

# Provincial Policy Handbook



## Province of St. Joseph of the Capuchin Order (Version: September 2012)

**Nota bene:** This document is currently under revision. Several policies have been updated and are included in the “**Addendum**” at the end of this document. Those policies include:

Affiliation  
Donations of Real Property  
Guidelines for Disposition of a Friar’s Material Goods  
Misconduct with Adults  
Misconduct with Minors  
Model Living Agreement  
Records Management  
Social Networking

*Suggestion for finding specific information in this document:*

Because this document is updated regularly, page numbers are *not included* in the Table of Contents. The “Table of Contents” is an *alphabetical listing*. Use the search command (Ctrl + F) and type a word or phrase. Using a word or phrase from the “Table of Contents” will usually provide an accurate search result.

# Table of Contents

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# Introduction

*(Re-approved: July 2003)*

A provincial policy is any directive of the provincial minister, Provincial Council, or provincial chapter which has repeated application in the life of the province. It is published in the minutes of Provincial Council meetings and must be implemented by the intended members of the province. The provincial minister with the consent of his council may act in exception to these policies if it is deemed to be in the best interest of the province.

1. When helpful, policy level directives from an authority higher than the province are included in the provincial handbook.
2. Job descriptions included in this handbook are approved by the provincial minister and Provincial Council and are intended to guide friars involved in provincial offices in carrying out their responsibilities.
3. At the beginning of each triennium, the provincial minister and his council shall appoint someone to keep this Provincial Handbook up-to-date during the triennium. The appointed person shall update the digital version of the book as changes are made throughout the triennium. At least annually, he shall arrange with Capuchin Communications to publish a downloadable digital copy to friars and relevant partners in ministry.
4. All policies in this version were reviewed by the Provincial Council, and are considered effective on the listed approval (or "re-approval") date. The latest approval date is always considered the valid version.

###

# Affiliation with the Province

*(Re-approved: July 2003)*

1. Affiliation to the Capuchin Province of St. Joseph can be granted only by the provincial minister and his council. Recommendation for affiliation can only come from an assembled local Capuchin fraternity. Recommendation from an individual friar, without the support of the local community, will not be considered.
2. Recommendation for the affiliation shall be made through a formal letter by the local minister. The letter shall contain reasons for the nomination together with a general biographical history of the person nominated. This request will also include a summary of the local community's discussion on the nomination.
3. The person nominated should have a long standing relationship to the local community or province (e.g., ten years or more).
4. The person nominated must have given faithful service to the local Capuchin community or province, not just a particular ministry or friar. That service will be expressed by a generous giving of time, talent, or support of any kind, to foster the life and ministry of the local community or province.
5. The person should be truly virtuous, have a genuine love for Franciscan ideals and for the church and be well thought of by the local community—both religious and lay.
6. The ceremony of affiliation is to be presided over by the provincial minister or his delegate at a fitting ceremony.
7. A document of affiliation shall be given the person and a copy shall be kept in the provincial office and archives. A notice of affiliation will be sent to all the communities and individual friars of the province.
8. Affiliates' names and addresses will be listed in a special section of the annual directory of the province, listing the friary through which they are affiliated.
9. Our human and spiritual relationship with our affiliates is to be fostered by inviting them to local and provincial gatherings of the friars and by remembering them in our private and communal prayer. The local community is to take the initiative in these matters.

###

# Provincial Chapters

*(Re-approved: July 2003)*

1. The question of universal suffrage has been assigned by the constitutions to the general membership of the province. Thus, it does not pertain to a provincial chapter to determine the matter. It is a question that can be addressed only by the general membership of the province in accordance with No. 125.2.
2. Once the general membership of the province has pronounced itself on the question in accordance with 125.2, that decision remains in force until another general vote of the province overturns that decision. Thus, concretely, St Joseph Province voted, according to 125.2, to conduct the provincial chapter by universal suffrage. Thus, this chapter and all subsequent chapters will be conducted by universal suffrage unless another vote of the general membership intervenes.
3. Who determines whether or not there should be a vote of the general membership on the question of universal suffrage?" This is a question of a pastoral decision on the part of the provincial minister and his council. If they sense significant feelings on the question in the province, they should call for a vote, either to initiate general suffrage or to reconsider it. In either case, for general suffrage to begin or to continue, a two-thirds favorable vote is required.

###

# Chemical Dependency

*(Re-approved: July 2003)*

1. The Province of St. Joseph of the Capuchin Order, in accordance with the highest professional authorities, hereby officially recognizes chemical dependency as a human disease condition, which demands our enlightened concern.
2. This disease, which can and does occur among us, generally manifests itself in a threefold impairment of body, mind and spirit which, unless arrested, can lead to irreparable damage. The victims of chemical dependency need, and fraternal charity demands, that they be given proper understanding and professional help.
3. Experience indicates that persons afflicted with this disease are usually blind to the developing symptoms in themselves and are rarely capable of effective self-help. Hence, we consider it our obligation in justice and charity to establish procedures to facilitate proper treatment and productive recovery for such victims among our confreres.
4. Our primary concern is to relieve pain and suffering, restore health and dignity and return victims to productive and rewarding involvement in the important work of the province. In fraternal charity we call for enlightened cooperation of all in implementing the following guidelines which have been revised by a special task force of the Research and Planning Commission and approved by the Provincial Council on May 17, 1983.

## Guidelines

- a. Chemical dependency must be recognized as (1) a progressive disease—physically, mentally, spiritually—ending in premature death; thus early intervention is imperative;
- b. a chronic disease which can be arrested but never cured; relapse is always a danger; thus total abstinence is imperative; (3) a primary disease, in the sense that it blocks the lasting effect of any other health care effort, be it physical, emotional or spiritual; the primary factor is DENIAL—the delusion or impaired judgment which locks the patient into self-destructive patterns; thus this disease must be dealt with first because it blocks any other kind of therapy.
- c. Since alcoholism and drug dependency are grave disorders and serious illnesses which require rehabilitation of the whole person (physically, psychologically, socially and spiritually), the provincial superiors must place the full weight of their influence and authority behind the alcohol and drug rehabilitation program.
- d. The success of such a program requires an operational structure in the form of chemical dependency teams.
- e. A superior, provincial or local, should not confront an individual alone but with a team. The superior asserts his authority by supporting the action and recommendation of the team. Only in an extreme case should the superior directly assert his authority.
- f. Intervention should be done by members of a team who have prepared well, gathering all possible facts, rehearsing procedure and praying together for guidance.

Usually the intervention is done with the local community of the friar. The team might include a person or persons whom the individual respects very much and whose advice he would generally follow.

g. To be effective it is important to understand the nature and method of intervention.

In reference to chemical dependency, intervention means inviting a confrere to examine himself in a matter that could be self-defeating and self-destructive. More specifically, it is "the process in which persons involved in the victim's life take direct, effective action in order to bring about a positive recovery program for him."

1. We intervene because we are generally concerned about our brother—about his physical, mental, emotional, social, ministerial and spiritual welfare. We intervene because we know that dependency blinds a person, so that he is not able to see his condition clearly. Because his behavior is due to an addictive, obsessive, compulsive disease process, the issue of moral culpability is largely irrelevant. Thus our purpose is not to judge or condemn or reprimand. In fact, manifesting any feelings of anger, disgust, disappointment, frustration, moral outrage on the part of those intervening is to be avoided, lest the intervention be short circuited.

