

BRIGIDINE SISTERS
U.S. AREA
POLICY AND PROCEDURES CONCERNING
SERIOUS MEMBER MISCONDUCT

INTRODUCTION

Fundamental Beliefs

As Brigidines, we stand in reverence for the community of life and we will continue to work to further compassion and justice for humanity and for the earth. (*Brigidine Forum '01*)

In the consistent and ongoing mission of Jesus, it is the right and responsibility of each person to be co-worker in the unfolding reign of God. Irrespective of age, infirmity, and stage of life, it is our privilege to strive to live in right relationships. (*Council of the Congregation '03*)

If any member of the U.S. Brigidine Area is in violation of the ethical boundaries of ministry and seriously upsets the balance of right relationships, then she must be called to an accounting of the situation. Therefore, in all cases of allegations of serious member misconduct, we shall observe the following “Policy and Procedures” with responsibility, compassion, charity and care.

Consequences

Serious member misconduct (see pg. 6) has moral, legal, psychological, financial, relational, and spiritual implications. Such misconduct manifests itself in various ways, including sexual abuse, exploitation, and/or harassment.

Responsibility

Legal responsibility for such misconduct is borne not only by the alleged perpetrator but can also be properly placed on the broader institution (i.e. Congregation, school, agency, etc.) for failure to reasonably screen, supervise, report and/or act upon known violations by members, employees, volunteers.

The Congregation is responsible for intervention in all instances in which a member of the Congregation (or a former member belonging to this Congregation at the time of the alleged misconduct) is reported to have engaged in compromising or scandalous misconduct.

The Congregation also shares responsibility for pastoral care for all parties involved, to relate with compassion and to respond practically in the face of accusations. Appropriate actions will be taken to ensure responsible intervention.

Duty to Report

Members of the Congregation shall always comply with civil and criminal laws and regulations concerning abuse, especially those regarding the “duty to report” to the proper civil authorities. If the alleged victim of abuse or exploitation is under the age of 18 years, the appropriate State Child Protective Service Agency shall be contacted immediately. If the alleged victim of abuse or exploitation is over the age of 18 years, the appropriate State Law Enforcement shall be contacted immediately.

The civil duty to report is imperative on all with knowledge of a problem situation. There are serious consequences if one fails to report at the earliest possible time.

Confidentiality

Everyone responsible for implementing this Policy and Procedures will protect the confidentiality of both the person making the complaint and the member who is the subject of it. Only persons with a professional and/or legal responsibility in this matter will receive information. Members of the Congregation will be apprised of proceedings as deemed appropriate.

POLICY OF RESPONSIBLE INTERVENTION

The Congregation is committed to a policy of **responsible intervention** in all instances in which a member of the Congregation (or former member alleged to have engaged in serious misconduct while belonging to the Congregation) is accused of serious misconduct.

PROCEDURES

These Procedures are in no way an expression of judgment toward either the accuser or the accused, but rather are intended to protect respectfully the rights and dignity of all. In the event that a civil lawsuit has already been filed, procedures in “Investigative Phase” B. 4 would not occur.

INVESTIGATIVE PHASE

All members of the Congregation are required by law to report to the proper civil authorities any instance of abuse or sexual misconduct by the member herself or by another member of the Congregation, involving a minor and/or vulnerable person. Also, all instances of serious misconduct by a member are to be reported immediately to the person appointed by the Area Coordinating Team for this purpose.

- A. Upon receiving an allegation of serious member misconduct, or if the Area Leaders have reasonable cause to believe that a member is involved in such misconduct, the Area Leader or the Area Appointed Person will immediately take the following steps regarding **the accused member**:

1. Enter into dialogue with the accused community member to check on her knowledge concerning the allegations made;
2. Advise her of the legal implications of the report;
3. Provide her with essential legal, psychological, professional, and spiritual counsel;
4. After consultation with the Advisory Group (see pg. 6), the Member's immediate supervisor, and the Area Coordinating Team, the appointed person will remove her temporarily from present ministerial duties;
5. Request that she choose another member of the Area who could provide special support during the process. (The member chosen should get confidentiality status. This member would be mutually agreed upon by the accused and the Area Appointed Person. That accused person must be made aware of all aspects of the situation as it develops, including the legal ramifications. It is, however, the expectation that all members of the Area will be supportive and compassionate).

B. Upon receiving an allegation of serious member misconduct, the **Area Appointed Person** will immediately take the following **general procedural steps**:

1. Inform the Congregational Leader;
2. Inform the Vicar for Religious or appointed Archdiocesan representative. When applicable, she will cooperate fully with the appropriate diocesan policy and procedures;
3. Seek information from an Advisory Group on appropriate ways to Proceed;
4. Inform insurance carrier and Congregational attorney if different from attorney on Advisory Group;
5. Call together an ad hoc Investigative Team (see pg. 6) consisting of at least three persons.

