

FRANCISCAN SISTERS OF PERPETUAL ADORATION
Policy and Procedures

Title: FSPA Policy for the Protection of Children and Other Vulnerable Persons	Department: FSPA
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INTRODUCTION

*We, the Franciscan Sisters of Perpetual Adoration,
consecrate our lives to God who calls us to live in community
in order to be a sign of the unity of a life in Christ
and an instrument for extending the Kingdom of God.*
-Unity in Diversity 1

We are committed to maintaining integrity in all our relationships and expect each sister to develop and cultivate healthy manners of relating in her life. This is central to who we are and a gift we offer to others. We acknowledge that in ministerial and other relationships where sisters assume positions of power over those with whom they relate, there exists an unequal power dynamic that can lead to misconduct and abuse when not used with awareness and care.

POLICY

The policy and procedures, as defined in this document, outline the appropriate measures the congregation will take for the prevention of member misconduct and for responsible intervention whenever a member of the congregation may have engaged in any behavior that would result in harm to another person. These procedures are intended to protect the rights of all concerned parties while providing pastoral care for all.

The member misconduct described in this document is delineated into two categories: sexual misconduct and other misconduct. While all misconduct is harmful to others, this division into two categories reflects the special emphasis the church has recently put on sexual misconduct in its midst. In May, 2019, Pope Francis issued an Apostolic Letter entitled *Vos Estis Lux Mundi* (“You are the light of the world.”) This letter and the norms it spells out apply to all clerics and members of Institutes of Consecrated Life or Societies of Apostolic Life. All effort has been made to align our FSPA member misconduct policies and procedures with that of the Church. Although not addressed in *Vos Estis*, the effects of behaviors listed under “other misconduct” are equally harmful. FSPA is committed to promoting healthy relationships and will act to protect vulnerable persons from all kinds of misconduct.

Involved Persons

- **Minor:** Any person under the age of eighteen or considered by state law to be the equivalent of a child.

- **Vulnerable Person:** Any person in a state of infirmity, limited physical or mental capacity, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or to otherwise resist the offense. It includes healthy adults who have less intellectual, educational, positional, etc. power than the offender.
- **President:** The person elected as President of the FSPA congregation or her delegate.
- **Member of the Leadership Team:** An elected leader of the FSPA congregation, that is, President, Vice-President, or Mission Councilor.
- **Sister Consultor to the President:** FSPA member chosen to serve as the advisor to the President during this particular matter.
- **Resource Team:** A standing group of persons with expertise, experience, or professional training regarding misconduct and abuse. This may include attorneys, psychologists, counselors, or other professionals, as well as selected members of the congregation. This team is commissioned by the Leadership Team.
- **Member of the Congregation:** An associate, novice, or vowed member.

SEXUAL MISCONDUCT POLICY AND PROCEDURES

Definitions

- **Sexual Misconduct:** Any behavior of a sexual nature that forces someone by violence, threat or abuse of power or authority to perform or submit to sexual activities.
- **Sexual Abuse:** Sexual acts performed with a minor, vulnerable adult, or person who is unable to give consent. This may include use of violence, intimidation, or emotional or spiritual pressure to engage in sexual acts.
- **Sexual Assault:** Non-consensual physical contact such as rape, groping, inappropriate touching, unwanted advances, and conduct forced on a person and inhibits the person's liberties.
- **Sexual Harassment:** Sexual advances or sexually suggestive behavior or verbal comments that are unwanted and which the recipient feels powerless to prevent or stop. This may include coercion by persons in authority, unwanted sexual attention, and conduct that disparages people based on gender, appearance, clothing, or other personal qualities.

Policy Regarding Sexual Misconduct

1. Under penalty of law, both civil and canonical, no FSPA shall engage in any of the following actions:

- forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
 - performing sexual acts with a minor or a vulnerable person;
 - producing, exhibiting, possessing, or distributing child pornography, including the use of electronic means, as well as recruiting or inducing a minor or a vulnerable person to participate in pornographic exhibitions;
 - interfering in or avoiding civil or canonical investigations into allegations of the above actions.
2. It is mandatory that any member of the FSPA congregation who notices or has well-founded reasons to believe that one or more of the actions above has occurred must promptly report these actions to the FSPA President (or, in the case where the President is the accused, to the FSPA Vice-President.)
 3. Prejudice, retaliation, or discrimination as a consequence of having submitted the report is prohibited.
 4. This statement of policy and procedures applies to all associates, novices, and professed members of the Franciscan Sisters of Perpetual Adoration.
 5. Only the President, or her delegate, shall speak to the press or make public statements about the case.