2. The goal of intervention is to move the patient to see and accept enough reality, so that he will accept the need for help. The intervention team approaches the friar with a rather simple message: we are your brothers and we are genuinely concerned about you, because we have reason to believe that you suffer from a permanent, incurable disease; but it can be arrested and controlled, if you are willing to get help; and we are committed to do all we can to assist you in getting help.

#### Method of Intervention

##### First Phase

a. Marshall all objective facts that can be easily verified, as specific and descriptive as possible, so that little time will be wasted over details, motivations, explanations and other non-essentials.

b. Focus primarily on inappropriate behavior which is self-destructive, self-defeating, self-punishing. Do not concentrate on drinking or drug use itself, nor on his motivations; the individual is usually adept at rationalizing and can easily justify his behavior (e.g. "I use it the same way others do"; "I use just so much"; "only at certain time"; "because of health"; or "doctors prescription," etc.).

- Identify his drinking or drug use as the source of his irresponsible behavior, in order that he may come to accept himself as an alcoholic or drug dependent person.
- Point out that many of his behaviors are in direct conflict with his normal value system. Generally addicted individuals are idealists and perfectionists and want to be considered "good" persons. One of his greatest sufferings is a constant sense of guilt because his behavior and values are in conflict. If we can demonstrate this conflict, the first step of the intervention can be effective.

## Second Phase

- Hopefully the addicted person will eventually respond: -I know I have a problem, now what am I to do about it?" the team must be ready to present a positive, clear, workable program. If the situation calls for a treatment center, such as Guest House, reservations should be made in advance as well as arrangements for his replacement during his absence.
- The friar may resist treatment because of fear. He senses that his whole life is about to be up-rooted, which is very real. The team must be prepared to encourage, reassure and volunteer continued support. The positive benefits of recovery, the future development of his gifts and ministry need to be re-enforced.
- The result of the intervention may be a genuine doubt whether the friar is chemically dependent. The team should be prepared to receive counsel and evaluation by other experts in the field.
- Because of the seriousness and progressive nature of the disease, the benefit of the doubt should not automatically be settled in favor of the friar having the problem.

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# Guidelines for Disposition of a Deceased Friar's Material Goods

*(Approved: February 2012)*

The death of a friar in the community presents particular challenges for the local minister. In addition to attending to the process of mourning a brother, he must also assist the community and the province in preparing for the friar's funeral and in helping to dispose of the material goods he had in his possession in a manner consistent with our religious vows.

This can be made more or less complicated by the deceased friar's lifestyle and how he dealt with the material goods he possessed and used during his lifetime. There can also be pastoral challenges when family members, friends or even other friars would like to lay claim to particular items as keepsakes or in light of the deceased friars express, implied or perceived wishes. These guidelines are intended to assist local ministers in disposing of the material goods that a brother had in his possession in a manner that is both pastorally sensitive and consistent with our vows.

## *Our Vows*

All friars in the province accept and vow to live the evangelical counsel of poverty. To this end, at the time a friar makes perpetual vows he signs a Disposition of Property form in which he: (1) affirms that he has freely and voluntarily disposed of all of his "worldly possessions, money and property;" and (2) assigns, conveys, transfers and gives to the Province "any and all interest in and to property (both real and personal)" which he may acquire in the future. The friar may provide a list of items that he has retained for his use with the permission of the provincial minister and under the direction of his local minister.

Each friar also executes a Last Will and Testament form in which he: (1) commends himself in gratitude to God's love and mercy; (2) leaves to the province all of the property of whatever kind or form that he possesses or to which he is entitled at the time of his death; (3) affirms that it is his intention to leave to the province all of the worldly goods that he has at the time of his death while leaving to his family and friends his "love and affection, and a life dedicated to Jesus Christ our Lord;" and (4) nominates and appoints the provincial minister or his designee as his personal representative and executor of his Last Will and Testament.

Some friars may have items of a professional or academic nature (e.g. specialized collections of books) that may be more useful to groups other than the local fraternity or the province. These friars may suggest in their wills that these could be donated to a particular institution (e.g., school of theology, Capuchin library, college or university). Similarly, when friars live in houses that have a dual purpose as a residence and ministry center (e.g., parish rectory) they

need to exercise caution in designating what belongs to the friars/province and what belongs to the ministry.

It has been the practice of the province that the local minister usually serves as the provincial minister's designee unless otherwise specified. Each friar's personnel file at the provincialate in Detroit should include the original copies of his Disposition of Property and Last Will and Testament forms. Any friar may request a copy of his Last Will and Testament for his own review.

Disposing of a deceased friar's material goods: suggestions for local ministers

- When informing the provincial minister that a friar has died, request that the provincialate send by electronic means (e.g., fax, e-mail) copies of the deceased friar's Disposition of Property and Last Will and Testament forms, along with any amendments (if applicable). These may be useful forms for responding to the requests or demands of relatives, friends or other friars for specific items that the deceased friar had in his possession.
- Pray for the guidance of the Holy Spirit! The death of a brother, particularly when it is unexpected or tragic, can be a time of significant stress for many. It can bring out the best in some and significantly less than the best in others. It is important to maintain a clear head and peaceful and loving heart.
- If a deceased friar had primary use of a particular vehicle in the community, please inform the provincial minister so that it may be reallocated to another friar or community if needed.
- Work with members of the local Capuchin community and appropriate ministry staff to ensure that the friar's bedroom(s) and office(s) are secured. Family members, friends, or unauthorized friars should not be permitted to enter a friar's bedroom(s) or office(s), particularly unaccompanied by the local minister, provincial minister, or designated friar(s) [in the case of a ministry site, the ministry director or designated staff member]. If a friar is living alone, the same applies to his entire residence. No one other than the provincial minister, local minister, or designated friar(s) [in the case of a ministry site, the ministry director or designated staff member] should be permitted to remove items from where they were at the time of the friar's death.
- If family members, friends, or friars request particular items, it is important to be pastorally sensitive. However, feel free to show them the Disposition of Property and Last Will and Testament forms. If they persist in their claims please refer them to the provincial minister or, where appropriate, to the ministry director.
- While local ministers or those otherwise designated to dispose of a deceased friar's material goods are encouraged to use common sense, justice and prudence, the following are some general suggestions:

*Clothing items and footwear* may be given to the poor, provided they are in good condition. Items that are not in good condition or otherwise suitable for others to wear should be thrown out unless they are suitable for rags or a similar use.

*Books* may be kept for the friary library, given to another community library, or given to the poor.

*Computers, cell phones, cameras and other similar electronic devices* that were personally used by the friar or in connection with a *provincial* ministry should be turned off and secured for inspection, data recovery/storage, etc. by the province's information technology (IT) office.

*Televisions, radios, stereo systems, etc.* that were personally used by the friar may be kept by the local fraternity or, if not needed, offered to another local fraternity or given to the poor.

*Family photos, knickknacks and assorted items* may be separated and put into a box for family members to have.

A *friar's extra habit* (if he possessed more than one), *breviary and liturgical items* (e.g. alb, stoles, chalice and paten, Mass kit, etc.) may be kept for the friary, given to another fraternity, or given to the missions.

