

**SAN FRANCISCO PROVINCE OF  
THE SALESIAN SOCIETY**

**SAFE CHILDREN POLICY**



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# Province Safe Children Policy

Each Salesian ministry in the San Francisco Province must have a similar policy, which is reviewed each year with all staff members. The following is a statement of province policy as well as a sample for all ministries of the province.

## Introduction

Consistent with the teaching and example of Jesus and St. John Bosco, **Salesian High School, Richmond, CA**, is concerned with the well-being of all people. It has a special concern for those who are most vulnerable and cannot fully care for themselves. Child abuse and neglect in any form is intolerable and the lasting impact of such incidents on victims, their families and the Church is a profound tragedy for **Salesian High School** and society as a whole. The Salesian Society as a whole is committed to preventing child abuse, whether it is physical, psychological or sexual in nature.

**Salesian High School** must speak out and take action against child abuse. Young people place a profound moral and sacred trust in their religious and educational leaders. That trust must never be violated by any person associated with **Salesian High School**. Betrayal of that trust must be dealt with legally and in a swift and compassionate manner for all concerned. Concern for the reputation of a suspected individual or the institution is secondary to the child's well being; our primary concern is the welfare of the child.

## Province Policy Statement

The Salesian Society, through its ministries, schools and institutions has numerous daily contacts with children. It is therefore important that all Church personnel protect the rights and dignity of children and be alert to incidents of child abuse. Any and all Church personnel who know of any incident of child abuse must comply with all applicable reporting, or other requirements, of state and local laws. In addition, any and all Church personnel who suspect child abuse, recognize any warning signs of child abuse and/or see any violation of these policies should immediately contact the Provincial or Director, as applicable, and make a report in accordance with the procedures herein.

These policies, and the procedures that have been developed to carry them out, reflect the Salesian Society's strong conviction that all forms of child abuse constitute gravely serious matters that can cause inestimable pain and anguish for victims and their families. For this reason, the Salesian Society is determined to do all that we can to prevent such abuse from occurring, to respond immediately when it does occur, and to bring the healing ministry of Jesus and the teaching and example of St. John Bosco to all who have been victimized by this tragic and abusive behavior.

## Definitions

For the purposes of this document:

**Child:** A child is a person under the age of 18.

**Child Abuse:** Child abuse means any form of non-accidental harm or threatened harm to a child's health or well being, including damage to the physical, sexual or mental well-being of the child. "Child abuse or neglect" does not include a mutual affray between minors. The term "child abuse" may consist of any of the following:

\* **Mental or Emotional Abuse.** Any act that results in mental or emotional injury to a child. This includes rejection of a child, verbal abuse, pressures to force a child to perform acts beyond his or her abilities, making threats to a child, or isolating a child from friends or family, or any act which ignores the emotional rights and needs of a child.

\* **Physical Abuse.** Any act which causes a physical injury to a child as a result of cruel or inhumane treatment or as a result of a malicious act under the circumstances which indicate that a child's health or welfare is unduly harmed or threatened thereby.

\* **Child Neglect or Abandonment.** Any act of abandonment of a child by a parent, custodian or guardian; lack of care or control in respect to subsistence, education, or physical or emotional health (excluding instances of financial inability to so provide).

\* **Sexual Abuse.** Any act which involves sexual contact, sexual molestation or sexual exploitation of a child by an adult, whether physical injuries are sustained or not. Sexual abuse includes acts of incest, rape or sexual offence of any degree, sodomy and unnatural or perverted practices, lewd or indecent acts or proposals, permitting or encouraging a child to participate in any sexual activities, including exposing the child to adult or pornographic materials or engaging in any act with a child that is contemplated by the adult to provide sexual satisfaction for him or herself.

**Child Protective Agency:** A child protective agency is a police department, sheriff's department, county probation department, county welfare department, or any other agency that is designated by the local or state government to be responsible for receiving child abuse reports. School district police and security departments are not child protective agencies.

**Personnel:** The term personnel includes any lay or religious person who has been hired to work as an employee at the direction of **Salesian High School** and/or any volunteer working at the direction of **Salesian High School**.

**Reasonable Suspicion:** Reasonable suspicion means that it is objectively reasonable to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing where appropriate on his or her training and experience, to suspect child abuse.

**Mandated Reporters:** Under California Penal Code Section 11165.7, it is a crime for certain persons who have a special working relationship or contact with a child, **not** to report suspected or actual incidents of child abuse to the proper authorities. Mandatory reporters include, among others, *childcare custodians, health practitioners and members of the clergy.*

A complete list and explanation of mandated reporters can be found in California Penal Code Section 11165.7, which shall be distributed to all personnel who will be working directly with children before commencing their employment or volunteer services. The following shall serve as an initial guideline only. If any person is unsure about his/her status as a mandated reporter or the status of someone else, he or she shall consult California Penal Code Section 11165.7.

