



Instruments of Hope and Healing

Safeguarding Children and Young People

2012 Standards for Accreditation
(Amended August 2013)

Conference of Major Superiors of Men
(CMSM)



Conference of Major Superiors of Men

August 15, 2012

Dear Member of CMSM,

After a year-long process of taking counsel the second revision of the Standards of Accreditation was adopted by the National Board of the Conference of Major Superiors of Men on July 31, 2012. The advisory committee did an excellent job in seeking input from major superiors, councilors, child-care professionals, canonists, civil attorneys, supervisors, monitors, review board members, and victims' advocates to improve the process of protecting children. The Standards have been improved by incorporating the experiences of the communities which have been accredited over the past several years and by input from Praesidium Religious Services, our accrediting agency. The Revised Standards are the current expression of the commitment that men religious made in adopting the Instruments of Hope and Healing Program in 2003. These newly revised Standards for Accreditation dealing with prevention, response and supervision became effective as of August 1, 2012.

The revised Standards of Accreditation are the concrete manifestation of the pledge the membership of CMSM made to protect children and young people from sexual abuse. As noted in the acceptance of the original standards and in the first revision, the members of CMSM will maintain continual vigilance to ensure that these Standards not only meet but also advance the concern of providing safe environments for children and young people. In order to assure continuity in our commitment and to remain abreast with advances in the arena of child welfare, regular review and revision of the standards is essential. In addition to containing the most advanced insights in the child care industry, the revised standards incorporate many of the learnings gleaned from the lived experience of our religious institutes in the accreditation process. As we continue to respond to the tragedy of sexual abuse, we are now also raising the bar for other Church-based and social welfare organizations as we all work to protect children and young people from sexual abuse.

The materials contained in these revised Standards not only serve to refresh our recollection when needed but also provide a useful educational tool for training future leaders in our institutes. Memories dim and leaders change over time; having this resource available will be of great value over the course of such transitions. The long revision and editing process has as its purpose, of course, the work of re-accreditation of our institutes in compliance with the highest national standards for protecting and safe-guarding children. By being accredited, we project to the public that we are doing all that we can to create communities and institutes that are safe and that protect children.

Many thanks to all of you who helped to produce the revised Standards of Accreditation. We at CMSM owe a special debt of gratitude to the advisory committee and to the CMSM staff who endured the meticulous editing process. The reward for all this effort is a safer world for children and a greater effectiveness for religious in our ministries. Let us continue to pray for the guidance of the Holy Spirit that we might respond more faithfully to our calling.

In the Most Holy Trinity,

A handwritten signature in cursive script that reads "John Edmunds, S.T." The signature is written in black ink and is positioned above the printed name.

John Edmunds, S.T.
President of CMSM



Introduction to Accreditation

It is with great pleasure that Praesidium releases the 2012 Standards for Accreditation. The year 2012 marks the ten-year anniversary of the bold commitment made by the Conference of Major Superiors of Men (CMSM):

“We believe that in most instances over this last decade, as we have learned more about the tragic consequences of sexual abuse, we have acted responsibly in dealing with allegations. But, we have also heard the clear call to more accountability and transparency in how we as leaders of men religious deal with the protection of children from sexual abuse by members of our institutes and how we handle allegations of sexual abuse and follow-up outreach to victims and supervision of our members charged with sexual abuse.”

Over the past year, Praesidium met with CMSM leadership, members, and special committees in sessions across the United States to share our experiences assisting more than 100 Religious Institutes respond to and come into compliance with the Standards for Accreditation. Input was also considered formally and informally from Major Superiors, Praesidium’s Advisory Council, civil and canon lawyers, Arch/diocesan safe environment personnel, and members of religious Review Boards.

Praesidium also considered how the standards and auditing practices compared with those of secular groups such as the YMCA of the USA and Boys and Girls Clubs of America. This information was carefully considered and is reflected in the revised Standards which were approved on July 31, 2012. The Standards themselves and the updated audit methodologies provide greater clarity in the requirements and include increased efforts to ensure ongoing compliance.

Accreditation confirms that an individual Religious Institute has been found by an independent team of specialists from Praesidium to meet or exceed all Standards for Accreditation. Praesidium does not regulate accredited institutes’ minimum operating procedures as a state licensing agency would; however, accredited institutes are required to submit annual documentation verifying ongoing compliance with particular standards and to notify Praesidium under certain circumstances. This requirement was introduced in 2012 in an effort to minimize institutional drift in the context of frequent leadership changes and the trend toward institutions merging.

Praesidium remains honored to assist Religious Institutes in fulfilling this commitment over the last ten years and to shape the standards to incorporate what has been learned about the prevention of child sexual abuse in organizations. Indeed, the commitment made by religious institutes across their diverse works and at the national level through CMSM is exceptional.

INSTRUMENTS OF HOPE AND HEALING

USE OF THE MATERIALS

The resources provided to the Members of CMSM's *Instruments of Hope and Healing* program are solely for the use of CMSM and its Members. All educational materials, videotapes and protocols, including these revised Standards for Accreditation **may not be sold or used by any other entity or organization.**

ACKNOWLEDGEMENTS

CMSM is grateful to Praesidium, Inc. for permission to include a copy of the 2012 Standards for Accreditation as a part of this booklet.

CMSM is grateful to the United States Conference of Catholic Bishops (USCCB) for permission to include a copy of *the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2006 revision*, as a part of this booklet.

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2012 Standards for Accreditation

Standard 1. The Institute will screen new Candidates for membership in the Institute.

Rationale: *Screening is one of the most developed areas of sexual abuse prevention within child-serving industries. Those who sexually abuse minors look for employment or volunteer positions where they can have access to minors. The first action an Institute can take to keep its ministries safe is to carefully screen everyone who has access to minors. Indeed, most seminaries and religious formation programs have required a thorough, comprehensive screening of Candidates for many years. Specific screening and selection procedures can prevent a potentially harmful Candidate from gaining access to minors.*

Requirements for accreditation:

- R1. Candidates will be specifically screened for a history of sexually abusing minors or violating the boundaries of minors.
- R2. Each Candidate must have the following documentation:
 - a. A completed background check including every state/county that the Candidate has resided in for the last ten years and a completed national sex offender registry check.
 - b. A minimum of three documented personal references (including at least one from a family member) and two professional references, for a total of five references
 - c. Face-to-face interviews with more than one representative of the Institute
 - d. A psychological evaluation which was conducted by a licensed psychologist, and a psycho-sexual history which was conducted by either a licensed psychologist or a licensed mental health professional with skills in conducting psycho-sexual histories and in assessing psycho-sexual health in preparation for a life of celibate chastity
- R3. A Candidate who has an established allegation of sexually abusing a minor in his past, or who has acquired/intentionally viewed child pornography, cannot be permitted to continue to Membership in the Institute.
- R4. Vocation directors and formation directors must be able, by education, training or experience, to identify Candidates who may be at risk to sexually abuse a minor.

