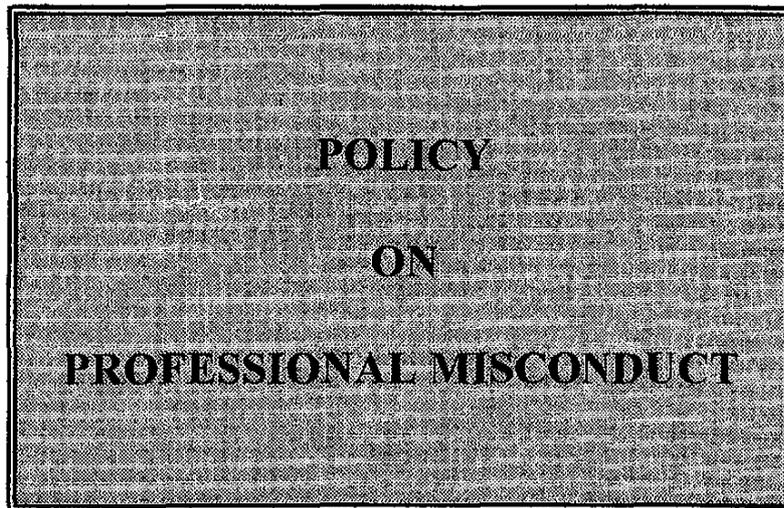


MARIST BROTHERS
MELBOURNE PROVINCE



FINAL DRAFT: CONFIDENTIAL

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The focus of this policy is to develop a response to sexual abuse, committed by any Marist Brother of the Melbourne Province in respect of:-

- Sexual abuse of Children and adolescents;
- Sexual abuse of adults by reason of his [position or the trust accorded to him because of his membership of the Marist Brothers.

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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 and has its general headquarters in Rome.

The Melbourne Province of the Congregation is the administrative unit responsible for schools and other forms of education in Victoria, North Territory, South Australia, Western Australia, Forbes (NSW) as well as some Pacific Islands and India.

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 ministry 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

3. General Principles

3.1 Attitudes:

- a. 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;
 - The parents of these children and adolescents.
 - Adult survivors of child or adolescent sexual abuse; and adults 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.

¹ Constitutions of the marist Brothers

² P. 9 Decree of Sacred Congregation

DRAFT: CONFIDENTIAL

- b. Marist Brothers by their profession are committed to paths that lead to Christ: truth, humility, conversion and forgiveness, They are engaged in a genuine search for truth and a climate created in which truth can be presented objectively, heard sensitively and addressed with compassion. In this spirit of humility there will be a commitment to correcting wrongs rather than safeguarding appearances or justifying our members.

3.2 Context:

Each day parents and others entrust their children and adolescents to the care of the Marist Brothers and their fellow workers. Any sexual misconduct by a Marist Brother or by a person 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 adults 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 offender.

3.3 Pastoral Care of Victims:

Sexual abuse and misconduct may have serious, harmful effects including loss of self esteem, others, feelings of guilt, effects on the victims difficulty in trusting 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.

If the Marist Brothers 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.

DRAFT: CONFIDENTIAL

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 offered ongoing support so that they can properly work through their, sense of betrayal, disillusionment, grief and loss of faith.

3.5 Impact on Offenders:

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 & the Church:

Sexual abuse by individuals against those in the care, 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 the Marist Brothers serve. The more closely people are aligned with the Congregation, the more deeply this is felt. The Marist Brothers must take action to reinforce the strong belief that objectivity, truth, compassion and openness are the only way forward.

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

The Marist Brothers 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. This is true, especially when the injustice is perpetrated by a Marist Brother or by an associate or employee. The direct and personal responsibility of the offender for the deed should not prevent our Marist community from showing healing, kindness and compassion to innocent victims. An inadequate response to victims and their families may leave them feeling further

DRAFT: CONFIDENTIAL

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.
- 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. Principles in Relation to Disclosure of Sexual Abuse

- 5.1. Marist Leaders will engage appropriate and expert personnel to deal with those involved.
- 5.2. 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:
 - a. to act with justice, objectivity and compassion.
 - b. to respect the civil law and not obstruct or pervert the process of justice;
 - c. to show pastoral solicitude for the welfare of any complainant, victim, victim's family and the alleged Offender;

DRAFT: CONFIDENTIAL

- d. to respect the good reputation of any person whether complainant, victim and alleged offender and the right of all people to be heard; and
- e. to act so as to minimise or remedy scandal, consistent with truth and openness.