\* **Child Care Custodians** include, among others, teachers, school, club and camp administrators, teacher's aides and playground monitors.

\* **Health Care Practitioners** include, among others, all medical personnel, including trainees, nurses and licensed marriage, family and child counselors.

\* **Religious Members of the Community** includes a priest, religious brother or sister, minister, rabbi, religious practitioner, or similar functionary of church, temple, or recognized religious denomination or organization (Penal Code § 11165.17, AB 3354). Roman Catholic tradition and canonical definition indicate that this definition would include those who have received Holy Orders, such as deacons, priests, or bishops.

**Penitential Communication:** Under the discipline, tenets, customs and practices of the Roman Catholic Church, the term penitential communication, as defined in the California Penal Code, includes the following communications involving the clergy:

- The hearing of a penitent's confession by a priest or bishop;
- The non-sacramental forum of spiritual direction by a member of the clergy;
- Communications made or received in a canonical penal process (Canons 1717-1731);
- Communications made or received by clergy in processes undertaken by ecclesiastical tribunals insofar as required by the norms of Canon Law.

## **Summary of Procedure in Cases of Suspected Child Abuse**

The Salesian Society takes immediate and decisive action on all accusations of child abuse in accordance with the applicable provisions of civil and Church law. When the accused is a volunteer, employee or a member of the clergy working on behalf of the Salesian Society, the following policies and procedures are followed.

Child abuse by Church personnel is, by definition, contrary to Christian principles and unacceptable behavior for persons who are volunteers, employees, or members of the clergy. Under no circumstances does the Salesian Society permit or condone such behavior.

In all cases involving allegations of child abuse by Church personnel, it is the policy of the Salesian Society to:

- Internally investigate all allegations, violations of these policies, suspicions, and warning signs of child abuse.
- If such allegations, suspicions or warning signs are supported by sufficient evidence, relieve the alleged offender promptly of any duties and refer the person for appropriate medical, psychological, or other appropriate evaluation and intervention, and make a report to the appropriate authorities.
- Comply with the obligations of civil law with regards to reporting of the incident and cooperating with any investigation.
- Reach out to the victims and their families and communicate our sincere commitment to their spiritual and emotional well being.
- Within the confines of respect for the privacy of the individuals involved, deal as openly as possible with members of the community.

These policies and procedures that we follow in cases where child abuse is suspected or alleged are designed to protect children, youth and adults from all threats against their dignity and privacy. Our policies are also intended to protect members of the clergy and other Salesian personnel against false or unsubstantiated accusations of child abuse, which can all too easily destroy the reputation and sense of personal integrity of suspected individuals whose service to the Church has been exemplary in all respects.

# **Article 1: Prevention of Child Abuse**

## ***Section 1.1***

### ***Behavioral Guidelines for Working With Children or Youth***

#### **a) Lifestyle**

All personnel shall try to maintain a healthy and faith-filled lifestyle. Attention to proper diet and adequate exercise, reduction of stress, appropriate leisure activities, regular prayer life, spiritual direction, healthy friendships and social interaction are all important dimensions of a balanced lifestyle. Members of the clergy are expected to maintain a healthy celibate lifestyle as well, in accordance with the training and manuals provided to all members in formation.

#### **b) Isolation to be Avoided**

All personnel need to be acutely aware of the risks involved in activities with minors which might result in isolation from others, or the appearance of abuse, including, without limitation, overnight stays or late night visits with minors in the absence of other supervising adults. Such circumstances must be avoided and are in violation of these policies. If anyone learns of such isolated incidents, or sees such activity, they are to report directly to the Director or the Provincial, as appropriate, in accordance with the procedures herein.

#### **c) Contacts and Activities to be Avoided**

Salesian personnel, when dealing with children, shall observe the following guidelines:

##### **Restrictions on Physical Activities and Contacts**

- 1) Any touching of a child shall be age appropriate and based on the need of the child and not on the need of the adult. If a child initiates physical contact, an appropriate, limited response is proper.
- 2) Do not engage in any wrestling, "rough-housing," or "horseplay" with a child.
- 3) No tickling of a child.
- 4) No touching of a child's legs, knees or thighs.
- 5) Do not touch a child's bottom, chest or genitals.
- 6) Do not hold, hug or touch a child if the child resists in any way.
- 7) Do not hug a child from behind.
- 8) Do not kiss a child, especially on the mouth.
- 9) Do not engage in excessive or frequent hugging or "bear hugs" with too much body contact.
- 10) No child shall live in the living quarters of adult Personnel.
- 11) No child or group of children shall visit an adult Personnel's living quarters.

