

# **Abbey Ethics Policy**

**Saint Mary's Abbey  
Delbarton  
Morristown NJ**

**2016**



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## Preamble

The Benedictine monks of Saint Mary’s Abbey believe, as do all in the Catholic Church, that human suffering as well as the weaknesses and imperfections of human beings deserve a response rooted in love, compassion, and concern. Saint Mary’s Abbey [hereafter Abbey] recognizes that cases involving morally inappropriate conduct by a member of the monastic community require actions that are loving and compassionate to the victim, fair to the accused, and sensitive to the greater good of the Catholic people and the community at large.

The Abbey is a community of men vowed to a chaste celibate way of life and mutual respect among persons. The Abbey views sexual misconduct, which for this policy includes sexual abuse of minors, sexual exploitation of adults, and sexual harassment of employees, by its members to be morally reprehensible. When considering sexual misconduct by a monk, the Abbey maintains a primary concern for the victim’s safety and well-being. In our society, the monk vowed to a life of chaste celibacy is looked upon with great expectation, indeed, respect and trust, by virtually all, even those who profess no religious beliefs whatsoever. This power, accorded to the monk, renders display of specific behaviors abusive, regardless of who initiates such activity.

Relationships among people are the foundation of Christian ministry and are central to the life of the Church. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill many roles in the Church to demonstrate to minors and adults their love and compassion for minors and adults in the most sincere and genuine relationships.

This policy, which is directed specifically to the monks of the Abbey, is intended to assist them in making decisions about interactions with individuals in Abbey-sponsored and affiliated programs. They are also intended to address interactions within the monk’s families. This policy assists the Abbey by creating a framework that keeps paramount the central concerns of love and compassion for the victim and fairness for the accused.

For the purpose of this policy alone, the Abbey is defined to include the members of the monastery proper and its apostolates, including Delbarton School, the retreat center, and the various parochial and chaplaincy ministries. A monk is defined as a professed member of the Abbey, a novice, or someone formally accepted as a candidate and living at the monastery. A minor is anyone under the age of 18. An adult is anyone of the age of 18 or over. A report is a third-party complaint. An allegation is a first-party accusation.

While this policy is intended to provide the Abbey with a framework for

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managing cases of sexual misconduct, there may be unusual, unique, exigent or particular circumstances where the tenets of the Catholic religion, the prescriptions of canon law, or the greater good of all concerned require that actions at variance with the provisions of this policy be taken, especially to restore justice, repair scandal, or reform an offender.

With the aforementioned intention that relationships at the Abbey be experienced at all times as charitable and without intention to do harm or allow harm to occur, an Abbey Code of Ethics has been adopted. All monks are asked to consider carefully each standard in the Code before agreeing to adhere to the standards and continue public ministry in the Church.

The Abbot may revise this policy. The Abbey Review Board (ARB) recommendation should be sought before presenting the amended or revised policy to the Abbot’s Council for their recommendation. The proposed revision(s) or amendment(s) should be presented in writing for consideration to both the Council and the ARB at least fourteen (14) days prior to the respective meetings.

## Section I. Policy on the Sexual Abuse of Minors

### A Definitions of Child Abuse

Child abuse in any form, is prohibited by this policy. This applies to all monks who work with minors, whether regularly or occasionally, including, but not limited to, teachers and administrators, pastors and parochial vicars, chaplains and volunteers who staff (whether paid or unpaid) at Abbey-sponsored ministries, such as overnight activities with youth, or work with or around minors such as those who assist in parish catechetical programs, those who assist in the sacramental ministry to minors, those who transport small groups minors without other adults in the vehicle and those who participate in overnight activities with minors. These policies also involve behavior of a monk in a family setting. Child abuse includes, but is not limited to, the following:

1. Physical abuse is non-accidental injury including, but not limited to, minor bruises to severe fractures or death, as a result of punching, beating, kicking, shaking, throwing, hitting, or otherwise harming a minor, that is intentionally inflicted upon a minor by an adult
2. Sexual abuse perpetrated by an adult is any contact or activity of a sexual nature that occurs between a minor and an adult. This includes, but is not limited to, any activity which is meant to arouse or gratify the sexual desires of the adult or minor, including, but not limited to, the distribution, downloading and/or intentionally viewing of child pornography, or the use of social media or electronic communication.
3. Sexual abuse perpetrated by a minor is any unwelcome contact or activity of a sexual nature that occurs between minors. This includes, but is not limited to, activity which is meant to arouse or gratify the sexual desires of either minor, including, but not limited to, the distribution, downloading and/or intentionally viewing of child pornography, or the use of social media or electronic communication.
4. Psychological abuse, also referred to as emotional or mental abuse, is characterized by a person, whether an adult or a minor, subjecting or exposing another to behavior that results in trauma, including, but not limited to, anxiety, depression, or post-traumatic stress disorder. Such abuse is often associated with situations of power imbalance, such as but not limited to, abusive relationships and bullying at home or in the workplace.
5. Neglect is the failure of an adult to provide for a minor’s basic needs or the failure to protect a minor from foreseeable harm, including but not limited to the failure to provide necessary food or shelter or medical treatment, or lack of appropriate supervision.

6. Economic exploitation is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a minor’s belongings or money by an adult.

## **B Monitoring and Supervision of Minors**

The monitoring and supervision of programs and activities involving minors is important for safeguarding minors and involves several aspects. One aspect involves having structural guidelines or standards for the programs and activities for minors. These include the approval of new programs, how many adults need to be present and the like. In addition to setting structural guidelines and standards, the Abbey administration must make sure the structural safeguards are followed. Programs and activities must be monitored and supervised to do that.

Another aspect of monitoring and supervision is that supervisory personnel and others monitor and supervise the activities of adults and minors so that inappropriate behaviors and interactions can be detected or interrupted, and stopped. Some behaviors and interactions are potentially harmful to minors in and of themselves. Examples include providing alcohol or drugs to minors or actually having sexual contact with a minor. Other behaviors and interactions are not necessarily harmful in and of themselves but are the same behaviors and interactions known to be used by those who abuse minors to “groom” them or their parents for eventual abuse or which provide the privacy molesters need in order to abuse minors. Examples of those behaviors and interactions include, but are not limited to, holding children over the age of three on the lap, transporting a child or youth alone, and the like.

Programs for minors in which monks are involved must be supervised by at least two adults. The Abbey administration shall be aware of all programs for minors that are sponsored by the school, or agency where monks supervise. A list of these programs shall be maintained in the Abbey office and include activities, purpose, sponsors, coordinators of the programs, meeting times, and locations. Abbey officials shall examine these programs and assure adequate supervision.