Clarifications:

- C1. The requirements outlined in R2 above may be completed at any time prior to the Institute's acceptance of the Candidate into the novitiate. However, prior to the Candidate being placed in or recommended for any form of service to the public, the Institute must complete the requirements set forth in R2a, R2b and R2c above.
- C2. There are many valid and appropriate psychological tests and procedures for conducting background checks that an Institute may use to screen Candidates. Therefore, there are no specific requirements for psychological tests or methods for conducting criminal background checks that the Institute must follow to comply with this Standard.
- C3. Criminal background checks of Candidates from countries outside the United States should be conducted to the best ability of the Institute, recognizing that some countries may not record such information or provide it to the Institute.
- C4. It is recognized that psychological testing for some Candidates from outside the United States may not have the same level of validity as the testing for United States Candidates, increasing the importance of other methods of evaluation and screening that the Institute must follow in order to properly screen foreign Candidates.

Standard 2. At each stage in the initial formation of Members, the Institute will assist in their ongoing growth toward a healthy sexuality as a foundation for celibate chastity.

Rationale: *The majority of cases of sexual abuse of minors that are being addressed today originate from incidents that occurred in the 1960's and 1970's. After that period, there is a significant drop in the number of cases.¹ Many attribute this decrease to major changes in seminaries and houses of formation in the 1980's, when these institutions began to comprehensively address issues surrounding healthy human development and sexual integration. This major, positive shift has been recognized as a key contribution to overall sexual abuse prevention efforts.*

Requirements for accreditation:

- R1. Members in formation must be educated about how to develop a mature, integrated sexuality as a foundation for celibate chastity.
- R2. Members in formation must be encouraged to identify and address challenges to maintaining celibate chastity and healthy intimate relationships.
- R3. A Member in formation who sexually abuses a minor will be dismissed.
- R4. A Member in formation who is unable to maintain appropriate boundaries with minors, despite guidelines and instruction, cannot be permitted to continue in formation.

Clarification:

- C1. It is recognized that vows and promises of celibate chastity do not cause any individual to sexually abuse a minor.

¹ John Jay College of Criminal Justice, "The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States," 2003.

Standard 3. The Institute will identify and utilize systems of support and accountability for its Members.

Rationale: *Each Institute has its own systems of support and accountability as set forth in the Institute's rule, constitutions, and statutes. Analysis of cases involving a religious as the perpetrator suggest a pattern of higher risk in those situations where the offender fell outside of the Institute's typical systems of support and accountability. By ensuring that all Members participate in systems of support and accountability, the Institute is better able to recognize potential issues early on, and possibly prevent sexual abuse of a minor.*

Requirements for accreditation:

- R1. The Major Superior must be able to describe the Institute's systems of support and accountability for Members.
- R2. The Major Superior must be able to demonstrate on-going adherence to the Institute's systems of support and accountability for Members.
- R3. The Major Superior or his delegate must meet at least annually with each Member.
- R4. The Major Superior or his delegate must maintain a record of the occurrence of the annual meeting with each Member who is in public ministry. Documentation of the content of the meeting is not required.
- R5. For Members who are employed in any organization or in public ministry, the following is required at least annually in a communication with the organization in which the Member is employed or in public ministry: a) documentation of the communication in some form; and b) identification and contact information of the Major Superior.
- R6. Members who are living outside of the typical systems of support and accountability for the Institute must be addressed through one of the following procedures: a) implement an individualized system of support and accountability for the Member, or b) re-engage the Member in the typical systems of support and accountability for the Institute.
- R7. If neither of the options in R6 is possible, the Major Superior will use canonical procedures to encourage the Member to live within the normal systems of support and accountability of the Institute if they are available.

Clarifications:

- C1. Communications with organizations occur by letter, telephone, electronic mail, facsimile or in person.
- C2. Each Institute will have a written policy or protocol on support and accountability for those religious from other provinces or institutes who are residing in a house or community of the Institute.

Standard 4. The Institute will establish and publish clear policies for boundaries with minors.

Rationale: *Clear policies set the stage for safe environments. They establish standards within the Institute, guide Member conduct, and facilitate the identification of high-risk situations and interactions. All child-serving industries are accountable for this key component of sexual abuse of minors risk management.*

Requirements for accreditation:

- R1. Policies for boundaries with minors must identify those interactions which the Institute prohibits for Members under all circumstances, including interactions via electronic communications and social media.

- R2. Policies for boundaries with minors must identify positive forms of affection and demonstration of pastoral care that would be appropriate for Members under most circumstances.

- R3. Policies for boundaries with minors must clarify what would constitute appropriate social interaction with minors, including those who are part of the Member's family.

- R4. Each Member and Candidate will sign the policies for boundaries with minors, which indicates he has read and understood the policies of the Institute.

Clarifications:

- C1. The Institute's policies for boundaries with minors are intended to guide interactions in ministry and other relationships in which the Member is acting as a representative of the Institute.

Standard 5. The Institute will educate its Members regarding the prevalence, identification, and prevention of sexual abuse of minors, giving special attention to topics that are of unique relevance to religious.

Rationale: *Effective training about the sexual abuse of minors can teach Members about their role as protectors. In addition, training about the sexual abuse of minors is designed to provide instruction to Members on how to recognize and respond to inappropriate interactions that may indicate that an adult poses a high risk to sexually abuse a minor. It also educates Members on how to monitor high-risk activities and locations and how to protect themselves and their brothers/colleagues from false allegations of sexual abuse of a minor. Training also communicates that the Institute has shown due diligence in its attempts to prevent the sexual abuse of minors, and it sends the message: "We will not tolerate any form of abuse in this Institute." All child-serving industries are accountable for this key component of sexual abuse of minors risk management.*

Requirements for accreditation:

- R1. All Members who serve in public ministry, even those who only occasionally serve in public ministry, must participate in a minimum of total number of hours of education that is equal to the number of years in the Institute's accreditation period.
- R2. All Members who serve in public ministry, even those who only occasionally serve in public ministry, must have at least one educational program that includes the following topics:
- a. Information about both preferential and situational type sexual offenders. Warning signs of both types of offenders must be clearly stated in the materials.
 - b. Information regarding self-protection from false allegations of sexual abuse of a minor, including what to do if one is concerned about being falsely accused.
 - c. Information about child pornography, including its nature as a criminal offense and as an offense considered under the United States Conference of Catholic Bishops document, *Charter for the Protection of Children and Young People*.
 - d. Information regarding abuse with vulnerable adults, including its nature as an offense considered under the United States Conference of Catholic Bishops document, *Charter for the Protection of Children and Young People*.

- e. Information on how to make a report to the civil authorities of known or suspected sexual abuse of a victim who is currently a minor in the jurisdictions where the Member is assigned.
- R3. On-going training programs may include a variety of topics that support the prevention of the sexual abuse of minors more broadly. Approved topics include, but are not limited to, the following:
- a. Appropriate boundaries in ministry with adults
 - b. Internet pornography and cybersex
 - c. Sexual harassment
 - d. Development of chaste celibate relationships
 - e. Conflict resolution
 - f. Preparing religious for leadership in prevention and response to allegations of the sexual abuse of minors
 - g. Prevention of sexual abuse in schools, camps, churches or social service organizations
 - h. Child-to-child sexual abuse
 - i. Appropriate use of electronic communications and social media
- R4. The Institute will have an educational plan under Standard 5 for Members who are returning from ministry outside of the U.S. as well as for international Members who are coming for ministry within the U.S. and who are under the authority of the local Institute.

