

SAINT JOHN'S ABBEY

POLICY ON SEXUAL ABUSE OF A MINOR

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

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

This policy applies to professed monks of Saint John's Abbey. It applies to novices, candidates, and claustral oblates, as adjusted according to their canonical status.¹ Definitions of terms appear in the final section (X).

Recognizing that the sexual abuse has tragic consequences for the victim as well as for the abuser, Saint John's Abbey adopts the following policy:

I. Reporting

- A. Monks must report known or suspected abuse of a minor by a monk of Saint John's Abbey to the Abbot.
- B. Monks must also report known or suspected abuse of a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred in compliance with current state law² and with CMSM/Praesidium Standards on Hope and Healing.³

¹ In the event an allegation is made against the Abbot, the matter shall be referred to the President of the Congregation.

² The current (2009) relevant Minnesota State Statutes are:

§626.556, Subd. 3. Persons mandated to report.

(a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff if the person is:

- (1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; or
- (2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).

- C. The Abbot will also report known or suspected current abuse of a minor or past abuse of a person who is still a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred, whether or not required by state law, informing any monk who reports the abuse that he will convey the report to the appropriate civil authority.
- D. An anonymous allegation will be considered to the extent feasible based on known information.
- E. A monk should inform the Abbot if he believes that another monk exhibits warning signs of unhealthy boundaries or relationships with minors. Warning signs in themselves may not constitute reasonable belief that sexual abuse has occurred. The Abbot is responsible for appropriate follow-up to such concerns.
- F. In the event that an allegation concerns a monk from another monastery, a member of another religious order or a diocesan priest or deacon residing in the monastery, the Abbot will inform the person's superior and, if requested, assist the superior in the investigation of the allegation and in responding to the person making the allegation.

II. Initial Response

- A. Response Team
 - 1. Upon receiving an allegation of sexual abuse against a monk, the Abbot will convene the Response Team as soon as possible to provide assistance and guidance in responding to the allegation.
- B. Pastoral Response to the Alleged Victim
 - 1. The alleged victim and/or family will be provided with the names of Assistance Coordinators to assist in advocacy and pastoral support.
 - 2. The alleged victim and/or family will be offered pastoral support such as counseling during the time of the investigation regardless of the credibility of the allegation.
 - 3. The Abbot will offer to meet with the alleged victim and/or family to listen and provide pastoral support, with another person present.
- C. Pastoral Response to the Accused Monk
 - 1. After receiving an allegation of sexual abuse against a monk, the Abbot will meet with the monk. Prior to explaining the allegation, the Abbot will advise the monk that the conversation is not privileged, and, therefore, before responding the monk may

§595.02, subdivision 1, paragraph (c):

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

³ CMSM/Praesidium Standard 12 states: The Institute will require its Members to report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state's mandatory reporting laws.

- wish to consult civil and canonical legal counsel and, if advisable, have such counsel present for his meeting with the Abbot.
2. The Abbot will advise the monk of the nature of the allegation, whether or not it has been or is being reported to civil authorities, and how to obtain civil and canonical legal counsel.
 3. The Abbot will discuss with the monk the advisability of immediate psychological evaluation, and, if appropriate, psychological care. The Abbot may not require the monk to undergo evaluation or psychological care.
 4. The Abbot will request that the monk choose a support person and that the monk inform the Abbot who this support person is.
 5. After consultation with the Response Team, the Abbot may temporarily remove the monk from his work and/or residence pending the completion of the investigation. Removal will always be done if the allegation seems credible and the monk works with minors.

III. Investigation and Determination

- A. When an allegation of sexual abuse of a minor is first received, the Abbot, assisted by the Response Team, will initially gather the following information:
 1. the name of the alleged victim;
 2. the age of the alleged victim, both presently and at the time of the alleged abuse;
 3. the contact information for the alleged victim;
 4. the name of the alleged perpetrator;
 5. approximate dates of the alleged abuse;
 6. the nature and location of the alleged abuse;
 7. information from the files concerning the present and past ministry, assignments, and residences of the monk.
- B. If the monk admits the allegation as stated by the victim, the Abbot will immediately proceed to Section V of this policy.
- C. If the monk denies the allegation or aspects of the allegation, then the Abbot will seek advice from his Response Team and from representative(s) of the Review Board on the choice of an independent investigator who will gather information regarding the allegations. The investigation should commence within 30 days of the initial allegation.
- D. When the private investigator has completed his/her investigation, he/she will make a confidential report to the Abbot.
 1. The Abbot will forward the report of the independent investigator to the Review Board.
 2. Within 30 days after receiving the report, the Review Board will make a recommendation on the basis of the investigative report indicating whether or not they find that the fact of sexual abuse by the monk has been established.
 3. Within 60 days, the Abbot will inform the Review Board of his decision on the matter.

