

## APPENDIX

December 4, 1992

## COMMISSION REQUIREMENTS

### INDEPENDENT COMMISSION REGARDING SEXUAL, PHYSICAL AND SUBSTANCE ABUSE MATTERS WITH MINORS THROUGHOUT THE ST. BARBARA'S PROVINCE

#### PURPOSE OF COMMISSION

1. Develop a plan to determine victims and offenders.
2. Develop a plan for assistance to victims.
3. Monitor, document and report an implementation of plans.
4. Obtain agreement on removal of offenders from opportunities for abuse.
5. Make recommendations to the Franciscans about a future action program on this issue throughout the St. Barbara Province.

#### COMPOSITION OF COMMISSION

As a minimum the Commission should be composed of the following disciplines:

1. Licensed practitioner whose specialty is in sexual abuse of minors.
2. Lawyer, whose specialty is in sexual abuse of minors.
3. Social worker who has experience in dealing with sexual abuse of children.

In addition, the Commission should have available the following:

1. Parent(s) of a child or children who have been sexually abused as minors.
2. A Franciscan.
3. Investigator/skip tracer.
4. An adult who was sexually abused as a minor and who is restored emotionally (preferably a person who was abused by a religious).

#### SCOPE

1. St. Anthony's Seminary
2. Recommendations relative to other entities of the St. Barbara's Province.

#### SELECTION OF COMMISSION

Members of the Commission should be selected jointly by a delegation of the St. Anthony's Greater Community and the St. Barbara's Province.

#### COMMISSION LOCATION

The Commission should have its deliberations in a location that is not affiliated with the Church. One meeting of the Commission should be held with the Greater Community.

#### COMMUNICATIONS

The St. Anthony's Greater Community will be kept informed about the activities of the Commission on a regular basis.

December 4, 1992

## SUGGESTIONS FOR A FUTURE ACTION PROGRAM

### INDEPENDENT COMMISSION REGARDING SEXUAL, PHYSICAL AND SUBSTANCE ABUSE MATTERS WITH MINORS THROUGHOUT THE ST. BARBARA'S PROVINCE

We anticipate that the Commission will develop many recommendations. In so doing we request that they consider the following points:

1. Oversee the professional contacting of former seminarians as far back as 1960 to explain what has surfaced regarding the molestation by Phillip Wolfe and Robert VanHandel and other Friars. The purpose of such contact would be to reach out to any victims and families of any friar and encourage them to seek appropriate counseling help to be paid for by the Franciscan Province. Based on the results of this outreach determine if such contact should go back further in time. Oversee such outreach if such is needed. This outreach should commence at the earliest possible time but no later than sixty days from December 4, 1992.
2. Oversee the independent review of the Formation Program as it deals with all forms of psychological evaluation particularly dealing with potential for sexual abuse and related matters. Review the formation program's sexual education program particularly as it relates to sexual molestation. Review the Province's policies in dealing with matters of reported or suspected sexual abuse. As a result of these reviews recommend the necessary changes and perform follow up to insure their implementation. To assist in this review and any recommendations, review the structure and policies presently in place in the Dioceses of Newfoundland, Chicago and Baton Rouge.

3. Upon completion of the above take the necessary measures to insure that all friars are given the same psychological evaluation and education as outlined for the formation program. Based on the results of this insure that any necessary remedial actions of the friar are taken by the Provincial and the Definitorium.
4. Review the educational program dealing with all forms of sexual abuse of minors that are being given to teachers, students and parents of CCD and schools operated by the Province. Oversee the modification of such programs as deemed appropriate.
5. Oversee and monitor the handling of any future sexual abuse cases. If it appears that the matter is not being dealt with appropriately take the necessary action to correct the matter.
6. Should it appear that a friar will need legal defense the public defender should be used, not the financial resources of the Province.
7. All costs incurred in performing the above activities should be funded by the Province.
8. This commission should be an independent ongoing body. Periodic reviews of the Province's functions relating to the above should be made to insure that the established programs are being followed. As additional professional expertise and knowledge is developed, the commission should insure that such is incorporated into the relevant programs of the Province.

A COMPREHENSIVE APPROACH TO PROVINCIAL POLICY  
AND A PASTORAL RESPONSE TO  
INSTANCES OF SEXUAL ABUSE OF MINORS  
AT ST. ANTHONY'S SEMINARY

THE RELIGIOUS FRATERNITY

The sexual abuse of minors is an egregious violation of personal integrity which results in the breaking of society's most basic bonds of human loyalty and trust. It is an invasion of both the personal and familial life of the victim. I cannot express in words the sorrow that all of us feel for the victims and families. We are deeply compassionate.

When this abuse is perpetrated by a priest or religious, the offensiveness is compounded by the high regard, faith and power given to those in positions of pastoral example and leadership in the Catholic Christian community.

Knowledge of the action provokes confusion about faith, anger at the personal violation, and sows distrust in all directions. In many instances it creates a "solidarity in victimhood" between the minor, his family, and the community to which they belong. Often the violation is so fundamental that it is met with denial and incomprehension. Because defensiveness is frequently a factor, those once victimized can become twice victimized--and the cycle of violence continues. I am truly sorry if, in some ways, we have contributed to this cycle.

Vowed to the Gospel life, we friars unreservedly believe that sexual abuse cannot be tolerated in any form. Above all, we abhor the sexual abuse of children who are essentially powerless and voiceless. As a religious fraternity we must take decisive, unequivocal, effective measures to speak for those who have no voice, to tend the wounds of those in the Body of Christ who have been violated, and to begin to restore the basic trust and fidelity which have marked the close relationship between the friars and the community which received them in the bonds of friendship.

We friars must also share the pain of facing the truth about ourselves and our brothers. We publicly and firmly want to take personal and corporate responsibility for systemic changes to heal the past, address the present and plan the future. As "penitents from Assisi" and vowed peacemakers within the Church and society, we will, with your help, "turn our face like flint" to the urgent task at hand. Within our Gospel way of life we believe that our pastoral response should be dictated by the integrity of the Gospel and our covenant with you, the People of God. With your help and partnership, we seek "truth with a pastoral face."

THE PRESENTING ISSUES

In March of 1989 Paul and Bernard Smith filed charges of sexual abuse against Philip Mark Wolfe, a Franciscan priest and teacher at St. Anthony's Seminary from September 1981 to June 1984. The molestations occurred between 1983 and 1987 but, because of the statute of limitations, only the charges of Bernard Smith were dealt with.

In September of 1989 Philip Wolfe pleaded "no contest" to one count of oral copulation with a person under eighteen and was given a six month's jail sentence followed by six months in a treatment center.

Recently, in May of this year, the Smith family informed the Provincial Minister that Bernard, a member of the Santa Barbara Boys' Choir, had been inappropriately, sexually touched by Fr. Robert Van Handel, founder of the choir and teacher at St. Anthony's Seminary from May 1975 to its closure in June 1987.

In October of this year a public letter was sent to all participants in the Boys' Choir. On October 28, during a meeting at St. Anthony's Seminary, new information surfaced, indicating that Fr. Robert's sexual abuse of minors extended into the seminary itself. Since that time, several other victims--some both members of the Boys' Choir and seminarians--

have come forward. In addition, past allegations, dating back many years, have come to light, along with rumors.

## THE EVOLUTION OF PROVINCE POLICIES

The first Province policy concerning issues of sexual misconduct was developed by the Franciscans in 1988. Subsequent revisions in this policy have been prompted by the persistence and honest challenging by the Smith family; and we are indebted to them.

