

# 2016 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 organizations. Those who sexually abuse minors may 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, which includes each state/county that the Candidate has resided in for the past seven years and a 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.
  - e. A review of publically accessible content on all social media, personal blog sites, and web sites associated with accounts controlled by the Candidate.
- 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, R2c and R2e 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.
- C5. It is further recognized that the cultural values of the United States are not universal values; assessment of a Candidate or Member from a different cultural background should include evaluation of the individual's ability to adapt to the cultural requirements of ministry in the United States. Assistance may be found in the *USCCB Guidelines for Receiving Pastoral Ministers in the U.S. Third Edition*.

**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 1960s and 1970s. After that period, there is a significant drop in the number of cases.<sup>1</sup> Many attribute this decrease to major changes in seminaries and houses of formation in the 1980s, 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.

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<sup>1</sup> 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 rules, 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 written 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. The Institute will maintain a list of Members who are living outside the typical systems of support and accountability for the Institute.
- R7. 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.

- R8. If neither of the options in R7 is possible, the Major Superior will use canonical procedures<sup>2</sup> to encourage the Member to live within the normal systems of support and accountability of the Institute if they are available.
- R9. When a member of another religious institute begins the probation period to *transfer* into the Institute, the member becomes subject to the proper law and the superior of the new Institute and is required to adhere to the new Institute's systems of support and accountability.<sup>3</sup>
- R10. Each institute will have a written policy or protocol on support and accountability for those religious from other provinces or institutes or diocesan priests who are residing in a house or community of the Institute.

**Clarifications:**

- C1. Communications with organizations occur by letter, telephone, electronic mail, facsimile or in person.

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<sup>2</sup> When a Member is reluctant to comply with the options, the Major Superior may consider the use of restrictions on the Member's lifestyle; limitations on financial support (c. 670), where the Member resides (c. 665§1), and where the Member ministers (c. 678). Precepts, penalties, including dismissal (c. 696§1), may be considered in accord with the norm of law.

<sup>3</sup> *CAN.685 §1.† Until a person makes profession in the new institute, the rights and obligations which the member had in the former institute are suspended although the vows remain. Nevertheless, from the beginning of probation, the member is bound to the observance of the proper law of the new institute.*

*§2.† Through profession in the new institute, the member is incorporated into it while the preceding vows, rights, and obligations cease.*

**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 organizations 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. While 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, it is also recognized that a Member is responsible for maintaining the standards of the Institute even when interacting outside of formal ministry.

**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 higher 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 organizations 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 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.

- R2. 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.
- 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. It is not necessary to repeat the content of basic training during on-going training.
- C4. 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 will provide appropriate support to a Member who disclosed to leadership that he is attracted to minors, but has not behaved inappropriately with minors.
- R7. 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 Major Superior of Institute will communicate annually to the Members regarding the Institute's commitment to the protection of minors and the Institute's current initiatives and actions with respect to the protection of the vulnerable, healing for those who have been harmed by abuse, and fulfillment of Accreditation Standards.

***Rationale:** Transparency for decision-making begins with the Members of the Institute themselves, who are deeply and personally affected, along with victims, when poor decisions are made or necessary actions are not taken. Major Superiors have numerous obligations under Accreditation Standards, and this standard allows all Members, not just those who are closest to administration, to recognize and appreciate the efforts and steps that are taken to protect minors, and to provide support and accountability to the Major Superior.*

**Requirements for accreditation:**

- R1. The communication must contain the Institute's current Accreditation status and date of Accreditation expiry.
- R2. The communication must contain information about any new reports or events of abuse that have occurred since the last communication, and the status of those reports or events. The level of specificity will be determined by the Major Superior and other Members of the Institute.
- R3. The Institute must document the fulfillment of this communication.

**Clarifications:**

- C1. The actual communication required to fulfill this standard may be made by the Major Superior or his delegate. However, it is recognized that there is no substitute for the encouragement for Members that is provided by a statement of personal commitment by the Major Superior.
- C2. The report may be made orally or in written form.
- C3. It is recommended, but not required, that the Major Superior share with Members the financial costs associated with these efforts (i.e. prevention programs, pastoral care, Accreditation), as well as other related expenses such as legal costs or settlements.

- C4. The primary purpose of this Standard is to prompt Major Superiors to fulfill current standards of care with respect to internal, Institutional transparency and accountability for leadership. However, given the continued saliency of the issue of sexual abuse in the Catholic Church, it is recognized that the Institute's larger constituency may also benefit from a similar form of communication by the Institute.
- C5. The Major Superior and other Members of the Institute may consult with civil legal counsel regarding the content of this communication.