- 12) All trips, car rides, vacations, or other outside activities with children must be approved by parents and the appropriate school, church or organization prior to the activity.
- 13) No adult shall take vacations with a child or a group of children unless other parents or adults are present.
- 14) No overnight trips with a child or a group of children unless other parents or adults are present.
- 15) No late night activities or overnight visits with a child or a group of children unless other parents or adults are present.
- 16) No sleeping in the same bed as a child.
- 17) No taking an individual child to health clubs, etc.
- 18) Do not be alone with a child in a residence, sleeping facility, locker room, restroom, dressing facility, or other closed room or isolated area that is inappropriate to a ministry or educational relationship.
- 19) No driving alone with one child.
- 20) If one-on-one pastoral care of a child should be necessary, avoid meeting in isolated environments. Schedule meetings at times and use locations that create accountability. Limit both the length and number of any such meetings and parents must be notified of all meetings.
- 21) Do not engage in private prayer with one child in isolation.

#### **Restrictions on Emotional contact**

- 1) No adult should have an exclusive friendship with one child.
- 2) Do not excessively email any children.
- 3) Do not telephone children unless absolutely necessary; primary contact should be with child's parent.
- 4) Do not get excessively involved in a child's activities or life.

#### **Restrictions on Behaviors**

- 1) Do not provide minors with alcoholic beverages, tobacco, drugs or anything that is prohibited by law.
- 2) Do not engage in any physical discipline of a child. Discipline problems should always be handled in coordination with your supervisor and the parents of the child.
- 3) Topics, vocabulary, recordings, films, games or the use of computer software or any other form of personal interaction or entertainment that could not be used comfortably in the presence of parents should not be employed with children. Sexually explicit or pornographic material is never appropriate for children.
- 4) Do not administer medication of any kind to a child without written parental permission.
- 5) Do not take photographs of children without parental consent. Never take photographs of children while they are nude, partially nude or undressing (such as in a locker room, changing room, swimming pool, or exercise facility), even if parental permission for "photographs" has been obtained.

- 6) Do not undermine a parent's authority by ridiculing parent beliefs or allowing children to do things against the wishes of their parents.
- 7) Do not give any gifts to children without their parents' permission.
- 8) Never ask a child to keep a secret from his or her parents.
- 9) Never shame or belittle a child.
- 10) Do not comment on a child's body or physical attributes.

**d) Contact and Activities that are Appropriate Under Most Circumstances**

- 1) Handshake or a "high-five".
- 2) Normal hugs when initiated by the child.
- 3) Pat on the shoulder or back (but not the backside).
- 4) Verbal praise of a child's achievements.
- 5) Holding hands during prayer, or when the child is upset.
- 6) Holding hands while walking with small children.
- 7) Smiling at and/or laughing with a child.

***Section 1.2***

***Identifying Offenders***

**a) Types of Offenders**

There are three known types of child abuse offenders that have been recognized by mental health professional and it is important that all personnel be aware of these types of abusive individuals.

**Type I: The Preferential Offender**

This is a person who would rather have a child for a social, romantic or sexual partner than an adult. This type of person often seeks jobs, volunteer work and/or other activities that provide ample opportunities to access children.

**Type II: The Situational Offender**

This type of person does not necessarily prefer children (although they may also have some Preferential characteristics) but often commit acts of abuse under a certain set of circumstances. These people often abuse during a difficult period in his or her life and may be more likely to abuse when he or she is intoxicated or depressed.

**Type III: The Sadistic or Indiscriminate Offender**

This type of person will simply prey on any available vulnerable person: a child, an adult with mental retardation or other disabilities, a teenager in the hospital, or an elderly person. This type of person seems to be attracted to the pain and suffering of the victim more than the physical characteristics of the victim.

While the above descriptions are a general guideline for types of abusers, it is not uncommon for abusers to display characteristics of more than one of the offender types.

### ***Section 1.3*** ***Warning Signs of Abuse***

#### **a) Preferential Offenders**

- 1) An adult who prefers to spend time with children over time with peers.
- 2) An adult who frequently gives gifts to children, especially without parental consent or knowledge.
- 3) An adult who has frequent physical contact with minors, or displays any of the inappropriate contact described above.
- 4) An adult who shows favoritism to one or more children.
- 5) An adult who treats children like equals or adults.
- 6) An adult who keeps secrets with children.
- 7) An adult who ignores the rules regarding appropriate behavior with children as described in this policy.
- 8) An adult who consistently breaks rules of the church or school.
- 9) An adult who uses inappropriate language or tells inappropriate stories or jokes to children.
- 10) An adult who finds reasons to spend time alone with children.