After meeting with the Smiths in January 1990, in the wake of the dreadful first victimization, the definitorium worked on achievable goals actively and with the strongest pastoral responsibility. Many of these goals have been presented by the Smiths themselves. Let me give a few examples:

For myself, I have shared the fruit of my own experience the past two years with Region VI of the Conference of Major Superiors of Men, insisted on the importance of major policy statements and reviews at that level, and spoken on the importance of correct action and attention to victims with the Committee on Priestly Life and Ministry of the National Conference of Bishops, of which I was a member for three years. Our experience has had a major effect on the English Speaking Conference of the Order of Friars Minor covering Malta, England, Canada and the United States. Our own experience in Santa Barbara, then, has had a ripple effect for the good far beyond the boundaries of the friars and Santa Barbara. The response on all of these levels has been tremendous.

Locally, this process of growth these past two years involved the entire Franciscan fraternity. Admissions' procedures were scrutinized and modified; professionals in the fields of psycho-sexual development and sexual deviancy conducted sessions for both those in formation and for the fraternity at large. After an interim policy, a clear and precise statement on sexual misconduct was adopted by the Province in January 1992. Our policy has been composed with the best psychiatric, pastoral and legal advice possible.

We see our policy and programs as developmental because, for example, the policy now in place was designed to deal with current rather than historical issues of misconduct. The most recent knowledge of past instances of abuse opens up a new chapter in our own painful growth. In all of this, we have committed ourselves to working in a comprehensive way.

## COMPREHENSIVE PROVINCE POLICIES

### 1. Formation Programs

Aspirants to our way of life come to us by way of our Vocations' Directors. After thorough initial interviews and tentative approval, the candidates then undergo a lengthy process of discernment which includes independent and objective professional evaluation, using such instruments the Object Relations Test, the Rocharch, hostility quotients and word association testing as well as extensive interviews covering family history, work experience, socialization patterns, psycho-sexual development and so on.

The application process is concluded with a final interview with the candidate and the independent Admissions to Formation Committee consisting of five friars. Having reviewed all the testing and other documents and consulting with the vocation directors, the Admissions Committee deliberates privately and prepares its own recommendation for each applicant. This is presented to the Provincial for final approval or rejection.

Although this is a thorough process, in the light of recent events the entire structure will be reevaluated and, if necessary, augmented through the recommendations of an independent review board.

## 2. Ongoing Education

In our formation program which lasts from six to nine years, we have in place extensive programs of continuing education in the areas of sexual maturation, pastoral responsibility and sexual deviancy. After final vows and admission to pastoral responsibilities as a priest or laic friar, the programs of education continue, sometimes through the local diocese and more often through the Province itself. All of these programs will likewise be reviewed by an independent board. If necessary, these also will be augmented.

## 3. Personnel Review

As a corporate entity the Province does not operate any educational establishments involving minors. Parish programs are regulated by the policies of each diocese in which we work. It is, however, incumbent upon us to institute an independent review of all friars involved in ministry to minors. Likewise we will review all past personnel decisions and request recommendations from the independent board so that any current policies may be corrected where they are found to be inadequate. We will insist on total cooperation and compliance with local diocesan programs and requirements in the area of youth ministry.

## 4. Review of Current Policies

Our current, public policies governing the sexual abuse with minors will be stringently upheld, especially those regulating the placement and ministry of offenders. Article 9 of our policies states in part:

Where appropriate, the accused will be required to undergo a psychiatric evaluation by a mental health facility specializing in sexual disorders and approved by the Provincial.

When the psychiatric evaluation has been completed, the Provincial, in consultation with the Provincial Team and, where appropriate, with legal counsel and mental health professionals, will determine whether the friar should be permitted to minister and, if so, under what circumstances...

Ordinarily, no religious against whom a serious accusation has been substantiated will be permitted to return to public ministry unless: (a) he has undergone long-term psychotherapy (including prescribed medication) and the psychotherapist has advised that he is not a threat to the public; (b) he participates in a therapy group or life management support group; (c) it is possible to adequately supervise and monitor his contacts with the public; (d) he is subject to special placement and supervision by an on-site supervisor and the Provincial or his delegate.

## 5. Review Board

By August 1993 the Province will establish a separate review board designed to address the above areas of concern; it will make further recommendations to the provincial administration to insure the integrity of the friars' lives and ministries as these relate to minors. This board will also deal in a continuing manner with cases of sexual misconduct with minors which may arise.

This ongoing review board will be directly under the Provincial. It will be composed of five persons: two friars and three lay specialists. Articles of procedure will be drawn up and based on the best models currently available. These articles will be reviewed by the board itself and then approved by the provincial definitorium. The definitorium explicitly commits itself to the establishment of this permanent project.

## A PASTORAL PLAN FOR ST. ANTHONY'S SEMINARY

With respect to the allegations involving the conduct of certain friars at St. Anthony's Seminary, the following steps will be taken:



PROVINCIAL POLICY AND PASTORAL RESPONSE

The friars will continue to be proactive in responding to known victims and their families through the offering of counseling, the identification of local resources, personal visits and remuneration for therapy.

Because there may be victims unnamed and undiscovered as yet, a Board of Inquiry (see below) will send a letter to all known students from the school year 1964-1965 to the time of the seminary's closure. While maintaining appropriate confidentiality and sensitivity, the Board will thus be able to identify the victims of sexual abuse, the perpetrators of the abuse and the credibility of the allegations. Established procedures will be followed to determine the truth as best as possible (outside of a court of law).

A formal Board of Inquiry will be established by the Province of St. Barbara (January 1993). The board will function independently of the Provincial administration and will report directly to the Provincial Minister. The board has an essentially pastoral purpose, acting for the good of the victims, the well being of the community and the friars, and the integrity of the Church. It is fact-finding, consultative and advisory, not adversarial or adjudicative. This board will process the results of past pupil contacts and investigate the allegations of sexual misconduct with minors and related issues at the seminary. It will follow Province policies on active care for victims.

This Board of Inquiry will have five members: an outside friar skilled in counseling and issues of sexual abuse (Fr. Dismas Bonner, O.F.M.); a professional layman (Dr. Eugene Merlin) with the same qualifications; three other members, one of whom will be a recovering victim and/or parent of a victim.

A draft of procedures will be drawn up under the authority of the Provincial Minister and the Board of Inquiry before final adoption in consultation with the Provincial Minister.

With respect to confidentiality, the "Chicago Policy Regarding Clerical Misconduct with Minors" principles will be invoked. Final recommendations and observations to the Provincial Minister will, respecting confidentiality, be made public jointly by the Board of Inquiry and the Provincial Minister.

After sufficient review, a friar established to have been an offender against minors will not return to active public ministry without thorough and enforceable guidelines as recommended by the Board of Inquiry.

In the course of the next five months, the friars will sponsor a series of fora to educate both the Franciscans and the local faith community on issues of child abuse and its implications; the spiritual dimensions and meaning for the church; and the identification of local resources in the area. These goals may be accomplished by a day of recollection or weekend retreat, workshops and study groups.

The Province will work with the archdiocese in sponsoring a workshop for the broader Catholic community in Santa Barbara for the purposes of education and community information.

December 4, 1992

INDEPENDENT BOARD OF INQUIRY

*Regarding St. Anthony's Seminary*

P.O. Box 1065

Santa Barbara, California 93102

MEMBERS OF INDEPENDENT BOARD OF INQUIRY

1. **GEOFFREY B. STEARNS, ESQ.,**  
509 Brinkerhoff Avenue  
Santa Barbara, CA 93101  
(805) 564-4481

A practicing attorney for 21 years, Geoffrey Stearns has since 1978 represented hundreds of children by court appointment in juvenile court abuse and neglect cases; many of these children were physically and/or sexually abused. Since 1985, Mr. Stearns has also represented children in family law custody cases, many of which involve allegations of abuse. In addition to his child advocacy practice, Mr. Stearns has been a trained, practicing mediator in family and other civil disputes since 1984, and is currently a principal of The Mediation Group of Santa Barbara.