## Section II. Policy on the Sexual Exploitation of Adults

### A Definitions

Sexual exploitation, in any form, is prohibited by this policy. Sexual exploitation is the development (or attempted development) of a sexual relationship between a monk and any adult with whom he has a professional and/or pastoral relationship, regardless of who initiates the relationship. An exploitive relationship may occur within a wide variety of associations and/or behaviors including, but not limited to, the following:

1. Relationship between any monk and any adult who attends a class that the monk teaches or supervises, or who seeks academic advice or guidance from the monk, or who seeks pastoral ministry from the monk, or who is under the influence of Abbey personnel’s decision-making influences, or who participates in a pastoral ministry assignment in which the monk serves, or who is enrolled in Abbey retreats and/or other programs.
2. Relationship between a monk and any adult for whom he is authorized to provide counseling, or pastoral care, or spiritual direction or spiritual guidance, or ministration of any sacrament, or life/leadership/peer coaching.  
Relationship between a monk and any adult who receives, in the course of a duly-authorized assignment, sacramental confession, or confidential or privileged information
3. Verbal comments by monks to any adult, which in this policy includes, but is not limited to, sexual innuendo, indecent proposals, sharing sexual stories, jokes or fantasies, or making inappropriate comments about someone’s appearance.
4. Sexual contact by a monk and any adult, which in this policy includes, but is not limited to, unwanted kissing, vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another including but not limited to the thighs, genitals, buttocks, pubic region or chest.
5. Other behaviors that sexualize a professional and/or pastoral relationship between a monk and any adult to whom he provides ministry, such as but not limited to, requesting dates, giving unwanted attention, or gifts, sending and/or posting communications with sexual content (in any form of communication or social media including but not limited to correspondence, email, text messages, instant messages, photographs, attachments, phone conversations, voice mail, etc.).

## **B Boundaries in Ministry**

Monks must never engage in sexual contact, especially with the persons with whom they have a professional and/or pastoral relationship. Monks assume the full burden for setting and maintaining clear, appropriate boundaries in all their relationships. Physical contact in professional and/or pastoral relationships should always be respectful and consistent with the intent to provide a safe and comfortable environment. Physical contact is always interpreted by the recipient, and not the monk. Due discretion must be taken into account regarding any physical contact. Ministry should be conducted in appropriate settings at appropriate times and should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled. Ministry is never conducted in the cloister or bedrooms.

Monks are responsible for recognizing the warning signs of boundary violations with other adults. Some of these warning signs include, but are not limited to, the following:

1. Wearing special clothes when one knows he is going to see a particular person.
2. Spending extra time grooming oneself when he knows he is going to see a particular person.
3. Finding ways or reasons to be alone with a particular person.
4. Keeping aspects of one’s relationship with a person secret from others, including, but not limited to, how often one talks on the phone or sees the other alone.
5. Giving and receiving special gifts from a particular person.
6. Neglecting to spend time with others because one wants to spend more time with a particular person.
7. Sharing personal information about others with a particular person.
8. Sharing personal information or seeking help with personal problems from a particular person.
9. Excessively looking forward to seeing a particular person.
10. Fantasizing or daydreaming about a particular person.
11. Lying to superiors and/or confreres so that one can spend more time with a particular person.

## **C. Monitoring and Supervision of Monks in Ministry**

The monitoring and supervision of programs and activities involving professional and/or pastoral relationships with monks is important for safeguarding adults from sexual exploitation. Monks who provide pastoral counseling to others shall be

required to refer individuals to professional counseling after six (6) sessions have been held. Monks practicing formal spiritual direction shall submit that ministry to peer or supervisory review with a spiritual advisor approved by the Abbot. Monks who provide either pastoral counseling or spiritual direction are expected to maintain a log of the times and places of sessions with each person being counseled. Monks in professional and/or pastoral relationships are responsible for seeking the counsel and guidance of a supervisor, should they find themselves at risk of acting on sexual or romantic attraction to a parishioner, client or counselee.

Monks are not permitted to develop new programs and activities that include professional and/or pastoral relationships without written approval from the Abbot or Prior. Requests to develop new activities or projects should be submitted in writing to the Abbey administration. The Abbot, in consultation with his staff or council, will consider whether the plan for a new activity includes adequate monitoring and supervision.

Monitoring and supervision include, but are not limited to, the following:

1. Documentation, such as, record keeping, calendars, appointment books, reports of meetings, sessions, potential problems/concerns.
2. Periodic interviews of monks who have professional and/or pastoral relationships.
3. Scheduled routine reviews of the performance of monks who have professional and/or pastoral relationships, including an assessment of the monk’s ability to set and maintain clear personal boundaries.
4. An up-to-date list roster of monks who have professional and/or pastoral relationships in the Abbey’s personnel office or other place where records are kept.

Every effort should be made to create an environment for monks who have professional and/or pastoral relationships so that monitoring by others is convenient, for example, along well-traveled hallways or in areas where others work. There should always be windows in offices, classrooms or other places where monks meet with individuals. The windows should remain unobstructed by blinds, furniture, plants, or other adornments. Office setting should convey safety and comfort without the use of couches, loveseats, beds, futons or other furniture that would encourage close seating between monks and the individual with whom he has a professional and/or pastoral relationship.

### **D Expectations of Confidentiality**

Information disclosed to a monk during the course of pastoral counseling, academic advising, or spiritual direction shall be held in confidence whenever possible, except for compelling professional reasons or as required by law. Specifically, if there is clear and imminent danger to the client or to others, the monk is to disclose the information necessary to protect the parties involved and to prevent harm. Before disclosure is made, if feasible, the monk should inform the person being counseled about the disclosure and the potential consequences.

### **E Conflicts of Interest**

Conflicts of interest exist when a monk in a professional and/or pastoral relationship seeks to further his own personal, religious, political, or business interests. A monk should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call into question the integrity and conduct of the monk.

If a conflict of interest exists or arises, the monk must inform all parties, especially his immediate supervisor. Resolution of the issues must protect the person being counseled. The monk is responsible to establish clear, appropriate boundaries with anyone with whom there is a business, professional, pastoral, or social relationship.

### Section III: Policy on Sexual Harassment of Employees

#### A Definitions of Sexual Harassment of Employees

Sexual harassment of employees of the Abbey is prohibited by this Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors by monks from employees of the Abbey. Unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

1. Verbal Harassment:
  - a. Sexual innuendos, sexual epithets, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);
  - b. Propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo), even if the comment is about someone else; and
  - c. Inappropriate communication (for example, e-mail or social media that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person’s sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes a communication that was sent accidentally, for example by hitting the “Reply All” button instead of “reply,” or forgetting that a particular individual or worker is on one of your group lists.
  
2. Visual/Non-Verbal Harassment
  - a. Derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.);
  - b. Suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; computer wallpaper, screensavers, or other electronic displays of a sexual nature); and
  - c. Graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, “shooting the finger,” kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).
  - d. Offensive communication with respect to a person’s sexual orientation.
  
3. Physical Harassment: unwanted physical contacts (including touching, interference with an individual’s normal work movement, unwelcome displays of romantic or sexual affection, aggressive physical contact or assault).

4. Verbal and physical conduct may constitute harassment when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
  - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting an individual; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile or offensive working environment.