Clarifications:

- C1. If the Institute determines them to be adequate, educational programs may be provided by the organizations in which Members are employed, such as a diocese, hospital or school.
- C2. Educational programs may be provided at the local, Institute or national level, but they should not be a repetition of the same program two years in a row.
- C3. At the discretion of the Major Superior, a Member may be excused from the education programs addressing sexual abuse of a minor if that Member has physical or medical difficulties and will not be involved in public ministry.

Standard 6. The Institute will interrupt and intervene when a Member violates the Institute's policies regarding boundaries with minors.

Rationale: *Because suspicious or inappropriate behaviors (including boundary violations and/or policy violations) often precede incidents of sexual abuse, a swift and consistent response can interrupt potential untoward events, and help to protect minors from sexual abuse and Members from false allegations of sexual abuse of minors. Members need to know how to respond if they observe or become aware of problematic behaviors, and Institutional leadership must strive toward minimizing any barriers that would keep a Member from acting on those concerns. A written policy will help ensure that such situations will be managed consistently.*

Requirements for accreditation:

- R1. The Institute must state in writing the process by which a Member should respond when another Member allegedly violates policies regarding boundaries with minors.
- R2. The Institute must state in writing who is responsible for responding to concerns about policy violations regarding boundaries with minors.
- R3. All Members must be provided with the process by which a Member should respond when another Member exhibits warning signs, and information about who is responsible for addressing concerns.
- R4. The person identified as responsible for addressing concerns must document the inappropriate behavior and the steps taken for intervention. Documentation must be maintained in a manner that is helpful for future Major Superiors and those who will have official responsibility for the Member.
- R5. When a Member has repeated boundary violations with a minor or a minor is known to be in danger, that situation must be presented to a review board, an intervention plan must be developed which outlines how the boundary violations with minors will be interrupted, and the Institute will verify that the intervention plan has been implemented.
- R6. The Institute shall immediately intervene in situations where there is potential risk of harm to an identifiable minor.

Clarification:

- C1. The Major Superior determines if a boundary violation with a minor has occurred.

Standard 7. The Institute will offer to provide support and assistance to any Member who discloses to leadership concerns about his own attraction to minors or about potential boundary violations with minors.

***Rationale:** Members need the assurance that if someone is struggling he will receive compassionate support and appropriate resources to restore his health. How leadership manages these situations sets an important precedent that influences how likely a struggling Member may be to self-disclose.*

Requirements for accreditation:

R1. A Member who discloses concerns must be offered responsible assistance by the Institute which includes, but may not be limited to, appropriate evaluation and/or treatment.

Clarifications:

C1. It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under Canon Law.

C2. It is recognized that the information revealed may be privileged from disclosure under Canon or Civil Law, for example, during a manifestation of conscience or spiritual direction², or by the attorney/client privilege.

² Canon Law recognizes confessors (C. 984) and spiritual directors (C. 240, §2) as having privileged information of the internal forum which cannot be revealed in these circumstances, following the constant tradition of the Church regarding manifestation of conscience in a one-on-one relationship.

Standard 8. Representatives of the Institute will respond pastorally and compassionately to any person who alleges sexual abuse of a minor by a Member of the Institute.

Rationale: *The Member Institutes of CMSM have publicly committed to “. . . have in place the mechanisms to respond promptly to any allegation of sexual abuse.”³ Many victims/survivors have reported that being received pastorally and having an opportunity to share their story enhanced their overall ability to heal.*

Requirements for accreditation:

- R1. The Institute must identify a representative, qualified by education, training or experience, to respond to those who allege sexual abuse of a minor.
- R2. The Institute must document the response to all individuals who have reported since June 2002 the sexual abuse of a minor, or since the date of the Institute’s last Accreditation visit.
- R3. Documentation of the response to individuals who have alleged sexual abuse of a minor must demonstrate a timely, compassionate and pastoral response to that individual.
- R4. When a person comes forward with an allegation of being sexually abused as a minor, representatives of the Institute will provide a guide and explain the procedure that the Institute typically follows in responding to the allegation.

Clarifications:

- C1. For the purposes of this standard, “Member” includes current, former and deceased Members of the Institute.
- C2. Representatives of the Institute who are responsible for assisting individuals who have experienced sexual abuse of a minor may be Members, employees, volunteers, or third-party contractors of the Institute.

³ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

C3. The Institute provides all Members with a basic procedure of pastoral response, so that they will have an understanding of pastoral response to an individual who alleges sexual abuse of a minor, and so that that the individual will be treated with respect and dignity.

Standard 9. Representatives of the Institute who are responsible for assisting individuals who have alleged sexual abuse as a minor will be educated regarding the nature of their role.

***Rationale:** The Member Institutes of CMSM have publicly recognized the need to designate a competent individual to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as a minor by a Member.⁴ Indeed, the gravity and complexity of this role demands a very specific skill-set.*

Requirements for accreditation:

- R1. Representatives of the Institute who are responsible for assisting individuals who have alleged sexual abuse as a minor must have education, training, and/or experience with the following content areas:
- a. Dynamics of sexual abuse
 - b. Effects of sexual abuse
 - c. How to provide comfort to victims of sexual abuse
 - d. How to encourage trust in victims who report being sexually abused as a minor
 - e. How to promote a victim's healing
- R2. Representatives of the Institute who are responsible for assisting individuals who have alleged sexual abuse as a minor must have written guidelines for fulfilling their role.

Clarification:

- C1. Representatives of the Institute who are responsible for assisting individuals who have experienced sexual abuse as a minor may be Members, employees, volunteers, or third-party contractors of the Institute.

⁴ From the CMSM Statement, "Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse," which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

Standard 10. Representatives of the Institute will make a significant effort to promote the healing process for individuals who allege being sexually abused as a minor.

Rationale: *The Member Institutes of CMSM have reaffirmed their commitment “to strongly support the five principles for dealing with situations of abuse offered by the U.S. Catholic Conference of Bishops in 1993.”⁵ The third of these five principles compels Institutes to “Reach out to the victims/survivors and their families and communicate sincere commitment to their spiritual and emotional well-being.”*

Requirements for accreditation:

- R1. Representatives of the Institute must offer to meet in person with an individual who alleges being sexually abused as a minor by a Member of the Institute. The purpose of the meeting is to promote the healing process, and to allow the Representatives of the Institute to understand how the sexual abuse has affected the individual.
- R2. Representatives of the Institute must document every attempt to assist in the healing of an individual who has approached the Institute since June of 2002 to report being sexually abused as a minor by a Member.

