

The following is an excerpt from pages 101-105 of the Documents of the Religious Brothers of the Third Order Regular of Saint Francis, Brooklyn, New York, 2020.



Religious Brothers
of the
Third Order Regular
of
Saint Francis

The Franciscan Brothers
of Brooklyn

Documents

Brooklyn, New York
Edited 2020

Allegations of Sexual Abuse Policy and Procedure

Policy and Procedures for Cases of Inappropriate Behavior with Minors by a Member

Policy

In keeping with our Franciscan and Gospel values, we want to do whatever is humanly possible for all concerned in these matters.

The Congregation does all in its power to get help for any Brother who suspects he has a problem related to sexual abuse, pedophilia or a similar illness in his life. Given the gravity of this condition, a Brother is expected to seek help.

Confidentiality is most important throughout this process.

Procedure

In some cases, instances of inappropriate behavior with minors are reported to the Superior General by

[end of page 101]

way of students or parents or other interested parties. It is always the first obligation of the Superior General to do all in his power to find out the truth. It is in the best interest of all concerned to search for the truth.

I. The Superior General must investigate all rumors that are brought to his attention as soon as possible. The Superior General may appoint others to conduct the investigation including:

- A. Interview with the source of the complaint. If the source is a child, then care is taken to use professional assistance in the interview.
- B. Interview with the accused. If the complaint is denied, then go to II. If the complaint is suspect, then go to III. If complaint is verified, then go to IV.

II. If the investigator(s) accepts the explanation of the individual and judges that there is not reasonable suspicion of child abuse, then no further investigation need be done.

- A. The investigator(s) informs the Superior General of their assessment.
- B. A note to that effect is placed in a sealed envelope in the Brother's file. Care is taken to see that no damaging statements are made.

III. If the investigator(s) thinks there is reasonable cause to suspect child abuse, then:

- A. Legal Counsel is obtained for the Congregation by the Superior General. From this point on, all steps are taken with legal counsel.
- B. Confidentiality of all parties is maintained as much as possible.

[end of page 102]

- C. Since there is reasonable cause to suspect child abuse, the incident is reported to the State in accordance with the requirements of the applicable State Child Abuse Law.
 - D. The Superior General decides whether the accused individual is allowed to continue in his present position. To preclude scandals, the Superior General may transfer an accused Brother
 - E. If, after investigation, the charges are unfounded, a note of procedure is placed in the Brother's personal file in a sealed envelope. The matter is closed.
- IV. If the Investigator(s) has verified the charge:
- A. The alleged perpetrator is advised that the Superior General is obligated to report the matter to the State Authorities, to the extent required by law.
 - B. The alleged perpetrator is suspended from all public duties pending a final decision on his employment or position. He is removed immediately from local ministry by the Superior General. The Superior General judges whether to suspend him from all ministries.
 - C. All contact by the alleged perpetrator with the victim(s) is forbidden.
 - D. Legal counsel is obtained for the Congregation by the Superior General. The alleged perpetrator is also provided with legal counsel.
 - E. The Superior General asks the advice of the legal counsel concerning all other matters such as, but not limited to:
 1. Reporting to and dealing with State authorities.
 2. Working with local law enforcement
 3. Reporting to the local diocesan authorities
 4. Dealing with the media

V. The Victim(s)

[end of page 103]

- A. The Superior General or his delegate is responsible for contacting the following:
 - 1. The alleged victim's parents in the case of minors and of high school students who may be over the age of majority but who are living with their parents;
 - 2. College students over the age of majority are contacted directly. Their parents are informed only with the students consent. The victim is, in either case, through the parents or directly offered the assistance of counseling.
- B. The psychological health of the victim is of utmost importance. The Superior General conveys willingness to assist in obtaining pastoral and clinical counseling for the victim and the victim's family when this is deemed necessary or requested.

VI. The Alleged Perpetrator

- A. Care must be exercised for the alleged perpetrator. Professional help and fraternal support will be made available. This matter is so serious that self-destructive behavior is possible. His physical safety is also a concern. The Superior General makes judgment taking these concerns into consideration, and takes appropriate steps for the betterment of the individual.
- B. A clinical evaluation is made as soon as possible by a licensed facility that deals with this type of dysfunction. The results of this evaluation dictate the next steps.

[end of page 104]

***Accusations of Inappropriate Behavior reported to the
Superior General by Way of Subpoena***

Procedure

In some cases, accusations of inappropriate behavior are reported to the Superior General by way of subpoena, summons or an attorney letter being served at the Generalate or the office of our General Counsel.

1. The Superior General or his delegate will confer with the General Counsel as soon as possible regarding the particulars of the allegation.
2. The Superior General or his delegate will inform the accused Brother (if living) of the complaint against him.
3. The accused Brother will be removed immediately from local ministry by the Superior General. The Superior General judges whether to suspend him from all ministries.
4. The General Counsel, with the permission of the Superior General, may enlist other resources (i.e. other lawyers with specialties, etc.) to assist in this investigation. The General Counsel will represent the congregation. The accused Brother will also be provided with legal counsel.
5. All pertinent files and documentation on the Brother (living or deceased) are put at the disposal of the General Counsel.

[end of page 105]