A *friar's credit cards, check books, forms of personal identification, etc.* should be secured and delivered to the provincialate as soon as possible to minimize the risks of identity theft, unauthorized charges, unpaid/overdue bills, etc. Any *cash* found in the friar's position should be turned over to the local minister.

*The original copy/copies of the deceased friar's death certificate* should be sent to the provincialate as soon as possible.

Some items found in a deceased friar's possession may actually be part of the province's patrimony (e.g., a statue, artwork or similar item that may have once been at another friary). Other items (e.g., historical documents and those related to a friar's life and ministries) may have archival value. These often require evaluation by a member of the Patrimony Commission and/or the provincial archivist. If these or other items are found in a deceased friar's possession and raise particular questions or concerns please notify the provincial minister as soon as possible.

No set of guidelines is perfect or will answer every potential question. Local ministers who have questions or concerns about these and similar matters should always know that they may contact the provincial minister for support.

###

# Guidelines for Disposition of the Material Goods of a Friar in a Nursing Facility

(Approved: June 2012)

## *Introduction*

The permanent move of a friar from a friary or community house to an assisted living or nursing facility presents special challenges for the local minister. In addition to attending to the stresses of moving and the friar's and community's processes of grieving, he often faces the task of disposing of some of the material goods that the friar had in his possession in a manner consistent with our religious vows.

Our Capuchin *Constitutions* urge the friars to "not be immoderately preoccupied with goods" (63:2) and to "not cling to earthly goods with inordinate affection" (74:4). However, as creatures of our culture as well as disciples of Jesus in the spirit of St. Francis, it is not uncommon for the friars to accumulate material things.

In many cases, the friar's new living and available storage spaces will be much smaller than what was available to him in his former home. Further, the rules of the facility may limit how much he can bring with him. These limitations can be complicated by the friar's lifestyle and in particular the number and type of material goods he has accumulated. Some of these may have significant value, others may be part of the province's patrimony, and still others could be put to good use elsewhere. These guidelines are intended to assist local ministers in disposing of the material goods that a brother had in his possession in a manner that is both pastorally sensitive and consistent with our vows.

## *Our Vows*

All friars in the province accept and vow to live the evangelical counsel of poverty. To this end, at the time a friar makes perpetual vows he signs a *Disposition of Property* form in which he: (1) affirms that he has freely and voluntarily disposed of all of his "worldly possessions, money and property;" and (2) assigns, conveys, transfers and gives to the province "any and all interest in and to property (both real and personal)" which he may acquire in the future. [The friar may provide a list of items that he has retained for his use with the permission of the provincial minister and under the direction of his local minister.]

It has been the practice of the province that the local minister usually serves as the provincial minister's designee unless otherwise specified. Each friar's personnel file at the provincialate in Detroit should include the original copies of his *Disposition of Property* and *Last Will and Testament* forms. Any friar may request a copy of his *Last Will and Testament* for his own review.

While avoiding a morbid preoccupation or an unseemly anticipation of a friar's demise, his move to a nursing facility naturally provides the opportunity for him, together with his local minister (and the provincial minister, if desired), to reflect on what will be done with the material things that he cannot bring with him. Some of these may be put at the service of the community or our ministry to the poor.

A friar may have items of a professional or academic nature (e.g. specialized collections of books) that may be more useful to groups other than the local fraternity or the province. These may be donated to a particular institution (e.g., school of theology, Capuchin library, college or university). When the friar lives in a house that has a dual purpose as a residence and ministry center (e.g., parish rectory) extra caution will need to be exercised in designating what belongs to the friars/province and what belongs to the ministry.

*Disposing of the Material Goods of a Friar: Suggestions for Local Ministers*

Be reasonably certain that the friar's move to a healthcare facility is permanent. Under our provincial practices of "aging in place" and providing some assisted living services in our friaries and given our aging it is not unusual for friars to make even multiple trips to healthcare facilities for post-operative rehabilitation, acute medical conditions, etc. In cases of doubt, it may be helpful to consult with the Wellness director of the province to get an accurate assessment of a friar's condition and his likelihood of returning home.

Pray for the guidance of the Holy Spirit! The move of a brother to a nursing facility can be a time of significant stress for many. It may even involve the familiar stages of death: denial, bargaining, anger, depression, and acceptance. It is important to maintain a clear head and peaceful and loving heart and to balance the need for pastoral attention and patience with practical concerns (e.g. the community's need to use the room of the friar who has moved).

In most circumstances, once a friar is moved to a nursing facility his driving privileges are automatically withdrawn if they have not already been revoked. If the friar had primary use of a particular vehicle in the community, the provincial minister should be informed so that the vehicle may be reallocated to another friar or community if needed.

Work with members of the local Capuchin community and appropriate ministry staff to ensure that the friar's bedroom(s) and office(s) are secured. Family members, friends, or unauthorized friars should not be permitted to enter a friar's bedroom(s) or office(s), particularly unaccompanied by the local minister, provincial minister, or designated friar(s) [in the case of a ministry site, the ministry director or designated staff member]. If a friar is living alone, the same applies to his entire residence. No one other than the provincial minister, local minister, or designated friar(s) [in the case of a ministry site, the ministry director or designated staff member] should be permitted to remove items from where they were at the time of the friar's move.

If family members, friends, or friars request particular items, it is important to be pastorally sensitive. However, feel free to show them the *Disposition of Property* and *Last Will and Testament* forms. If they persist in their claims please refer them to the provincial minister or, where appropriate, to the ministry director.

While local ministers or those otherwise designated to dispose of a friar's material goods are encouraged to use common sense, justice and prudence, the following are some general suggestions:

Excess clothing items and footwear may be given to the poor, provided they are in good condition. Items that are not in good condition or otherwise suitable for others to wear should be thrown out unless they are suitable for rags or a similar use.

Excess books may be kept for the friary library, given to another community library, or given to the poor.

Computers, cell phones, cameras and other similar electronic devices that have been personally used by the friar or in connection with a *provincial* ministry and which cannot be used at the nursing facility should be turned off and secured for inspection, data recovery/storage, etc. by the province's Information Technology (IT) office.

Televisions, radios, stereo systems, etc. that were personally used by the friar and which cannot be used at the nursing facility may be kept by the local fraternity or, if not needed, offered to another local fraternity or given to the poor.

Family photos, knickknacks and assorted items may be separated and put into a box for family members to have.

A friar's extra habit (if he possessed more than one), breviary and liturgical items (e.g. alb, stoles, chalice and paten, Mass kit, etc.) may be kept for the friary, given to another fraternity, or given to the missions.

Some items found in a friar's possession may actually be part of the province's patrimony (e.g., a statue, artwork or similar item that may have once been at another friary). Other items (e.g., historical documents and those related to a friar's life and ministries) may have archival value. These often require evaluation by a member of the Patrimony Commission and/or the provincial archivist. If these or other items are found in a friar's possession and raise particular questions or concerns please notify the provincial minister as soon as possible.

On occasion a friar may have items (e.g. artworks or collectibles) that may be of significant monetary value. These may be professionally appraised and, if possible, sold at fair market value through appropriate and legal channels. Other items may be sold through E-Bay or another online auction site.