2. **KATHLEEN BAGGARLEY-MAR, M.A., M.F.C.C.**  
**KEITH MAR, M.A., M.F.C.C.**  
\* 55 Hitchcock Way, Suite 204  
Santa Barbara, CA 93105  
(805) 687-1741

Kathleen and Keith Mar are Co-Clinical Directors of the Aspen Center for Therapy in Santa Barbara, and have specialized for 14 years in the area of child abuse. In 1979, they started the first program providing child sexual abuse treatment and prevention services in Santa Barbara County. They serve as consultants in the field, have shared their expertise in statewide, national and international workshops, and have authored A Handbook for the Prevention of Child Abuse. They currently lead a program for child victims and adult survivors of child abuse.

3. **EUGENE A. MERLIN, M.A., M.F.C.C.**  
1727 Martin Luther King, Jr. Way, Suite #212  
Oakland, CA 94612  
(510) 835-5131

Eugene A. Merlin is a licensed Marriage, Family & Child Counselor, specializing in treating adult male survivors of sexual abuse and sexual offenders. He also has a doctorate in Systematic Theology. He was for four years an investigator

\* New address: 5266 Hollister Avenue, Bldg. A, Suite 124  
Santa Barbara, CA 93111  
(805) 964-1966

INDEPENDENT BOARD OF INQUIRY  
Regarding St. Anthony's Seminary  
P.O. Box 1065  
Santa Barbara, California 93102

MEMBERS OF THE INDEPENDENT BOARD OF INQUIRY

Alameda County Childrens Protective Services, as well as working at the California Youth Authority, Bear Creek Ranch (a residential treatment facility for teen offenders), and Sture Larsson Continuation High School (Stockton, CA). In addition to his clinical practice, he also trains Child Welfare Workers, Probation Officers, and therapists on the treatment of sexual offenders.

4. REV. DISMAS BONNER, OFM  
St. Germain Friary  
Box 278  
Dittmer, MO 63023  
(314) 285-3593

Father Dismas Bonner is a Franciscan priest of the Sacred Heart Province, St. Louis. He holds a Doctorate in Canon Law and was Professor of that subject at Catholic Theological Union in Chicago, where he served as a member of the Archdiocesan Board of Conciliation and Arbitration. Fr. Dismas was canonical visitor of St. Barbara Province and several other Franciscan provinces. From 1978 to 1987 he was provincial minister of his Province. At present, he is spiritual director at St. Michael Center in St. Louis, a treatment center for priests and male religious operated by the Servants of the Paraclete. In this capacity, he has with men who have been sexually involved with minors.

5. RAY HIGGINS  
4509 Atascadero Drive  
Santa Barbara, CA 93110  
(805) 964-6175

Ray Higgins is a retired businessman who holds a degree in Accounting and Business Administration from Regis College in Denver, Colorado. He was a member of the 1991-1992 Santa Barbara County Grand Jury, which, among other things, investigated the Sheriff's Department's handling of an incident involving a group of college and college age students. He is the father of a former student of St. Anthony's Seminary, is a member of the St. Anthony's Greater Community, and was chairman of its task force that was instrumental in establishing this Board of Inquiry. His purpose for serving on the Board of Inquiry is to ensure that there is a thorough investigation into the facts of the allegations and that the Board maintains independence from St. Anthony's Seminary and the Fransican Province of St. Barbara.

## **Board of Inquiry: Guidelines and Procedures:**

1.1 The nature, purpose, and scope of the Board of Inquiry will be governed by the "Pastoral Plan for St. Anthony's Seminary" presented on Pages 3-4 of "A Comprehensive Approach to Provincial Policy" (Cf. Documentation II.1) In all cases it should comply with the applicable demands of the law.

1.1.1 The Board has an essentially pastoral purpose, acting to help the victims, the well-being of the community and the friars, and the integrity of the Church. It is fact finding, consultative, and advisory to the Provincial Minister, not adversarial or adjudicative. Its process is to help identify victims of sexual abuse, the perpetrators of the abuse, and to assess the nature and extent of the reported abuse.

1.1.2 The Board is charged with assessing the nature and extent of the reported sexual abuse of minors at St. Anthony's Seminary from the school year 1964-65 to the time of the seminary closure in 1987, and to report its findings and recommendations to the Provincial Minister in accordance with sections 2.2.6 and 2.2.7 of this document.

1.1.3 The final recommendations should address the following areas: 1) An assessment of the nature and extent of sexual abuse of minors; 2) Whether or not there is reasonable cause to suspect that the allegations against an individual are substantial; 3) How best pastorally to care for victims of abuse in accordance with the Province policies; 4) what steps can be taken to prevent the recurrence of such instances.

1.2 The first point of contact with the seminary students will be to send a letter to all known students during the period under question. This listing will be provided by the Minister Provincial and the local seminary authorities. A sample letter will be given to the Board, but it will be sent out under the Board's name. Former students who were sexually abused in any way will be requested to respond to the persons designated by the Board.

1.3 The Board will also invite all former faculty members and friar staff to respond to the process and actions being taken.

1.4 The Board will decide upon its own operating procedures with respect to interviews with individuals, families, and groups.

1.5 In specific cases the Board will be guided by applicable state law and by Provincial policies governing misconduct, assistance for victims, and policies governing accusations of sexual misconduct. (Cf. documentation II.2)

2.1 The Board of inquiry is established by the Province of St. Barbara, but it will function independently of the provincial administration, and will report directly to the Provincial Minister.

2.2 It is understood that the Board of Inquiry operates under the authority of the Provincial Minister.:

2.2.1 The Board serves the Minister Provincial alone by making determinations and recommendations contemplated by these guidelines and procedures for St. Anthony's Seminary. The Board is not accountable to other officials of the Province.

2.2.2 The members of the Board will be recompensed in accordance with the individual arrangements made between members and the Provincial Minister. The work of the Board will be funded by the Provincial Minister.

2.2.3 The guidelines and rules of procedure will be drawn up under the authority of the Provincial Minister, revised and amended in consultation with the Board members, and adopted and thereafter amended by mutual agreement.

2.2.4 The Board will select its own chairperson in consultation with the Provincial Minister.

2.2.5 After the adoption of the guidelines and rules of procedure and a meeting with the Provincial Minister to review the presenting information, the Board of Inquiry will establish its own schedule, mode of procedure, and meeting times. The Provincial Minister will not attend the meetings unless requested by the Board of Inquiry.

2.2.6 When the Board is prepared to make its final report, it will meet with the Provincial Minister to review the contents of the report and make further remarks as agreed appropriate.

2.2.7 The text of the report as discussed in 2.2.6, respecting confidentiality, will be made public jointly by the Board of Inquiry and the Provincial Minister.

3.1 With respect to confidentiality, the following policies will be invoked:

3.1.1 Information received and generated in connection with the Board of Inquiry will be maintained in a confidential manner, and may be disclosed only in accordance with this section.

3.1.2 The Board is the custodian of all information and shall develop an appropriate record keeping system to ensure accountability for and security of the information. Upon completion, this information will be turned over to the Provincial Minister under seal and/or destroyed.

3.1.3 The Board shall provide the individual identified as an abuser with information sufficient to enable him to respond to the report of abuse.

3.1.4 The Board will provide the person making the report of abuse and the abuser with appropriate and timely information about the Board's recommendations and the Provincial Minister's response.

