisters of Charity of Saint Elizabeth. A complaint, allegation, or suspicion involving a former member, a novice, or a candidate may also, given the circumstances, activate the policy and procedures herein.

### **Review Board**

It shall be the policy of the congregation to establish a Review Board to address any complaint, allegation, or suspicion of sexual misconduct by a member or other person to whom this policy may pertain. This Review Board, appointed by the General Superior and her Council, will include members of the congregation, a pastoral counselor, legal counsel, a mental health professional, and any other person(s) deemed appropriate. If conflicts of interest exist, a substitute(s) will be appointed.

### **Complaint and Accused Religious**

The Congregation's response to an allegation of sexual misconduct by a member reflects our belief in the inherent value of the human person, the image of God. In both civil and canon law, a person is presumed innocent until proven otherwise. However, the presumption of innocence does not preclude the Congregation from taking prudent action before the matter is concluded.

### **Complainant**

The complainant of sexual misconduct by a member will be treated with respect, openness, and empathy, will be assured of a prompt response, and will be informed of the specific procedures which will be followed in the investigation of the case. In addition, the person bringing the accusation will be apprised of the Congregation's commitment to confidentiality regarding all parties, within the parameter of this policy.

If the allegation involves alleged sexual abuse of a present minor, the Congregation is required to report it to the appropriate state child protective agency. In any case where the complainant is a minor, the Congregation will keep the parent(s) or guardian(s) apprised throughout the entire procedure.

### **Accused Member**

A member or another person to whom this policy may pertain will be treated with the same respect, openness, and empathy afforded the complainant. The General Superior or her delegate will inform the member of the accusation and of the specific procedures to be followed in the investigation of the case. She also will be apprised of the Congregation's commitment to confidentiality and, if the complainant is a present minor, the accused will be informed of the Congregation's intent to report,

or the prior reporting, of the allegation to the appropriate state child protective agency as required by law.

The Congregation will offer to the accused member legal counsel (civil and / or canonical) as well as psychological and / or spiritual counseling.

The Congregation will place the accused member on ministry leave pending the outcome of an investigation unless particular circumstances make it clearly unnecessary.

In cases involving rumor, especially when the accuser retreats into anonymity, the case may be dismissed as poorly founded. However, depending upon the circumstances in any given case, the situation may be monitored.

When an allegation is made against a religious of another congregation who works in an institution sponsored by the Sisters of Charity of Saint Elizabeth, her / his religious congregation handles the allegation according to its policies and procedures. However, this does not negate the requirement of the person responsible for the institution to report to the state child protective agency allegations involving a present minor and to activate the institution's own policy for handling an employee so charged.

#### **Confidentiality and Internal External Communication**

The Congregation will release appropriate levels of information on a timely basis, both internally and externally, honoring the values of justice and charity.

All communication, both internal and external, will respect the rights of all involved.

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