Clarifications:

- C1. It is recognized that some individuals who have experienced being sexually abused as minors may first approach the Institute through legal proceedings. While this situation presents difficulties for assisting in the healing of the individual, representatives of the Institute must still offer to meet with the individual who alleges being sexually abused as a minor.
- C2. While it is the sincere desire of all Institutes to meet and assist all who claim to be victims of sexual abuse as a minor, they understand that when a victim of sexual abuse is represented by legal counsel these direct opportunities become limited. However, every Institute will, through a victim’s legal counsel, extend an offer to meet or assist the victim with healing.
- C3. It is understood that some individuals who allege having been sexually abused as minors may choose not to accept a meeting with representatives of the Institute.

⁵ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

C4. It is recognized that some unusual circumstances may cause a meeting, or even an offer of a meeting, with an individual who has alleged being sexually abused as a minor to be impossible. The Institute is asked in these cases to document these circumstances and any alternative form of pastoral assistance that has been offered.

Standard 11. The Institute will adhere to written protocols for responding to reports and allegations of sexual abuse of a minor.

Rationale: *Systematic procedures for responding to an allegation of sexual abuse can protect everyone's rights, ensure that the organization responds legally and effectively, and minimize disruption. However, policies and protocols are only as effective as they are practiced. Institutes are held accountable for fulfilling what has been set forth in these policies and procedures.*

Requirements for accreditation:

- R1. Written protocols are to provide guidance for
- a. Responding to individuals who report sexual abuse of a minor
 - b. Responding to individuals who allege they have been sexually abused as a minor
 - c. Responding to Members who have been accused
 - d. Complying with reporting requirements
 - e. Communicating with the accused
 - f. Protecting the rights of all those involved
 - g. Conducting internal investigations
 - h. Working with review boards
 - i. Communicating with the diocesan bishop where the alleged abuse took place and where the Member is residing, as appropriate
 - j. Communicating with the employer of the place where the alleged abuse took place and where the Member is currently employed, as appropriate
 - k. Communicating with the Religious Institute, the faith community, and the public, as appropriate
- R2. Written protocols are to identify who, by role, is responsible for each part of the response to allegations of sexual abuse of a minor.
- R3. The Institute will document adherence to written protocols for responding to reports and allegations of sexual abuse of a minor.

Clarification:

- C1. The protocols for Requirement 1, i., must indicate communication which must be made with one or both bishops (where the abuse occurred and where the Member is residing) (a) after a report/allegation is made and the investigation is initiated; (b) when an allegation has been established.

Standard 12. The Institute’s policy will state the obligation of each of its Members to report to civil authorities all allegations of known or suspected sexual abuse of a victim who is currently a minor.

Rationale: *In most circumstances, Members are mandated, as clergy or as professionals in a child-serving organization, to report sexual abuse or suspicion of sexual abuse of a minor. Reporting sexual abuse regardless of individual state statutes demonstrates the Institute’s commitment to stop sexual abuse and to help seek justice for victims/survivors.*

Requirements for accreditation:

- R1. Members must report to appropriate civil authorities all known or suspected sexual abuse of a victim who is currently a minor, whether alleged to have been perpetrated by a Member or by a non-Member.
- R2. Members must report to appropriate civil authorities known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography.
- R3. Members must be educated in their obligations under the Institute’s policy that they must report to civil authorities all allegations of known or suspected sexual abuse of a minor, regardless of the civil mandatory reporting laws of the jurisdiction.

Clarifications:

- C2. It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under Canon Law.
- C3. It is recognized that the information revealed may be privileged from disclosure under Canon or Civil Law; for example, during a manifestation of conscience or spiritual direction⁶, or by the attorney/client privilege.
- C4. Child pornography is a graphic sexually explicit depiction of a minor and is considered sexual abuse of a minor.
- C5. Reporting of actual or suspected sexual abuse of a minor is the responsibility of the one who has knowledge of the sexual abuse of a minor or of the criminal activity in regard to the acquisition and/or use of real or virtual child pornography.

⁶ Canon Law recognizes confessors (C. 984) and spiritual directors (C. 240, §2) as having privileged information of the internal forum which cannot be revealed in these circumstances, following the constant tradition of the Church regarding manifestation of conscience in a one-on-one relationship.

Standard 13. The Institute will report known or suspected sexual abuse of a minor by a Member when the victim is no longer a minor, as obligated by the civil laws of the state where the sexual abuse of the minor allegedly occurred.

Rationale: *This standard again demonstrates commitment to assisting all victims/survivors to heal and helping them to seek justice. The standard for the Church in the United States is that in every instance, the Institute will advise and support a person's right to make a report to civil authorities.⁷*

Requirements for accreditation:

R1. All individuals who have approached the Institute since June of 2002 to report the sexual abuse of a minor must be advised of their right to report to civil authorities and encouraged to make a report.

Clarifications:

C1. For the purposes of this standard, "Member" includes living current and former Members of the Institute.

⁷ From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision.

Standard 14. The Institute will investigate all reports and allegations of sexual abuse of minors by a Member, to the extent possible, based on the information provided.

Rationale: *Investigations of allegations of sexual abuse of a minor are conducted in order to respond properly to individuals who may have experienced great harm and to preserve the right of due process for any Member who has been accused of abuse. Therefore, all allegations, including anonymous allegations, should be taken seriously. Lack of an investigation may jeopardize the safety of a child, the rights of a Member, and the functioning of the Institute.*

Requirements for accreditation:

- R1. All information that is provided to the Institute must be investigated to the extent possible, including information that is provided anonymously.
- R2. The Institute must have in place written procedures for investigating reports of sexual abuse of a minor by its Members.
- R3. An investigation must be done by trained individuals who will produce a written report.
- R4. All allegations of sexual abuse of a minor reported since June of 2002, or since the last Accreditation site visit, must have a) a documented investigation, or b) documentation of the reason(s) an investigation is not possible or is not necessary.

Clarifications:

- C1. Internal investigations may be carried out by trained individuals who are Members, volunteers, employees or independent third-party contractors of the Institute.
- C2. To the fullest extent possible, the Institute will document every effort to restore the good reputation of a Member who has been falsely accused of the sexual abuse of a minor.
- C3. For the purposes of this standard, “Member” includes current, former and deceased Members of the Institute.

Standard 15. The Institute will cooperate with civil authorities that are conducting an investigation of an allegation of sexual abuse of a minor.

Rationale: *The professional standard of care holds that the Institute will “comply with all applicable civil laws with respect to reporting of allegations of sexual abuse of minors to civil authorities, and will cooperate in their investigation.”*⁸

Requirements for accreditation:

- R1. The Institute will cooperate with investigations of its Members by civil authorities.
- R2. The Institute’s will consult with civil authorities when its own internal investigations occur concurrently with a criminal investigation.

Clarification:

- C1. Institutes are expected to respect each Member’s rights under civil and canon law.

⁸ From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision.

Standard 16. The Institute will document all reports and allegations of sexual abuse of minors by a Member, and its responses to the reports and allegations, including anonymous allegations and reports.