3.1.5 Individual members of the Board shall provide all appropriate information learned in the context of this investigation to the remainder of the Board.

3.1.6 The Board shall provide access to all information to the Provincial Minister in connection with the reports of abuse about a member of the religious community or the appropriate religious superior in the case of another community.

3.1.7 The Board or individual members may disclose information if required by law.

4.1 After sufficient review a friar established to have been an offender will not return to active public ministry without thorough and enforceable guidelines as recommended by the Board of Inquiry. (Cf. Provincial Policy for "Accusations of Sexual Abuse"). The Provincial Minister will meet with the Board of Inquiry, as requested, to discuss the recommendations and to detail the actions which have been taken.

5.1 The Board will follow Province policies on active care for victims.

6.1 The Board will meet regularly with those members of the Greater Community of St. Anthony's Seminary interested in the progress of the inquiry. As much as possible the Board will explain its procedures and give indications of its progress to those interested. Until the conclusion of the inquiry, the identities of the people involved in the incidents under investigation shall not be revealed.

6.1.1 The final report of the Board to the Provincial Minister, respecting confidentiality, will be made public to the members of the Greater Community of St. Anthony's.

6.1.1 The Board will establish its own procedures as to public disclosure in the press. It may ask an individual member or, if appropriate, the Provincial Minister to act as spokesperson.

7.1 Because it is in the interest of all concerned that the investigation be concluded as quickly as is reasonable, the Board will be constituted until May 1, 1993. It may finish its work and, upon consultation, dissolve before that time or, if necessary, ask for an extension of time from the Provincial Minister. If it sees the importance of ongoing work, it may request that this be done by the permanent Review Board to be established by the Province by August 1993 (Cf. documentation II.1, page 3, #5).

INDEPENDENT BOARD OF INQUIRY  
Regarding St. Anthony's Seminary  
P.O. Box 1065  
Santa Barbara, California 93102

Dear student,

We are an Independent Board of Inquiry convened to investigate and assess instances of sexual conduct with students by faculty members of St. Anthony's Seminary, during the period from 1964 to closure of the school in 1987. Our purpose is to help victims get necessary therapy, to identify perpetrators, and to make recommendations to the Province of St. Barbara to ensure that such sexual molestations do not recur. The Board is composed of one friar and five professional and concerned lay people (please see the brief biographical statements enclosed for your reference).

In recent years, charges of sexual abuse have been made against Fathers Robert Van Handel and Philip Wolfe. The former priest is on administrative leave, and the latter priest entered a plea of nolo contendere in Santa Barbara Superior Court and served six months in the County Jail. Most recently, former students have come forward with allegations of physical and sexual abuse against Father Mario Cimmarusti.

While our purpose is to investigate incidents of sexual abuse, we recognize that victims sometimes remember or characterize such experiences in different ways. Therefore, if you believe you were the recipient of either physical or non-physical contact by a member of St. Anthony's staff or faculty, which hurt you or left you feeling confused, frightened, guilty or bad about yourself, we encourage you to make confidential (or even anonymous) initial contact with a member of this Board of Inquiry listed on the accompanying sheet.

Page Two

If you know of a former alumnus you think may not have received this letter, feel free to pass it on to him. We do want to be as thorough as possible. It is expected that the Board of Inquiry will continue its work at least through the summer of 1993.

We recognize that many former students and their family members have positive memories of their experiences with respect to St. Anthony's, and that the Seminary provided a quality education for many young men. It is not our intention to question or undermine those experiences, or to shock or upset any recipient of our letter. Rather, we write to you in the spirit of a continuing search for the truth and a commitment to integrity.

We thank you very much for your cooperation, and ask that you return the enclosed postcard.

Sincerely,

INDEPENDENT BOARD OF INQUIRY

By: \_\_\_\_\_  
Geoffrey B. Stearns, Chairperson



INDEPENDENT BOARD OF INQUIRY

*Regarding St. Anthony's Seminary*

P.O. Box 1065

Santa Barbara, California 93102

Dear \_\_\_\_\_,

We are an Independent Board of Inquiry convened to investigate and assess instances of sexual conduct with students by faculty members of St. Anthony's Seminary, during the period from 1964 to closure of the school in 1987. Our purpose is to help victims get necessary therapy, to identify perpetrators, and to make recommendations to the Province of St. Barbara to insure that such sexual molestations do not recur. The Board is composed of one friar and five professional and concerned lay people (please see the brief biographical statements enclosed for your reference).

Enclosed please find a letter we have composed and are sending to former students of St. Anthony's Seminary. The letter should be self-explanatory.

We wish to extend an invitation to all former members of the faculty and staff of St. Anthony's to speak to us, and we would further greatly appreciate any cooperation or assistance you might be willing and able to lend us. If you know of any former faculty, staff or alumni you think may not have received this letter, feel free to pass it on to him or her. We do want to be as thorough as possible.

Please feel free to contact any member of our Board of Inquiry at the address or phone number listed on the accompanying biographical sheet.

Sincerely,

ST. ANTHONY'S BOARD OF INQUIRY

By: \_\_\_\_\_  
Geoffrey B. Stearns, Chairperson

[Faculty/Staff Letter]

POSTCARD

The undersigned has received the letter from the  
St. Anthony's Seminary Independent Board of Inquiry, and

\_\_\_\_\_ will respond further. Please contact me.

\_\_\_\_\_ will not respond further.

\_\_\_\_\_ will contact the Board by \_\_\_\_\_.  
[date]

Date: \_\_\_\_\_

\_\_\_\_\_  
[signature of recipient]

\_\_\_\_\_  
[phone number]

\_\_\_\_\_  
[printed name]

## THE GREATER COMMUNITY

About 25 years ago an informal group of Catholics who were interested in supporting the goals of the seminary, as well as fulfilling their own needs as Catholic Christians, began attending Mass at the seminary chapel. The group grew quite rapidly during the early seventies when the Christian Family Movement was popular among young families, and the many Franciscans on the faculty took on the duties of chaplains of C.F.M. chapters as extra ministries in addition to their regular duties. Because St. Anthony's Seminary is not a parish within the structure of the Diocese, the members cannot be called parishioners. So for lack of a better term they are designated as members of the St. Anthony's Seminary Greater Community.

The members are generally serious Catholics, as well as some non-Catholics who actively support various causes including Villa Magella, a home for unwed mothers; an orphanage in Mexico; Transition House, a shelter for homeless; a Franciscan outreach in Guatemala; and help for needy families, among others. For example, a local group called "Aero Medico" flies to Mexico to provide medical care in remote areas. One of the nurses on the team is a member of the Greater Community who asked the group to help a nearly blind boy to come to Santa Barbara for eye surgery. Members provided accommodations and food, making it possible for the boy to undergo the surgery.

This is a relatively small group whose structure is not as rigid as that of a parish; consequently, the members have a feeling of involvement. The impersonal bureaucracy found in most large parishes is not present, so the allegations of sexual abuse at the seminary are all the more appalling to the members because everyone knows one another and has a personal feeling for the victims and their families.

ST. ANTHONY'S SEMINARY  
INDEPENDENT BOARD OF INQUIRY

PRESS RELEASE - MARCH 1993

The St. Anthony's Seminary Independent Board of Inquiry was convened in late January; its composition and purpose is described in the attached letter to former students [with included biographical sketches of board members].

This letter has been mailed to approximately four hundred students so far, and the board is actively seeking ways of contacting the approximately three hundred remaining students for whom valid current addresses are not available.

In addition to developing its own internal policies and procedures, the Board has been active in interviewing former students, and family members of former students, and has gathered a significant amount of information concerning instances of sexual abuse of students of the Seminary.