Implementation of Policy

A. Principles

1. All applicable state, criminal, and canon law statutes will be complied with in all cases. The civil statutes which apply in each case will be from the state where the abuse occurred. The President or her delegate will report the allegation to the proper civil or canonical authorities within the time period required by applicable statutes, and will be responsible for all public statements regarding the matter.
2. Care must be taken that all persons involved be treated in a manner consistent with the gospel values of dignity, respect, compassion, and justice.
3. Confidentiality and discretion will be maintained to the fullest extent possible, with careful distinction made between confidentiality and secrecy. The President or her delegate will keep appropriate congregation leaders informed of the process according to their need to know.
4. Should the case become public, the FSPA congregation will be informed of the matter. The President or her delegate will then attend to the need for healing within the congregation and wherever the Sister is or was ministering. Every attempt will be made to be candid and truthful, while honoring the limits of confidentiality and preserving the good name of the persons involved.

B. Procedures Regarding Allegation of Sexual Misconduct

1. Immediately upon receipt of an allegation of sexual misconduct or abuse, the President and her sister consultor will meet with the individual bringing forth the allegation in order to hear details of the charge.
2. The accuser will then be asked to submit a written report of the incident(s) and to sign and date it. "The report shall include as many particulars as possible, such as indications of time and place of the facts, of the person involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts."
(*Vos Estis*) [see attached form]
3. "An obligation to keep silent may not be imposed on any person with regard to the contents of his or her report." (*Vos Estis*)
4. As soon as possible (but within 48 hours), the President and her sister consultor will meet with a standing resource team, made up of licensed professionals with expertise in dealing with abuse cases. In a confidential setting, the resource team will determine if the allegation of sexual abuse or misconduct is credible.
5. If the allegation is not deemed credible, the President and her sister consultor will meet with the accuser and explain why the allegation was not seen as credible. Further discussion may need to ensue.
6. If the allegation is deemed credible, the President will immediately report it to appropriate authorities. If the allegation involves a minor or other vulnerable person, she will report the abuse to civil authorities and to the bishop of the diocese where the events were said to have occurred. She will also report the allegation to the bishop of La Crosse.
7. Once an allegation has been reported to law enforcement or to the bishop, the investigation of the allegation is in their hands. The congregation will comply in every way necessary to assist in the investigation.
8. The President, her sister consultor, and legal counsel will meet with the accused sister to make her aware of the allegations made against her and to inform her of her rights. She should be informed that any communication by her to any person in leadership regarding the allegations will not be considered privileged communication. Throughout the whole process of investigation, the President and her sister consultor should convey a pastoral presence to the accused, while at the same time complying fully with the investigation.
9. The sister will be relieved of her ministerial responsibilities pending investigation into the allegation.
10. The alleged victim and his/her family may receive spiritual, medical, and/or psychological support from the congregation related to the alleged abuse.
11. FSPA Presidents, both past and present, may be held accountable for acts of abuse committed while they were in office. These acts may include their own abuse of a child or other

vulnerable person, as well as acts of omission. If the current President is the alleged perpetrator, the Vice President shall immediately assume the authority of the President pending the outcome of the investigation into the allegation.

12. "The person under investigation enjoys the presumption of innocence." (*Vos Estis*)
13. The President is obligated to inform her successor of member misconduct cases. She will prepare a summary of the case which will be kept as a confidential permanent file in the congregation and will be made available to the next President, Mission Councilor, and as otherwise required by law.