#### **b) Situational Offenders**

- 1) An adult who excessively uses or abuses drugs or alcohol.
- 2) An adult who is experiencing anxiety or depression.
- 3) An adult who is having trouble coping with life stresses such as loneliness, rejection or disappointment.
- 4) An adult coping with a personal loss.
- 5) An adult who feels unappreciated and unrewarded for hard work or dedication.
- 6) An adult who becomes increasingly dependent on a child with whom he or she has access.

#### **c) Identifying Warning Signs of Child Abuse or Misconduct in Others**

It is important that all personnel have the ability to recognize warning signs of child abuse. Not all warning signs will be a sign of actual abuse, but it is important to identify such signs to maintain a healthy and safe environment for children.

If you recognize any warning signs of child abuse in any other personnel, you should report this conduct immediately (see Section 4.2, page 19). Making such a report is not an accusation of abuse, but rather a precaution to protect children. There may be situations where perceived warning signs do not indicate abuse after investigation, but it is important to report these warning signs so that no inappropriate behavior gets overlooked.

Additionally, if you observe anyone abusing a person (adult or minor), take appropriate steps to immediately intervene and to provide a safe environment for the person, especially if the person is a child. Report the

offending conduct immediately in accordance with the Reporting Procedures in Article 3, page 15, of this Policy.

**c) Identifying Warning Signs of Child Abuse in Yourself**

It is important that personnel also be able to identify unhealthy warning signs in themselves. If you recognize inappropriate personal or physical attraction developing between yourself and a child, maintain clear professional boundaries between yourself and the child and refer the child to another adult.

You should also report such inappropriate attraction to your supervisor, the Director and/or the Provincial and seek treatment available through our treatment program. All such self-acknowledgement will be handled with compassion and care by Salesian Leadership keeping in mind the best interest of the child. Any information revealed in the Sacrament of Reconciliation, a formal Manifestation of Conscience, and/or a Penitential Communication will be held confidential.

## **Article 2: Screening Procedures and Education of Personnel**

### ***Section 2.1***

#### ***Screening Procedures for All Personnel***

The Salesian Society is committed to making all reasonable efforts to assure that its personnel are trustworthy. All hiring or acceptance of personnel as volunteers shall be done carefully. All existing agreements with the personnel shall be reviewed and shall be amended, if necessary, to include the statement that a breach of the Child Abuse Policy is grounds for immediate termination.

The following screening procedures shall be used with all personnel.

**a) Investigation of References**

All personnel will be required to provide both professional and personal references as part of the application process. All references and historical facts submitted by potential personnel will be thoroughly reviewed. Contact with previous employers who have submitted written references shall be made. Applicant shall sign the release form, found in Appendix D of this Policy, authorizing the release of information regarding sexual misconduct and child abuse to the Salesian Society from any former employer who has been listed as a reference. Hiring person may also refer the candidate for psychological testing and/or professional evaluation if he or she deems appropriate.

**b) Screening Questionnaire**

All personnel shall fill out Form SQ, the screening questionnaire form, before they can be considered for employment or volunteer service. This Form can be found in Appendix A of this policy.

**c) Interview**

All personnel shall be interviewed in person by at least two appropriate Salesian supervisors prior to commencing employment or volunteer services. Volunteers shall have sufficient previous contact with the Church to become well known by adults and leaders prior to becoming a volunteer.

**d) Acknowledgement of the Law and Policies Regarding Child Abuse**

All personnel shall be given a copy of this Child Abuse Policy and a copy of California Penal Code Sections 11165.7 and 11166 upon hiring or commencing volunteer service. All Personnel shall sign a statement found in Appendix B of this Child Abuse Policy stating that they acknowledge and have read and understand this Child Abuse Policy as a condition of employment. All personnel shall also sign a statement found in Appendix C of this policy, stating that they have read and understand California Penal Code Sections 11165.7 (which defines "Mandated Reporter" in detail) and 11166 (which explains the reporting requirements and procedures) as a condition of employment. These signed statements shall be maintained in the personnel file of the individual.

***Section 2.2***

***Screening Procedures for Personnel Who Have Direct Contact with Children***

New personnel who will have direct contact with children are required to go through an additional screening process in accordance with state law and Salesian policy. Direct contact with children is assumed when any personnel has a position within a school, youth organization or church.

The Bates Act (California Education Code, section 44237) requires new school employees and volunteers having contact with minor pupils, and not possessing a currently valid California teaching credential, to be fingerprinted and obtain a criminal record summary from the State Department of Justice as a condition of employment.

The more recent Montoya Act has modified the Bates Act provisions in the following significant ways. The school/youth center/parish/retreat center shall NOT employ a person or allow a person to volunteer, UNTIL the Department of Justice completes its criminal records search and makes its report to the employer. The school, youth center, parish, church or retreat center shall NOT employ any person or allow a person to volunteer, who has been convicted of a "violent OR serious felony."