While the information varies in its specificity and weight, and while the Board is not yet able to make conclusive determinations about reports of abuse by friars, the Board is actively and carefully looking into reports of questionable conduct by several friars other than those already named in the letter referred to above.

ST. ANTHONY'S SEMINARY  
INDEPENDENT BOARD OF INQUIRY

[Continuation of Press Release of March, 1993]

The Board recognizes the importance of keeping former students and the members of the St. Anthony's Seminary Greater Community (a group much like members of a parish), as well as the community as a whole, apprised of its progress. It is also aware of the need to maintain confidentiality of the persons contacting the Board, so that victims feel safe in coming forward. Consequently, periodic press releases will be issued. Further, there will be periodic meetings with the Greater Community to which the news media will be invited. The next such meeting is scheduled for the evening of March 18th, and members of the media are requested to contact the Board for specifics.

Finally, the Board wishes to enlist the help of the media in disseminating the message that it wants to hear from any person, whether former student, member of the Boys' Choir or otherwise, who was the recipient of either physical or non-physical contact by a member of St. Anthony's staff or faculty, which hurt him or left him feeling confused, frightened, guilty or bad about himself.

-2-

INDEPENDENT BOARD OF INQUIRY  
*Regarding St. Anthony's Seminary*  
P.O. Box 1065  
Santa Barbara, California 93102

ACKNOWLEDGEMENT OF PURPOSE AND SCOPE OF OPERATION

By signing below, the undersigned acknowledges that he or she has read and understands this statement regarding the purpose and scope of operation of the Board of Inquiry, and freely and voluntarily decided to communicate and provide information to the Board and/or its individual members in light of this knowledge:

1. The Independent Board of Inquiry was established by the Provincial Council of the Franciscans of the Province of St. Barbara and convened to investigate and assess instances of sexual conduct with students by faculty members of St. Anthony's Seminary, during the period from 1964 to closure of the school in 1987. Its purpose is to help victims get necessary therapy, to identify perpetrators, and to make recommendations to the Province of St. Barbara to insure that such sexual molestations do not recur.

2. The Board is composed of one friar and five professionals and concerned lay people, who are receiving compensation for their time and out-of-pocket expenses from the Province of St. Barbara.

3. Although members of the Board are professionals, the Board and its individual members do not undertake or attempt to offer legal, mental health or any other type of professional advice or services, and individuals communicating with the Board should not rely on it or its members for same.

4. Individuals communicating or dealing with the Board or its individual members should consult an independent legal, mental health or other outside professional in the event they have any question or concern of a legal, therapeutic or other professional nature.

5. The mental health professional board members are mandated child abuse reporters under reporting provisions of the California Penal Code, and must and will report any instances of reasonably suspected child abuse to an identifiable victim under the age of eighteen years.

6. The Board of Inquiry is charged with rendering a report of its findings, conclusions and recommendations to the Provincial Minister. It is otherwise independent of the Province of St. Barbara or its administration, and is not a subentity, agent or representative of the Province or the Provincial Minister. Neither the Board, nor any of its individual members is authorized or able to speak or act for the Province or the Provincial Minister, nor can the Board or its members legally bind the Province or the Provincial Minister in any manner or form whatsoever.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

**INDEPENDENT BOARD OF INQUIRY**  
*Regarding St. Anthony's Seminary*  
P.O. Box 1065  
Santa Barbara, California 93102

**RESOURCE PACKET**

INDEPENDENT BOARD OF INQUIRY  
*Regarding St. Anthony's Seminary*  
P.O. Box 1065  
Santa Barbara, California 93102

RESOURCE PACKET

In an effort to be as responsive and helpful as possible to victims and their family members, the Board of Inquiry has developed this Resource Packet, which contains the following materials:

1. Suggestions for selection of a therapist;
2. A list of Santa Barbara therapists experienced in treatment of sexual abuse issues;
3. A list of San Francisco Bay Area therapists experienced in treatment of sexual abuse issues;
4. A bibliography of literature on sexual abuse topics;
5. A copy of the Board's "Therapy Process Guidelines" and "Request for Therapy"; and,
6. A list of the members of the Board of Inquiry.

While substantial effort has gone into compiling these materials and in attempting to provide quality resources, the Board cannot and does not guarantee or recommend that any particular therapist or item of literature is appropriate or suitable for any given reader of this packet.

Each person availing himself or herself of these materials is cautioned to use his or her own judgement in deciding which, if any of the resources to utilize; and, in the event of a question, is advised to contact one of the members of the Board for clarification.



## Choosing A Therapist

Choosing an individual therapist can be an overwhelming experience. In most cases, the individual therapist will be the "anchor" for the recovering survivor, the parents of the survivors and the partners of survivors from the beginning to the final stages of recovery. You can lessen your anxiety and feel more empowered by reviewing the list below and choosing the questions that most fit what you want to know about an individual therapist prior to establishing a therapeutic relationship.

**I.** Most therapists will spend from 10-15 minutes on the phone answering some of your questions and discussing your needs. Be prepared to answer some questions yourself about your particular problems. You can initially screen some therapists by asking on the phone some of the following questions:

- A. How long have you worked with survivors of sexual, physical or emotional abuse? Do you specialize in any area of abuse?
- B. How many sexual abuse cases have you treated per year? How many are you currently treating? Have you ever worked with a survivor of religious or clergy abuse? What kind of training do you have in this work? Where and When? How long?
- C. How do you work with survivors? What are the techniques you use? Do you work with women, men or both? How do you work with the family or significant others of a survivor?
- D. What techniques do you use for memory retrieval? Do you believe that adults or children fantasize their abuse?
- E. What is your policy on crisis calls?
- F. Would you support my participation in a survivor's group?
- G. Can you provide me(us) with three references of people in the community that know of your work?
- H. What role do you feel forgiveness plays in the healing process?
- I. How much experience have you had working with gays/lesbians? What is your attitude regarding homosexuality?

- J. What kinds of clients do you typically see?  
Offender/Victims  
Adults/ Young Adults/ Children/ Teenagers?  
Men/ Women  
What is the age preference for your clients?
- K. How much do you charge? Would you be willing to file a claim with the Province for your fees?

2. After you have spoken to several therapists, make an initial session appointment and then evaluate afterwards some of these thoughts and feelings:

- A. How did the therapist respond to your questions and your needs?
- B. How did I feel talking to this person? Did I feel heard and valued?  
Everyone's experience is different. Some people love going to their therapist and some dread every session, but the main issue is: Do I feel believed, cared for and understood?
- C. How did this therapist compare with the others I spoke to?
- D. Do I feel I can speak my mind about very private matters and feel heard and understood?

**INDEPENDENT BOARD OF INQUIRY**  
*Regarding St. Anthony's Seminary*  
P.O. Box 1065  
Santa Barbara, California 93102

The following list of therapists (listed alphabetically) from the Santa Barbara area, have met with members of the Board and agreed to the procedures for reimbursement for therapy through the Province. Their own descriptions of their training and experience in sexual abuse is synopsisized below:

**Ron Alexander, Ph.D.**

3887 State Street, Suite #22  
Santa Barbara, CA 93105 (805) 963 - 2621

Bio: I have worked with survivors, both male and female, as a group facilitator for one rotation at a local service agency, as well as through my work in private practice, and at the University of California, Santa Barbara where as a Counseling Psychologist I developed and facilitated a group for male survivors.