No set of guidelines is perfect or will answer every potential question. Local ministers who have questions or concerns about these and similar matters should always know that they may contact the provincial minister for support.

###

# Dispensations from Religious Life and Priesthood

*(Re-approved: July 2003)*

1. The friar on leave waiting for his dispensation is responsible for all his financial obligations. This includes finances for means of transportation, a car, insurance on the car, health insurance, housing and clothing. The province will help the friar initially with some financial assistance. Upon his departure from the community he is to return all his credit cards and open his own bank account. Any debts incurred by the friar while on leave-of-absence become his personal responsibility.
2. As a rule, once a friar signs a petition for a dispensation, his residence within the friary should be terminated within thirty days.
3. Until his dispensation becomes effective, the friar should be mindful that he is a person bound by religious vows. Once the friar has signed a petition for a dispensation from the obligations of the priesthood, his priestly ministry must cease. A friar on leave awaiting his dispensation agrees not to exercise active or passive voice in elections in the fraternity.
4. Friars who leave should indicate whether or not they wish to receive provincial communications. Friars who leave after perpetual profession are asked to notify the Capuchin Communications office on the death of their parents. A notice will be sent to the houses of the province and prayers requested. Such a notice will be sent to the houses also upon the death of a friar who was formerly in perpetual vows in the province.
5. Policies 1 through 4 above also apply to friars on leave of absence who have not requested dispensation. Any modifications of these policies will be indicated to the friar by the provincial minister. The duration of the leave of absence will be determined before the friar leaves community living. The duration is ordinarily for one year.

###

# Driver Safety

*(Revised and approved: December 2010)*

## 1. Introduction:

Our life in fraternity calls us to care for one another, to be good stewards of what God and others have entrusted to us, and to a commitment to loving service to our brothers and sisters, particularly those who are poor. This policy flows from our Capuchin life and mission. Its purpose is to encourage the well being of the friars and our partners in ministry, appropriate use of motor vehicles, and the safety of our neighbors.

## 2. Application of Policy:

This policy applies to friars in any and all circumstances in which they operate a vehicle, including any vehicle owned by the province or another party, as well as any instance in which the friar may rent a vehicle. In addition, some portions of this policy—particularly the general principles stated in sections 3 and 5—apply to other persons in all instances in which they operate province-owned vehicles and to those instances in which they may use or rent other vehicles for the purpose of conducting provincial business. This includes provincial employees and appropriately designated volunteers. Policies that apply more directly to provincial employees and volunteers shall be included in the province's employee handbook and may also be included in the employee handbooks of individual ministries. Provisions of this policy shall be deemed in effect and applicable to all appropriate parties upon the date of approval by the Provincial Council.

3. Driving a vehicle a privilege, not a right: Every driver of a vehicle must carry a valid driver's license issued by that person's state of residence. Allowance may be made for those with out-of-state licenses who have recently moved to transfer their licenses to their new/current state of residence.

No person may drive a province-owned vehicle and no friar may drive any vehicle if that person's/friar's driver's license has expired, been suspended, or revoked by civil authority.

The provincial minister may, on his own authority and for good cause, suspend or cancel the authorization of any friar to operate a province-owned vehicle. It is expected that, wherever possible, he shall consult with the Provincial Council and with other appropriate parties (e.g., the friar's local minister or ministry supervisor) before taking such actions.

Any change in a driver's license status or driving record must be reported to the provincialate immediately.

## 4. Remedial actions and limitations on driving privileges:

The provincial minister may require a friar whose driving privileges have been limited or suspended to undertake remedial actions (e.g., a driver safety class) before restoring his full driving privileges. The provincial minister may put a friar on probation, restrict, suspend or revoke his driving privileges if there is evidence (as noted below) that places in question his ability to safely operate a vehicle. It is expected that, wherever possible, he shall consult with the Provincial Council and with other appropriate parties (e.g., the friar's local minister or

ministry supervisor) before taking such actions. In acting, the provincial minister shall also specify to the friar and the other parties the length of the limitation, probation or suspension. A friar's driving privileges may be limited, suspended or revoked if there is evidence that he has:

- Any medical or psychological condition that would render him unable to safely operate a vehicle;
- Been admitted to an assisted living or skilled nursing facility;
- Been found to be at least partially responsible for more than 1 automobile accident within 2 years;
- Has demonstrated consistently poor judgment in driving under adverse conditions (e.g., driving too fast on a wet or snow-covered road, resulting in swerving, going into a ditch, etc.).
- Been convicted of driving under the influence of alcohol or other drugs;
- Refused to submit to a blood alcohol test when pulled over by a law enforcement officer;
- Committed a crime while operating a vehicle;
- Left the scene of an accident in violation of state law; or
- Been determined to be at fault in a fatal automobile accident.

Restrictions may include, but are not limited to, the following:

- Driving only during daylight hours;
- Limits on the distance or time permitted for driving;
- Driving only outside of the daily "rush hour(s)";
- Limitations on the number of passengers permitted in the friar's vehicle.

#### 5: Auto safety and hospitality

When a driver drives with one or more passengers in his vehicle, he/she shall do all in his/her power to ensure the safety of everyone. Therefore, he/she shall make sure that:

- All passengers wear safety belts.
- Children under age 12 are not seated in front of an airbag unit.
- Children under age 6 are seated in rear passenger seat.
- Children under age 4 or who weigh less than 40 pounds are secured in a properly installed child safety or booster seat.

Note: Most states have occupant restraint and child passenger safety laws that place statutory duties on drivers and often passengers. These are intended to promote public safety and reduce traffic accidents, injuries and fatalities.

#### 6: Age and health provisions

This policy seeks to achieve a proper balance of independence, personal and public safety, and good stewardship. According to the American Automobile Association (AAA), a driver's skills begin to diminish at approximately age 55, generally due to a variety of normal physiological changes. The province strongly encourages all drivers of province-owned vehicles, upon reaching age 55 to participate in the American Association of Retired Persons' (AARP's) "55 Alive" or comparable driver's safety program to evaluate their driving skills and to adjust their habits accordingly. Christian Brothers Risk Management Services has a driver safety program specifically designed for drivers over age 75. Drivers are also strongly encouraged to repeat this assessment process every five years, i.e., upon reaching the ages of 60, 65, 70, 75, et seq.

For health reasons as determined by the provincial minister, or when a friar reaches his 80th birthday, a friar may be required to take an annual driver's examination, i.e., a "road test," conducted by agencies or organizations recognized by the province. The province's health care coordinator, in consultation with the provincial minister and other appropriate parties, shall develop a list of such agencies and organizations. Health reasons may include, but are not limited to: hearing loss; visual impairment; dementia; Alzheimer's disease; use of medications that impair performance; or other conditions that may limit a person's ability to safely operate a motor vehicle.

When a friar is admitted to a skilled nursing facility, he shall no longer be permitted to have a vehicle available for his personal use. However, he may retain his driver's license and in some circumstances *be* permitted to exercise limited driving privileges.

Whenever an accident report is issued or insurance claim is made regarding a motor vehicle accident involving a friar driver, the province's health care coordinator shall be notified, along with the provincialate. While it is hoped that the friar himself will provide such notification, other parties (e.g., the friar's local minister or ministry supervisor) may do so. The health care coordinator shall investigate whether there were any age or health-related factors involved in the accident.