The terms "violent or serious felony," expand the type and number of felonies that can now be listed on the criminal record summaries.

Therefore, addition to employing the screening procedures in *Section 2.1*

that are used with all personnel, the following procedures shall be used with all applicants for positions that involve any direct contact with minor children. This includes all school personnel and youth organizers, including temporary workers, priests and other members of the clergy.

**a) Fingerprinting and Criminal Background Check**

Unless an applicant possesses a currently valid California Teaching Credential, or is currently licensed by another state agency that requires a criminal background check and record summary, ALL APPLICANTS and proposed new hires, including members of the clergy, short-term substitute teachers and temporary workers who have contact with children shall be fingerprinted and have a criminal background check performed. All applicants who will have direct contact with children shall give applicable permission for fingerprinting and criminal background checks if necessary.

**b) Time Frame for Beginning Work**

No applicant, volunteer, or proposed new hire shall begin his or her employment until AFTER the employer has received the criminal background report from the Department of Justice.

**c) Disqualifying Offenses**

No applicant shall be hired or allowed to volunteer if the result of the criminal background check shows a conviction for a “violent or serious felony” as defined by the Montoya Act.

***Section 2.3***

***Employee Education and Advisement of Policies***

**a) Provision of Policies**

All personnel, including Salesians, will receive a copy of this Policy and the applicable California law as indicated in *Section 2.1(d)* of this Policy. This Policy will be included in administrative policy handbooks. Any substantiated violation of these policies may be grounds for termination.

**b) Training**

All new personnel will be required to attend a mandatory orientation that includes training and education on identifying and preventing child abuse. All new personnel will be made familiar with this Policy during in-service training and shall sign the required forms per *Section 2.1(d)* of this policy.

Presentations on Child Abuse and on this Policy will also be given at appropriate gatherings such as:

- School Administrators’ workshops;
- Faculty meetings at the beginning of each academic school year;
- Annual meetings for summer apostolates;
- Club, youth center and retreat center staff meetings;
- Parents’ meetings;

- Student Orientations

**c) Annual Meetings and Updates**

This Policy will be updated and reviewed annually by the Provincial Administration. All Salesians and religious personnel will meet at least annually with the Provincial, on such occasions as the retreat, Provincial visitation, or individually, to discuss these policies, and any other concerns of either party.

**d) Communication with Schools, Churches and Youth Organizations**

The Provincial shall communicate, by letter or other means, at least once per year with each School, Church and Youth Organization under Provincial control. This annual letter will provide updates on policies and confirm the name and contact information for the current Provincial.

***Section 2.4***

***Formation Standards for Salesians***

All members in initial formation will be subject to a screening and education program.

**a) Psychological Evaluation**

All members in initial formation shall be required to undergo a psychological evaluation. This evaluation will be conducted by a trained professional and the individual will not become a member of the Salesian Order until the results of the evaluation have been reviewed.

**b) Salesian Training Program**

All members in formation will also be required to receive additional training regarding not only detection and prevention of child abuse, but also on identifying and addressing challenges to maintaining a healthy celibate lifestyle, and other issues unique to Salesians.

**Article 3: Reporting Incidents of Suspected or Alleged Child Abuse**

***Section 3.1***

***Mandated Reporters***

**a) When to Report**

A child care custodian, health care practitioner, member of the clergy, or other mandated reporter as defined in California Penal Code Section 11165.7, who, in his or her professional capacity or within the scope of his or her service or employment, becomes aware of, or observes a child whom he or she reasonably suspects has been a victim of child abuse, **must** report the known or suspected incident(s) of child abuse by telephone to a child protective agency **immediately** or, as soon as

practically possible, *and* by written report **within 36 hours**. Written reports shall be submitted on forms adopted by the Department of Justice and made available through child protective agencies

**b) Information to be Reported**

If known by the Mandated reporter, the following information shall be included in any report of alleged or suspected child abuse:

- 1) name, address and age of child;
- 2) names, address(es) and telephone number(s) of child's parents or guardian(s);
- 3) current whereabouts of the child;
- 4) the child's school, grade and class;
- 5) the name, business address and telephone number of the mandated reporter;
- 6) the capacity that makes that person a mandated reporter;
- 7) the information that gave rise to the reasonable suspicion of child abuse and the source(s) of that information and;
- 8) the name, address, telephone number and other relevant personal information about the suspected abuser.

The mandated reporter shall make a report even if some of the above information is not known or is uncertain to him or her.

**c) Shared Responsibility to Report**

If two or more mandated reporters are present in a situation and together become aware of a known or suspected instance of child abuse, they may agree that one of them will make the required telephone and written reports. If, however, a mandated reporter learns that the designated individual did not report, he or she must then do so.