**Michael Dunn, M.F.C.C.**

(available in both Santa Barbara and Los Olivos)  
2971 Grand Ave  
Los Olivos, CA 93441 (805) 688-7475 MWF

Bio: I have been counseling families, couples and individuals for twelve years. My areas of specialization include depression, adolescent issues, anxiety and phobias, obsessive compulsive disorders and, sexual abuse.

**Candice Etz, M.F.C.C.**

510 De La Vina  
Santa Barbara, CA 93101 (805) 965-9556

Hrs: Afternoon and evening appointments

I see men and women and have worked with Sexual Abuse in my practice since 1983 and lead two women's groups for incest survivors. My areas of specialization include parent education, family transitions, prevention and treatment of sexual abuse. I use Jan Hindman's treatment model which is directive and task oriented. I have also had training in family systems which is a great asset to my overall treatment program.

(I will not be available 4/20-5/23)

**Annette Goodheart, Ph.D.**

635 North Alisos Street  
Santa Barbara, CA 93103  
(805) 966-4725

Hrs: Afternoons, early evenings and Saturday morning

I see men or women and have worked with Sexual Abuse since 1970. I am a survivor myself and work well with helping people retrieve occluded memories. I work cathartically, with emotional release and I work especially well at a very light level on serious topics. I offer intensives (up to six hours per day).

**Bette Robinson, M.F.C.C.**

510 De La Vina  
Santa Barbara, CA 93101 (805) 965 - 9556

I see men or women and have worked in private practice since 1985. I have worked with Sexual Abuse in my practice with both men and women. I have had training in family systems and child abuse and was one of the co-founders of the Family Counseling Program at Klein-Bottle Social Advocates for Youth.

**INDEPENDENT BOARD OF INQUIRY**

*Regarding St. Anthony's Seminary*

P.O. Box 1065

Santa Barbara, California 93102

**BAY AREA THERAPISTS**

**Jeffrey Bodmer-Turner, Psy.D.**  
2827 Concord Boulevard  
Concord, CA 94519

**(510) 685 - 9670**

**Fran George, LCSW**  
225 West Winton Avenue, Suite 202  
Hayward, CA 94544

**(510) 887 - 1995**

**James H. Mehlfeld, LCSW**  
5532 Kales Avenue  
Oakland, CA 94618

**(510) 653 - 1057**

**Barbara Fisher, LCSW**  
609 Kearney Street  
El Cerrito, CA 94530

**(510) 528 - 4455**

**Keen Turner, MFCC**  
225 West Winton Avenue, Suite 113  
Hayward, CA 94544

**(510) 732 - 0229**

**BIBLIOGRAPHY**

**FOR SURVIVORS:**

**Wounded Boys, Heroic Men: A Man's Guide to Recovering From Child Abuse,** Daniel Jay Sonkin, PhD., Longmeadow

**Victims No Longer: Men Recovering from Incest and Other Sexual Child Abuse,** Mike Lew, Harper and Row, New York

**Abused Boys: The Neglected Victims of Sexual Abuse,** Mic Hunter, Fawcett Columbine, New York

**Childhood Sexual Abuse: A Survivors Guide for Men,** Suzanne Nice and Russell Forrest, Hazelden

**Men Surviving Incest: A Male Survivor Shares on the Process of Recovery,** T. Thomas, Launch Press, Walnut Creek, CA

**Men In Pain: Understanding The Male Survivor of Childhood Abuse,** Coe Neil Cabe

**The Courage To Heal: A Guide for Women Survivors of Child Sexual Abuse,** Ellen Bass and Laura Davis, Harper and Row, New York

**The Courage To Heal Workbook: For Women and Men Survivors of Child Sexual Abuse,** Laura Davis, Harper and Row, New York

**The Right To Innocence, Healing the Trauma of Childhood Sexual Abuse,** Beverly Engel, M.F.C.C., Ivy Books, New York

**The Sexual Healing Journey,** Wendy Maltz, M.S.W., Harper Collins

**Helping Victims of Sexual Abuse,** Lynn Heitritter and Jeanette Vought, Bethany House, Minneapolis, Minnesota

**The Emotional Incest Syndrome: What to Do When a Parent's Love Rules Your Life,** Dr. Patricia Love with Jo Robinson, Bantam Books, New York.

**Thou Shalt Not Be Aware: Society's Betrayal of The Child,** Alice Miller, New American Library, New York.

**Soul Survivors: A New Beginning for Adults Abused as Children,** Patrick Gannon, Prentice Hall, New York

**The Healing Way: Adult Recovery from Childhood Sexual Abuse,** Kristin Kunzman, Hazelden

**INDEPENDENT BOARD OF INQUIRY**

*Regarding St. Anthony's Seminary*

P.O. Box 1065

Santa Barbara, California 93102

**Surviving With Serenity: Daily Meditations for Incest Survivors**, T. Thomas, Health Communications Inc., Deerfield Beach, Florida

**SPECIFIC TO CLERGY ABUSE**

**Child Sexual Abuse: A Handbook for Clergy and Church Members**, Lee Carlson, Judson Press, Valley Forge

**Is Nothing Sacred?: When Sex Invades the Pastoral Relationship**, Marie Fortune, Harper & Row, San Francisco, CA

**Slayer Of The Soul: Child Sexual Abuse and the Catholic Church**, Stephen Rossetti, Mystic, CT: Twenty-Third Publications (PO Box 180, Mystic, CT 06355)

**Christianity and Incest**, Annie Imbens and Ineke Jonker, Fortress Press, Minneapolis

**Spare the Child : The Religious Roots of Punishment and the Psychological Impact of Physical Abuse**, Philip Greven, Vintage Books, New York.

**Lead Us Not Into Temptation: Catholic Priests and The Sexual Abuse of Children**, Jason Berry, Doubleday, New York.

**FOR SUPPORTERS OF SURVIVORS:**

**Allies In Healing: When the Person You Love was Sexually Abused as a Child**, Laura Davis, Harper Perennial, New York

**When Your Child Has Been Molested: A Parent's Guide to Healing and Recovery**, Kathryn Hagans and Joyce Case, Lexington Books, Massachusetts

**Mother's of Incest Survivors: Another Side of the Story**, Janis Tyler Johnson, Indiana University Press, Bloomington, Indianapolis

**Out Growing The Pain Together: A Book for Partners and Spouses of Adults Abused as Children**, Eliana Gil, Dell Bantam Doubleday, New York.

**The Mother's Book: How to Survive the Incest fo Your Child**, Carolyn Byerly, Kendall/ Hunt Publishers, Dubuque, Iowa

**Making Peace With Your Adult Children**, Shauna Smith, Plenum, New York.

**Family Fallout: A Handbook for Families of Adult Sexual Abuse Survivors**, Dorothy Beaulieu Landry, Safer Society Press

**INDEPENDENT BOARD OF INQUIRY**

*Regarding St. Anthony's Seminary*

P.O. Box 1065

Santa Barbara, California 93102

## **Resources and Support**

The following are lay self-help support groups formed by and for victims of clerical abuse. These groups are potential resources for support and education, but should not be relied on as substitutes for professional therapeutic services.