The provincial minister may at any time require that a friar obtain a medical opinion concerning his ability to safely operate a motor vehicle. The province's health care coordinator may be asked to identify physicians or other health care professionals who can responsibly render such an opinion.

A copy of the friar's most recently obtained driver's assessment and/or medical evaluation shall be submitted to the provincialate and retained in the friar's personnel file. This file will be checked and must be up to date whenever a friar requests to purchase or replace a vehicle. A friar who receives a driver's assessment and/or medical evaluation that indicates that his ability to safely operate a motor vehicle shall be expected to voluntarily surrender his driving privileges.

All friars and other drivers of province-owned vehicles must authorize the provincialate to periodically obtain copies of their Motor Vehicle Reports (MVR's). These reports shall be retained in the friar's/driver's personnel file. It is also recommended that the local minister have a photocopy of a valid driver's license or state identification card for each friar in the community.

In light of the driver's assessment results, medical evaluation and/or the friar's driving record, the provincial minister may restrict, suspend or revoke a friar's driving privileges. If a friar whose driving privileges have been restricted is found to have violated the restrictions, his driving privileges may be revoked.

Friars who have had their driving privileges restricted, suspended or revoked shall have access to alternative forms of transportation (e.g., public transportation, a driver for appointments, etc.), and provisions shall be made in their individual or local community budgets to facilitate those alternatives. In addition, all friars should prepare themselves for a time when they may no longer be able to drive safely.

Once a friar's driving privileges have been surrendered or revoked, he should go to the appropriate state agency, surrender his driver's license and obtain a state identification card that can serve as official government-issued ID for air travel and various other services.

###

# Vocation Directors: Job Description

*(Revised and Re-approved: May 2004)*

1. The following skills, abilities, and experiences are desirable in the composite vocation office staff:

- Skills = learned capacities in terms of training programs both professional and academic.
- Abilities = native talents/natural endowments of an individual. Experiences = personal/community/ministerial experience.
  
- Skills:
  - vocational discernment,
  - recruitment techniques
- Abilities:
  - public relations
  - willingness to travel
- Experience:
  - effective working with young people

2. The co-directors are members of the Formation Council and are to participate in its meetings and work with the other members of the council in implementing the initial formation program of the province.

3. The co-directors are responsible to the provincial minister and the Provincial Council through the provincial director of formation and with the other members of the Formation Council. The co-directors shall consult with and inform provincial leadership as situations require.

4. The co-directors are to facilitate the process of ongoing discernment and deepening commitment to Christ and his church for the candidates and inquirers.

5. The co-directors shall maintain files on all inquirers and candidates.

6. The co-directors shall implement all policies and procedures that affect inquirers and candidates, especially regarding the candidacy program.

7. The co-directors ensure the proper execution of civil and ecclesiastical documents affecting candidates, especially those required for an application to postulancy.

8. The co-directors promoting membership in the Province of St. Joseph;

9. The co-directors conduct the processing and initial screening of applicants;

10. The co-directors maintain applicants interest in the province;

11. The co-directors assist in the discernment process of inquirers and candidates;

12. The co-directors prepare applicants to succeed in postulancy;

13. The co-directors elicit the cooperation of others for this task;

14. New vocation directors shall attend within the first year of appointment a training program on human sexuality and committed celibacy with a minimum of ten meeting hours. Vocation directors shall renew this training a minimum of every five years. The St. Luke Institute's five-day Phase I workshop for formators and vocation directors, and the Catholic Theological

Union's intensive three-week program entitle "Healthy Human Sexual Development for Ministry" (course 14010) meet this requirement.

###

## Director of Initial Formation: Job Description

The provincial director of initial formation is a staff person to the provincial minister and is appointed by him for a three year term beginning at each provincial chapter:

1. He reports regularly to the provincial minister and council in matters concerning initial formation. He makes known to the provincial minister and council personnel needs and qualification requirements for members of the Formation Council.
2. He reports to the Formation Council questions, concerns, directives and other instructions from the provincial minister and council.
3. He is the chair of the Formation Council which oversees the implementation and development of the initial formation program.
4. He chairs meetings of the Formation Council and sees to it that accurate minutes are kept and submitted to the Formation Council for correction and approval.
5. He performs tasks assigned him by the Formation Council.
6. He ensures the continual updating of copies of the "Initial Formation Handbook" per the decisions of the provincial minister and council and of the Formation Council.
7. He is the province's contact person with the other provinces of the North America & Pacific Capuchin Conference (NAPCC) in matters concerning initial formation.
8. He represents the Province of St. Joseph at and attends meetings of the directors of formation of the NAPCC.
9. He performs tasks assigned him by the directors of formation of the NAPCC.
10. He informs the provincial minister and council and the Formation Council regarding matters of importance coming from the directors of formation of the NAPCC.
11. He does *ad hoc* tasks assigned to him by the provincial minister.
12. He is the liaison between the Formation Council and other groups and individuals within the province in matters concerning initial formation. He ensures that there is adequate communication to the province-at-large concerning matters relating to initial formation.
13. In the case of an unfavorable decision concerning admission to or dismissal from the candidacy program, the applicant may seek recourse, within one month of notification of dismissal, to the provincial director of formation. If the provincial director of formation is a staff person of the candidacy program, another person, designated by the Formation Council, shall handle the recourse process. The decision of the provincial director of formation or another designated person is final.

###

# Initial Formation Program

(Approved: March 2005)

## 1. Policies, procedures, practices

Formation policy statements are established by the provincial minister and his council or a higher authority in the order or the church. Such policies must be implemented by the Formation Council. Formation procedures are established by the Formation Council. These must be implemented by the formation staffs. Formation practices are established by formation directors/assistant directors for the particular level of formation. They are superseded by procedures and policies.

## 2. Cross-cultural formation

Friars in initial formation will take part in cross-cultural formation as outlined in the formation handbook.

## 3. Approval of academic degrees (*Messenger* 57 [1994]: 143) (These policies are from Continuing Formation, not Initial Formation)

a. All degrees, both undergraduate and graduate, require the prior approval of the Provincial Council.

b. Only accredited degree programs will be considered for approval.

c. For friars in initial formation, prior to requesting permission to pursue an undergraduate or graduate degree program, consultation with and a recommendation from both the director of initial formation and the director of continuing formation are required. For his part, the director of initial formation will also consult with the director(s) of the post-novitiate program.

d. For friars in perpetual vows, prior to requesting permission to pursue an undergraduate or graduate degree program, consultation with and a recommendation from the director of continuing formation are required.

## 4. Evaluation guidelines

Guidelines for evaluation at all levels of formation shall be developed by the Formation Council.

## 5. Program description

The Formation Council shall provide a description of the formation program, both in general and for each level of formation.

## 6. Misconduct policy

Applicants who have a credible allegation of abuse of a minor shall not be accepted into Capuchin initial formation. Friars in initial formation who abuse minors shall not be allowed to continue in Capuchin formation. Candidates or friars in formation who have acquired or intentionally viewed child pornography will not be permitted to enter or continue in initial Capuchin formation. A friar in initial formation who is unable to maintain appropriate boundaries with minors, despite clear guidelines and instruction, will not be permitted to continue in initial formation.

