

CONGREGATION OF THE HUMILITY OF MARY
STATEMENT OF POLICY AND PROCEDURAL GUIDELINES
FOR
SEXUAL MISCONDUCT IN RELATIONSHIPS

Rationale

The Congregation of the Humility of Mary has a long history of ministry for and with others. From our beginnings in France to the present, we have been committed to working for justice within the human family and to responding to the needs of the poor and the powerless.

As ministers, we are responsible to those we serve regardless of their age. Those we serve, especially the children, place great trust in us. We are responsible for maintaining boundaries in these and in all our relationships.

We acknowledge the physical, psychological, and/or sexual harm that results from sexual misconduct in our relationships. The following policy and procedures address our commitment to protect children and other vulnerable persons from possible sexual misconduct by a member of the Congregation, to provide fairness, compassion, and compliance with the law in dealing with an allegation of sexual misconduct against a member, and to address the injury that may have been sustained by a child or vulnerable person by the sexual misconduct of a Sister. We stongly denounce sexual misconduct involving any person, especially minors and vulnerable persons and will not tolerate such conduct involving a Sister and a child or other vulnerable person, as defined in this policy.

Definitions

Advisory Board	A committee appointed by the President to review the facts of a report of sexual misconduct involving a Sister and to advise the President and Cabinet. The Advisory Board may consist of no more than five persons with the following expertise who are not members of the Congregation: <ul style="list-style-type: none">❖ canon law❖ civil law (not CHM counsel)❖ religious life (from other congregations)❖ psychology/psychiatry
Cabinet	Vice President and three elected vowed members who assist the President in administrative and governmental decisions.
Child	Any person under the age of 18.
President	Spiritual and canonical leader of the Congregation responsible for its administration and government.
Response Team	This team will assist the President from the initial moment that an allegation comes forward.

Sexual Misconduct Intentional sexual contacts or interactions between a Sister and a child or vulnerable adult in a relationship which causes serious injury or has the potential to cause a serious injury.

Sister Member or novice of the Congregation of the Humility of Mary.

Victim Assistant Coordinator

A self employed individual, contacted by the CHM congregation, who oversees and coordinates the pastoral care and outreach offered to accusers and their families.

Vulnerable Person A vulnerable adult is a person who has been determined under state law to be incapable of defending oneself.

Policy

As the Congregation of the Humility of Mary, we will deal forthrightly and compassionately with all reports of sexual misconduct involving a member of the Congregation.

We will strive to implement the entire process in a spirit of charity and compassion for the reported accuser and the family, the Sister, and other affected parties, with the assistance of legal counsel.

We will comply with obligations of canon and civil law with the assistance of legal counsel.

Procedural Guidelines

Section 1 - Investigation of a Report of Sexual Misconduct in a Relationship

- 1.0 Response Team. This team will assist the President from the initial moment that an allegation comes forward.
 - 1.0.A Their role is to consult with the President immediately to determine how best to proceed in light of canon law, civil law reporting requirements, and the order's own policy. They lend support to the President.
 - 1.0.B Membership may consist of:
 - ❖ a civil lawyer
 - ❖ a canon law advisor (not one on the Advisory Board)
 - ❖ a victim assistance coordinator (could use diocesan)
 - ❖ a member of the CHM community
- 1.1 The President is responsible for the investigation of the allegation of sexual misconduct. The investigation will be conducted with compassion for the reported accuser and the family, the accused Sister, the Congregation and all other persons whose lives are affected by the report. The President, in consultation with the Cabinet, will identify one member of the Cabinet to participate in the investigation of a report of sexual misconduct involving a Sister.

- 1.2 The procedure for the initial investigation:
- 1.2.A The procedural steps to be followed will be dependent upon the origin of the report of sexual misconduct and the nature of the information provided and will be determined by the President and the member of the Cabinet.
 - 1.2.B All information regarding the possible sexual misconduct by a Sister shall be referred immediately to the President or her designee who will meet as soon as reasonable and practical with the Response Team to determine a course of action.
 - 1.2.C The President or her designee and the Cabinet member, if appropriate, will meet with the person reporting the sexual misconduct in order to hear the details of the allegation.
 - 1.2.C.1 Determine if a report has been made to civil, diocesan, or other authorities.
 - 1.2.C.2 Determine if there is an immediate need for counseling or pastoral care.
 - 1.2.C.3 Determine if others have information that would be helpful.
 - 1.2.C.4 Inform the person reporting the sexual misconduct of the internal procedures to be followed.
 - 1.2.C.5 If appropriate, the President will determine if the person reporting the sexual misconduct is willing to meet with the Advisory Board.
 - 1.2.C.6 Provide the name of the Victim Assistance Coordinator with whom the person may make contact regarding the status of the investigation.
 - 1.2.D The President or her designee and another member of the Cabinet will meet with the Sister about whom the information regarding possible sexual misconduct has been received.
 - 1.2.D.1 Advise the Sister that any information she shares is not “privileged.”
 - 1.2.D.2 Share with the Sister the information regarding the report of possible sexual misconduct.
 - 1.2.D.3 Determine if others have information that would be helpful regarding the specific allegation.
 - 1.2.D.4 Provide, if appropriate, the Sister with legal counsel separate from the legal counsel of the Congregation.
 - 1.2.D.5 Encourage the Sister to seek counseling services.