### **B Monitoring and Supervision of Employees**

All those employed in Abbey-related ministries are monitored by supervisors in a manner appropriate to the specific work or ministry. All supervisors are required to report all formal and informal complaints, as well as any suspected or known policy violations, immediately to the appropriate authorities even if asked to keep the complaint confidential, or asked not to file a formal complaint. All monks are expected to act promptly and appropriately to prevent (1) sexual harassment at the Abbey, Delbarton School, and related ministries and (2) retaliation against those who make a good faith complaint of sexual harassment, or those who participate honestly and in good faith in either an investigation of a complaint or who oppose illegal or prohibited sexual harassment.

### **C Complaints & Confidentiality**

All complaints of sexual harassment by employees will be reviewed and investigated promptly and impartially by Abbey officials and/or the Abbey counsel. Complaints may be made orally or in writing. Once the Abbey receives notice of any complaint of sexual harassment by one of its employees, it swiftly begins a fact-finding investigation. As appropriate, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur. Moreover, the Abbey will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or Abbey administration with a need to know in order to carry out the purpose and intent of this Policy.

Corrective or disciplinary action will be taken against any monk found to have engaged in sexual harassment, including, but is not limited to, counseling and/or appropriate disciplinary measures, such as removal from public ecclesiastical ministry.

## **E Retaliation**

The Abbey will not tolerate retaliation against any employee who, in good faith and with a genuine belief that he/she has been sexually harassed. Retaliation is a serious violation of this policy and applicable federal law. If a person believes he/she has been subjected to retaliation in violation of this Policy, he/she should immediately report to Abbey administration. Monks will be subject to disciplinary actions if they are found to have retaliated against an individual when this individual in good faith and with a genuine belief that he/she has been subjected to sexual harassment (1) made an honest complaint about such conduct, (2) participated honestly in any investigation into a sexual harassment complaint, and/or (3) opposed acts of sexual harassment.

## **Section IV. Procedures for Reporting**

All monks are required by this policy to report known or suspected sexual misconduct, including sexual abuse of minors, the sexual exploitation of adults, and the sexual harassment of employees to the appropriate authorities, both internal (Abbey administration) and external (e.g. police). Separate files of cases will be created at the time the report or allegation is received and will be kept secure in the Case Management Office.

### **A Boundary Violations**

Monks must report when another monk violates the Abbey’s policy regarding the following:

1. Boundaries with minors or when another monk exhibits warning signs of inappropriate behavior with minors.
2. Boundaries with adults in professional and /or pastoral relationships or when another monk exhibits warning signs of inappropriate behavior with adults.
3. Boundaries with employees or when another monk exhibits warning signs of inappropriate behavior with employees.

This report may be made directly to the Abbot or to the following abbey official, including but not limited to the Prior, Subprior, the ARB Liaison, the Case Management Office and the chair of the ARB. The Abbot or his delegate coordinates appropriate assistance for the at-risk monk with the Case Management Office and draws up a written plan to ensure the on-going cessation of problem behaviors.

### **B Reporting Sexual Abuse of Minors**

Known or suspected current abuse of minors or vulnerable adults should be reported to civil authorities <sup>1</sup> (law enforcement) through Abbey legal representatives within 24 hours orally and 72 hours by written report regardless of state mandatory reporting laws. Known or suspected possession, distribution, downloading and/or intentionally viewing real or virtual child pornography to civil authorities within 48 hours regardless of the state mandatory reporting laws.

Failure to report suspected abuse of minors to the appropriate authorities may be a crime. If the alleged victim is a minor at the time the allegation is received, his or her identity must be provided to the civil authorities.

Monks must also report known or suspected sexual abuse of a minor when the victim is no longer a minor in accordance with the civil laws of the state in which the sexual

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<sup>1</sup> See N.S.J.A. 9:6-8.10 and N.J.S.A. 9:6-8.14 in the Appendix

abuse of a minor was alleged to have occurred. Individuals who have approached the Abbey to report the sexual abuse of a minor since June of 2002 must be advised of their right to report to civil authorities and encouraged to make a report. If the alleged victim is an adult at the time the allegation is received and consents, his or her identity will be provided to the civil authorities, provided the alleged victim consents to have his or her identity disclosed.

### **C Reporting Sexual Exploitation and Sexual Harassment**

Monks are required to report any suspected or known sexual exploitation of adults and any suspected or known sexual harassment of employees directly to the Abbey administration so that immediate and proper steps may be taken to ensure the safety of alleged victims.

As a general matter, an alleged victim of exploitation or harassment, or a person acting on the their behalf with or without the victim’s consent, may report an incident of sexual misconduct to the Abbot, to any superior, the Case Management Office, supervisor or manager at the Abbey, such as the Prior or Pastor, or the ARB chairman. They are not, however, required to complain to their immediate supervisor or within a specific chain of command. They may choose to speak directly to the monk whose conduct is objectionable.

In particular, an alleged victim of sexual harassment may also forgo filing an internal complaint with the Abbey, but may instead file the complaint directly with the appropriate Federal, State, County or local jurisdiction, as well as pursuing any other remedies permitted by law

Individual employees are responsible for confirming the time frames for filing a complaint with these administrative agencies by contacting the agencies themselves and/or counsel. Abbey employees, not volunteers, must note that these time limits typically do not run from the date that the complaint made to the Abbey is resolved but from the date the act of sexual harassment is alleged to have occurred.

### **D Reporting All Cases of Sexual Misconduct to Civil Authorities**

All cases of sexual misconduct, that is, sexual abuse of minors, sexual exploitation of adults, and sexual harassment of employees, that have been committed by a monk or other agent of the Abbey shall be reported to civil authorities Abbey legal representatives in the jurisdiction in which the alleged incident occurred. Specifically:

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1. Cases of sexual misconduct will be reported to civil authorities regardless of whether the person making the accusation is a minor or an adult at the time the allegation is received.
2. Cases of sexual misconduct will be reported to civil authorities regardless of whether the accused monk is living or dead, or whether he is a current or former monk of the Abbey.
3. Cases of sexual misconduct will be reported to civil authorities regardless of whether the alleged victim’s identity is known.
4. Cases of sexual misconduct will be reported to civil authorities regardless of whether the allegations are considered to be credible at the time they are received.
5. Cases of anonymous reports will be investigated to the extent feasible based on known information and if appropriate reported to the civil authorities.

## Section V. Responding to Sexual Misconduct

Allegations of sexual misconduct may come from a variety of sources, including alleged victims or members of their family, diocesan offices, 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 sexual misconduct but is not a procedure that is necessarily to be followed in the same way for each unique case. The process is to be modified according to the nature of the case, the concerns of the alleged victim and the circumstances of the accused monk. In every case, the Abbey commits itself to dealing pastorally with all those involved and protecting their rights.

The Abbot has delegated the Case Management Office (CMO) to manage the response, ongoing communication and maintenance of records for allegations of sexual misconduct.

### A Initial Response

When a report or allegation of sexual misconduct is received the CMO begins an initial inquiry into the plausibility of the incident in order to gather sufficient information to complete a preliminary report. The information in this report would include the following:

- a. Name of the alleged victim;
- b. Age of alleged victim at the time of the accusation;
- c. Address and phone number of alleged victim at the time of the report or allegation.;
- d. Name of alleged perpetrator;
- e. Approximate dates of alleged sexual misconduct;
- f. Nature, type, and location of sexual misconduct;
- g. Any additional relevant details, including the name of parent/guardian for minors in cases of abuse.