## 7. Personnel

The Formation Council shall identify future personnel needs for formation and recommend names of friars to fill these positions to the provincial minister and council. The provincial minister and council approaches, appoints, and provides preparation for friars to fill these positions.

#### 8. Recourse

The provincial formation program provides recourse procedures at each level of initial formation.

#### 9. Personnel Skills

The friars appointed to the Formation Council shall have or acquire the necessary qualifications in terms of skills, abilities and experiences. They shall continue training in the skills necessary for their roles in formation. To this end, the Formation Council shall provide and update a list of the requisite skills, abilities and experiences to be found in people working at each level of formation. These requisites are to be found in the *composite* of all members at each level.

#### 10. Re-application by former participants

When former participants in the initial formation program of the Province of St. Joseph wish to reapply, the following process shall be implemented:

- a. Applicants will engage in an initial discernment regarding re-application with the Capuchin vocation directors. The directors are to make an initial decision regarding whether or not to proceed with the application. Applicants shall be advised by the vocation directors that they may have recourse to the provincial minister against a negative decision by the vocation directors.
- b. If the applicant and the vocation directors are in mutual agreement to proceed, they shall jointly discern the appropriate level of formation for which to apply.
- c. The applicant must make application to the desired level of formation like others seeking entrance at the same time.
- d. The admissions board may recommend and/or the provincial minister may decide to accept the applicant for an earlier program than to that to which the applicant has applied. (e.g. Although the applicant has applied for the novitiate, he may be recommended and/or accepted for postulancy.)

#### 11. Applicants with children and/or previous marriages

The Province of St. Joseph does not accept candidates whose children are minors or in high school. When an applicant has adult children and/or a previous marriage, his situation shall be reviewed before his application to postulancy by appropriate legal and/or financial experts to determine the legal and/or financial ramifications of the applicant's entrance into the province. The St. Joseph Province vocation office shall develop a checklist of issues to be reviewed by these experts. A report of these reviews shall be included in the application materials for postulancy.

#### *The Vocation Office*

#### 12. Psychological testing and behavioral assessments

A psychological testing report that includes a psycho-sexual history and a behavioral assessment report are required for each applicant to the postulancy program. Psychological testing reports and behavioral assessment reports executed for the

purposes of admission to postulancy shall be retained by policy in a person's initial formation file until that person professes perpetual vows upon which the reports will be destroyed by the director of post-novitiate formation. A paper describing that the reports were generated, by whom they were generated, the purpose for which they were generated, and the reason for which they were destroyed shall be composed by the same post-novitiate formation director and placed in the individual's file. Upon the individual's request and with his written and signed consent, these reports may be released to a counselor. (The Provincial Council approved an early form of this policy in the spring of 2001 with the then collaborating provincial councils. It was amended by the SJP PC in its minutes of 12-13 March 2008. Ed's note: Procedure #1 of "Personal Formation Files" outlines the process for removing testing results from formation files. Ordinarily, the post-novitiate director executes these directives.)

13. Criminal records check

The Capuchin vocation office shall conduct a criminal records check on all applicants to the postulancy program. Checks shall be made in each area in which the vocation office knows the applicant to have lived as an adult. Results of this criminal records check shall be inserted into the applicant's permanent formation file. Convictions or pending charges will be considered in the application process only to the extent that they substantially relate to criteria regarding admission.

*The Candidacy Program*

14. Candidate living arrangements

There is no special or necessary place in which candidates must live in order to participate in the candidate program.

15. Requirement to be a candidate

The candidacy program is required for all individuals seeking admission to our Capuchin way of life in the Province of St. Joseph.

16. Entrance requirements

In order to enter the candidacy program individuals should be high school graduates through the reception of a diploma or GED certificate and between eighteen and fifty years of age. Exceptions to this policy must be approved by the Formation Council.

*Resident Candidates sponsored at St. Joseph Seminary (SIS)*

17. The province sponsors resident candidates within two years of high school graduation at St. Joseph College Seminary in Chicago IL.

18. It shall be the responsibility of the Initial Formation Council to recommend policy regarding resident candidates sponsored at SJS to the SJP Provincial Council and to establish procedures to be implemented by the vocation office staff.

19. SJP shall provide a \$1,000.00 scholarship per semester to province sponsored students at St. Joseph Seminary. The province shall provide a need-based grant to the same students using the following formula to determine the annual amount. The annual amount shall be awarded in halves on a semester basis.

+ total tuition, room, board, and fees

- a. SAR determined expected family contribution
    - a. SIP \$2,000 annual scholarship
  - federal grants (Pell, SEOG, Hope, Lifetime Learning)
    - a. Illinois resident grant
      - a. required college work study
    - a. credits on students' school accounts
      - \$2,000 from a summer job
    - a. up to \$2,000 in government education loans
      - a. other grants and scholarships received
- = the total annual need-based grant to be paid per semester in halves

20. SJP through its vocation office will sponsor resident candidates at SJS for the two years after high school graduation, after which individuals continuing with Capuchin formation shall apply to the postulancy program or the non-residential candidacy program. Men one year past high school graduation may apply to be resident candidates at SIS for one year. Men two years or more beyond high school graduation are not eligible to be resident candidates at SJS and shall be encouraged to apply to the postulancy program or the non-residential candidacy program. The director of initial formation, with good cause and the support of at least one vocation director, can grant an extension to be a resident candidate at SJS for one additional year, ending with the third year after high school graduation, but no longer. If an extension is granted, the student receives the normal scholarships and need-based grant from the province for that one additional year only.

### *The Postulancy Program*

#### 21. *Constitution 28*

The postulancy is a period of initial formation and of choice of our life. During this period the candidate comes to know our life, while the fraternity, on its part, comes to know the candidate better and is able to discern his vocation. The formation of the postulants aims chiefly at completing their catechesis in the faith and includes an introduction to the liturgy, methods of prayer, Franciscan instruction and a first experience of apostolic work. It is also meant to test and develop their maturity, especially their emotional maturity, and their ability to discern the signs of the times in the light of the gospel. (*Constitution 28*)

#### 22. Admission decision

Admission to the postulancy program is the decision of the provincial minister upon the advice of the Postulancy Admissions Advisory Board.

#### 23. Length of postulancy

Normally, postulancy will be one year in length. To spend additional time in postulancy, the recommendation of the directors and approval of the ministers provincial are required.

#### 24. Record of admission

A document shall be drawn up to record the beginning of the postulancy. (*Constitution 27*)

#### 25. Postulancy location

One friary shall be designated for the postulancy program, located in a sociologically challenging environment that can facilitate a religious experience of powerlessness and dependence on God. As far as possible, this experience will be aided by regular interaction with the poor. Provision shall be made for proper preparation for and reflection on this experience.

