

P O L I C Y

on

PROFESSIONAL MISCONDUCT

MARIST BROTHERS CONGREGATION

SYDNEY PROVINCE

10/1/07

The focus of this policy is sexual abuse perpetrated by any Marist Brother of the Sydney Province in respect of

- * Sexual abuse of children and adolescents; or

- * Sexual abuse of adult women

by reason of his position or the trust accorded him because of his membership of the Marist Brothers.

1. Marist Brothers in the Mission of the Catholic Church

The Marist Brothers is a Catholic Religious Congregation of Brothers engaged in education of youth as part of the mission of the Catholic Church. It is located in many countries of the world with its general headquarters in Rome.

The Sydney Province of the Congregation is the administrative unit responsible for schools and other forms of education in parts of N.S.W., Queensland, A.C.T., the Pacific islands and in isolated areas of Asia.

2. Objectives of the Marist Brothers

The objectives of the Marist Brothers are personal and apostolic.

At the personal level, Brothers aim to become followers of Christ by living in community in accordance with the Constitutions of the Congregation. (1)

Their apostolate is to contribute to the mission of the Catholic Church by the evangelisation of the young in schools and in other forms of education. (2)

(1) Constitutions of Marist Brothers.

(2) P. 9 Decree of Sacred Congregation.

3. General Principles:

3.1 Attitudes: The Marist Brothers are deeply concerned for victims of sexual abuse and the betrayal of trust which this involves.

Our concern is for:

- * The victims of child or adolescent sexual abuse;
- * Adult survivors of child or adolescent sexual abuse; and
- * Women abused by any Marist Brother who has taken advantage of his position in a school or institution, or the trust accorded him because of his membership of the Marist Brothers.

Marist Brothers by their profession are committed to paths that lead to Christ: truth, humility, conversion and forgiveness. They are engaged in a constant and genuine search for truth and a climate created in which truth can be presented, heard sensitively and addressed with compassion. In this spirit of humility more energy will be put into correcting wrongs than into safeguarding appearances and any justification of our members.

3.2 Context: Each day parents and others entrust their children and adolescents to the care of the Marist Brothers and women work in various capacities in establishments conducted by the Marist Brothers. Any sexual misconduct by a Marist Brother or by a person

3.

working in a Marist establishment is a clear violation of his or her public commitment to vowed or "lay" chastity. It also has the potential for considerable harm to the persons involved as well as scandal for the Marist Brothers' Congregation and the church as a whole.

It is further noted that sexual abuse of children, adolescents, and women in itself is both immoral and illegal. It is also known to be often due to psychological disorder, a compulsion, or addiction which plagues the perpetrator.

- 3.3 Pastoral Care of Victims: Sexual abuse and misconduct may have serious, harmful effects on the victims including loss of self-esteem, difficulty in trusting others, feelings of guilt, sexual confusion, and experience of disbelief towards significant persons in their lives. Repression on the part of the victim, usually through fear, may lead to serious psychological disorders, inability to develop normal personal relationships, and alienation from the Church and God. The Marist Brothers recognize that early intervention is critical. The victim must be helped to disclose the abuse as soon as possible and where abuse has occurred it must be acknowledged that the abuse has occurred. This must be accompanied by skilled therapeutic help for the victim and, to achieve the best possible outcome for the victim, this therapeutic help must occur as soon as possible following the disclosure.

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If we fail to act swiftly and appropriately following a disclosure of sexual abuse or misconduct, the victim may face further unnecessary pain and may well be alienated from the Church. They may also ask themselves why God is allowing all this to happen to them.

3.4 Pastoral Care of Families

When a victim's family learns of sexual abuse or misconduct, they may experience serious related trauma. Families, too, need immediate help to deal with these incidents. In the light of increased awareness, moves are now being made to enable families to cope with the traumatic experience they have undergone as soon as possible. They must be given ongoing support so that they can properly work through their sense of betrayal, disillusionment, grief and loss of faith.