Rationale: *Maintaining thorough documentation of the Institute's response to allegations enables the Institute to demonstrate due diligence and creates an "Institutional memory," or record for subsequent leadership.*

Requirements for accreditation:

- R1. Representatives of the Institute must document all reports and allegations of sexual abuse of a minor by Members, including anonymous reports and allegations which have been made since June of 2002, or since the last Accreditation site visit.
- R2. Representatives of the Institute must document the Institute's response to the reports and allegations of sexual abuse of a minor by Members.
- R3. Documentation of allegations, reports and responses concerning the sexual abuse of minors must remain accessible to the Major Superior and his successors.
- R4. The Institute must document that a one-time review of the personnel files of all living current Members for any possible allegations of sexual abuse of a minor has been accomplished.

Clarifications:

- C1. Documentation may be submitted by designated Members or by third-party contractors of the Institute.
- C2. Documentation of allegations and investigations are confidential.
- C3. Access to these materials will be available on a "need-to-know-basis," or as required by civil law.
- C4. Access to these materials will be prohibited as required by canon law.
- C5. For the purposes of this standard, except R4, "Member" includes current, former and deceased Members of the Institute.
- C6. Action on any information discovered in R4 is subject to the policies of the Institute.

Standard 17. The Institute will utilize a Review Board for the purpose of providing consultation to the Major Superior on the response to all reports and allegations of sexual abuse of minors.

Rationale: *The Member Institutes of CMSM have publicly recognized the need for “more accountability and transparency in how we . . . handle allegations of sexual abuse and follow-up outreach to victims . . .”⁹ Allowing an external, objective body to review the Institute’s efforts demonstrates transparency and provides leadership with critical “advice on all aspects of responses required in connection with these cases.”¹⁰ Many organizations that serve minors have bodies that function similarly.*

Requirements for accreditation:

- R1. Review Boards are to meet at least annually. Review Boards consist of at least five members, with no more than two Members of the Institute.
- R2. Review Boards must provide recommendations regarding the response to reports and allegations of sexual abuse of a minor by a Member that have come forward since June of 2002, or since the date of the last Accreditation site visit.
- R3. When considering allegations of sexual abuse of a minor against a Member, Review Board members must be provided with the following: a) the original report or allegation of sexual abuse of a minor by a Member that was submitted to the Institute, b) the final report of an investigation, c) all other allegations of sexual abuse by that Member, and d) any relevant disciplinary actions that have been taken in the past in regard to that Member and the reasons for the actions.
- R4. In cases where alleged sexual abuse of a minor by a Member cannot be investigated or established, the Review Board must provide consultation regarding the disposition of the case.
- R5. Review Board members must be familiar with the following documents: *Charter for the Protection of Children and Young People*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002 CMSM Statement of the Assembly, the Institute’s Policies and the CMSM Accreditation Standards.

⁹ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

¹⁰ From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision.

- R6. Review Boards will have policies and standardized operating procedures which address the following: confidentiality, constitution of the board, terms of membership, records retention, how information will be disseminated to Review Board members, agreed-upon standards of operation that are considered under its procedures, and possible alternatives for the disposition of cases.
- R7. The Institute must document that all allegations and reports of the sexual abuse of minors have been presented to the Review Board.

Clarifications:

- C1. The Institute will provide both initial and on-going training for members of the Review Board.
- C2. Where appropriate, the Review Board provides consultation to the Major Superior regarding the reporting of cases to the authorities when such reporting is not required by law.
- C3. Review Board meetings may be conducted in person, by conference call, or web-conferencing.

Standard 18. In cases where an allegation of sexual abuse of a minor committed by a Member has been established, the Institute will inform the leadership of any organization or ministry in which the Member has admitted to, or is suspected of, having sexually abused a minor, to the extent possible.¹¹

***Rationale:** Notifying organizations where sexual abuse of a minor has occurred demonstrates transparency, enables that organization to address any additional potential risk, and echoes the Institute's commitment to assist all victims/survivors heal and seek justice.*

Requirements for accreditation:

- R1. The Institute will inform the leadership of any organization or ministry in which the Member has admitted to the sexual abuse of a minor or in which the Member has an established allegation of the sexual abuse a minor.
- R2. The Institute will maintain documentation concerning the Institute's communication with the leadership of the organizations and ministries in which the Member has admitted to, or has an established allegation of, the sexual abuse of a minor, including any reasons why this communication was not possible or that the communication was deemed not feasible, if such was the case.

Clarification:

- C1. The duty to report to organizations and ministries does not necessarily apply to all organizations and ministries in which the Member has served. It only applies to those organizations and ministries where the Member has admitted to, or is suspected of, having sexually abused a minor.
- C2. In accordance with the requirements of Essential Norm 12, when a Member is relocated to another diocese, the Major Superior will communicate with the diocesan bishop the presence of the Member against whom sexual abuse of a minor has been established.

¹¹ See Standard 11, Clarification 1, on page 16.

Standard 19. The Institute will maintain a written, individualized Safety Plan to guide the supervision of any Member against whom an allegation of sexual abuse of a minor has been established.

Rationale: *Safety Plans allow the Institute to articulate and demonstrate diligence in managing the risk of Members who have sexually abused minors in the past. They often formalize and increase the consistency of risk reduction plans that are already in place. Safety Plans improve consistency during the transitions of Local and Major Superiors and provide a formal plan to which a Review Board is able to respond.*

Requirements for accreditation:

R1. The Safety Plan must include:

- a. a summary of the problem behaviors, which at a minimum will detail the number of victims, and the age and gender of the victim(s),
- b. information about how the Member spends the majority of his time,
- c. any applicable sex offender registry requirements, including parole and probation,
- d. a summary of the Member's risk assessment and the risk-reduction strategies, including as appropriate 1) limitations on the Member's access to minors and how any such access is supervised, 2) issues of personal relationships with friends and family, to ensure that the Member does not have unsupervised access to minors, 3) monitoring of the Member's use of electronic communications, social media and internet access, and 4) issues of financial accountability.
- e. the person responsible for the implementation of each risk-reduction strategy,
- f. consequences for non-compliance with the Safety Plan,
- g. dates on which the Safety Plan has been reviewed by the Review Board.

R2. The Safety Plan will be signed by the Member, the Major Superior and at least one individual who is directly involved in the supervision of the individual.

R3. The Safety Plan is implemented by the Institute and the Member understands the consequences for non-compliance with the Safety Plan.

R4. Within thirty (30) days of implementation, the accrediting agency must be informed of a new Safety Plan for a Member who is determined to be a “High Risk” offender.

Clarifications:

C1. If the Member chooses not to sign the Safety Plan, this should be documented.

C2. Distributing, downloading, or intentionally viewing child pornography of any kind is sexual abuse of a minor according to both civil and canon law. Any individual who has engaged in these behaviors must have an individualized Safety Plan.

C3. Due regard must be given to the need for any Member who has a Safety Plan to authorize the release of any confidential information to the members of the Review Board.

C4. All Members who have an established allegation of sexual abuse a minor, including men who are in a residential treatment center or who are on parole/probation, are required to have a Safety Plan.

Standard 20. When the sexual abuse of a minor by a Member has been established, the Member will not be permitted to work in any position which allows access to minors, or in any ecclesiastical ministry, in accordance with the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.