**SNAP ( Survivors Network Of Those Abused By Priests)**

8025 So. Honore  
Chicago, Ill 60620  
(312) 483 - 1059

**VOCAL ( Victims of Clerical Abuse Linkup)**

Jeanne Miller, President  
PO Box 1268  
Wheeling, ILL 60090  
(708) 202-0242

NOTE: This VOCAL is not to be confused with another California based organization named- "VOCAL- Victims of Chld Abuse Legislation"

INDEPENDENT BOARD OF INQUIRY  
*Regarding St. Anthony's Seminary*  
P.O. Box 1065  
Santa Barbara, California 93102

THERAPY PROCESS GUIDELINES

1. Requests for therapy by victims will be passed upon by the full Board in an expedited manner. Following initial Board authorization of a request for therapy, ongoing submission of billings will be handled directly between the victim and therapist and the Province.
2. If requested, victim's anonymity will be preserved; code names or numbers will be assigned for use by victims and/or therapists in direct dealings with the Province.
3. In order to attempt to see that all victims get necessary therapy services, the following guidelines will be observed:
  - a. After fifty (50) sessions (group sessions will count as 0.4 of an individual session), or the expiration of eighteen (18) months, whichever comes first, further therapy sessions will be arranged by and between the victim, his therapist and the Province. In the event of disagreement, any dissatisfied party will be entitled to present the matter to the Permanent Board.
  - b. Families of victims will be entitled to therapy on the same basis as victims, per subparagraph "a" above; provided that there will be a maximum of fifty sessions, absent extraordinary circumstances determined to exist by the Permanent Board, upon review requested by the family.
  - c. The requests of any "secondary victims", e.g. siblings of victim/perpetrators, will be carefully reviewed on a case-by-case basis with attention to the causal nexus, if any, between friar abuse and secondary abuse in light of all presenting circumstances.



INDEPENDENT BOARD OF INQUIRY  
*Regarding St. Anthony's Seminary*  
P.O. Box 1065  
Santa Barbara, California 93102

THERAPY PROCESS GUIDELINES

4. The Board will develop a referral list of therapists who are experienced and qualified in the area of sex abuse treatment, and who have personally indicated their willingness to take on victims' cases on an expedited basis.
5. The Board will develop criteria for approval of pre-existing therapists of victims requesting compensated therapy, and will have the authority to impose conditions on payment for continuing therapy services of such therapists.
6. The Board will make recommendations to the Province for future treatment of offending friars and will evaluate any past or ongoing treatment of such friars.

INDEPENDENT BOARD OF INQUIRY  
Regarding St. Anthony's Seminary  
P.O. Box 1065  
Santa Barbara, California 93102

REQUEST FOR THERAPY

NAME:
ADDRESS:
PHONE:

The undersigned having read and understood the Therapy Process Guidelines, requests that the Province of St. Barbara pay for his/her therapy as:

- \_\_\_\_\_ Victim
- \_\_\_\_\_ Family Member
- \_\_\_\_\_ "Secondary Victim"

in accordance with those guidelines.

---

The Province should be responsible for therapy because:

Dated: \_\_\_\_\_

\_\_\_\_\_ [signature]

**OPERATING POLICIES AND PROCEDURES IN  
THE ST. BARBARA PROVINCE  
FOR FRIAR CONDUCT**

"Wherever they may be, (the Friars) can and must have recourse to their ministers. On their part, the ministers are able to welcome them with great love and kindness, and be so approachable toward them that these friars may speak with them and act as masters deal with servants." [Rule of St. Francis, Chapter 10)

In recent times there have arisen not infrequently accusations against members of religious communities, and at times members themselves have made self-accusations, regarding misconduct in their ministry or even in their general behavior. The following procedures have been developed by the province for dealing with such accusations.

As an operating premise the province will use a pastoral approach as mandated for us by our founder, St. Francis. This means that we will act out of pastoral concern for both the friar and for anyone who may have been injured by the alleged behavior of a friar.

The possible failures in behavior may be very broad. Every circumstance is different. Our province lawyer has advised us against trying to develop a detailed policy to deal with every case. Nevertheless, the provincial council has felt it helpful to provide some guidelines when these accusations arise either from the friars themselves or from others.

- I. The provincial administration has established a team that will operate when such accusations arise. This team consists of the provincial minister and two friars knowledgeable about the province, its policies, its insurance, finances, and other resources. This team shall have access to legal and financial consultation.
- II. The team will consider the following in addressing particular accusations of misconduct:
  - (1) After considering the accusation and consulting with the friar, the team will take any steps necessary for the protection of the possible victim. The friar may be put on administrative leave from his assignment and/or moved from the immediate area. If for significant reasons, he remains in the same location, appropriate guarantees must be made that the suspected behavior cannot continue.
  - (2) Should the particular behavior involve child abuse, the team will ascertain that the appropriate reporting has been made according to state child abuse laws. (Cf. Province Policy: "Reporting Known or Suspected Instances of Child Abuse," p. 4)
  - (3) The team will consider the appropriate pastoral response to any alleged victim of the behavior of the friar. They will determine those to approach the possible victim, the family, the others involved. Where appropriate they will offer whatever assistance that might be helpful.
  - (4) While careful to avoid any interference in the legal process, the team will inquire as to the circumstance of the charges, ascertain if there are other possible victims, and to the best of their ability attempt to discover what is the nature of the problem of the friar; and if the charges seem to be validated, how may the problem be addressed. In every case the mandate of St. Francis will be followed; the friar will be treated as a brother with love, compassion, and dignity. At the same time diligent care will be taken that the behavior is not left undressed.
  - (5) If there seems to be a basis for the accusations, the team will arrange for appropriate psychological evaluation. Normally the recommendations of the evaluation will be followed regarding treatment, limitations on ministry, and other considerations of the friar.

- (6) Following the treatment program or other appropriate measures to address the behavior, the team will recommend to the provincial council whether reassignment is appropriate, and if so what kind of assignment should be made, any possible restrictions that might apply, and any followup program that is prescribed. Normally this will be on the recommendation of those responsible for the treatment program. Spiritual direction will be part of this program.
- (7) During all this the team will consult with legal counsel wherever necessary. If there is a matter of a criminal charge, legal counsel shall be obtained for the accused friar independent of province legal counsel.
- (8) At the appropriate time the team will see to it that the insurance company is notified. It should be noted that where liability coverage is applicable, we will work with the insurance carriers to appoint legal representatives.
- (9) Wherever possible the team will keep the knowledge of accusations on a "need to know" basis. This may involve the provincial council, also the superior, formation director, or the person responsible for the ministries in the situation. The intent here is not to cover up the behavior but to protect the friar and the other party or parties involved until any formal charges are filed, or indeed in case the allegations not be substantiated.
- (10) The provincial minister and the team he appoints shall supervise long term care and follow up programs resulting from evaluations and treatment. They shall see to it that appropriate superiors and supervisors are informed on the basis of "need to know". They will also do all they can to support the friar in the period of recovery.
- (11) These policies shall be promulgated to all the friars of the province.

(April 22, 1988)

**Protocol**  
**for**  
**Independent Response Team**  
**for Sexual Misconduct and Abuse**

In recent years there has been increased reporting of cases of sexual offenses against children and adults by members of religious orders and the diocesan clergy. These offenses are compounded by the high regard, faith and power given to those in positions of pastoral example and leadership in the Catholic community. Whenever there is sexual abuse by such a person, there is spiritual and emotional abuse. Victims feel betrayed by the one who represents the Church, and, in turn, God.

Vowed to the Gospel life, we friars unreservedly believe that sexual abuse and sexual harassment cannot be tolerated. Above all, we abhor the sexual abuse of children, who are essentially powerless and voiceless. We also detest the sexual harassment of adults by any member of our communities, or by employees of the Province or of our institutions. Because breaking the silence is often a frightening and traumatic experience for victims, the Province needs to create an atmosphere of trust and safety for those reporting abuse or harassment; and the Province must respond to such reports in a quick, thorough, effective and sincere manner.

If abuse is reported/discovered, we want to proactively provide necessary support services to help heal the victims, their families, and the local community in which the abuse occurred. The Province's primary goal is to help the victims and their families, and to provide necessary safeguards for both victim and accused, and to institute appropriate treatment and aftercare for those established to be offenders.