The Abbot through the CMO shall identify an Outreach Liaison, qualified by education, training or experience, to respond to reports and allegations of sexual abuse by a current, former and/or deceased monk. This pastoral minister(s) may be monastic or lay and will have guidelines for fulfilling this important role.

The Outreach Liaison will initiate contact with the accuser or alleged victim in writing once we have been cleared to do so by the appropriate civil authority. This contact will offer assistance for psychological support if the alleged victim so desires. The Abbey retains discretion with respect to the conditions, including the duration, of any

counseling reimbursement offer. Any offer to assist with counseling or to reimburse counseling costs is not an admission and the Abbey does not waive, and specifically reserves, any and all rights it may have with respect to applicable legal claims

The information from the inquiry will be forwarded to the Abbey Review Board (ARB), an independent body of lay persons, who are predominately specialists in sexual misconduct. In order for an allegation to be forwarded to the ARB, some specificity is needed as described above. Anonymous allegations are also pursued to the extent feasible.

Upon receipt of a report or allegation of sexual misconduct, the Abbot will promptly follow Abbey reporting procedures and report the allegation to civil authorities (see Reporting Procedures in Section IV). The Abbey through legal counsel will cooperate fully with any investigation by civil authorities.

## **B Investigation Protocols**

Upon the receipt of an allegation, the victim may expect that the Abbey will conduct an investigation into the matter. The investigation will be conducted by an outside professional qualified by education, training or experience, to respond to reports and allegations of sexual abuse.

1. That investigation may be based on:
  - Interviews with the alleged victim and/or family members of the alleged victim if the alleged victim is a minor
  - Interviews with the accused cleric/religious
  - Interviews with witnesses and/or others likely to have significant information
  - Review of any available, relevant documentation concerning the alleged victim and the accused, such as police reports, correspondence, therapists’ reports, personnel files, etc.
2. To the extent possible, the alleged victim, family members, and witnesses can expect confidentiality regarding these deliberations, except for legal requirements and the use of such information in civil/criminal litigation. The prosecutor may conduct a separate and independent judgment concerning any duty to inform the public that may arise.

3. The alleged victim is encouraged to seek legal and canonical counsel, which the alleged victim may bring to his/her interviews. A family member may also accompany the victim for personal support.
4. An independent psychological evaluation of the alleged victim ordinarily will be requested as well as authorization to release information to the investigator and/or the ARB. If an alleged victim is already in therapy, he/she will be asked to grant a release of information so that the input from that therapist could be sought as part of the investigation.
5. While in both criminal and canon law a person is presumed innocent until proven guilty, an alleged victim may expect that the presumption of innocence does not preclude the Abbey from taking prudent action, such as temporarily removing the accused from ministerial duties pending an investigation and review of the case.
6. The investigation report is work product and is the property of the Abbey as part of the civil and canonical investigation and is not released to the public.

### **C The Role of the Abbey Review Board (ARB)**

Please note that if civil action is taken with respect to an allegation, the ARB will not be involved until that action is resolved

1. When the investigation is completed, a report is made to the Abbot. The Abbot with advice of civil and canonical counsel provides information to the ARB. The ARB will make an independent review of the all the facts and circumstances.
2. The role of the ARB is to provide independent advice and recommendations to the Abbot in assessing allegations of sexual misconduct against a current, former or deceased member, the disposition of the case, the suitability of the accused cleric/religious for ministry, and the appropriate pastoral response to alleged victims.
3. The alleged victim may expect that the ARB will report its recommendations to the Abbot in a timely fashion. These recommendations may be given to the Abbot in the form of a letter or report and are the property of the Abbey. The Abbot or the Case Management Office may at its discretion convey the

findings to the victim in the form of a personal letter and explain the resulting actions taken, if any. The ARB report is not released to the public.

4. The alleged victim should not expect that either the investigation by the investigator or the independent review by the ARB function as a court of law or a forum to determine issues of financial compensation or monetary awards to victims of sexual misconduct.

#### **D Meeting with Victim(s)**

Christian compassion requires that primary attention be given to the victim of sexual misconduct, especially if the victim is currently a minor. The Abbey will strive to bring the healing ministry of the Church to the victim and to the victim’s family. Such pastoral assistance may take many forms including psychological counseling for the victim and the victim’s family.

When a person comes forward with an allegation of sexual misconduct, the Out Reach Liaison(s) charged by the Abbot noted above will provide a guide explaining the protocols the Abbey follows in responding to allegations and reports.

This Out Reach Liaison(s) offer(s) to meet in person with the alleged victim if he or she so desires. The Out Reach Liaison(s) maintain(s) a compassionate and pastoral manner regardless of the demeanor of alleged victim, recognizing that the experience of sexual misconduct and difficulty of coming forward may bring out strong emotions during the disclosure process.

1. It is recognized that some individuals who have experienced being sexually abused/exploited/harassed, first approach the Abbey through civil legal proceedings. While this situation would create possible delays for assisting in the healing of the alleged victim, the pastoral minister representing the Abbey might still offer to meet with the individual who alleges sexual misconduct through legal counsel.
2. It is understood that some individuals who have alleged sexual misconduct may choose not to communicate with an Out Reach Liaison(s) designated by the Abbey.
3. It is recognized that some unusual circumstances may cause communication to be impossible with someone who has alleged sexual misconduct. The Abbey

should nonetheless document these circumstances and any alternative form of pastoral assistance that has been offered.

4. It is also recognized that an alleged victim may request a meeting with the Abbot himself. The Abbot and a third party, chosen by the Abbot, will meet in person with the alleged victim. The Abbot may not meet with an alleged victim without a third party present: This third party may be the Out Reach Liaison(s) with whom the alleged victim has already been engaged.

### **E Notification of the Accused**

The Abbot, in the presence of the Prior (or someone designated by the Abbot) will notify the accused monk of the report or allegation of sexual misconduct and its substantial details. Justice is due to any monk who has been accused or suspected of sexual misconduct. While a person is innocent until proven guilty under our civil system of jurisprudence, the presumption of innocence does not preclude the Abbey’s taking action before the matter is concluded civilly or presented to the ARB. When an allegation of sexual misconduct is made against a monk, the imputability (attribution of responsibility) of the offense is presumed in canon law unless the contrary can be demonstrated.

The Abbot will inform the accused monk of his right to seek canonical and civil counsel before any further conversation into the matter. The Abbot recognizes that the monk may need assistance to engage such counsel. The Abbot retains the right to approve the specific canonical counsel, seeking to ensure the advocate is properly versed in canon law proper for religious and has a reasonable schedule of fees.

The Abbot will take steps to ensure that the accused monk receives the support and assistance he needs while the allegation is being investigated while the monk is in good standing with the Abbey. This support may take the form of assigning a mentor or monk-companion for the accused to be available for pastoral or spiritual counseling. Professional counseling will also be offered to aid the monk in dealing with the stresses of this time in his life. It is expected that there would be periodic reports to the Abbot of such sessions with appropriate waivers from the monk.