Rationale: *As stated above, this standard comes from the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons and the Charter for the Protection of Children and Young People, which CMSM membership voted unanimously in August 2002 to recognize.¹² The Essential Norms state that “When even a single act of sexual abuse of a minor by a priest or deacon is admitted to or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry . . .”¹³*

Requirements for accreditation:

- R1. Appropriate work for a Member who has sexually abused a minor must be determined in consultation with the Review Board and, when appropriate, the local bishop.¹⁴
- R2. Appropriate work, and the specific assignment, for a Member who has sexually abused a minor must be documented in the Safety Plan of the Member.

Clarifications:

- C1. For the purposes of Accreditation, “ecclesiastical ministry” is defined as any ministry under the authority of the diocesan bishop.
- C2. A Member who has sexually abused a minor will not be permitted to work in a parish or school.

¹² From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

¹³ From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision.

¹⁴ See Standard 11, Clarification 1, on page 16.

Standard 21. The Review Board will review each Safety Plan at least annually and offer recommendations to the Major Superior.

Rationale: *The Member Institutes of CMSM have publicly recognized the need for “more accountability and transparency in how we . . . handle . . . supervision of our Members charged with abuse.”¹⁵ Annual consideration by the Review Board of Safety Plans is a critical function of the Board, as it demonstrates transparency with regard to how the Institute is managing the risk of its Members who have sexually abused minors. Reviewing all existing Safety Plans at least annually also creates a venue for considering the appropriateness of current risk management strategies and the overall effectiveness of each Safety Plan.*

Requirements for accreditation:

- R1. The Review Board must review each new Safety Plan in a timely manner after the Safety Plan’s development.
- R2. The Review Board must review each existing Safety Plan at least once each year.
- R3. The Review Board must receive a report of compliance annually. The report must include the Member’s overall response to the Safety Plan and information about any violations of the Safety Plan.
- R4. The Member, his Local Superior and the Safety Plan Supervisor must be given timely notice of the Review Board meeting and invited to submit information for consideration and requests for modifications of the Safety Plan.
- R5. The Review Board must document any recommendations offered to the Major Superior, either in their annual report or in some other memo/minutes.

¹⁵ From the CMSM Statement, “Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse,” which was voted upon and unanimously approved by CMSM membership at the August 2002 Assembly.

Standard 22. Individuals who supervise Members who have Safety Plans will be physically and emotionally capable and adequately trained to perform the duties involved in supervision.

Rationale: *Careful consideration should be made with regard to who can be most effective in the role of supervisor. Supervisors need clarity about the expectations of the role, including how to manage non-compliance. Due regard should be given to the level of risk posed by the Member under supervision and the ability and availability of the supervisor to effectively fulfill the role.*

Requirements for accreditation:

- R1. Individuals who supervise must receive written guidelines regarding their role and procedures for supervision, including how to respond if the supervised Member violates his Safety Plan.
- R2. Individuals who supervise must be provided with training regarding their responsibilities.
- R3. Individuals who supervise must not have physical or emotional disabilities that prohibit their fulfillment of the function of supervision.

Clarification:

- C1. Supervision of Members who have Safety Plans may be conducted by qualified Members, employees, or third-party contractors of the Institute.
- C2. When the supervision of a Member on a Safety Plan is managed primarily by a Member of the Institute, the other assignments of the Supervisor must not interfere with the responsibility of supervision.

Standard 23. Those who supervise Members who have Safety Plans will have access to all pertinent information about the Member that is not otherwise privileged.

Rationale: *A supervisor can only be effective if s/he has a comprehensive understanding of the history of the Member's problem behaviors, is aware of the budding signs of the Member's "red-flag" behaviors, and knows the circumstances under which the Member has acted out in the past.*

Requirements for accreditation:

- R1. Individuals who supervise must have adequate information to fulfill their duties to supervise, which may include the following:
- a. Relevant history of sexual abuse of a minor
 - b. All allegations of sexual misconduct, including those with adults
 - c. History of compliance with Safety Plans
 - d. Current progress in treatment, if applicable or information about treatment completion
 - e. History of substance use and/or abuse, if applicable
- R2. Individuals who supervise must be provided with written instructions regarding documentation that must be maintained to verify compliance.

Clarifications:

- C1. Due regard must also be given to the Member's civil and canonical rights regarding the authorization of the release of any confidential information to individuals involved in supervision
- C2. Pertinent information may also include treatment records or summaries, evaluation results, psychological evaluations or personal histories, with appropriate limited waivers of release.

Standard 24. The Major Superior or his delegate will annually evaluate compliance with all Safety Plans.

Rationale: *The Safety Plan should be a living document. Reviewing it at least annually creates a venue for considering the appropriateness of current risk management strategies and the overall effectiveness of the Safety Plan.*

Requirements for accreditation:

- R1. The Major Superior or his delegate must evaluate and document compliance with Safety Plans at least once each year.
- R2. Institutes must develop protocols for routine documentation of compliance with Safety Plans.
- R3. If a Member who is currently on a Safety Plan experiences any significant change in behavior, or a new allegation surfaces, his Safety Plan must be reviewed as soon as possible by the Major Superior. Any adjustments made to the Safety Plan for managing risk must be communicated to the supervisor and Review Board immediately.

Standard 25. Communities that house “high-risk” Members will be visited by outside auditors on an unannounced basis to ensure consistent implementation of Safety Plan protocols.

Rationale: *This standard publicly demonstrates the Institute’s commitment to the protection and safety of minors and the supervision of high-risk Members.*

Requirements for accreditation:

- R1. The Institute must determine the level of risk for each of its Members who have an established allegation of the sexual abuse of a minor and are on a safety plan.
- R2. Communities that house high-risk Members must be visited by outside auditors on an unannounced basis at least once a year.

Clarifications:

- C1. The Institute, in cooperation with its own treatment providers or other experts, will be responsible for identifying its High-Risk Members. The level of risk should be determined either through a professional risk assessment or through a review of behaviorally-based indicators.
- C2. Visits will be documented by auditors.
- C3. Institutes who are found to be out of compliance with the Safety Plan for a high-risk individual must be re-visited within the next 30 days.
- C4. Continued non-compliance with Safety Plans will result in the loss of Accreditation.

GLOSSARY OF TERMS

Allegation. A first-person accusation of sexual abuse of a minor brought against a current Member, former Member, or deceased Member which is reported to the Institute through any form of communication, including any that are anonymous.

Candidate. An individual who is applying for membership in an Institute.

Child Pornography. Any activity which involves a graphic depiction of a minor that is sexually explicit.¹⁶

Confidential. Private information which shall be kept restricted from others and only be disclosed to an authorized person for legitimate reasons of the Institute or because the disclosure is legally required.

Confidential Documents. Documents which are given confidential status as defined by the Institute in its policies and procedures and as required by canon and civil law and whose confidential status has been communicated to the Members of the Institute.

Established Allegation. 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 has occurred.