- 1.2.D.6 Inform the Sister of the internal procedures to be followed.
- 1.2.D.7 Determine if the Sister is willing to meet with the Advisory Board, if appropriate.
- 1.2.D.8 Encourage the Sister to identify another CHM Sister to companion her on this journey.
- 1.2.D.9 Review with the Sister her current ministerial responsibilities and determine the immediate response regarding her continued involvement in ministry. The Sister will be immediately removed from any possible contact with children or vulnerable adults, pending the resolution of the charges and the outcome of the investigation. Such action will not imply guilt or innocence.
- 1.2.E The President or her designee will seek legal counsel on behalf of the Congregation.
- 1.2.F The President or her designee will make contact with the appropriate civil authorities as required by law.
- 1.2.G The President or her designee and the Cabinet member will meet with other persons likely to have information related to the reported incident of sexual misconduct.
- 1.2.H The President will seek advice from civil attorneys, canonists, doctors, psychologists, and social workers when the situation calls for it.
- 1.3 Consultation with the Advisory Board
 - 1.3.A The President or her designee will arrange for a meeting with the Advisory Board to seek their consultation and recommendation as soon as practicable and reasonable after completion of the initial investigation.
 - 1.3.B The Advisory Board shall review the facts of the initial investigation related to the report of sexual misconduct without disclosure of the name of the accuser or the accused Sister.
 - 1.3.C If the Advisory Board requests to interview the person who reported the matter, the Sister who is being accused, or any other person with pertinent information, the decision as to whether or not to allow such an interview falls to the President after consulting canonical and civil authorities as to the legal ramifications.
 - 1.3.D The Advisory Board may also seek additional information relevant to the specifics of the reported incident and may be reconvened if additional information is forthcoming.

- 1.3.E The Advisory Board, upon review of the facts and information gathered, will advise the President of its findings and recommendation(s) regarding:
- ❖ the credibility of the allegation(s).
 - ❖ the determination if the allegation is supported by sufficient evidence to relieve the Sister of public ministerial duties.
 - ❖ the appropriate response to the reported accuser and the accused Sister.
- 1.4 The President, having received the findings and the recommendations of the Advisory Board, and the outcome of any civil proceedings, will make a decision in consultation with the Cabinet about the disposition of the allegation.
- 1.4.A If the allegation has been substantiated, appropriate care and compassion will be offered the accuser.
- 1.4.B Any Sister against whom an incident of sexual misconduct has been substantiated, following an investigation according to canon law and this policy, shall be immediately placed on leave from all ministry. Only following diagnosis, evaluation, treatment and successful after-care may the Sister be considered for reassignment and then only under such conditions and limitations as deemed appropriate by the President.
- 1.4.C If the information regarding the report of sexual misconduct is substantiated, the Cabinet will develop a comprehensive safety plan with the accused Sister. This plan will address the areas of ministry, residence, accountability, and support and may involve psychological assessment and treatment.
- 1.4.D If the information regarding the report of sexual misconduct is determined to be inconclusive or without merit, the President and member of the Cabinet will:
- 1.4.D.1 Meet with the accuser and explain the findings of the investigation.
 - 1.4.D.2 Meet with the accused Sister, explain the findings of the investigation, and take all necessary steps to support the Sister.

Section 2 – Confidentiality and Disclosure of Information

- 2.1 The President or her designee is to be the custodian of all information accumulated and shall provide for the security and confidentiality of the information.
- 2.2 All reports (written and oral) are considered to be confidential and will not be disseminated so that the confidentiality of the Sister and the reported accuser will be protected unless disclosure is required by law. All information related to an incident in which a complaint is made of sexual misconduct will be assembled and retained in written form in a confidential manner and safeguarded from unauthorized disclosure.
- 2.3 Information may be disclosed:

- 2.3A To provide the Sister accused with sufficient information to enable her to respond to the allegation(s).
- 2.3B To provide a summary of the pertinent and factual information to the Advisory Board in order for this Board to make its recommendation(s) to the President.
- 2.3.C To provide the person making the allegation and the accused Sister with appropriate and timely information about the progress of the investigation, the Advisory Board's recommendation and the President's actions.
- 2.3.D To disclose such information as may be required by civil or canon law. The Congregation of the Humility of Mary will cooperate fully with any related civil investigation.

Section 3 – Communication

- 3.1 This policy of Sexual Misconduct Guidelines will be distributed to all the members of the Congregation.
- 3.2 All Sisters will be educated on the issues of sexual misconduct through community mailings and meetings.
- 3.3 At a time determined by the President or delegated spokesperson, prepared statements will be developed which are honest, factual, limited in scope and reflective of CHM values and protective of the confidentiality of all parties.
 - 3.3.A A prepared statement will be shared by the members of the Cabinet via telephone with all Community members and in person with the Sisters at Humility of Mary Center regarding the situation.
 - 3.3.B Any media inquiries regarding allegations of sexual misconduct should be directed to the President of the Congregation. The Congregation is committed to dealing with alleged incidents in an open and responsible manner, which will include respecting the confidentiality and privacy of the persons involved in the alleged incidents.

Section 4 – Review of the Policy

The Cabinet of the Congregation will review the Policy and Procedural Guidelines every two years. If revisions are needed, the revised policy will be disseminated to each Sister of the Congregation.

Approved: November 12, 2004
Revised: November 7, 2006
Reviewed & Reaffirmed March 24, 2009