26. Educational loan policy

The Province of St. Joseph shall assume full financial responsibility for postulants, according to the normal provincial policies. The province will also assume educational loans of applicants to its postulancy program on an individual basis. The following criteria apply:

- a. The provincial minister decides which loans will be assumed.
- b. The applicant must complete an "Affidavit as to debts and other financial obligations of applicants prior to admission" form (cf. IX:C:4) to be reviewed by the provincial minister before the admission meeting to postulancy.
- c. If the provincial minister agrees to assume educational loans upon entrance into postulancy, the applicant must work to reduce those debts as much as possible until that time. If the provincial minister determines an applicant demonstrates a lack of good will in this regard, the provincial minister may remove his agreement to assume the loan.
- d. Upon entrance into postulancy, the province will only make payments on the loan as previously scheduled. The province will not retire the debt immediately, and the loans will remain in the name of the applicant. This procedure will continue until the loan is paid in full, unless the individual holding the loan leaves the order for any reason.
- e. If the individual holding the loan leaves the order for any reason or is asked to leave the order by the legitimate authorities of the province, the province will discontinue payments on such loans. In this case, the individual assumes responsibility to make all remaining payments. The Province of St. Joseph will retain no obligation to make any additional payments on the loan.

*The Novitiate Program*

27. Admission decision

Admission to novitiate is the decision of the provincial minister upon the advice of the Novitiate Admissions Advisory Board. (*Constitution* 19:1) (Ed's note: normally, the provincial minister uses his postulancy staff as the Novitiate Admissions Advisory Board. The staff's evaluations normally constitute this advice. If the provincial minister desires additional advice, he may always seek it.)

28. Length of novitiate

To be valid, the novitiate must comprise twelve months which are spent in the novitiate community itself, at a time and in a manner to be determined by the provincial minister with the consent of the definitory and everything required by law shall be observed.

(*Constitution* 29)

29. Record of admission

A document shall be drawn up as a record of the beginning of the novitiate whereby life in the order itself is begun. (*Constitution 29*)

30. *Constitution 29*

The novitiate is a period of more intense initiation and a deeper experience of the Capuchin Franciscan life of the gospel in its fundamental demands, and it presupposes a free and mature choice of the religious life. The formation of the novice is based on the values of the consecrated life, which are known and lived in the light of Christ's example, the gospel insights of St. Francis and the sound traditions of the order. The rhythm of life in the novitiate should correspond to the primary aspects of our religious life, particularly by a special experience of faith, contemplative prayer, fraternal living, contact with the poor, and work. (*Constitution 29*)

31. Financial responsibility for novices

The province shall assume full financial responsibility for its novices, according to the normal provincial policies.

*The Post-novitiate Program*

32. Post-novitiate and presbyteral formation

"Post-novitiate formation" within these policies shall refer to the formation of friars in temporary vows. "Presbyteral formation" shall refer to any presbyteral formation either during temporary vows or after perpetual profession.

33. Residence

Friars participating in post-novitiate formation shall ordinarily live in the post-novitiate center. The post-novitiate staff shall provide a Capuchin formation program within the post-novitiate center and through gatherings of friars in post-novitiate formation. Under the direction of the post-novitiate staff, friars in post-novitiate formation may reside outside the post-novitiate center to achieve a specific formational goal (e.g. cross cultural programs, further Franciscan education, summer and other ministry experiences, and Clinical Pastoral Education). Experiences lasting more than a summer or outside the USA require Provincial Council approval.

34. Participation

The friar in post-novitiate formation must allow for full participation in the initial formation program. The Formation Council or post-novitiate staff may limit particular personal pursuits of friars in initial formation so as to ensure full participation in the required elements of the initial formation program.

35. Requirements

Before perpetual profession, each friar in initial formation must demonstrate a competency verifiable outside the Capuchin Order or a bachelor's degree. In addition, each friar in initial formation shall complete the subject areas and experiences outlined in the initial formation handbook.

*Presbyteral formation*

36. Institution in ministries of lector and acolyte

It is the prerogative of the provincial minister to institute candidates for ordained ministry in the ministries of lector and acolyte (cf. CIC 1035). This is done by way of

written request by the candidate and liturgical institution in the respective ministry by the provincial. In cases where institution in the ministry is to be done by another ordinary, the provincial is to convey his approval and delegation in writing. A record of institution in the respective ministries is to be kept.

37. Approval for ordination

It is the prerogative of the provincial minister and council to grant approval for diaconal and presbyteral ordination (*Constitution* 39:1). Each of these is done by way of written request by the friar and written response by the provincial minister and council, following the canonical requirements concerning preliminary inquiry and gathering of documentation.

38. Permanent diaconate

Ordinarily, our province does not sponsor individuals for the permanent diaconate.

39. Responsibilities of a friar in presbyteral formation

It is the responsibility of the friar engaged in the formation process for ordained ministry to have a spiritual director, to make an annual retreat, to pursue a life of personal and community prayer, and to have recourse to whatever other means are appropriate to the development of this vocation. It is the responsibility of the friar engaged in formation for ordained ministry to make available to the co-directors of presbyteral formation all evaluative records obtained while in the program, such as academic grades, field education evaluations, CPE evaluations, evaluations of internship for priesthood, and general evaluations by the institution of formation. These records are confidential; upon the termination of the program, certificates such as ordination to the various ministries are to be forwarded to the personnel office, academic records are forwarded to the continuing education office.

40. Degree and certificate requirements

All degree or certificate requirements of the respective school or institution are to be met prior to ordination.

41. Responsibilities of the co-directors of post-novitiate and presbyteral formation

In accordance with the norms laid down by the church and our Constitutions (39:1), the co-directors of post-novitiate and presbyteral formation oversee discernment of vocation, general pursuit of academic, spiritual and apostolic formation, ministry and CPE experiences, and preparations for ordination, working in collaboration with the individual friar and the provincial minister and council. It is the responsibility of the co-directors of post-novitiate and presbyteral formation to maintain a good working relationship with the various institutions in which the friars are pursuing formation for ordained ministry, and to represent the province at occasions calling for institutional representation by the province.

42. Criteria for admission to presbyteral formation

The Formation Council shall establish criteria for admission to a presbyteral formation program.

###

## Initial Formation Council: Job Description

### A. Definition:

The Initial Formation Council is a vehicle for the establishment of *procedures* and the review of program *practices* guiding the ministry of initial formation in the Province of St. Joseph. Additionally, it shall serve as a vehicle of communication between those engaged in the ministry of initial, continuing, and presbyteral formation, and the provincial councils.

### B. Membership:

1. vocation directors
2. the postulancy staff
3. the novitiate staff (if a member of St. Joseph Province)
4. the post-novitiate/presbyteral formation staff
5. the provincial director of initial formation

### C. Purpose:

1. to recommend initial formation policy to the Provincial Council and to give advice to the provincial minister and council about initial formation.
2. to implement policies governing the formation program.
3. to create procedures for the initial formation program.
4. to serve as a vehicle of consultation regarding the progress and development of the men in our programs of initial formation.
5. to serve as a vehicle of conversation and exploration regarding further collaborative initiatives in the realm of formation.

###

# Director of Continuing Formation: Job Description

*(Re-approved: July 2003)*

## A. Nature and scope:

The director of continuing formation, under the direction of the minister provincial and council, administers a provincial-wide program of ongoing formation, which is designed to assist the friars who have completed their period of initial formation. The continuing formation director is a provincial staff person, who will ordinarily join this duty with another assignment he may have.

The director of continuing formation is concerned with all the programs carried out in the province in the areas of continuing formation. He assists and oversees them, and by regular contact with those who are involved, he keeps informed on all relevant matters. Excluded from the area of continuing formation are any programs that deal with the psychological rehabilitation of the friars.