The team will:

- a. Receive directions from Advisory Group;

- b. Commence an investigation of the allegation or suspicion as soon as possible;
 - c. Contact and interview the complainant to discuss the incident, explain the process, and begin providing healing as necessary;
 - d. Interview the person accused of misconduct (The accused shall not be forced to give any statement, but it shall be explained that failure to cooperate will be deemed evidence that further action is assuredly warranted.);
 - e. Report findings and determinations to the designated Area Appointed Person normally within 72 hours: A simple log shall be kept by both the Area Appointed Person and the Investigative Team of all steps taken during the entire process. The final logs and reports will be retained.
- 6. Make a determination as to whether it is appropriate to proceed to the action phase;
 - 7. Inform the appropriate diocesan spokesperson of the allegations and, in consultation with the Congregational spokesperson, prepare them for media inquiries as needed;
 - 8. Keep appropriate notes and records in connection with the Investigation;
 - 9. Maintain confidentiality at all times.
- C. The Area Appointed Person will respond pastorally to the accuser/alleged victim and family by:
- 1. Making no judgment about the validity of the allegation prior to the investigative team's determination;
 - 2. Reaching out compassionately to the accuser.

ACTION PHASE

The Area Appointed Person shall consult the Area Coordinating Team regarding both actions to be taken and acceptance of recommendations from whatever groups have been involved with the situation.

A. UNSUBSTANTIATED FINDINGS

If the investigative team determines that the allegation of serious misconduct by a member **is not substantiated**, the Area Appointed Person will, in consultation with Advisory Team:

1. Inform the accused member of that determination;
2. Inform the alleged victim and/or the family of the findings and Determination;
3. Promptly reinstate the member to her present ministerial duties if Necessary;
4. Assist the member in discerning her continued ministerial choice, always taking into account her own good, the need for healing, and her need for a positive ministerial experience;

B. SUBSTANTIATED FINDINGS

If the Investigative Team makes a determination that the allegation of serious misconduct by a member **is substantiated**, or if criminal charges have been brought against a member, the Area Appointed Person will:

1. Inform the accused member of that determination;
2. Inform the alleged victim and/or the family of the findings and Determination;
3. Inform the Congregational Leader;
4. Offer necessary medical/psychological counseling assistance to the alleged victim;
5. Provide competent legal defense to the accused member;
6. Require the member to undergo such treatment as expert medical/psychological consultants prescribe;
7. After rehabilitation has been certified by a treating professional, work with the member to find appropriate ministry that does not involve a similar situation to the one that gave rise to the alleged original incident.

DEFINITIONS

(FOR PURPOSES OF THIS POLICY)

- *Abuse** The misuse of power (position, physical strength, access to resources, etc.) through behavior toward another person intended to provide gratification to the offender and which may be caused by compulsive behavior, ignorance, disrespect, disempowerment, physical injury, or harassment.
- * Sexual Abuse** Sexual contact between an adult and a minor, elderly or vulnerable individual as defined by the laws of the State of Texas or the State in which the grievance allegedly took place
- * Sexual Exploitation** Any kind of sexual contact between a care-giver, (teacher, counselor, nurse, or other person in authority, etc.), and a care-recipient (student, counselee, patient, or other person under authority) regardless of whether initiated by the care-giver or the recipient
- *Sexual Harassment** The unwanted sexual advances, request for sexual favors, and/or other verbal or physical conduct of a sexual nature by an employer, supervisor or co-worker which interferes with employment, promotion, or job performance, or creates an intimidating, hostile or offensive working environment.
- * Serious Member Misconduct** Violation of the criminal and/or civil law, the Canons of the Catholic Church, the Constitutions of the Sisters of St. Brigid, or any indefensible action of a member resulting in public scandal.
- *Congregation** Brigidine Sisters, U.S. Area
- *Area Appointed Person** This is the person appointed by the Coordinators to represent the Congregation in all aspects of a case. When an accusation is made involving a member of the Congregation, or a former member at the time of the alleged misconduct.
- *Investigative Team** At least three persons appointed by the Area appointee will be asked to investigate accusations and report conclusions to her.
- *Advisory Group** A group of professionals, such as attorney, mental health professional, other religious who have worked with this kind of situation, whom the Area appointee will consult in the case of an allegation
- *Minor** Any person below the age of 18 years
- *Elderly Individual** A person 65 years or older

***Vulnerable
Individual**

Any person 18 years of age or older if that person, because of mental, physical or emotional impairment, is unable to report abuse or neglect without assistance.

The Region commits itself to comply with the local diocesan policy on Sexual Misconduct. Additionally, the Region will collaborate with all efforts of the local diocese in working toward assistance and safe environment for all – with special attention to children and youth. Written proof of a criminal background check on each member of the Area will be kept on file.

FURTHER INFORMATION

For further information about any of the matters outlined in this document please contact Brigidine Sisters at **Tel: (210) 733 0701.**