- E. If the matter has been turned over to the civil authorities and they assume conduct of the investigation, the Abbey's independent investigation will be suspended pending the outcome of the civil or criminal investigation.
- F. The Abbey will cooperate with authorized state and federal civil and criminal authorities in their investigation of allegations of sexual abuse of minors involving a monk.

IV. Procedures when Sexual Abuse Has Not Been Established

- A. If the fact of sexual abuse by a monk has not been established,
 1. the Abbot will issue a canonical decree to this effect within ten days and the case is closed;
 2. the Abbot will reinstate the monk to any responsibilities and duties from which he was temporarily removed;
 3. the Abbot and the community shall make every effort to restore the good name of the accused monk.

V. Procedures when Sexual Abuse Has Been Established

- A. The Abbot will communicate his decision in writing to the monk and indicate further steps to be taken in this matter.
- B. The Abbot will inform the leadership of any organization such as a school or parish or civic group in which the monk has admitted or been found to have sexually abused a minor.
- C. After appropriate consultation, the Abbot will draw up a Safety Plan with the monk.
- D. The Safety Plan must include:
 1. the history and nature of problem behaviors;
 2. risk reduction strategies which the Abbot may apply by virtue of the vow of obedience regarding
 - work,
 - travel,
 - association,
 - campus access,
 - community responsibilities;
 3. risk reduction strategies which the Abbot may request but cannot require without the consent of the monk, including:
 - psychological evaluation,
 - residential treatment,
 - outpatient treatment,
 - on-going therapy,
 - twelve step programs,
 - a monastic support group
 - residence away from the monastery;

4. the supervisor responsible for the implementation of the risk reduction strategies;
 5. the consequences for non-compliance with the Safety Plan;
 6. the duration of the Safety Plan.
- E. A Safety Plan must be for a definite period of time but for no longer than three years. At each expiration of a Safety Plan, the Abbot may again impose the same Safety Plan, establish a new or revised Safety Plan, or discontinue the Safety Plan.
- F. The Safety Plan must be reviewed initially within 60 days of the determination that sexual abuse has occurred and thereafter annually by the Abbot and the Review Board. Materials included in the establishment and review of the Safety Plan are subject to Section VII.A.
- G. The Safety Plan must be signed by the Abbot, the supervisor of the monk, and a representative of the Review Board. The monk will be requested but cannot be required to sign the Safety Plan.

VI. Communication

- A. There will be only one spokesperson who officially coordinates all public communication in the name of the Abbey. When advisable, this spokesperson will act in concert with designated representatives of the University, Preparatory School, parishes, or other appropriate entities.
- B. The Abbot will inform the members of the monastic community and church officials about the allegation as soon as advisable and will maintain communication with them concerning the allegation, as appropriate, while it is being processed.
- C. A public statement will be prepared and released as appropriate.
- D. The Abbey will follow the policies of a diocese on pastoral responses to communities affected by the allegation if the allegation arose in the context of ministry or employment in a diocesan entity.
- E. If sexual abuse of a minor by a monk is established to have occurred on campus, the Abbot, in coordination with the representatives of the University, Preparatory School or other appropriate entities will communicate in a pastoral manner with appropriate categories of persons.

VII. Documents

- A. Even though the Abbot may possess materials regarding a monk, he may not release to a third party, including the Response Team, the independent investigator, and the Review Board, without the written consent of the monk, all or any of the following materials:
1. medical records,
 2. psychological records,
 3. legal documents provided by the monk,

4. notes or written records of conversations with the monk regarding matters of canonical privacy or manifestation of conscience.
- B. All documents concerning an allegation of sexual abuse of a minor by a monk are maintained in a confidential file to which only the Abbot controls access.
 - C. A notation is placed in the personnel file of the monk noting that such a confidential file exists. The notation should indicate whether or not sexual abuse of a minor by the monk was established.
 - D. If a monk has a Safety Plan, the complete Safety Plan is kept in the confidential file described in VII B. Additionally, a copy of only that portion of the Safety Plan specifying the risk reduction strategies, the supervisor, the consequences of non-compliance, and the duration is kept in the personnel file of the monk.
 - E. A complete copy of the Safety Plan is given to the supervisor of the monk. In the event that a different person assumes the role of supervisor, the previous supervisor returns to the Abbot the copy of the complete Safety Plan and any other materials that had been provided to him by the Abbot.