At the time of notification, the monk will temporarily be removed from public ministry and any work or assignment that may put others at risk until the investigation of the allegations is complete.

## F Investigation Protocols

1. Investigator

The Abbot will designate a third-party investigator to independently gather information regarding the allegations, and/or work with civil authorities to conduct an investigation which may be based on:

  - a. Interviews with the alleged victim and/or family members of the alleged victim if the alleged victim is a minor
  - b. Interviews with the accused cleric/religious
  - c. Interviews with witnesses and/or others likely to have significant information
  - d. Review of any additional information which is available such as police reports, correspondence, therapists’ reports, personnel files, etc.
  
2. The investigator specifically
  - a. Advises any parties that he/she represents the Abbey and that conversations with the investigator are not subject to any attorney/client privilege.
  - b. Advises the parties that, although pastoral care is available, the investigator will not be the one to provide that care.
  - c. Advises any parties that the Abbey does not enter into confidentiality agreements regarding sexual misconduct.
  - d. Advises that the statements from the parties and any witnesses will be part of the status report of the investigation made to the Abbot.
  - e. Advises that a written report will be produced and submitted to the Abbot.
  
3. To the extent possible, the accused may expect confidentiality regarding the deliberations of the investigation, except for legal requirements and the use of such information in civil/criminal litigation. The prosecutor may make a separate and independent investigation concerning any duty to inform the public that may arise. Details of this investigation may be shared with the CMO, Abbot’s Council and to a lesser extent, the monastic community.
  
4. The accused is encouraged to seek legal and canonical counsel, which the accused may bring to any interviews with the third-party Investigator. This counsel is usually available pro bono to the individual. The accused may also bring a family member or trusted confreere to his interviews for personal support.

5. A psychological evaluation will be requested of the accused as well as authorization to release information to the Investigator, Abbot, CMO and/or the ARB. If the accused is already in therapy, he will be asked to grant a release of information so that the input from that therapist could be sought as part of the investigation

All cases of sexual misconduct have a) a documented investigation; or b) documentation of the reason(s) an investigation is not possible or is not necessary. A summary of the investigation findings will be stored in the appropriate file in the CMO of the current, former or deceased monk who is the subject of the investigation. In the cases of an established or undisputed allegation(s), an investigation may nonetheless be conducted to identify any other potential victims and to obtain information for the on-going supervision of the monk offender.

The Abbey will strive to maintain the rights of all concerned in the process of an investigation of sexual misconduct. Documentation of investigations is confidential and shall remain with the CMO. Following the election of a new Abbot; access to these materials by a retired abbot will be prohibited as required by canon law and will be available only as required by civil law.

In order to fulfill his responsibilities, the Abbot will convene the Abbey Review Board (ARB) as soon as possible after receiving the final report from the investigator. The Abbey will cooperate fully with any similar investigation by civil authorities.

### **G Decision-Making**

Upon the conclusion of the investigation(s), the Abbot will exercise his best judgment in rendering an appropriate response. If the accused monk has admitted to the substance of the allegation, or in those cases where the allegation has been established, the Abbot’s response may include any or all of the following:

1. Psychological and medical assessment, and intervention;
2. Supervision of community life and personal activities;
3. Limitations imposed on ministerial activities, including removal from public ecclesiastical ministry.

In cases where the allegation has been established, the Abbot will contact the appropriate diocesan offices to communicate the nature of the allegation and to inform the diocese of the procedure followed and the response of the Abbot to the allegation. If an allegation is deemed to be without merit, the Abbot will coordinate communication with all appropriate parties so that reconciliation can take place where

possible, and repair of damage to reputations can be undertaken.

When an allegation of sexual abuse of a minor is established, the monk may not return to public ministry and will need to have a risk assessment and the development of a Safety Plan. When an allegation of sexual exploitation or the sexual harassment of an adult is established, the monk will need to have a risk assessment and the development of a Supervision Plan. Depending on the gravity of such cases, the monk may not return to public ecclesiastical ministry.

In all instances, the final disposition of the matter rests with the Abbot alone, always recognizing the following:

- The monk’s right to appeal to the Abbot President, and the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life;
- That it is the Abbot’s responsibility to communicate personally (or through his delegate) his decision to the person who made the allegation, to the monk involved, and to other parties, as necessary and appropriate. Litigation may delay or prohibit this kind of communication

## **H Media**

Since any case of sexual misconduct usually evokes a strong response from the secular media, the Abbey will have a plan of action that is pro-active in dealing with the media. That plan will include a clear understanding of the need for confidentiality and the rights of the alleged victim and the accused. The Abbey will communicate to the public as well as to the media that the Abbey is concerned about morally inappropriate conduct and has a policy to deal with such actions.

An Abbey official (or other person with media expertise) will be designated to respond to media inquiries. All other Abbey officials and members of the monastic community shall refer media inquiries to this designated person. As a rule, the Abbot does not make public statements on cases of sexual misconduct.

In dealing with the media, the Abbey will be open and forthright. Facts concerning the details of any investigation, which could breach the confidentiality or privacy rights of individuals involved, shall not be disclosed. The Abbey will inform the general public of its policy and the actions it is taking to achieve healing, reconciliation, and justice for all involved.

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Responding to Sexual Misconduct**

After an investigation has been completed by the County Prosecutor and the ARB has offered its recommendations to the Abbot, the Abbey ordinarily releases a statement to all places of ministry of the accused monk. If the allegation is determined to be prosecutable in civil law and/or established in canon law, the monk’s name is released, but not that of the accuser. This is done primarily so that any other potential victims may pursue a path to healing and reconciliation.

## **Section VI: Abbey Review Board (ARB)**

### **A Nature and Purpose**

The Abbey Review Board (ARB) shall comprise a select group of distinguished lay leaders not in the employ of the Abbey, Delbarton School, or any other ministry in which members of the Abbey are engaged. They are women and men who esteem the protection of children and who are interested in assisting the hierarchy of the Catholic Church regarding responses to allegations of sexual misconduct by members of the clergy.

The ARB is a voluntary association of the Abbey and serves as an advisory board to the Abbot. Its members are sought because of their knowledge, skill, and experience in their professions of law, child advocacy, mental health, and varied vocations in life. Members are appointed by the Abbot in consultation with his council.

The ARB advises the Abbot when a report or an allegation of sexual misconduct has been presented to the Abbey. The Abbot charges the ARB and vests authority in it to help him assess whether or not a monk has offended, and if so, can accept the responsibilities for which the Abbot is considering for him. In making his decision, the Abbot takes into consideration the diverse perspectives and viewpoints of the members of the ARB and attends to their professional advice and recommendations.

The ARB does not, however, have the authority to replace, supplant, or in any way diminish the Abbot’s sole authority and responsibility with regard to determining the appropriateness of a member’s work, treatment, or placement within the Abbey. Nothing that is written in this policy shall prevent the Abbot from seeking the advice of others.