3.5 Impact on Perpetrators

Sexual abuse or misconduct by a Brother or a person working in our establishments with someone in their care, in their employ, or under their direction, constitutes a serious moral and legal transgression in its betrayal of trust. There is question both of criminal punishment and of disbarment from ongoing ministry or even of continuing membership in the Congregation.

3.6 Pastoral Concern for the Marist Brothers' Congregation and the Church

Sexual abuse by individuals against those in the care,

5.

or under the direction of Marist Brothers is a cause of great sadness, scandal and loss of morale among members of the Congregation, parents, and the Church communities we serve. The more closely people are aligned with the Congregation, the more deeply this is felt. We must take action to reinforce the strong belief that truth and openness are the only way forward.

4. 5. Marist Brothers will provide special care for victims and their families.

We are convinced that pastoral care for the victims of sexual abuse and the misconduct consists above all in compassion, justice and healing of a grave injury inflicted upon those most powerless to protect or defend themselves. This pastoral concern is based on one of the most important commandments Jesus gave to his disciples: to care for the development of children and those who are vulnerable in the candour, confidence, innocence and sanctity of their innocence. God's revelation consistently commands protection of the weaker against the stronger and the poor against the powerful.

We believe that this touches on an essential part of the Church's mission: compassion for the victims of injustice.

This is true, especially when the injustice is perpetrated by a Marist Brother or associate. The direct and personal responsibility of the perpetrator for the deed should not prevent our Marist community from showing healing, kindness and compassion to innocent victims. An inadequate response

6.

to victims and their families may leave them feeling further rejected.

To be adequate, pastoral care for victims of sexual abuse and misconduct should have a twofold focus.

First, pastoral care must aim to heal the wound caused by the abuse suffered, employing great frankness, discretion and understanding. The wound caused by abuse is often invisible and therefore may be rendered almost inaccessible through an unholy alliance whereby some victims may feel they must protect the perpetrator by their silence. Wounds such as these damage people to the very core of their being and their fundamental self-identities and violate their self-concept.

A second focus in pastoral care involves restoring the confidence lost in the Marist Brothers which, through the misdeeds of its personnel, betrays this confidence. Confidence can never be restored simply through words. A lasting change in behaviour and attitude is required. A new type of relationship must be built between the victim and the representatives of the Congregation which betrays that confidence. The transformation needed will involve a humble admission of the facts, the implementation of effective preventive measures, greater community solidarity at places where Marist Brothers minister, and a commitment to addressing the wrong. In such an environment sensitivity can prevail, the people who have been abused will feel free to come forward, and it should be possible to ensure that abuse will not take place in the future.

5.6. Principles in Relation to Disclosure of Sexual Abuse by Marist Brothers or by others working for the Marist Brothers in their various establishments.

Procedures for dealing with such disclosures will take account of the following principles:

6.1 Marist leaders will engage appropriate and expert personnel with an understanding of the compassion needed in these sensitive areas.

6.2 care will be taken to balance the trauma of the victim with the need for an investigation to proceed. The aim at all times will be for processes to take account of, and to preserve the following values:

- * to act with justice, mercy and charity;
- * to respect the civil law and not obstruct or pervert the process of justice;
- * to show pastoral solicitude for the welfare of any complainant, victim, victim's family and the alleged perpetrator;
- * to respect the good reputation of any person whether complainant, victim and alleged perpetrator and the right of all people to be heard; and
- * to act so as to prevent or remedy scandal consistent with truth and openness.

6.3 The Marist Brothers will follow the procedures approved by the Bishops' Conference and the Conference of Congregational Leaders, and in particular, will:

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- * ensure that the steps and processes are clearly explained to complainants and victims at all stages;
- * ensure that action is taken so that further abuse or misconduct will not occur;
- * ensure that there is access available to therapeutic help for victims and perpetrators;
- * ensure that the matter is put in the hands of the civil authorities where this is mandatory, requested or advisable;
- * ensure ongoing monitoring of any other case in the Congregation;
- * seek advice about psychological implications, therapeutic processes and legal requirements;
- * continually evaluate processes in place to ensure strict selection procedures and formation for aspirants to the Congregation and programs for informing and supporting those currently engaged;
- * decide, only after thorough investigation, about possible return of a perpetrator to some form of ministry that does not put others at risk.