**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.”<sup>4</sup> 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.

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<sup>4</sup> 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.

- 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 contractors of the Institute.
  
- 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 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.<sup>5</sup> 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 those who have experienced sexual abuse
  - d. How to encourage trust in those who report being sexually abused as a minor
  - e. How to promote 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 contractors of the Institute.
- C2. Experience has demonstrated the grave errors that may be made when those who are responsible for assisting individuals who have been abused are also responsible for the governance of the Institute and/or investigations of misconduct by Members. Therefore, these forms of “dual relationship” are strongly discouraged and may be considered disqualifying for the Representative of the Institute to fulfill the requirements of Standard 9.

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<sup>5</sup> 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.”<sup>6</sup> 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 challenges for assisting in the healing of the individual, representatives of the Institute are still encouraged to extend the offer to meet with the individual through his or her legal counsel.
- C2. 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.
- C3. 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.

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<sup>6</sup> 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 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
- 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:**

- C1. It is recognized that information revealed during the Sacrament of Reconciliation is under the seal of confession and is inviolable under Canon Law.<sup>7</sup>
- C2. It is also recognized that information revealed during the Manifestation of Conscience is also not to be revealed under any circumstances.<sup>8</sup>
- C3. Information learned pursuant to attorney-client privilege must not be disclosed.
- C4. Child pornography is a graphic sexually explicit depiction of a minor and is considered sexual abuse of a minor.

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<sup>7</sup>Can. **983** §1.† *The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.*

<sup>8</sup> See canons 220, 630§5 and 984§1 for further guidance.

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.

**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.<sup>9</sup>*

**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.

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<sup>9</sup> 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 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.”<sup>10</sup>*

**Requirements for accreditation:**

- R1. The Institute will cooperate with investigations of its Members by civil authorities.
- R2. The Institute will ordinarily suspend its own internal investigations until criminal investigations are concluded. Decisions to move forward with investigations during a criminal investigation must be made in consultation with law enforcement.

**Clarification:**

- C1. Institutes are expected to be familiar with and respect each Member’s rights under civil and canon law.<sup>11</sup>

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

<sup>11</sup> *The rights of Members of Religious Institutes/Societies include, for example: the right to a good reputation (c. 220) and to protect one’s privacy (c. 220); right to defend one’s rights in an ecclesiastical forum (c. 221§1); right not to be punished with canonical penalties except in accord with the norm of law (c. 221§3); right to canonical counsel (EN, n. 8a); right not to be forced to make a manifestation of conscience (c. 630§5); right to live in a house of the institute (c. 665§1); right to those things necessary to live one’s vocation - support (c. 670); and right to hierarchical recourse (c. 1734 ff.).*

**Standard 15:** 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. The Institute must have in place written procedures for investigating reports of sexual abuse of a minor by its Members.
- R2. All information that is provided to the Institute must be investigated to the extent possible, including information that is provided anonymously.
- R3. If at the conclusion of an initial investigation, which may be performed by the Major Superior or his delegate, there is a “semblance of truth”<sup>12</sup> to the allegations of sexual abuse against a Member, the Major Superior must ensure that the Member against whom the allegations are made has no access to minors during the pendency of a full investigation.
- R4. A full investigation must be conducted by trained individuals who will produce a written report.
- R5. 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.

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<sup>12</sup> “Semblance of truth” is defined as “not manifestly false or frivolous.” A Resource for Canonical Processes for the Resolution of Complaints of Clerical Sexual Abuse of Minors (USCCB, Nov. 2003).

**Clarifications:**

- C1. While Standard 15 is intended to ensure the Member Institutes meet prevailing standards of care within the United States, it is recognized that Canon Law has specific requirements concerning investigations<sup>13</sup> which Institutes are expected to follow.
- 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.

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<sup>13</sup> See c. 1717§1 on the preliminary investigation and cc. 1717§2 and 220 regarding the reputation of the cleric; see canon 1722 regarding the precautionary measures that the major superior can impose on the accused member at any time following the determination that a “semblance of truth” exists. See SST Article 19 and Circular Letter, II. *Essential Norms* (EN), n. 6 and *Sacramentorum sanctitatis tutela* (SST), Art.16.

**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. The Institute must document a one-time review of the personnel files of all living current Members for any possible allegations of sexual abuse of a minor.
- R4. Documentation of allegations, reports and responses concerning the sexual abuse of minors, including those identified in the R3 "one-time review" must remain accessible to the Major Superior and his successors.