OTHER MISCONDUCT POLICIES AND PROCEDURES:

Definitions:

- **Other Misconduct:** Behaviors that harm or endanger another person or any act which violates the criminal code in the state or location where the act occurs.
- **Abuse of Authority:** The use of force, violence, intimidation, threats, or psychological or emotional pressure by a person in a position of authority who engages in, or attempts to engage in, any form of abusive behavior with someone who is vulnerable by virtue of age, emotional or cognitive limitation, or capacity to influence the relationship.
- **Acts of Omission:** Actions or omissions intended to interfere with or avoid civil investigation or canonical investigations, whether administrative or penal, against a cleric or religious.
- **Elder Abuse:** An act, or failure to act, by a caregiver or another person in a relationship involving an expectation of trust that causes or creates a risk of harm to an older person. Forms of elder abuse include physical abuse, emotional or psychological abuse, and neglect.
- **Emotional or Psychological Abuse:** Verbal or non-verbal behavior that results in the infliction of anguish, mental pain, fear, or distress.
- **Physical Abuse:** Any use of physical force that results in acute or chronic illness, bodily injury, physical pain, functional impairment, distress, or death.
- **Neglect:** Failure by a caregiver or other responsible person to protect an elder or a minor from harm, or the failure to meet essential needs which results in a serious risk of compromised health and safety.
- **Online Misconduct:** The use of electronic means for cyberbullying, solicitation, or engagement in consensual or pornographic exhibition, or other forms of misconduct.

Policy Regarding Other Misconduct

IV.E. FSPA Policy for the Protection of Children and Other Vulnerable Persons

1. No FSPA shall engage in any of the actions defined above.
2. Anyone who has witnessed a member engaged in any of the above actions shall report the matter to the President, or to the Vice-President if the President is the one accused.
3. This policy applies to all associates, novices, and professed members of FSPA.

Implementation of Policy

A. Principles

1. These actions of misconduct are considered serious, even if civil or canonical statutes do not apply. When these statutes do apply, they will be complied with fully.
2. All persons involved will be treated in a manner consistent with the gospel values of dignity, respect, compassion, and justice.
3. Confidentiality and discretion will be maintained to the fullest extent possible, with careful distinction between confidentiality and secrecy. The President will keep appropriate congregation leaders informed of the process according to their need to know.
4. Should the case become public, the FSPA congregation will be informed of the matter. The President or her delegate will then attend to the need for healing within the congregation and wherever the Sister is or was ministering. Every attempt will be made to be candid and truthful, while honoring the limits of confidentiality.

B. Procedures Regarding Allegations of Other Misconduct

1. If the misconduct is serious enough to be considered a crime by civil and/or canonical authorities, the President shall follow the procedures delineated in the section on “Sexual Misconduct.”
2. However, if the misconduct is serious, but not a matter for civil or canonical authorities, then the President shall follow the ensuing procedures.
3. Immediately upon receipt of an allegation of serious misconduct or abuse, the President and her sister consultor will meet with the individual bringing forth the allegation in order to hear details of the charge.
4. The accuser will then be asked to submit a written report of the incident(s), with as many particulars as possible, and to sign and date the document.
5. The President and her sister consultor will meet with the sister who has been accused to inform her of the allegation, to assure her of her rights, and to apprise her of the procedures.
6. As soon as possible (but within 48 hours), the President and her sister consultor will consult members of the Resource Team. They will determine if the allegation meets the standards of credibility.

7. If the allegation is deemed not credible, the President, her sister consultor, and a member of the Resource Team will meet with the accuser to explain why the allegation was not seen as credible. Every effort will be made to assure that the good name of the accused is maintained or restored.
8. If the allegation is deemed credible, the President and her sister consultor will meet with the one or two members of the Resource Team, as well as the FSPA Leadership Team to determine next steps for the accused.
9. The designated Mission Councilor will coordinate plans for the Sister to undergo a specialized assessment in an appropriate setting, followed by the recommended treatment.
10. The sister will be relieved of any responsibility where there is potential of continued misconduct and abuse.
11. A member of the Leadership Team will serve as a facilitator between the alleged victim and the congregation (through the President and the Leadership Team) to determine how to provide the individual with appropriate ongoing psychological and pastoral care.
12. The President is obligated to inform her successor of member misconduct cases. She will prepare a summary of the case which will be kept as a confidential permanent file in the congregation and will be made available to the next President, Mission Councilor and as otherwise required by law.

