

**MISSIONARIES OF THE SACRED HEART  
VENEZUELAN REGION  
POLICY FOR HANDLING CASES OF SEXUAL MISCONDUCT, SEXUAL  
MOLESTATION OR SEXUAL HARASSMENT**

**PREAMBLE**

The procedures which follow below have been drawn up by the Regional Superior of the Missionaries of the Sacred Heart in Venezuela and approved at a meeting of the Regional Council July 25, 2010, after consultation with all the members of the Region, to outline the steps to be taken in the event of allegations of child sexual abuse against a member of the Region. They take into account the practices and policies of other Religious Congregations and Dioceses both at home and abroad in these matters. Further adjustments to these procedures or protocol shall be made in the future in the light of pastoral, canonical, civil, etc. developments.

**INTRODUCTION**

The abuse of children and vulnerable adults is both immoral and a crime.

We Missionaries of the Sacred Heart of the Venezuelan Region of the Irish Province abhor all instances of abuse and affirm that the Gospel value of respect for all persons is foundational to our way of life. We pledge ourselves to treat with compassion all those afflicted by abuse, especially the primary victims and their families. We also pledge to assist those members of our community who have abused to lead offence-free lives thus preventing the further abuse of children. Our aim is to restore and enhance the dignity of all persons wounded by this evil and bring them healing, a cessation of abuse and where feasible, reconciliation. To achieve this aim, the leadership of the Venezuelan Region of the Irish Province of the Missionaries of the Sacred Heart and all the members of the Region, rededicate ourselves to Our Lord Jesus Christ and the way of life inspired by His Gospel and pledge to observe carefully the child safeguarding guidelines set forth in this protocol.

**Definition of Child Abuse**

Child abuse occurs when the behaviour of someone in a position of greater power than a child or young person abuses that power and causes harm to that child or young person. Child abuse, for our purposes, is categorised into four groups:

1. Emotional abuse
2. physical abuse
3. Sexual abuse
4. Neglect

## **CODE OF BEHAVIOUR WHEN WORKING WITH CHILDREN AND YOUNG PEOPLE**

- Physical punishment of children is not permissible under any circumstances.
- Verbal abuse of children or telling jokes of a sexual nature in the presence of children can never be acceptable.
- Being alone with a child or young person may not always be wise or appropriate. If the pastoral care of a child or young person necessitates meeting alone with them, such meeting should not be held in an isolated environment (i.e. it should be held in rooms with a clear glass panel or window , in buildings where other people are present and with the door of the room left open.
- Never undertake a car or minibus journey alone with a child or young person.
- Children and young people should not be permitted to work or remain in churches, parish property or schools unless there are at least two adults present.
- Under no circumstances should Church personnel give alcohol, tobacco or drugs to children. Alcohol ,tobacco or drugs must not be used by personnel who are supervising or working with children or young adults.
- Sexually explicit or pornographic material is never acceptable.
- The right to privacy of children and young people must be respected at all times.

In na emergency situation where an adult must help a child, young person or someone with special needs, parents or guardians of that person should be fully informed as soon as is reasonable.

## **MANAGING ALLEGATIONS AND THE ACCUSED**

- 1 When an allegation of child sexual abuse is made against an MSC, the matter is taken very seriously. All efforts are made to investigate these allegations as thoroughly as possible to help the alleged victims and their families and to ensure that the alleged offender is treated justly and fairly and to protect potential victims from further risk.
2. These procedures are not to be seen as in any way prejudicing the implementation of any civil legislation or State guidelines.
3. When an allegation of child abuse is made, the following steps are to be taken:
  - a. The Regional Superior or his Representative will attend to the allegation.
  - b. The Regional Superior or his representative and one other MSC shall meet the alleged victim(s) (if adult, otherwise the alleged victim's family or guardian) as soon as possible (advisably within 48 hours) to hear the details of the allegation.