VIII. Administrative Recourse

- A. At any stage of the process the monk has a right to administrative recourse according to the norms of canon law.

IX. Education

- A. All professed monks of the Abbey, with the exception of those who do not serve in any form of ministry because of physical or mental challenges, will participate in a minimum of three hours of education and training about how to maintain a safe environment for children and young people. Such education must include the following topics:
 1. boundaries with minors, including instruction in positive forms of expressing emotion and demonstrating ministerial care;
 2. the prevalence, identification and prevention of child sexual abuse;
 3. self-protection from false allegations of sexual abuse;
 4. warning signs associated with both preferential and situational sexual abuse of minors.
- B. Updated information on these topics will be provided to the community at least annually.
- C. The Abbot or persons appointed by the Abbot are charged with organizing and maintaining this education and training for the community. The Abbey may contract outside resources to provide such education and updates or may develop internal resources by appropriate professional training.

- D. The Abbey will provide education and training for any monks responsible for assisting individuals who have experienced sexual abuse that includes these content areas: the dynamics of abuse, the effects of abuse, providing comfort to victims, encouraging trust in victims, and promoting victims' healing. Employees or outside persons contracted to assist individuals who have experienced sexual abuse should have similar education and training.

X. Definitions

- A. Abbot: The person who holds the office of abbot of Saint John's Abbey. It also applies to a person whom the Abbot delegates to carry out his responsibility.
- B. Administrative Recourse: The procedures provided in canon law by which a monk may appeal to a hierarchical authority regarding an administrative decision. In the context of this policy, this refers to the right of a monk to appeal a decision of the Abbot to hierarchical authority according to the norms of canons 1732-1739 of the Code of Canon Law and articles 121-125 of the Apostolic Constitution on the Roman Curia entitled *Pastor Bonus* (1988).
- C. Allegation: A verbal or written statement that a monk has sexually abused a minor.
- D. Assistance Coordinator: A competent person designated by the Abbey to coordinate pastoral assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by a monk of Saint John's Abbey.
- E. Civil Authority: A local welfare agency, an agency responsible for assessing or investigating the report, the police department, or the county sheriff (Minnesota Statute 626.556, Subd. 3).
- F. Current: Three years as provided in Minnesota Statute 626.556, Subd. 3. The Statute requires reporting of sexual abuse to civil authorities if the sexual abuse occurred within the last three years.
- G. 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 (CMSM, *Instruments of Hope and Healing, Standards for Accreditation, "Definitions."*)⁴
- H. Essential Norms: *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons* published by the United States Conference of Catholic Bishops. The *Essential Norms* were made applicable to

⁴ The *Standards for Accreditation* add an explanatory note to this definition: "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."

religious institutes and societies of apostolic life by the Apostolic See in Rome in 2006 in cases of sexual abuse by a priest or deacon of the institute or society. They were not made applicable to other members of an institute or society. The interpretation and application of the *Essential Norms* to an institute or society is governed by footnote 1: “When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.

- I. Hope and Healing: Instruments of Hope and Healing: Standards for Accreditation prepared by Praesidium, Inc., and adopted by the Conference of Major Superiors of Men (CMSM). These are voluntary standards and do not have the force of law.
- J. Minor: A person under the age of 18 years old.
- K. Response Team: Competent persons appointed by the Abbot to assist the Abbot in responding to an allegation of sexual abuse by a monk of Saint John’s Abbey. The team is composed of at least three persons. Membership may include a mental health counselor, an attorney, a monk, and a canonical lawyer.
- L. Review Board: Competent persons appointed by the Abbot to advise him in allegations of sexual abuse, monitoring of safety plans for monks who have abused and education programs for monks. The Review Board’s precise functions and governance of the Review Board are contained in the document, “Saint John’s Abbey Review Board for the Protection of Minors: Policies and Procedures.”
- M. Reporting Statute: A state statute that mandates reporting abuse of a minor. For Minnesota, Minnesota Statute 626.556.
- N. Sexual Abuse: Any offense by a monk against the sixth commandment of the Decalogue with a minor as understood in canon law (see *Essential Norms*, Preamble).

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