MEMBER MISCONDUCT PREVENTION AND EDUCATION

1. All candidates for membership in the Franciscan Sisters of Perpetual Adoration will be screened through psychological evaluation, interviews, reference checks, and background checks.
2. All associates will complete an approved Safe Environment training.
3. All novices and sisters in temporary profession will receive classes in human development, sexuality, celibacy, and appropriate behavior in ministerial relationships.
4. The congregation will provide opportunities and educational materials for members of the congregation to help them recognize and prevent serious misconduct, especially the abuse and exploitation of children and vulnerable adults. It is the individual member's responsibility to be cognizant of appropriate behaviors in relationships and to maintain integrity in all ministerial interactions.
5. Sisters who have been sexually abused as children, or victimized as adults by sexual misconduct or abuse, are encouraged to receive professional help to aid in their healing.
6. The congregation will provide support for any sister who has been a victim of abuse.

APPROVALS

First approved by FSPA General Board 3/29/95.

Revised 3/5/98.

Revised and approved by FSPA Leadership Council on 8/22/ 2007.

Revised and approved by FSPA Leadership Council on 10/15/2009.

Reviewed by FSPA Leadership Council on June 1, 2114.

Reviewed, revised and approved by FSPA Leadership Council on July 20, 2020.

APPENDIX A

Franciscan Sisters of Perpetual Adoration—Report Form

Safe Environment

Name of person making this report: _____

Date: _____

Name of accused: _____

Name of alleged victim: _____

Describe specifically what actions constituted abuse: (attach statement if necessary)

Dates of each occurrence: _____

Place where alleged abuse occurred: _____

Position of accused at time of occurrence: (Volunteer, Staff, Religious, etc.) _____

Does the person alleged to be the victim know of this report? ____ Yes ____ No

Witnesses or other evidence that may corroborate this report? _____

How may we contact you? _____

Address: _____

Telephone: () _____

Please submit this confidential report to the FSPA President

APPENDIX B

Psychological and Legal Resources

The American Psychological Association; Resources on Sexual Abuse., The Effects of Sexual Trauma, and the Ethics of Relationships. 750 First Street, NE Washington, D.C., U.S.

Faith Trust Institute: A multi-faith, national non-profit for resources related to healthy boundaries for clergy and spiritual leaders; 2414 SW Andover St, Suite D208, Seattle, WA 98106. (Resources on prevention of child abuse, boundary violations, legal issues and the longterm effects of sexual trauma in childhood.)

The National Child Traumatic Stress Network on Sexual Abuse (Definitions, Effects, and Interventions). US Dept. of Health and Human Services. 5600 Fishers Lane, Parklawn Bldg. Room 17C-26, Rockland, Md. 20857.

The National Institute on Aging: Elder Abuse and Neglect: Definitions, Signs, and Effects. Building 31, Room 5C27, 31 Center Drive, MSC 2292, Bethesda, MD 20892.

Reporting Laws in Wisconsin: Department of Children and Families. 201 East Washington Avenue, Second Floor, P.O. Box 8916 Madison, WI 53703-8916

The American Society on Aging: <https://www.asaging.org/elder-mistreatment-understanding-abuse-and-neglect>

The Elder Justice Act of 2009: Washington, D.C., 111th Cong., 1st sess. S. 795, April 2, 2009. <https://www.govtrack.us/congress/bills/111/s795/text>

The Clinical Management of Elder Abuse (Clinical Gerontologist Monographic Separates/Clinical Gerontologist;v.28 no.1/2), by Georgia J Anetzberger | Oct 13, 2004, (Contains an update on the nature and scope of elder abuse). Among the findings in this book:

- a. Caregiver stress is not the primary cause of elder abuse.
- b. Sexual abuse of the elderly is more common than thought.
- c. Psychological abuse often goes undetected, while physical abuse is easier to spot.

Advancing the Field: The Archstone Foundation Elder Abuse and Neglect Initiative by Laura Rath.

The National Center on Elder Abuse: Helping America's Elders to Live with Safety, Dignity, and Independence by Elaine A. Chen, Mary S. Twomey, and Stephanie Ehittier Eliason.

Handbook of Interpersonal Violence Across the Lifespan: Editors: Robert Geffner, Victor Vieth, Viola Vaughan-Eden, Alan Rosenbaum, L. Kevin Hamberger, Jacquelyn White, (due out in Jan. 2021).

ATTACHMENT C

APOSTOLIC LETTER
ISSUED *MOTU PROPRIO*

BY THE SUPREME PONTIFF
FRANCIS

“VOS ESTIS LUX MUNDI”