**Clarifications:**

- C1. Documentation may be submitted by designated Members, employees, or 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.<sup>14</sup>
- C5. For the purposes of this standard, except R3, "Member" includes current, former and deceased Members of the Institute.
- C6. Action on any information discovered in R3 is subject to the policies of the Institute.

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<sup>14</sup> See c. 220.

**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 . . .”<sup>15</sup> Allowing an external, objective body to review the Institute’s efforts demonstrates transparency and provides leadership with critical “advice on all aspects of these cases, whether retrospectively or prospectively”.<sup>16</sup> 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.

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<sup>15</sup> 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.

<sup>16</sup> From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision; Norm 4.

R6. Review Boards will have policies and standardized operating procedures. The operating procedures should address the following areas, as well as other policies as needed:

- a. Confidentiality,
- b. Constitution of the board,
- c. Terms of membership,
- d. Frequency of meeting,
- e. Media and communication,
- f. Records retention,
- g. Required training for Review Board members,
- h. How information will be disseminated to Review Board members,
- i. Agreed-upon standards of operation that are considered under its procedures,
- j. Possible alternatives for the disposition of cases,
- k. Timeframe allotted for providing response once an allegation has been received by the Review Board, and
- l. Role and responsibility of civil legal counsel.

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-ongoing 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.

C4. The role of the Review Board is to provide advice and consultation to the Major Superior with respect to fulfillment of Accreditation Standards, the *Charter* and *Essential Norms*, and other community standards for prevention and response to incidents and allegations of sexual abuse of minors. This role does not extend to the Review Board actively investigating allegations<sup>17</sup> or acting as the Institute’s “investigators” as this may create a dual role for the board and does not meet prevailing standards for independent review.

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<sup>17</sup> See *Charter*, Art. 2; *Essential Norms*, n. 4; *Circular Letter from Congregation for the Doctrine of the Faith* (2011) - III, f.; *Resource for Canonical Processes*, p. 10.

**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.<sup>18</sup>

**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 of 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.

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<sup>18</sup> 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 future risk of Members who have sexually abused minors in the past. They may 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 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, 4) issues of financial accountability, and 5) the Member's current living situation.
- 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.
- R5. Where Members and/or Institutes may be subject to criminal and/or civil liabilities, the Institute should consult with legal counsel about the text and implementation of the Safety Plan.

**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 in both civil and canon law.<sup>19</sup> 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.<sup>20</sup>
- C4. All Members who have an established allegation of sexual abuse of a minor, including men who are in a residential treatment center or who are on parole/probation, are required to have a Safety Plan.
- C5. It is permissible for Safety Plans or portions thereof to be protected by the attorney-client privilege.

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<sup>19</sup> See SST, 6.

<sup>20</sup> See c. 220.

**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.<sup>21</sup> The Essential Norms state that “When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry . . .”<sup>22</sup>*

**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.<sup>23</sup>
- 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.

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<sup>21</sup> 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.

<sup>22</sup> From the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2006 revision; Norm 8.

<sup>23</sup> 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.”<sup>24</sup> 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.

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<sup>24</sup> 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.
- R4. Members who have Safety Plans must live in a supervised setting with individuals who provide support and accountability.

**Clarification:**

- C1. Supervision of Members who have Safety Plans may be conducted by qualified Members, employees, or 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.<sup>25</sup>
- C2. Pertinent information may also include treatment summaries, evaluation results, psychological evaluations or personal histories, with appropriate limited waivers of release.
- C3. All information known in the external forum by the Major Superior and not protected by the attorney-client privilege shall be shared with those who supervise Members who have Safety Plans.

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<sup>25</sup> See c. 220.

**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 at least annually, 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 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.<sup>26</sup>

**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.

[The judgment of the major superior must be based upon facts and circumstances discovered the course of the investigation, not on simple opinion. Established Allegation is not based upon a “preponderance of the evidence,” i.e. more likely to be true than not, which may be established by 51% or more of the evidence. Established Allegation is in keeping with the canonical standard of “moral certitude” which states that major superior recognizes that the contrary (that the allegation is false) may be possible, but is highly unlikely or so improbable, that the major superior has no substantive fear that the allegation is false.]

**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.

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<sup>26</sup> From 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 18<sup>th</sup> 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 is undertaken with the permission of the major superior.

**Minor.** Anyone under the age of 18.<sup>27</sup>

**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.<sup>28</sup>

**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.

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<sup>27</sup> 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.”

<sup>28</sup> 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.”