

SEXUAL ABUSE OF MINORS AND VULNERABLE ADULTS FOR MEMBERS OF THE FRANCISCAN SISTERS OF LITTLE FALLS, MINNESOTA

PHILOSOPHY

We, the Franciscan Sisters of Little Falls, follow the spirit of Francis and Clare. We live the Gospel joyfully and courageously in continuous conversion. We seek solidarity with persons who are poor. We reverence and preserve all of God's creation. We recognize the need for healing in ourselves and in our world. Strengthened by God's overflowing love, we walk gently in the world and actively encourage others to walk with us. (October 2000)

As followers of the Gospel, we strongly assert that sexual abuse of minors and vulnerable adults by any member of the Franciscan Sisters of Little Falls is contrary to our Franciscan mission and values, to Christian principles, and is a violation of civil and criminal law.

POLICY

This policy addresses the sexual abuse of minors and vulnerable adults by a member of the Franciscan Sisters of Little Falls ("member"). Sexual abuse is not in accord with our Franciscan mission and philosophy. In addition to taking appropriate action to investigate any allegation of sexual abuse, we will have as a primary concern the pastoral care of the alleged victim.

This policy does not address sexual misconduct in general. It is intended to establish procedures in an effort to prevent sexual abuse of minors and vulnerable adults and resulting harm to them. It also provides guidance on how to respond to allegations of sexual abuse by members if any do occur.

The law changes from time to time by enactment of amendments to statutes and judicial interpretations. Because of this it is incumbent upon all to familiarize themselves with such changes as they occur. It is not possible to set out all of the laws in this policy so only general points are covered.

Definition: SEXUAL ABUSE is the subjection of a child or vulnerable adult to any sexual contact or sexual conduct. A child is anyone under the age of 18. A vulnerable adult is a person over the age of 18 who is 1) physically or mentally disabled and that disability impairs the individual's ability to protect himself or herself from sexual abuse, or 2) in a relationship where there is a substantial/significant imbalance of power with a member.

I. OBLIGATION TO REPORT

Any member who knows or has reason to know of an incident of sexual abuse by any member of the Franciscan Sisters of Little Falls is encouraged to report the incident. They are also bound by any applicable reporting requirements of state and local laws. Any obligation to report sexual abuse under these laws is in addition to a member's obligation to report under this policy. The person reporting the incident makes a report to the Community Minister/President of the Franciscan Sisters. All reports will be kept confidential to the extent consistent with the need to investigate the allegations.

II. INVESTIGATION OF INCIDENT REPORTS

An investigation will be undertaken with a high level of Christian care and concern for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. The investigation will also take into consideration the common good of the congregation and of the wider community.

All reported incidents will be taken seriously and investigated with care taken not to interfere with any criminal investigation. Any allegation will generally be reviewed with legal counsel prior to and during the investigation. As applicable, the investigator will consider and work with diocesan and/or employment policies.

A. The investigation:

1. The investigation will be conducted by the Community Minister/President of the Franciscan Sisters or her designee. The primary purpose of the investigation will be to determine to the extent possible whether sexual abuse occurred or not. The investigation will also strive to provide a holistic approach to the trauma of each person, considering pastoral, psychological, and personal needs.
2. In the event an allegation is lodged against the Community Minister, the First Vice President will fulfill all actions designated to the Community Minister.
(Approved January 8, 2004)

B. Appropriate records will be kept by the Community Minister/President of Franciscan Sisters of each incident reported and of the investigation and results thereof.

C. Contact by the Community Minister/President or her designee with the alleged victim and/or family will ordinarily be initiated at the time the allegation is reported. She may: Inform the person that the allegations will be investigated; Provide the names of counselors for the purpose of offering whatever concern or solace may be needed, with no comment as to the truth of any accusation. Medical, psychological, and spiritual referrals may be offered in the spirit of Christian justice and charity. Many times, it may be the Community Minister/President of the congregation who is the person to deal with the victim for healing and pastoral care.

D. The Community Minister/President may contact the accused to 1) Inform her of the allegation and offer pastoral support to her during the investigation, 2) Inform her of the need for legal assistance and that what she says to the Community Minister/President or others is not privileged information, and 3) May offer pastoral care and encourage her to have a personal support person.

- E. During the investigation process, the alleged perpetrator may be relieved of all responsibilities and placed on leave pending the outcome of the internal and outside investigation, as the Community Minister/President may decide.
- F. Notification of the incident shall be given to insurers in accordance with the terms of applicable insurance policies.
- G. Any media contact or inquiries regarding an incident of sexual abuse should be directed to the President of the Franciscan Sisters or her designee who will work with the congregational director of communications in making any public statements.
- H. The Community Minister/President or her designee will communicate with appropriate church officials, civil officials, and community members as appropriate. She will generally consult with civil and church legal authorities regarding the canonical and civil law rights of the victim and the accused.

III. SUBSTANTIATED CLAIM

Any member of the Franciscan Sisters who is found to have engaged in a credible incident of sexual abuse is subject to suspension from the exercise of her ministerial duties.

- A. A member will be encouraged to have diagnostic evaluation and to share the results with the Community Minister.
- B. A member will generally be requested to undergo treatment and to engage in an on-going program of personal growth.
- C. Ministry decisions will be made with the goal of protecting others from potential abuse.
- D. The member will generally be accountable to the Community Minister and/or her designee on an on-going basis.
- E. A file containing information about the sexual abuse and the resolution of the case will generally be shared with the next Community Minister/President.

IV. FOLLOW UP CARE FOR VICTIM

The congregation will work with appropriate entities with which it is affiliated to help make available care and support for all those harmed by sexual abuse by its members. The congregation will assist those primary and secondary victims to find human and material resources that might help them on their journey to healing.

Approved by the Community Board:	12/17/1992
Revised and Approved by Leadership:	02/14/2001
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