**d) Failure to Report**

A mandatory reporter's failure to report child abuse to a child protective agency is a misdemeanor punishable by up to six months in jail and/or a fine of up to \$1,000. Reporting the suspected abuse to school security or to the Director is not sufficient; mandated reporters must make a report directly to a child protective agency.

**e) Privacy**

- 1) The identity of all persons who report suspected child abuse under California Penal Code Section 11166 shall be confidential and disclosed only to agencies receiving or investigating mandated reports, to the district attorney in a criminal or other prosecution of the alleged offender, to a licensing agency when abuse in out of home care is suspected, when mandated reporters waive confidentiality, or by court order.
- 2) No agency or person listed in (e)(1) above shall disclose the identity of any person who reports suspected child abuse to that person's employer, except with the employees consent or by court order.

- 3) Mandated reporters cannot be required to disclose their identity to **(Name of Ministry)**.

**f) Penitential Communications Exception to Mandated Reports**

Under California Penal Code Section 11166(c), knowledge or reasonable suspicion of child abuse acquired by a member of the clergy *during* a **penitential communication** is exempt from the mandatory reporting requirement.

- 1) **Penitential communication:** is a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a Salesian who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized to or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination or organization, has a duty to keep those communications secret.
- 2) In all other instances where a member of the clergy observes, knows of, or reasonably suspects child abuse, the duty to report is mandatory. Should a member of the clergy have questions about whether he must make a report in a given instance, (e.g., whether a particular type of communication is penitential in nature); he should consult with the Director or Provincial to determine applicable reporting requirements.

**g) Internal Reporting**

As stated above, any personnel who is a mandated reporter and who reasonably suspects or knows of an incident of child abuse must report the incident immediately to the local child protective agency. If *any* personnel suspect that *other* personnel have committed the act of child abuse, he or she should also contact the Director. If the Director is suspected of child abuse, then the Provincial should be contacted. Such contact may be made anonymously to avoid any waiver of confidentiality rights as set forth above. In the Provincial's absence, the Vice Provincial or Provincial Treasurer should be contacted.

**h) Immunity From Liability**

The following persons are immune from any civil or criminal liability that might otherwise result from the action of reporting child abuse, if they are acting in good faith when making the report as defined in California Penal Code Section 11172:

- 1) any person making a voluntary or mandated report of child abuse per California Penal Code Section 11166;
- 2) any person who at the direction of a mandated reporter takes photographs of the alleged victim, or any person who causes photographs to be taken, without parental consent, or for disseminating the photographs with the reports required by the California Penal Code. This section does not, however, grant

immunity from this liability with respect to any other use of such photographs;

- 3) any person who, pursuant to a request by a government agency investigating a report of suspected child abuse, provides the requesting agency with access to the victim of the suspected child abuse.

Nothing in the California Penal Code provides immunity to a proven false report, which the reporter was aware of the falsity, or any report that is made in reckless disregard of the truth or falsity of the report.

**i) Attorney's Fees and Costs**

Any mandated reporter against whom an action is filed pursuant to the report of suspected or known child abuse shall have the right to present a claim to the State Board of Control for reasonable attorney's fees and costs incurred in any action against that person based on his or her report. This claim for attorney's fees shall only be available if the court dismisses the action against him or her upon a demurrer or motion for summary judgment, or if he or she prevails in the action. Any attorney's fees award shall not exceed an aggregate amount of \$50,000.

**Section 3.2**

***Other Reporters***

**a) Reports to Child Protective Services**

Any other person, other than a mandated reporter, who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse should report the alleged offence to a child protective agency. In addition, any Salesian who knows of or reasonably suspects child abuse must also alert a child protective agency without regard to mandated reporting laws, taking into consideration the confidentiality of a Penitential Communication.

**b) Internal Reports**

Any personnel who is not a mandated reporter and who reasonably suspects that other personnel has committed the act of child abuse, he or she should contact the Director. If the Director is suspected of child abuse, then the Provincial should be contacted. Such contact may be made anonymously to avoid any waiver of confidentiality rights as set forth above, and to provide a secure environment for internal reporting. In the Provincial's absence, the Vice Provincial or Provincial Treasurer shall be contacted.

**c) Privacy**

The same privacy policy as seen above in *Section 3.1 (e)* shall apply to reports made by non-mandated reporters as well.

**d) Immunity from Liability**

The same immunity policy as seen above in *Section 3.1(h)* shall apply to all reporters of suspected or known child abuse. Our goal is to be informed of all incidents for abuse or suspected abuse so that an investigation can take place.