- c. They will then inform the Regional Council of their findings. The Superior and Council will decide in the light of the information gathered, whether or not a reasonable probability regarding the substance of the allegation exists.
  - d. It may be necessary to obtain further information and clarity from the alleged victim(s) (if adult) or the alleged victim's family or guardian and also to obtain further information and clarity from the accused. The Regional Superior or other members of his Council will conduct such interviews.
4. Due cognizance shall at all times be taken of all prevailing civil legislation in this matter and appropriated steps taken to comply with same.
  5. Particular care must be taken at all times to preserve the rights, good name and confidentiality of the complainant, the family and the accused in accordance with canon and civil law.
  6. If the decision is made that a reasonable probability regarding the substance of the allegation does not exist, an appropriate course of action, in the circumstances, shall be executed by the Regional Superior or his Representative.
  7. If the decision is made that a reasonable probability regarding the allegation exists, then the following shall be put into effect immediately.
    - 7.1. Advice, appropriate guidance and support shall be offered to the alleged victim(s) (if adult) otherwise to the parents or guardians of the alleged victim.
    - 7.2 In relation to the accused:
 

The Venezuelan MSC Region takes seriously every allegation of sexual misconduct regarding an MSC. Church law protects the rights of those accused of misconduct. Consequently, the Region may have to take immediate steps in the course of the investigation to protect the good name and interests of all concerned.
    - 7.3. The Regional Superior or Representative having assessed the evidence assembled, shall immediately order temporary leave of absence (from all ministry) for the accused. If necessary this shall be by formal administrative precept.
    - 7.4 The accused shall be advised to meet with a spiritual guide (MSC preferably) who is experienced in this area and will be a support to the accused.
    - 7.5. The accused shall be referred immediately to an approved treatment center for assessment process and subsequent evaluation.
    - 7.6 If the allegation involves civil and /or criminal proceedings, the Regional Superior or his Representative will inform the police.

7.7 If the accused denies the allegation and refuses to comply with the precepts of the Regional Superior, and if no other means are foreseen of resolving the issues raised by the allegation, then any measures allowed by canon law to resolve the issue shall be implemented.

7.8 If concerns remain following the conclusion of the civil investigation, the Regional Superior or his representative, pursuant of canon 1717, can initiate an independent investigation by qualified personnel, the results of which will go to inform a canonical process which will, it is hoped reach a definitive judgement on the case.

#### FOLLOWING ASSESSMENT:

8.1 If the accused has been removed temporarily from ministry and the allegation is judged, after assessment, to be without substance, he shall be returned to full ministry and provided with whatever assistance he needs to prepare for his return, bearing in mind the traumatic experience.

8.2 If the allegation is substantiated, a decision must be made concerning the MSC's future. This decision shall be governed, at all times, by the Region's concern for the safety and welfare of potential victims. It will include one or more of the following options:

- Inform the police
- Assignment to an appropriate treatment centre
- Suspension from all priestly ministry
- Reassignment to limited ministerial service in very exceptional circumstances
- Invitation to the MSC to resign from ministry
- Initiation of a canonical process for removal from ministry

#### 9 Legal Advice:

In contemplation of legal proceedings and for the benefit of the legal counsel of the Region, it is recommended that a written report of all steps taken at Regional level to implement this policy be kept from the moment the allegation was first received. Care should be taken to protect the confidentiality of such documentation, subject to civil legislation.

#### 10. CONFIDENTIALITY

All involved in dealing with the above matter at whatever levels should maintain absolute confidentiality and discretion, and avoid making any admission that

might be injurious to the accused or victim or that might prejudice the outcome of possible criminal or civil proceedings or canonical process.

This document was approved at the Regional Council meeting of the Venezuelan Region of the Missionaries of the Sacred Heart July 25, 2010

Signed:

Joseph Ruddy MSC Regional Superior

Regional Councillors:

Seamus Kelly, MSC

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Eliel Araujo

Maracaibo, 08, August, 2010