### **B Composition and Qualifications**

The ARB shall consist of no fewer than five (5) members. Any change in the number of members shall be voted upon by the Abbot’s Council. Members shall be over the age of twenty-one (21) years. Members shall include an Abbey official, a jurist, an attorney, a pastoral counselor or social worker, a psychologist, and any other person appointed by the Abbot. The Abbey official shall be designated as Abbey liaison who will be a non-voting member of the ARB and will not appear at interviews unless his presence is requested by the person being interviewed. If conflicts of interest exist for a specific member in a particular case, the Abbot will appoint a substitute.

The ARB shall have its proper by-laws in which terms of members, resignation, removal, vacancies, leave of absence, regular and special meetings, notice of meetings,

chairman, quorum, voting, confidentiality, and other procedures are clearly outlined. These by-laws are approved by the Abbot’s Council.

All members of the board will sign a confidentiality statement as approved by the ARB and Abbot. All records, information, and proceedings of and received by the ARB shall be kept confidential during and after the member’s tenure on the ARB. Any violation of confidentiality will be grounds for dismissal from the ARB.

### **C Functions**

In fulfilling its mission to provide him with advice and counsel, the ARB is charged by the Abbot with responsibility to:

1. Assist and advise him in evaluating the allegations of sexual misconduct that may be brought against a monk of the Abbey.
2. Assist and advise him in determining the kinds of work and other activities that are suitable for a monk accused of sexual misconduct.
3. Assist and advise him in responding to persons who have been victimized by sexual misconduct.
4. Assist and advise him in providing education regarding healthy human development in the monastic community.
5. Assist and advise him in developing a policy to respond to allegations of sexual misconduct and to prevent such misconduct in the future.
6. Assist and advise him in developing responses to all aspects of cases of sexual misconduct by monks of the Abbey.
7. Provide the Abbot with an annual report of its activities and concerns.
8. Review Safety and Supervision Plans annually.

### **D Disposition of Cases**

After carefully reviewing all the information, the ARB offers its recommendations to the Abbot regarding a) the assessment of the case of sexual misconduct allegedly committed by a monk; and b) the suitability of the accused monk for public ecclesiastical ministry.

After hearing the ARB, the Abbot alone judges whether an allegation of sexual misconduct by a monk has (or has not) been established. This judgment of the Abbot must be objective, i.e., based on facts and circumstances discovered in the course of the investigation. If the Abbot judges that the accusation is false or if possible, highly unlikely he may make his judgment without fear.

## **Section VII: Supervision of Offenders**

Important parts of this Policy are the elements of a pastoral care framework which will be developed for each monk of the Abbey for whom an allegation of sexual misconduct has been established. The purpose of this framework is to assure the Church and the public, especially victims, of all reasonable measures having been put in place to prevent any future occurrence; provide a structure within which the monk can continue his life as a member of the Abbey; provide appropriate care for the monk and the opportunity for such personal conversion and rehabilitation as may be needed; guide monastic superiors, the monk, and others in determining work, residence, and other activities; encourage the monastic community in welcoming and supporting the monk in his desire to continue the monastic life within this framework; and assure the monastic community of both proper care and appropriate limits with respect to their brothers in the Abbey.

### **A Immediately after a Report or Allegation**

A monk about whom a report or allegation of sexual misconduct against a minor or vulnerable adult has been made shall be placed immediately under strict supervision, preferably within the cloister of the monastery whenever possible, and will remain under strict supervision until assessment and evaluation procedures are completed and a written plan is developed and implemented.

Supervision will consist of greatly restricted movement on the campus of the Abbey where a vulnerable population exists, monitored computer/internet access, restricted use of communication, restricted leaves from campus, and assignment of a supervisor/monitor.

### **B Risk Assessment**

A monk about whom a report or allegation of sexual misconduct has been established will be asked to submit to a professional assessment of risk and evaluation of his psychological condition. If the monk agrees to undergo an evaluation, the Abbot (or his delegate) will arrange for the assessment. The monk is free not to undergo a psychological evaluation. If the monk offender declines a risk assessment, the Abbot nonetheless continues to impose strict supervision conditions under obedience.

Subsequent to that evaluation, the monk may be asked to participate in such in-patient and/or out-patient treatment as recommended by the evaluating professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be recommended by such professionals or the ARB.

In conducting a risk assessment with an outside professional agency, the monk will be asked to give permission for the sharing of his personal file and all relevant information with the agency. He will also be asked to give permission for sharing the risk assessment with the Abbot and with the ARB.

### **C Public Ministry of a Monk-Offender**

When the monk who has sexually abused a minor is a priest or deacon, he will not be allowed to function publicly as a priest or deacon, including public celebration of the sacraments, use of the title ”Father/Brother“ or ”Reverend“ in public communications, and the wearing of clerical attire or the monastic habit in public.

When the monk who has sexually abused a minor is not a priest, he will not be allowed to function publicly in external ministry associated with the Abbey (e.g., school teaching, coaching, parish staff work) or use of the title “Brother” in public communications, and the wearing of clerical attire or the monastic habit in public.

When the monk has sexually exploited an adult or sexually harassed an employee, the Abbot will consider the nature and circumstances of the allegation(s) and the advice of the ARB in determining removal or suspension from, or restrictions of public ecclesiastical ministry, using ecclesiastical titles, and wearing clerical garb or the monastic habit.

### **D Appropriate Work for an Offender**

For Benedictines, the service of prayer in the Church and the world is a valuable contribution. Truly, as Saint Benedict noted, common prayer is the Work of God. Thus, full participation in the monastic horarium of prayer is a meaningful and significant contribution to the life of the monastic community.

We recognize that making a contribution for the good of the community or for the good of the Church and society is an important pathway to healing and wholeness. If physically and mentally able, the monk offender who has been removed from public ecclesiastical ministry should engage in appropriate work in support of the Abbey or in other service to people in need. Such work might include the following:

1. administrative work of the Abbey;
2. remunerative non-ecclesiastical work to support the ministries of the Abbey;
3. manual or clerical labor inside the monastery;
4. working at a food bank or soup kitchen, or some other form of supervised social service, with the informed consent of that agency;
5. or some other appropriate work for which the monk is able or qualified.

Monks removed from public ecclesiastical ministry may need vocational assessment and/or occupational counseling to assist in determining meaningful and useful new work. The Abbot should consult with the monk offender involved to determine his interests and capacities and to promote his initiative in developing work opportunities, where appropriate.

### **E Place of Residence**

A monk offender who has been assessed by professionals to be at low risk will be allowed to live in the monastery or in another appropriate supervised place of residence where there will be no unsupervised contact with his sexual target, as determined by the Abbot. No separate apartment, private home, or other domicile will be allowed as a permanent residence for such offenders.

A monk offender who has been assessed by professionals to be a high risk to reoffend may need to reside in a specialized facility where he can be properly cared for and where he will have no access to his sexual targets.