## **Article 4: Violations of This Policy**

### ***Section 4.1***

#### ***Duties of All Personnel Regarding Violations of These Policies***

**a) Reports of Policy Violations**

It is a violation of these standards to engage in conduct that is identified as inappropriate in Section 1.1 of this Policy, or to violate any of the rules or procedures herein. If any personnel observes such conduct or violations of this policy they are to immediately report such actions to the Director. If the actions are conducted by the Director, then they are to immediately report such actions to the Provincial, or in his absence the Vice Provincial or Provincial Treasurer.

**b) Director's Duties**

The Director, when informed of such activities must immediately make a written report to the Provincial. The Provincial shall conduct an appropriate investigation into the violation to determine if further action is necessary. If the Provincial determines that additional action is necessary he will commence internal investigation procedures as described in *Article 5, Internal Procedure Upon Reports of Child Abuse*. After the conclusion of the investigation, appropriate action shall be taken.. In the case of a Salesian, supervision of the member shall be instituted through a Supervision Plan; cf. *San Francisco Province of the Salesian Society Supervision Plan*.

### ***Section 4.2***

#### ***Reporting Warning Signs in Personnel***

All personnel are required to report any exhibition of warning signs of abuse described herein. When any personnel observe such warning signs he or she is to immediately report to the Director. If warning signs in the Director are observed then personnel should report the activity to the Provincial or, in his absence, the Vice Provincial or Provincial Treasurer.

Upon notice of any display of warning signs the Provincial shall conduct an appropriate investigation and make a record in the personnel file of the individual displaying such signs. If deemed appropriate, the Provincial shall refer the individual to a Response Specialist to discuss the situation.

## **Article 5: Internal Procedure Upon Reports of Child Abuse**

The San Francisco Province of the Salesian Society takes all reports of child abuse very seriously. Any personnel who receive a report of abuse from any person (including a child or an anonymous person) must refer such report to the Director or Provincial as applicable.

### ***Section 5.1 Review Board***

Upon receiving a report of suspected or alleged child abuse the Provincial shall convene an ad hoc review board to assist and advise on the response to any alleged or suspected child abuse. The Review Board shall consist of two Salesians and at least three lay persons who will provide advice to the Provincial on any matters brought before them.

### ***Section 5.2 Advocates***

An Advocate for the alleged victim shall be responsible for responding to suspected or alleged abuse upon notice to the Provincial. This specialist shall have adequate training, education and/or experience to respond to abuse including education training and/or experience in: 1) the dynamics of abuse, 2) the effects of abuse, 3) how to provide comfort to victims of abuse, 4) how to encourage trust in victims of abuse and 5) how to promote healing in victims of abuse. This Response Specialist shall be responsible for responding to both individuals who report abuse as well as those individuals who may have experienced abuse.

An Advocate for the accused will be responsible for responding to individuals accused of abuse, who have disclosed concerns about their own attraction to minors, or who have exhibited warning signs of abuse. This individual shall have adequate training, education or experience in responding to and evaluating those persons accused of abuse.

### ***Section 5.3 Duties Upon Notice of Allegations of Current Child Abuse***

#### **a) Director's Duties**

Once the Director is informed of an alleged incident of current child abuse, whether an anonymous report or not, he should immediately contact the Provincial or, in his absence, the Vice Provincial or Provincial Treasurer, and identify the type of alleged misconduct. The Director shall additionally assure that the proper civil authorities have been informed of the suspected abuse by any mandated reporter. The Review Board and the Response Specialist will then be contacted to discuss the situation and to advise the Provincial on appropriate action.

**b) Internal Investigation**

Upon consulting with the Review Board and the Response Specialist(s), an internal investigation will proceed. The internal investigation shall be aimed at finding the truth of the allegations, taking into account the rights and needs of all involved. The internal investigation shall not interfere with the investigation being made by civil authorities and, if a criminal investigation is taking place, the Provincial shall consult with the civil authorities to assure that the internal investigation does not interfere with the external investigation. During the internal investigation process the suspected individual's rights under both civil and canon law must be respected.

**c) Communication with Family**

The family of the alleged victim shall be immediately notified and offered spiritual care and support if any personnel are accused of child abuse. Director shall assure the family of the alleged victim that our intent is to pursue the truth quickly, and to take whatever action is necessary for the protection and well being of the child. The Director shall offer to meet in person with the victim and/or family and offer any spiritual guidance or support to the victim, as he or she deems appropriate. The Director shall also offer the victim and/or family the services of the Response Specialist to discuss the alleged abuse. If the family of the victim of the alleged child abuse is accused of child abuse, then the local civil authorities shall handle the matter through their own procedures.

**d) Informing Outside Employer**

If deemed prudent after investigation, the Director or Provincial will inform the Diocesan Bishop or other outside employer of any child abuse accusation.