7. COMMITMENT

The Marist Brothers Sydney Province makes a commitment in dealing with these serious matters to act with:

7.1 Openness and Truth

The Marist Brothers will be guided by a spirit of openness and truth when responding to allegations of sexual abuse or misconduct by a Brother or lay associate. The Marist Brothers will co-operate fully with child-protection agencies and the judiciary, not claiming preferential treatment for one of its personnel when suspected or formally accused in such cases. We will also show openness and truth, in caring for adults when trust is abused. Aware of the possibility of false or misleading accusations, all investigations must be conducted with sensitivity and in a spirit of openness and truth, which respects the presumption that a person should not be judged as guilty until such guilt is beyond reasonable doubt.

7.2 Compassion

Compassion towards the victims of abuse will be demonstrated by showing that the Marist Brothers care and will do everything possible to respond to the situation. Compassion will also affect the response of the Congregation to those who are accused. The Congregation will manifest the compassion of Christ.

7.3 Responsibilities

The Marist Brothers will be aware that both victims and perpetrators are part of the particular and wider community of the Marist Brothers and have rights and responsibilities which cannot be ignored.

7.4 Co-operation

The Marist Brothers will face, with clarity and courage, the decisions that must be taken in light of the failure that sexual abuse and misconduct represent for the Congregation, society and the Church itself. The Marist Brothers will not condone this behaviour. As a Congregation it will not hide or protect anyone who engages in it. The People of God have a right to be able to trust those who minister to or with them.

8. Leadership Responsibilities

8.1 Brother Provincial is the one with appropriate authority.

8.1.1 The Brother Provincial has duties and responsibilities to his Brothers in accordance with natural justice and canon law. He also has a responsibility to protect the good reputation of individuals and the Church as a whole.

8.1.2 The investigation and resolution of allegations of criminal behaviour against an accused who is a Marist Brother or who, not being a Marist Brother, works for the Marist Brothers in any capacity, is the responsibility of the Brother Provincial.

8.1.3 The Brother Provincial, because any effects will fall on the whole church in Australia, will act in close co-operation with the local Bishop in his investigation.

8.1.4 The Brother Provincial will at all times make every effort to be impartial in his investigation.

8.2 Values to be promoted

The Brother Provincial will maintain close liaison with the Bishops' committee for Professional Standards.

In dealing with allegations of criminal behaviour, the Brother Provincial will act in accordance with the values enunciated in this policy.

8.3 Resources

8.3.1 The Brother Provincial in his investigation will take due account of related issues in civil law, canon law, public relations, church discipline, individual and community welfare.

8.3.2 The Brother provincial will keep the Bishops' Committee for Professional Standareds (B.C.P.S.) informed of any cases with which he is dealing and mazke use of the special competencies of its members as required for:

- * obtaining advice;
- * assistance in and conducting the investigation;
- * managing contact with the media.

8.3.3 The Brother Provincial will refer to the B.C.P.S. for names of civil lawyers who are available to act in these matters.

9. DECLARATION

In terms of this policy, the Marist Brothers' Congregation, Sydney Province:

- * Places itself as a body in solidarity with those who are endeavouring to defend children and other vulnerable people in society;
- * Makes a commitment to take firm steps which will leave no doubt as to its genuine desire to eradicate the phenomenon of child sexual abuse and sexual misconduct by those of its members in positions of power and trust, especially in the Church;
- * Will not condone this behaviour;
- * Will never hide or protect anyone of its personnel who engages in sexual abuse or misconduct.

The People of God have a right to be able to trust those who minister to them.