### **F Safety / Supervision Plans**

After sexual misconduct has been established, it is intended that all of the aforementioned elements be adapted in an individualized Safety Plan for a monk who has sexually abused a minor (or an individualized Supervision Plan for a monk who has sexually exploited an adult or sexually harassed an employee), depending on such factors as the severity of the accusation(s), age and health of the monk, and the recommendations of the risk assessment, and the recommendation of the ARB. This framework, however, sets out the elements to be developed in writing for each monk, reviewed annually by the ARB, and shared with the monk, his monastic superiors, his supervisor, and, as appropriate, other monks.

The Safety/Supervision Plan shall be implemented and signed by the monk, the Abbot, and at least one individual who is directly involved in the supervision of the monk. Signing the plan indicates that the signatories have read and understood all aspects of the supervision/safety plan. The plans are issued under the vow of obedience. Compliance with each plan shall be documented and there shall also be an annual review of each plan by the ARB. Each plan will also be subject to review by a professional independent third-party accrediting agency, as often as required by the same agency.

Supervision of monks who have Safety/Supervision Plans can be conducted by qualified individuals, including monastic superiors, other monks, employees, or a

competent third-party.

1. Individuals who supervise monks with Safety/Supervision Plans should be physically and emotionally capable and adequately trained to perform the duties involve with supervision.
2. Individuals who supervise will have adequate information of cases to fulfill their role, which may include all relevant history of sexual misconduct, history of compliance with Safety/Supervision Plans, current progress in treatment (if applicable), history of substance abuse (if applicable).
3. Individuals who supervise will receive written guidelines and adequate training regarding their role and procedures for supervision.
4. Individuals who supervise will have all the pertinent information about the monk that is not privileged, including relevant history of sexual abuse, all allegations of sexual misconduct, history of compliance with Safety/Supervision Plans, current progress in treatment, if applicable, history of substance use and/or abuse, if applicable.

## **G Community Support**

The monastic community plays an important role in helping a monk offender who has been restricted and who wishes to continue his life as a monk. After a monk has submitted to evaluation and appropriate treatment, his confreres should welcome him as a brother. It may also be appropriate for a mentor, either a confrere or an approved lay person, to be appointed for the monk offender who could assist and support him in his efforts to maintain his program of care and treatment.

A monk offender who is a priest may, at the Abbot’s discretion, be permitted to celebrate and preach at the Conventual Mass, lead or read at community prayer, hear confessions of other monks; he always retains the right to celebrate Mass privately. A monk offender is not allowed to serve as a superior or as a member the Abbot’s Council.

## **H Contact with Others**

Under no circumstances will a monk who has sexually abused minors be allowed to have contact with any minors without the ongoing and strictest supervision of other adults present at the time. This prohibition includes but is not limited to being alone with a minor for a meal in a restaurant, going to the movies alone with a minor, riding alone in an automobile with a minor, or having a private conference with a minor in parish or monastery offices, community parlors, etc.

A monk who has sexually exploited an adult or sexually harassed an employee, may

not have contact with the victim of his offense(s), or with anyone who may be part of his personal sexual target. Additional prohibitions may be necessary for such a monk depending on the nature and gravity of the sexual exploitation or sexual harassment.

Travel plans, vacations, and retreats are to be specified in the Safety/Supervision Plan and to be monitored by the supervisor. Typically, retreats in locations alone are not permitted, as our retreats are usually done within the monastic community. Other travel may be restricted, including but not limited to, that which is related to assigned work or family visits; if appropriate, a monk companion for travel also may be required. Additional specific permissions for travel are required from the Abbot. Doubts about specific travel should be referred by the supervisor to the Abbot.

Restrictions on driving may also be part of the Safety/Supervision Plan. Typically, restrictions are placed on driving alone. No one under supervision may have a vehicle for his own use. Monks under supervision may be required to request specific permission for use of house cars, or may be required to drive with a companion monk. A log is to be kept of any travel outside the Abbey by the Prior and forwarded to the CMO.

Announcements for anniversaries regarding monk offenders should not appear in such publications as the *Beacon* or *Delbarton Today*. No articles or photographs featuring a monk offender should appear in any publication, whether it is one of ours or a forum such as diocesan or secular newspapers.

A monk offender may, with the express permission of the Abbot, write an article under his name in a professional, peer-reviewed journal. In some cases a monk’s use of email, internet, and phone may need to be regulated.

The Abbot, in consultation with the ARB, will determine whether and/or how to inform the monastic community—in general terms—of those monks who are under supervision. The Abbot, in consultation with the ARB, will determine whether and/or how to inform others who may have a need to know—in general terms—of those monks who have been restricted.

## Section VIII: Policy on Prevention

### A Screening and Selection

Monks engaged in public ecclesiastical ministry, regardless of whether that ministry is with minors or adults, whether seeking enrollment or employment or volunteer assignment in diocesan or Abbey sponsored ministries, throughout the United States, shall be carefully screened and selected.

For those who are already professed monks and are engaged in public ministry in the Church, the following is required:

- *Criminal Records Check* in any state where the monk has resided during the past seven (7) years, and other states, if any, as determined by the Abbey or diocese.
- *Sexual Offender Registry Check* in any state where the monk has resided during the past seven (7) years, and other states, if any, as determined by the Abbey or diocese.
- *Individual Interview* with the monk by the appropriate supervisor of the public ministry.

For candidates to the monastic life, the aforementioned protocols are required, as well as the following:

- *Reference Checks* of applicants should include three (3) professional and two (2) personal relationships.
- *Individual Interviews* with the Abbot and at least two (2) other monks.
- *Psychological evaluation* by a licensed psychologist familiar with religious life, and which includes a psycho-sexual history.

For monks seeking diocesan ministries, additional protocols are required and vary from diocese to diocese. Before nominating a monk to a diocesan bishop or any Catholic institution for a public ministry, the Abbot shall provide an accurate and complete description, including whether there is anything in his life or past ministry that would raise questions about his fitness for public ministry, including any known history of sexual misconduct. Monks who transfer from another monastery are required to undergo the same screening and selection process as candidates.

All information gathered will be carefully reviewed and evaluated to make a determination, in consultation with others as necessary, of whether or not the monk is appropriate to engage in public ministry. All monks and candidates must have a personnel file that is kept in the prior’s office along with other pertinent information on the individual such as transcripts, baptismal certificates, etc.

Criminal records checks and sexual offender registry checks may be conducted every five (5) years for those engaged in public ministry.

## **B Education and Training**

Before any monk or candidate engages in public ministry he is required to complete three (3) hours of training on the prevention of sexual misconduct. In addition, monks are required to complete three (3) hours of training specifically on the prevention of child sexual abuse to address the unique responsibility of protecting minors. The education and training programs must be completed within three months of the beginning of public ministry. Thereafter, on-going training is required of monks engaged in public ministry as required by a professional third-party accrediting agency.

Such education and training in the prevention of sexual misconduct must include knowledge about specific behaviors that sex offenders use to groom their victims. Through on-going training, monks must be able to identify, interrupt, and stop behaviors that may be inherently harmful to those we serve, or that may create the conditions where sexual misconduct can occur more easily.

Those asked by the Abbot to supervise monks with a safety/supervision plan are required to have additional specialized training. Within three months of becoming a supervisor, individuals must complete training on the supervision of sex offenders.