**e) Communication with Accused or Suspected Individual**

The individual suspected of abuse will immediately be notified of the nature of the allegation(s) and be placed on administrative leave pending the outcome of the investigation by civil authorities. The individual suspected of abuse will be directed to remain away from the school, church or other location(s) that are the subject matter of the complaint, as well as the victim, until a resolution of the complaint is concluded. The individual suspected of abuse shall be advised of his or her right to retain an attorney. If the individual suspected of abuse is arrested and charged he or she shall remain on administrative leave until his or her guilt or innocence is established by law.

**f) Referral to Psychologist**

The individual suspected of abuse may be referred to a facility for a psychological evaluation, especially in instances where a member of the clergy is suspected of child abuse.

**g) Determination of Guilt**

- 1) If a lay person admits guilt, does not contest guilt, or there is a finding of guilt, he or she must be immediately terminated. The Director should notify the Provincial in writing of the individual's guilt so that the employee or volunteer's file may be properly noted and adequate safeguards are taken to assure that the Salesian Society does not employ the individual in any capacity.
- 2) If a Salesian member admits guilt, does not contest guilt, or there is a finding of guilt, that person shall immediately be removed from any pastoral or educational assignment so that no contact with children shall occur. He will be sent for psychological evaluation and spiritual guidance. In accordance with canonical procedure, an ecclesiastical investigation shall occur (sometimes this will occur in conjunction with the internal investigation procedures described herein). The Salesian member shall be subject to a Supervision Plan; *cf. San Francisco Province of the Salesian Society Supervision Plan.*

**h) Absence of a Determination of Guilt**

If the individual is found not guilty, the charges are dropped, or no charges are filed, the Director should consult with the Provincial and the Review Board to determine if the individual should be restored to his or her duties. In any event, the situation shall be noted in the individual's personnel file for future reference if necessary.

**i) Notifying Insurance Company**

The Provincial Office should notify the pertinent insurance company.

***Section 5.4***

***Director's Duties Upon Notice of Allegations of Past Child Abuse by an Adult***

**a) Director's Duties**

Once the Director is informed of an alleged incident of past child abuse by an adult, he should immediately contact the Provincial or, in his absence, the Vice Provincial or Provincial Treasurer. Once the Provincial office is notified, the Review Board will convene to identify and discuss the type of alleged misconduct and the appropriate response thereto. The Director and the Provincial shall immediately determine whether the Salesian Society currently employs the suspected individual.

**b) Internal Investigation**

If the suspected individual is a current employee of the Salesian Society, then the Provincial shall make an appropriate internal investigation into the allegations to determine if the suspected individual should be removed from duty. The Provincial may convene a Review Board for consultation if deemed necessary. If the suspected individual is not a current employee of the Salesian Society, the Director shall determine the location of the accused, if possible.

**d) Informing Outside Employer**

If the accused is an employee in another church, the Director may inform the Diocesan Bishop, or any outside employer, of accusations of past abuse.

**e) Filing Criminal Report**

The Director shall advise the alleged victim to file a criminal report with law enforcement.

**Section 5.5**

***Communications About Alleged Child Abuse***

**a) Public Communications and Media Inquiries**

All communications regarding alleged abuse shall pass through the office of the attorney appointed to the case. Communication about the allegation is not considered a legally privileged communication unless it is between the accused and his or her attorney, or between a reporter and a child protective agency. A prosecutor or civil complainant may subpoena the Provincial, the Director or others to testify under oath as to what he or she knows about the case.

In keeping with the above-stated policies, **Salesian High School** is committed to dealing with alleged incidents of child abuse in an open and responsible manner. At the same time, in light of the permanent harm that can result from such allegations, even if they ultimately prove to be unfounded, the Salesian Society respects the strict confidentiality and privacy of all persons who are involved in such incidents. With that in mind, the Salesian Society's primary concern is the welfare of the child and the truth of the allegations.

**b) Mandated Reporters**

Mandated and other reporters who know of or suspect child abuse and who have reported the suspected abuse to the appropriate authorities, as outlined in this Policy, shall not talk about alleged abuse. The reporter should make no publication of the name of the accused or alleged victim.

**c) Outside Employer**

In the event personnel is accused while assigned to a diocesan or other outside employer, that diocese's communications policy or the outside employer's policy will be followed.

**Article 6: Healing After Abuse or Accusations of Abuse**

The Salesian Society recognizes that instances of child abuse are extremely serious and painful matters for all involved. It is our goal to encourage and assist the healing process after a tragedy like child abuse occurs. Since the faith community is itself an agent for reconciliation, it should be

encouraged to participate in the recovery process thereby enabling it to develop means to understand these issues and help all who are affected by it. Both the Director and the Provincial shall be sensitive to any segment of the faith community which may be particularly hurting due to the tragedy of child abuse, including the victim and his or her family.