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

- a. ensure that the steps and processes are clearly explained to complainants and victims at all stages;
- b. ensure that action is taken so that further abuse or misconduct will not occur;
- c. ensure that there is access available to therapeutic help for victims and offenders;
- d. ensure that the matter is put in the hands of the civil authorities where this is mandatory, requested or advisable;
- e. seek advice about psychological implications, therapeutic processes and legal requirements;
- f. 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;

6. Leadership Responsibilities

- 6.1 Brother Provincial is the one with appropriate authority.
- 6.2 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, the Institute and the Church as a whole.
- 6.3 The final responsibility for an investigation and resolution of allegations of criminal behaviour against an accused who is a

DRAFT: CONFIDENTIAL

Marist Brother or who, not being a Marist Brother, works for the Marist Brothers in any capacity, rests with the Brother Provincial.

- 6.4 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.
- 6.5 The Brother Provincial will act in close co-operation with the local Bishop in his investigation.
- 6.6 The Brother Provincial will keep the Bishops' Committee for Professional Standards (B.C.P.S.) informed of any cases with which he is dealing and make use of the special competencies of its members as required for:
 - obtaining advice;
 - assistance in and conducting the investigation;
 - managing contact with the media.
- 6.7 The Brother Provincial will refer to the B.C.P.S. for names of civil lawyers who are available to act in these matters in order to arrange for the appropriate legal advice in the following areas:-
 - a. legal advice and representation for a Brother in the event of legal demands being made on him;
 - b. legal advice and representation of the Province in the event of demands being made on it;
 - c. a recommendation to the Province concerning the funding required to enable the reasonable settlement of demands being made on a Brother;
 - d. a recommendation to the Province concerning the funding required to enable an individual Brother to meet the demands made on him by a Court;
 - e. a recommendation concerning any public or media statements.

DRAFT: CONFIDENTIAL

7. The Help Service

The Marist Brothers have instituted a Help Service Fund which provides funds for counselling and therapy for those who feel that their experience within the Brothers' Schools and Ministry caused them distress and harm.

- 7.1 A Consulting Psychologist is contracted to provide or monitor counselling services for those who make contact with us and allege that they feel that their experience with Marist Brothers Schools and Ministries has caused them distress or harm.
- 7.2 The Psychologist will assess their needs at our expense and will refer them, if necessary, for appropriate counselling services.
- 7.3 The Psychologist will monitor and review the delivery of Counselling services to ensure its adequacy and appropriateness.
- 7.4 The Psychologist will make recommendations and provide advice to the Provincial about the range of services which may be required.
- 7.5 In many ways the Help Service is similar to other third party funding structures (eg Workcare) which provide assistance to individuals while protecting sensitive information and yet fulfilling responsibilities of professionalism and accountability. as such it is clearly different to where an individual is privately paying for therapeutic services. The Service will normally cease within or at 10 sessions. Any provision of further counselling will take place only on condition that the progress report is forwarded to the Co-ordinator. In the event of a failure to resolve what is reasonable, appropriate and professional treatment, then the Co-ordinator may refer the matter for an independent specialist assessment. Previous treatment and progress reports will be forwarded to such a specialist.
- 7.6 "Acknowledgment As To Counselling" Form.

The accompanying form is self explanatory and is signed by the Psychologist providing the service and the Client.

3 Drummond Street,
Carlton, Victoria. 3053
Toll-Free: 1800 620 900

**COUNSELLING AND
SUPPORT SERVICES**

ACCEPTANCE OF TERMS OF COUNSELLING

1. The Marist Brothers, Melbourne Province, have instituted a confidential counselling service for any individual who alleges that he/she has suffered abuse (the Caller).
2. Counselling And Support Services (CASS) is financed and supported by the Marist Brothers. The Order has commissioned a psychologist to co-ordinate the service and, with the help of the Advisory Panel, provide appropriate counselling assistance.
3. The Caller may be offered counselling, support or assistance in respect of the incidents reported.
4. The provision of counselling services and other appropriate professional help is an exercise in pastoral care by the Marist Brothers for those in need.
5. The provision of funding for counselling services will be made on the condition that such will be reviewed at reasonable time intervals. The review process will be negotiated between CASS, the client and the treating therapist.
6. The provision of any care or assistance is not an acknowledgement on the part of the Order of any legal responsibility.
7. The acceptance of such care is not in any way a compromise or resolution on the part of the Caller of any legal rights which the Caller may have against any party responsible. It is acknowledged by the Caller and the Marist Brothers that the provision of these services may not be used or relied upon by any party to seek to vary, alter, compromise, extend, uphold, diminish or remove any legal obligations and is without prejudice to any legal rights or obligations of the parties.
8. This document has been prepared to set out the appropriate guidelines for the benefit of all parties. Any person considering undertaking counselling or accepting the care offered is invited to have this document considered by his or her legal advisers or any other counsellor or party whose advice may be regarded as relevant.

Dated the day of 19

Signed by :

.....

(Print name)

In the presence of:

(Counsellor to witness)



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