Abbey leadership is responsible for maintaining a log of the training programs completed by the monks, candidates, and supervisors.

## **C Prohibited Behaviors & Activities**

In order to maintain a safe environment for all those we serve and monks alike, the following behaviors are strictly prohibited:

1. Using, possessing, or being under the influence of illegal drugs.
2. Using, possessing, or being under the influence of alcohol while supervising minors.
3. Providing or allowing minors to consume alcohol or illegal drugs.
4. Using foul language in the presence anyone, or language that could belittle, demean, or devalue anyone.
5. Speaking to others in a way that is or could be construed by any observer as unnecessarily harsh, threatening, intimidating, shaming, derogatory,

- demeaning, or humiliating.
6. Discussing sexual matters unless it is a specific job requirement and the monk is trained to discuss these matters.
  7. Engaging in sexually oriented conversations unless the discussions are part of a legitimate educational lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons must convey the Church’s teachings on these topics.
  8. Engaging in spiritual direction or pastoral counseling on sexual issues without explicit training and qualifications.
  9. Possessing, distributing, downloading and/or intentionally viewing of any type of pornography, especially child pornography which is a federal offense.
  10. Possessing sexually oriented or morally inappropriate printed or electronic materials (magazines, cards, pictures, slides, videos, films, clothing; CDs, DVDs, computer on-line access, etc.).
  11. Sleeping in the same beds, sleeping bags, or small tents with others.
  12. Engaging in sexual contact with anyone. For the purposes of this policy, sexual contact is defined as vaginal intercourse, anal intercourse, oral sex, or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest).
  13. Using physical discipline in any way for behavior management, including spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors.
  14. Transporting minors without the express written permission of the parent or guardian, and when this is not part of a defined ministerial or professional duty.
  15. Transporting an individual minor for any reason without another adult present.
  16. Allowing minors, including relatives, to sleep in the residence of monks.
  17. Changing clothes or showering in the same facilities as, or being nude in the presence of, minors.

#### **D Expressions of Affection**

Prevention through training and education also includes clearly identifying unacceptable behaviors with regards to sexual misconduct, including expressions of affection. While appropriate affection between monks and minors or adults they serve constitutes a wholesome aspect of ministry, it is important to note that expressions of affection, especially those that involve physical contact, are interpreted by the recipient of that affection and not the monk initiating the contact. Great discretion

must be employed in displays of affection with those whom we serve, both minors and adults.

1. The following are regarded as appropriate expressions of affection by monks:
  - a. Pats on the shoulder or back.
  - b. Hand-shakes.
  - c. “High-fives” and hand slapping.
  - d. Verbal praise.
  - e. Arms around shoulders.
  - f. Holding hands while walking with small children.
  - g. Sitting beside an individual.
  - h. Kneeling or bending down for hugs with small children.
  - i. Holding hands during public prayer.
  - j. Pats on the head of small children when culturally appropriate.
2. The following behaviors are strictly prohibited:
  - a. Inappropriate or lengthy embraces.
  - b. Kissing.
  - c. Flirting.
  - d. Holding minors over four years old on the lap.
  - e. Touching the buttocks, chests, or genital areas.
  - f. Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms.
  - g. Sleeping in the same bed with anyone.
  - h. Touching the breasts of women.
  - i. Wrestling.
  - j. Tickling.
  - k. Piggyback rides for small children.
  - l. Any type of massage given by a monk to a child or adult.
  - m. Any type of massage given to a monk, unless prescribed by a doctor.

## **E Social Communication**

Regarding the various means of social communication, all communication between monks and minors should take place within the parameters of the school or parish platform, such as the school’s e-mail system (name@delbarton.org), school web-pages, school issued mobiles, etc. The same policy applies to monks and those with whom they have a professional and/or pastoral relationship. The use of private e-mail accounts, text messaging to/from private telephone numbers or other forms of communication is not permitted.

## F Reporting Policy Violations

Early detection is often the best prevention. Therefore, whenever exceptions to these guidelines are made, they should be reported as soon as possible to the Abbey administration by the one who observes an exception. All monks are required to report any suspected or known violations of the aforementioned inappropriate behaviors and activities. All reports of inappropriate behavior will be taken seriously.

## G Self-Disclosure

A monk who has concerns about his own attraction to minors or about possible boundary issues with minors is encouraged to seek professional assistance. If appropriate and usually with prior consultation, the monk may disclose his concerns to the Abbot.

## Glossary

below are the working definitions as used in this document.

Abbey - includes the members of the monastery proper and its apostolates, including Delbarton School, the retreat center, and the various parochial and chaplaincy ministries
Adult - anyone of the age of 18 or over.
Allegation - a first-party accusation
ARB – Abbey Review Board
CMO - Case Management Office
Complaint – a formal civil legal allegation
Minor - anyone under the age of 18
Monk - defined as a professed member of the Abbey, a novice, or someone formally accepted as a candidate and living at the monastery
Report - a third-party accusation

## Appendix

N.J.S.A. 9:6-8.10. Reports of child abuse. Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child’s age, the nature and possible extent of the child’s injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

**Ethics Policy 2016 – St Mary’s Abbey  
Policy on Prevention**

N.J.S.A. 9:6-8.14. Violations including failure to make report; disorderly person. Any person knowingly violating the provisions of this act including the failure to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

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## Abbey Code of Ethics

As a Benedictine monk of St. Mary's Abbey...

I will conduct myself in a manner that is consistent with the discipline and teachings of the Church within the course of their duties.

I will do my utmost to prevent the abuse and neglect of minors involved in abbey activities and services.

I will do my utmost to prevent sexual exploitation of adults who participate in abbey activities or services.

I will do my utmost to prevent sexual harassment of our employees.

I will not physically, sexually or emotionally abuse or neglect a minor; will not exploit adults; and will not harass employees.

I will report concerns about inappropriate behavior or policy violations to a member of Abbey administration.

I will report any suspected abuse or neglect of a minor whether on or off campus, whether perpetrated by monastic personnel or others, to the appropriate authorities, both internal (e.g. Abbey administration) and external (e.g. police).

I will similarly report any suspected misconduct or exploitation of adults whether on or off campus, whether perpetrated by monastic personnel or others, to appropriate authorities, both internal (e.g. Abbey administration) and external (e.g. police).

I will similarly report any suspected harassment of employees whether on or off campus, whether perpetrated by monastic personnel or others, to appropriate authorities, both internal (e.g. Abbey administration) and external (e.g. police).

I understand that the Abbey will not tolerate sexual misconduct in any form and agree to comply in spirit and in action with the Abbey Ethics Policy.

I accept personal responsibility to protect minors from all forms of abuse.

I accept personal responsibility to protect adults from all forms of exploitation and harassment.

I will do my utmost to use all opportunities to be a source of help to families in which abuse of a minor has occurred.

I will do my utmost to use all opportunities to be a source of help to families in which exploitation or harassment of adults has become a problem.

I have read and understand and will comply with any and all policies and procedures in the Abbey Ethics Policy

Please Print Name: \_\_\_\_\_

Signed and dated: \_\_\_\_\_



