

**CARMELITE PROVINCE OF THE MOST PURE HEART OF MARY  
PROCEDURAL CHECKLIST\*  
FOR ADDRESSING ALLEGATION OF SEXUAL MISCONDUCT WITH A MINOR OR  
VULNERABLE ADULT**

\_\_ 1. If an allegation of sexual abuse by a Member with a minor or a vulnerable adult (i.e. a person who habitually lacks the use of reason) is made to a Carmelite, he must report the allegation without delay to civil authority and to the Provincial or his delegate, e.g., Vice-Provincial. This should occur asap -within the time frames established by the jurisdiction where the alleged abuse occurred (which in many cases is 24-48 hrs of learning of the abuse.)

\_\_ 2. The Director of Accountability and Ethical Ministry (DOA) will be promptly notified of the allegation by the Provincial or his delegate and he (DOA) will take charge of completing the required ALLEGATION INTAKE REPORT FORM, including notifying the Province's legal and canonical counsels of the allegation. The Province's legal counsel may help with other notifications, especially when the abused has a lawyer representing his or her interests. (The ALLEGATION INTAKE REPORT FORM is also located on the Carmelite Intranet for reprinting.)

\_\_ 3. If the Prior Provincial believes the allegation has a minimal semblance of truth, he will also immediately notify the Chair of the Review Board and the accused Member, applying risk reduction temporary protocols and assuring that with due regard for the rights of the Member, the accused Member receives civil and canonical and spiritual and clinical support. (c. 1722, SST 19, EN 6 and c. 220)

\_\_ 4. The DOA or, in his absence, whomever is designated by the Provincial or his delegate, shall -- then conduct a search of all relevant provincial files to determine if there is anything pertaining to the accused that could have any bearing at all on the likely truth or falsehood of the allegation.

\_\_ 4a. In addition, a complete listing of all the accused's assignments and the dates of each shall be prepared.

\_\_ 4b. These steps should be completed and the results shared with the Provincial as soon as possible, but normally no later than two weeks after the receipt of the allegation.

\_\_ 5. The DOA shall as soon as possible engage a Victim Assistance Coordinator (VAC), geographically proximate to the alleged victim, if possible, to assist the victim and related family throughout the processing of the allegation. Until that occurs, the DOA will be available to assist the alleged victim and family.

\_\_ 6. Based on the outcome of the initial two week search to determine if the allegation has the minimal semblance of truth, the Prior Provincial, after consulting with others, if he so chooses, will notify all pertinent parties, e.g. complainant, victim and family, the DOA, the Review Board Chair and all others who had been initially informed of the allegation, regarding his decision about the semblance of truth.

\_\_ 6a. Standard 11 of Praesidium requires that the Ordinary where the abuse occurred and where the Member is residing also be informed of the initial determination of the Prior Provincial.

\_\_ 6b. If the accusation was determined not to have the requisite semblance of truth, the Provincial will do everything possible to restore the name and reputation of the Member falsely accused, including informing all listed in 6 above.

\_\_ 7. If the outcome of the initial two week search suggests the allegation has at least a minimal semblance of truth, the Provincial shall, by decree, promptly begin a formal Preliminary Investigation unless the accused has admitted responsibility or an investigation would be clearly superfluous. (c. 1717, EN 6)

\_\_ 7 a. The Provincial legal counsel shall, with the approval of the Provincial, engage an experienced investigator to conduct the formal preliminary investigation. Unless given an extension by the Provincial, the findings of the Preliminary Investigation shall be submitted to him within three months of its inception.

\_\_ 8. Once the formal Preliminary Investigation has been decreed, the Prior Provincial or his Delegate will make every effort to meet with the alleged victim. Where the alleged victim is represented by legal counsel, arrangements would be initiated through our legal counsel.

\_\_ 9. Praesidium Standard 11 requires that the Prior Provincial shall communicate about the allegation with the Order and the Province and the faith community and the public as appropriate.

\_\_ 10. When the Preliminary Investigation has been concluded, the Provincial shall share the results with the Review Board and, after receiving the advice of the Board following their meeting, shall determine if the allegation still has the semblance of truth.

\_\_ 10a. When the Prior Provincial has arrived at his decision, he shall issue a decree closing the preliminary investigation.

\_\_ 10b. Unless the allegation has been determined to be manifestly false or frivolous, the decree shall, assuming the accused Member is a cleric, provide that the acts, together with his *votum* and the views of the Review Board are to be forwarded to the Prior General for transmittal to the Congregation for the Doctrine of the Faith for its review and final determination.

\_\_ 10c. If the accused Member is not a cleric, but in final or temporary vows, the acts of the case, together with the Prior Provincial's *votum* will be forwarded to the Procurator General for advice and guidance on how to proceed, consistent with applicable canonical norms and the Constitution of the Order. If the accused is a Novice or Pre-Novice, the Prior Provincial has the discretion and the authority to dismiss him from the formation program and the Order, unless the outcome of a canonical process determines otherwise.

\_\_ 11. While the final status of the allegation is being decided, the temporary risk reduction measures imposed pursuant to Step 3 (above) will remain in effect until the allegation is established (formally resolved) or declared unsubstantiated.

\_\_ 12. If the status of the allegation is formally determined to be established, a Safety Plan will be enacted for any accused Member remaining as a Member of the Province, wherever he is living.

\_\_\_ 12a. If the accused Member has been determined to be a high risk offender, using Praesidium approved methods, Praesidium must be so informed within thirty days of the implementation of the Safety Plan.

\_\_\_ 13 .. When an allegation has been established, the Prior Provincial will inform any organization or program in which the accused Member has admitted to or is suspected of having sexually abused a minor of the determination regarding the allegation that was processed. (Praesidium Standard 18). Also to be informed are Bishops notified under 6a above.

\_\_\_ 14. If an accusation is determined to be false, the Prior Provincial will make every reasonable effort to restore the good name and reputation of the accused, including where he deems it appropriate, a return to public ministry. (c. 220, EN 13).

\_\_\_ 15. In cases where it is determined that either the applicable canonical norms were not violated or the requisite standard of proof was not met, the Prior Provincial will, while making reasonable efforts to protect the accused's right to his good name and reputation, exercise his discretion about the appropriateness of the accused's future in any public ministry, taking into consideration pertinent provincial policies and any recommendations of the Review Board.

\_\_\_ 16. The Province, as a member of the Conference of Major Superiors of Men (CMSN), is accredited by Praesidium, Inc.. and will comply with all applicable Standards and safety measures Praesidium, Inc.. requires relating to allegations and Members named in such.

\_\_\_ 17. The Director of Accountability shall ensure that all of the above steps of this Procedural Check List and the accompanying Incident Report Form are completed in compliance with Praesidium, Inc. Standards and that documentation related to the case is preserved.

**\* While content of Checklist and Allegation Intake Report Form are the same, enumeration of steps in each (Checklist and Intake Form) are slightly different, due to the need separate out some items from other items on the Intake Report Form. The Checklist provides a good reading guide for all the steps that must be taken when an allegation is made; the Intake Form provides a document that shows all the steps that were done when an allegation was received.**