[This is a definition which keeps it in line with the concept of moral certainty required by canon law. The judgment of the major superior must be objective, i.e. based upon facts and circumstances discovered in the course of the investigation. It is not based upon a percentage of the evidence, i.e. *most likely true* or *most likely occurred*, which implies 50 + 1% of the evidence. It allows for the canonical principle in moral certitude which states that the judgment of the major superior admits that the contrary (the falsity of the accusation) is indeed possible but highly unlikely or improbable, to the extent that the major superior has no fear that the contrary (the falsity of the accusation) may be true.]

High-Risk Member. A Member who has sexually abused a minor in the past and is likely to sexually abuse a minor again if left untreated and/or unsupervised.

Institute. The individual religious province, association, monastery, abbey, congregation, society or order that is seeking Accreditation.

Major Superior. The responsible leader according to the proper law of the Institute that is seeking accreditation.

¹⁶From a presentation given at the USCCB **Promise to Protect** seminar on September 13, 2007 by Kenneth V. Lansing, which was adapted from his work, *Cyber "Pedophiles": A Behavioral Perspective*, Chapter 4 of **Prosecuting Internet Child Exploitation Cases** (James S. Peters ed., US Department of Justice, USA Book): "The legal definition of the term "child pornography" varies from state to state and under Federal law. Under most legal definitions, child pornography involves a **visual depiction** of a **child** that is **sexually explicit**. The Federal child pornography law defines a child (minor) as someone who has not yet reached his or her 18th birthday."

Member. A person for whom an Institute is responsible according to canon law and the proper law of the Institute.

Ministry:

Ecclesiastical Ministry. Any ministry that is under the authority of a diocesan bishop.

Public Ministry. Any ministry that is under the authority of a diocesan bishop and/or under the sponsorship of a religious institute, and/or with the permission of the major superior.

Minor. Anyone under the age of 18.¹⁷

Report. A third-party accusation of sexual abuse of a minor brought against a current Member, former Member, or deceased Member which is conveyed to the Institute through any form of communication, including any that are anonymous.

Review Board. An advisory group of individuals not employed by the Institute with unique knowledge, expertise and experience, who provide counsel and recommendations to the Major Superior in situations involving the sexual abuse of a minor.

Risk Assessment. The prediction of the degree of possibility of re-offense for someone with a known history of sex offenses.¹⁸

Safety Plan. A formal, written supervision program for an individual who, it has been established, has sexually abused a minor.

Sexual Abuse of a Minor. Contact or interaction between a minor and an adult when the minor is being used for sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity, including direct sexual contact as well as sexual non-contact, such as frottage, exhibitionism, and the distribution, downloading, and/or intentional viewing of child pornography.

¹⁷ This definition of a minor reflects the stipulation of the USCCB *Charter for the Protection of Children and Young People* (revised June 2011), which states that “for purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.”

¹⁸ According to Association for the Treatment of Sexual Abusers (ATSA), risk assessment is “concerned with predicting the degree of possibility of a sexual re-offense for someone with a known history of sex offending . . . the task of risk assessment is to strike a scientific and ethical balance among the identification of offenders, while optimizing public safety.”

APPENDIX I

A CMSM Pledge

Meeting in National Assembly in August 2002, the members of the Conference of Major Superiors of Men, stunned by the abhorrent tragedy of sexual abuse perpetrated by their brother religious upon innocence, pledged themselves in commitment to the protection of children and young people. The members honored the United States Bishops for their pledge in the June 2002 *Charter for the Protection of Children and Young People* and for the values expressed in their commitment. At the same time religious men sought to commit themselves to those values, but with due and essential respect for the culture and canonical structures of religious life. The following statement of that Assembly expresses the CMSM Pledge.



Improving Pastoral Care and Accountability In Response to the Tragedy of Sexual Abuse

Conference of Major Superiors of Men
Annual Assembly, Philadelphia, PA
August 10, 2002

As leaders of the men's Catholic religious orders and societies of apostolic life with 21,000 priests and brothers in the United States, and consistent with our institutes' traditions and Gospel values, we are committed to the protection of children and young people.

We share in the anguish expressed by many Catholics and others over the issues of sexual abuse of minors by diocesan and religious priests, and by religious brothers. We are deeply moved by the stories of the victims and their families.

Sexual abuse of minors is abhorrent. When the abuser is a trusted member of church or society who holds himself out as a healer, the abuse is magnified. We share in the anger of betrayal. We attempt to reach out to victims with care and hope to rebuild the trust that has been lost. Often, these abusers were under our supervision or the supervision of our predecessors and this fills us with a painful sense of responsibility for what has occurred. We hope and pray that we have acted responsibly and too often find that our decisions have not lived up to the hopes and expectations of those who were abused and those whom we serve

and work with in ministry. We are deeply sorry for that and publicly apologize for whenever and however we have failed victims or families.

We believe that in most instances over this last decade, as we have learned more about the tragic consequences of sexual abuse, we have acted responsibly in dealing with allegations. But, we have also heard the clear call to more accountability and transparency in how we as leaders of men religious deal with the protection of children from sexual abuse by members of our institutes and how we handle allegations of sexual abuse and follow-up outreach to victims and supervision of our members charged with sexual abuse.

Therefore, the Conference of Major Superiors of Men gathered in Assembly in Philadelphia from August 7-10, 2002, instructs the leadership of the Conference:

- To research currently available services, design needed services, and provide them to its membership to enable them to have in place the **mechanisms to respond** promptly to any allegation of sexual abuse. These services will help them to have a competent assistance coordinator to aid in the immediate pastoral care of persons who claim to have been abused by members of their institutes. These services could include methods of collaboration between institutes that are members of CMSM.
- To research and design further services whereby its member institutes can, either on their own or in union with others, establish an **independent review board**, the majority of whom will be laypersons not in the employ of those institutes. These boards will assess allegations, review regular institute policies and procedures for dealing with sexual abuse of minors, and advise the major superior on the offender's fitness for ministry. These boards will act retrospectively and prospectively on these matters and give advice on all aspects of responses required in connection with these cases.
- To research and design mechanisms of **public accountability** for US major superiors that would include a national review board made up of laypersons and others not involved in the leadership of CMSM institutes. The board shall review annually the implementation of sexual abuse policies in those CMSM institutes that subscribe for the service and make recommendations about their implementation in a published form.
- To seek consultation with an expert (or experts) in the protection of children for its service to membership, especially for educational programs for the **protection of children** and the prevention of sexual abuse of minors by those in their own institutes and in society at large.
- To research currently available service and resources, design needed services and provide them to its membership to respond promptly to the need for more effective **methods of intervention, care, treatment, and follow-up supervision** of institute members in need of treatment and continuing supervision for sexual abuse. These services could be designed to be implemented collaboratively among CMSM member institutes.
- To initiate **dialogue** with appropriate groups (Bishops, women religious, victims, professionals, abusers and others) for the creation of programs for healing, reconciliation and wellness for all those affected by sexual abuse.

These programs and services will be developed as soon as possible and made available to the membership.