As followers of Saint Francis of Assisi, a man of peace and reconciliation, we committed to search with all available resources to find the truth and to set a course of healing based on Gospel values and beliefs. To carry out this directive, the Provincial Definitorium, will establish a permanent Independent Response Team to investigate cases of sexual abuse and sexual harassment when the accused is a member of the Province.

This Independent Response Team has an essentially pastoral purpose, acting for the good of the victim, the well-being of the community and the friar, and the integrity of the Church. It is fact-finding, consultative and advisory, not adversarial or adjudicative. Its primary tasks are two: (1) pastorally to care for victims; and (2) to advise the Provincial Minister or his

delegate on how to best work with the friar in the case of sexual misconduct.

Because the victims and/or their families may not be able to directly deal with the Province for fear of not being heard or believed, and in order to be as proactive and pastoral as possible, the Provincial will also designate provincial ombudspersons, who will be liasons to the Independent Response Team. Such persons shall be lay people, trained in the issues and dynamics of sexual abuse and harrassment, who will be stationed strategically throughout the Province in distinct regions in order that the Independent Response Team shall be as visible and accessible as possible. They will act as the initial contact point for persons reporting abuse and harrassment, will assist in the formulation and presentation of formal reports for the Independent Response Team, and will act as advocates and support persons for victims and their families throughout the process of the Team's investigation and resolutions of such reports.

This protocol for an Independent Response Team for sexual misconduct and abuse supplements the Provincial Policies and Procedures re Accusations of Sexual Abuse of Children (II.2, January, 1992); and is a supplement to all other policies which are already in place in the Province of St. Barbara.

#### DEFINITIONS

1. Sexual Abuse includes, but is not limited to any contact or interaction between a **MINOR** or **VULNERABLE ADULT** on the one hand, and an adult on the other, when the **MINOR** or **VULNERABLE ADULT** is being used for sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between an adult, and a **MINOR** or **VULNERABLE ADULT** is always considered forced whether or not consented to by the **MINOR** or **VULNERABLE ADULT**.

A "**MINOR**" is anyone under the age of 18.

A "**VULNERABLE ADULT**" is any person 18 years of age or older who is in a pastoral or professional relationship with a friar of the Province. The pastoral or professional relationship constitutes a "forbidden zone" which exists because the one in power (the friar) has a relationship with another based upon trust. No matter who initiates an action or how willing the vulnerable person says he/she is, the friar always has the responsibility to set appropriate boundaries regardless of the situation or circumstances.

2. Sexual harassment in the workplace is unwelcome sexual advances, requests for sexual favors, or other inappropriate visual, verbal, and/or physical conduct of a sexual nature, whether explicit or implicit, which adversely affects employment

38

decisions, interferes with an individual's professional performance, or creates an intimidating, hostile or offensive employment environment.

#### INDEPENDENT RESPONSE TEAM

The Provincial Definitorium will establish a Independent Response Team ["Team"] to consider all allegations of sexual misconduct brought against any friar. The Team is not a Franciscan entity. It is an independent consultative body.

The main purpose of the Team is to respond to reports of sexual abuse or harassment by a friar, and to make professional recommendations to the Provincial concerning the following matters:

1. The validity and weight of the report;
2. Whether further investigatory or fact-finding measures are necessary or appropriate;
3. Appropriate evaluation or assessment procedures;
4. Appropriate and effective implementation of evaluators' recommendations; and,
5. Any required or advisable changes in Provincial policies or procedures.

If the abuse involves a minor, the friars will cooperate with all civil and criminal authorities and will follow the civil and criminal law in each locale. Additionally, Team members who are mandated reporters under applicable reporting laws (child abuse, elder abuse or dependent adult abuse) will make all reports required as a result of information received.

The Team will offer a safe, secure, and neutral arena wherein victims and their families, as well as alleged offenders, will believe that they will be heard and that allegations will be thoroughly and fairly considered. Although the Team's function is consultative, in light of its specialized knowledge and experience, any recommendations it presents to the Provincial will be taken with the utmost seriousness and given substantial weight.

**A. MEMBERSHIP:** The Team will consist of 5 people. It is recommended that the following qualifications and characteristics be considered when making appointments:

1. A female religious;
2. A psychotherapist with specific training and experience in the treatment of sex offenders;
3. A psychotherapist with specific training and experience in the treatment of victims of sexual abuse;
4. A child welfare professional, such as a social worker or probation officer, with specific

training and experience in the area of sexual abuse;

5. A legal professional with specific training and experience in the area of sexual abuse; and,
6. A lay person whose life has been significantly impacted by sexual abuse.
7. A Franciscan Friar from outside the Province.

B. **TERM:** Members of the Team will serve staggered terms of three years. A term may be extended for three more years. The Provincial Minister and the Council will appoint the members of the Team, which shall designate its own Chairperson, who shall not be the cleric or female religious. For the initial appointments, the Board of Inquiry Regarding St. Anthony's Seminary will be consulted.

C. **QUALIFICATIONS:** The Team will be composed of members who are trustworthy and pastorally sensitive and who know about the dynamics of sexual abuse in order to properly assess whether sexual abuse or sexual harassment has taken place.

D. **MEETINGS:** The Review Board will meet as often as necessary, and no less than once every calendar quarter. In keeping with the intent that the Team be visible and accessible, the quarterly meetings shall be held at different locales throughout the Province. Once an allegation of sexual abuse or harassment by a friar has been brought to the attention of the Team, it will meet as soon as practicable, and no later than three (3) weeks from the receipt of the report.

E. **RULES OF PROCEDURE:** In consultation with the Provincial Minister, and mindful of both its advisory and independent status, the Team will adopt its own rules of procedure, including the process to be followed when reports of abuse surface.

#### DUTIES OF THE INDEPENDENT RESPONSE TEAM

The Independent Response Team shall:

1. See that all allegations presented to it, either directly by the reporting party or through the Team ombudsperson, are put in writing and signed.
2. Upon receipt of such written allegations, commence its investigation within seven (7) days, and conclude its processing of the case as expeditiously as possible under the circumstances.



3. Direct the Team ombudsperson/liason to maintain contact, explain the process and timing clearly, and offer ongoing support to the reporting party, so that he/she will, as much as possible, be supported throughout the process and kept apprised of the progress of the case.
4. Because it appears that victims would often be embarrassed or threatened by an appearance before the entire Team, it will depute one member as contact person to relay necessary information back to the Team, including information about the victim's willingness to appear before it, and any necessity therefor.
5. Assist the Provincial Minister in providing professional care for the victim and their families who have been injured by the misconduct of the friar.
6. Assist the Provincial Minister in establishing an educational and pastoral outreach program in the locale where the abuse took place.
7. Advise the Provincial Minister in obtaining appropriate evaluations of alleged offenders.
8. Advise the Provincial Minister in establishing a treatment, placement and aftercare plan for the friar established to be a sexual offender.
9. Maintain the confidentiality of all matters communicated in confidence to the Team, any of its members or ombudspersons. Such information shall only be shared with the Provincial Minister or his appointed delegate.
10. Have no contact or communication with the press or other media. [It will be the responsibility of the Provincial Minister or his delegate to release appropriate information to the media, keeping in mind the rights of the victims and the offenders].
11. Keep accurate records of all meeting agendas, actions, findings and recommendations.
12. Establish a referral list of qualified therapists with specific experience in treating victims and family members, and of qualified therapists with specific experience and competence in treating sex offenders. No Team member shall provide direct services to any victim, family member or alleged or established offender, whose case has been considered by the Team.
13. Provide assistance to the Provincial Minister in establishing policies and other programs to educate the