Men's religious communities have already taken many steps to protect those in our care. Religious communities have developed careful guidelines for screening new candidates including intense psychological testing. For more than 12 years, CMSM has been encouraging and helping its members to review and update policies for professional conduct on a regular basis and to follow local, state and federal laws when dealing with abuse issues. The vast majority of our membership has done so. The members of CMSM continue to strongly support the five principles for dealing with situations of abuse offered by the U.S. Catholic Conference of Bishops in 1993¹.

Legal, psychological, and organizational policies can help reduce the number of future situations, but cannot fully address the deep and profound pain that our leaders feel over any abuse of the human person, especially the horror of sexual abuse of children. Religious priests or brothers who have molested children or adolescents have broken the bonds of trust invested in them. We feel this hurt deeply. We are also distressed and confused as to how men can harm young people in this way. We support all efforts to try to come to a better understanding of this proclivity, already aware that many of the abusers were themselves sexually abused as children. We strive to understand how we can spot the signs of this tendency early on before abuse occurs. Many of our congregations were founded precisely to care for children in schools, shelters, orphanages, in the inner city, or overseas. For many religious men, their very lives are lived out each day in sensitively caring for, teaching and protecting children. That this ministry could provide occasions for this kind of abuse overwhelms us with concern for the future.

Because of who we are as religious living lives in the witness of community, we are also called to compassionate responses to any among us who has committed this abuse. He is still our brother in Christ. We must share his burden. He remains a member of our family. Just as a family does not abandon a member convicted of serious crimes, we cannot turn our backs on our brother. If a religious has abused a child or adolescent, he is not only subject to civil and criminal law, but, according to the *Charter for the Protection of Children and Young People* adopted by the U.S. Conference of Catholic Bishops, he also cannot be reassigned to public ministries or be involved with young people. Though it may be long in coming, we must walk the journey with him through repentance, healing, forgiveness, and hopefully reconciliation.

¹ 1. Respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred. 2. If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him for appropriate medical evaluation and intervention. 3. Comply with the obligations of civil law as regards reporting of the incident and cooperating with the investigation. 4. Reach out to the victims and their families and communicate sincere commitment to their spiritual and emotional well-being. 5. Within the confines of respect for privacy of the individuals involved, deal as openly as possible with the members of the community.

But our compassion does not cloud our clarity. We abhor sexual abuse. We will not tolerate any type of abuse by our members. Our tradition of fraternal correction requires us to hold one another accountable. In addition to being a crime, sexual abuse of this type violates our most fundamental values as religious. Bearing our responsibility, we place these men under severe restrictions after treatment and those with the greatest danger to the public are carefully supervised to avoid occasions where they can engage in abuse again. In situations where dismissal is appropriate, due process will be respected. It is our agreed upon policy with the U.S. bishops confirmed by the Code of Canon Law that disclosures about our men must be made to the local bishop when assignment for ministry is sought, including any past occasions of sexual abuse. We honor the values and principles of the Dallas *Charter* and we seek to apply them to the unique situation of men's religious institutes in the Church. When the status of the *Essential Norms* is clarified, we look forward to dialogue with the Bishops on their application.

Because celibacy has been portrayed so negatively in some recent news reports, we want to say that celibacy in religious life is freely chosen as part of our commitment to life in community along with the vows of poverty and obedience. For us, this celibacy finds its source in the life and teachings of Jesus and in the most ancient traditions of our religious institutes. It is imposed by no one, and is rooted in the journey to God that is at the heart of monastic and religious life. Whatever happens with the discipline of celibacy that is associated with the diocesan priesthood, celibacy will remain a treasured feature of religious life. We see it as the ultimate witness to the holiness of sexuality, not as a flight from it or repression of it. We also have learned over many years that only those truly called to it can live it well and find the fullness of their human meaning in it. It is not meant for the faint of heart or for those fleeing the world.

In the Acts of the Apostles we read, "the community of believers were of one mind and one heart" (Acts 4:32). We are of one mind and one heart in our responsibility to care for our children. Though at times the well of anger surrounding this public debate seems bottomless and our hearts are deeply troubled by this betrayal, as religious we are committed to working with parents, church leaders, civil society and all people of good will to restore the trust that has been lost, and to find what we need to learn from this tragedy, what it calls us to as people of faith and as a nation.

August 2002

APPENDIX II

Essential Norms for Diocesan/ Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons

Office of the President

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194

202-541-3100 • FAX 202-541-3166

Most Reverend William S. Skylstad, DD

Bishop of Spokane

May 5, 2006

THE UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

DECREE OF PROMULGATION

On November 13, 2002, the members of the United States Conference of Catholic Bishops approved as particular law the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Following the grant of the required *recognitio* by the Congregation for Bishops on December 8, 2002, the *Essential Norms* were promulgated by the President of the same Conference on December 12, 2002.

Thereafter, on June 17, 2005, the members of the United States Conference of Catholic Bishops approved a revised text of the *Essential Norms*. By a decree dated January 1, 2006, and signed by His Eminence, Giovanni Battista Cardinal Re, Prefect of the Congregation for Bishops, and His Excellency, the Most Reverend Francesco Monterisi, Secretary of the same Congregation, the *recognitio* originally granted to the *Essential Norms* of 2002 was extended to the revised version *donec aliter provideatur*.

As President of the United States Conference of Catholic Bishops, I therefore decree the promulgation of the *Essential Norms* of June 17, 2005. These *Norms* shall obtain force on May 15, 2006, and so shall from that day bind as particular law all Dioceses and Eparchies of the United States Conference of Catholic Bishops.

Most Reverend William S. Skylstad
Bishop of Spokane
President, USCCB

Reverend Monsignor David J. Malloy
General Secretary

Preamble

On June 14, 2002, the United States Conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the Church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel (i.e., employees and volunteers). The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

In addition, the bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. In the same way, the bishops have pledged to evaluate the background of seminary applicants as well as all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops decrees these norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by diocesan and religious priests or deacons.¹ These norms are complementary to the universal law of the Church and are to be interpreted in accordance with that law. The Church has traditionally considered the sexual abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453 §1 (*Sacramentorum sanctitatis tutela*, article 6 §1).²

Norms

1. These Essential Norms have been granted *recognitio* by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.³

2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include

- a.** advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- b.** reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and
- c.** offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.⁴

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1).⁵

- a. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch to proceed (Article 13, “Procedural Norms” for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.
- b. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.⁶ Because 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) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.⁷

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every instance, the diocese/eparchy will advise and support a person’s right to make a report to public authorities.⁸

12. No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Notes

- 1 These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. 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.
- 2 If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.
- 3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.
- 4 Article 19 *Sacramentorum sanctitatis tutela states*, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law, or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.”
- 5 For purposes of these Norms, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:
 - §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:
 - 1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act. Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that requires professional treatment. With regard to the use of the phrase “ecclesiastical ministry,” by clerical members of institutes of consecrated life and societies of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

- 6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1°-2°, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.
- 7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):
- a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).
 - b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).
 - c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any *de iure* faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).
 - d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.
 - e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1–1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1°-2°, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

- 8 The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.