His office is to provide a means to help the friars in their quest to enrich their lives. Since the formation process involves the person as a unified whole, that help encompasses the fields of spiritual growth as well as cultural and professional advancement.

## B. Principal accountabilities and duties:

1. to provide an annual budget to the provincial treasurer for inclusion in the provincial budget;
2. to handle the continuing education and formation expenditures of the province and to maintain accurate records of its account;
3. to solicit annually for continuing formation plans and budget information from individual friars;
4. to assist in the planning of a program of continuing formation with the friars who request it, and to work together with those who are planning a sabbatical after that request has been channeled through the personnel office;
5. to offer recommendations on degree and sabbatical programs by individual friars to the provincial minister and council;
6. keep in contact with those friars who are engaged in longer programs, especially those who are living outside the province;
7. prepare and administer conferences and workshops, and to work with other friars, groups, or commissions who wish to offer them for the growth of the friars;
8. organize retreat programs which allow friars an opportunity for their annual retreat;
9. keep informed on programs of continuing formation and their development, problems, etc., and to take part in the appropriate national professional organization directed to religious and clerical continuing formation;
10. Suggest specific goals and/or norms for continuing formation to the provincial and the council;

11. to communicate with the provincial and the council, especially through periodic reports, on the state of continuing formation in the province.

###

# Continuing Formation Program

(Re-approved July 2003)

I. Requests for permission and funding for programs of study leading to major academic or professional degrees or certification:

A. Enrollment in a graduate degree or professional certification program must have the prior approval of the provincial minister.

B. Any friar contemplating such a program shall, after consulting with the continuing formation director, submit to the provincial council, a written proposal which includes:

- the program of studies or certification,
- the institution where the program is offered,
- the projected cost of the program,
- the projected length of the program,
- the friar's reasons and goals for taking the program.

C. The continuing formation director may investigate this program, if necessary, and make a recommendation to the Provincial Council.

D. The Provincial Council may require more information from the friar, suggest alternative programs, or deny permission to pursue the degree or certification.

E. If Provincial Council approval is given for the program, the continuing formation director and the friar will work out the necessary details regarding time lines and funding.

II. Requests for funds for non-degree and non-certification educational activities and materials:

A. Each year, the provincial council, in consultation with the continuing formation director, will determine a maximum amount allocated to each friar for non-degree and non-certification expenses. This amount will appear in the annual budgeting questionnaire which each friar receives from the continuing formation director.

B. The friar must request funds for non-degree and non-certification educational activities and materials on the budget form sent to him by the Continuing Formation Director. His request will be included in the annual continuing formation budget which is submitted to the provincial council.

C. Non-degree and non-certification educational activities and materials include such items as workshops, conferences, lectures, seminars, as well as books, audio or visual materials, or other supplies which assist in the further development of the skills and/or talents of the friar.

D. All expenses beyond the annual maximum allowed must be submitted on the budget request form to the continuing formation director. All items submitted will be presented in the annual budget to the provincial council. The Provincial Council makes the final decision on all requests *beyond* the annual maximum allocation.

III. Expenses ordinarily covered through the continuing formation budget:

A. The continuing formation budget ordinarily pays all expenses associated with programs of study leading to an academic degree or professional certification. This budget also covers the expenses for non-degree and non-certification activities such as:

- attending workshops, conferences, lectures, seminars,
- materials for self-learning and study such as books, audio or visual materials, etc,
- membership fees in professional organizations,
- convention expenses such as travel fares, room, board, etc.

B. The continuing formation budget pays all the personal as well as educational expenses for friars who are living outside community while in full-time studies. Friars living in communities while engaged in full-time studies receive funds for their personal expenses from the community to which they are assigned.

C. The expenses of 30-day retreats are covered by the continuing formation budget.

D. When friars have funds available for continuing formation which come from parishes, dioceses, or institutions by which they are employed, these resources are to be applied for and used. Such funds are a benefit of employment and are to be used *before applying* for provincial funds.

IV. Expenses *not ordinarily covered* through the continuing formation budget:

The following list suggests those items which are not covered by continuing formation but rather become personal expenses of the friar:

- annual retreats (except those sponsored by the province and 30-day retreats).
- lectures, concerts and materials such as books, audio or visual supplies, etc that are either attended or purchased *solely* for the entertainment and recreation of the friar.

###

# Continuing Formation - Sabbaticals

(Re-approved July 2003)

## A. Definition:

A sabbatical is a continuing formation experience for an extended period of time (1 month to 1 year) away from a friar's normal assignment for the personal and ministerial growth of the friar. It may involve participation in a specific sabbatical program or a combination of different elements which fit the particular personal and ministerial needs. It is distinguished from a *leave of absence, sick leave, and graduate or special studies*.

## B. Length:

Sabbaticals are normally to be for three to five months. They may not exceed twelve months.

## C. Eligibility:

Each friar after ten years of post-formation full-time ministry in the province is eligible to request a sabbatical. Additional sabbaticals may be applied for after ten-year periods.

## D. Application procedures for sabbaticals:

1. The applicant contacts the personnel director about his interest in a sabbatical.
2. The personnel director informs the applicant about the procedures and possibilities. The applicant then works out the specific arrangements in consultation with the continuing formation director or other designated individual.
3. The applicant sends a letter or request with a program outline to the provincial and council after reviewing it with the appropriate people on the local level.
4. The continuing formation director offers a recommendation about the request to the Provincial Council.
5. The provincial and council approve/refuse the request.

## E. Criteria for granting a sabbatical:

1. The benefit of the experience to the friar, province, and church.
2. The years of service contributed by the friar.
3. The availability of financial resources.
4. The availability of replacement or substitute if friar is returning to the same assignment.
5. The quality of the application of the program outlines.

## F. Financing:

There are several variations in the payment of the costs of a sabbatical. These are determined by the type of sabbatical taken, and the payment divisions are worked out by the continuing formation director and the finance director.

## G. Replacement:

The friar, in conjunction with the personnel director, is responsible for finding a replacement for himself, if necessary.

## H. Follow-up and evaluation:

1. At the conclusion of the sabbatical, a written report should be sent to the Continuing Formation Office.

2. When the sabbatical is completed, the friar is to formulate a plan for his future continuing formation so that experience of the sabbatical will be sustained and continued.

###

# Funeral Rites: Cremation

*(Approved: April 2004)*

[Based on OCF, Appendix, "Cremation", Nos. 411-428, 1997]

1. Complete funeral rites with the intact body of the deceased are preferred, but cremation is permitted and is sometimes necessary. (OCF 413-415).
2. "The cremated remains of a body should be treated with the same respect given to the human body from which they come. This includes the use of a worthy vessel to contain the ashes, the manner in which they are carried, the care and attention to appropriate placement and transport, and the final disposition. The cremated remains should be buried in a grave or entombed in a mausoleum or columbarium. The practice of scattering cremated remains on the sea, from the air, or on the ground, or keeping cremated remains in the home of a relative or friend of the deceased are not the reverent disposition that the Church requires. Whenever possible, appropriate means for recording with dignity the memory of the deceased should be adopted, such as a plaque or stone which records the name of the deceased." (OCF 417)
3. "When the choice has been made to cremate a body, it is recommended that the cremation take place after the funeral liturgy" (OCF 418). All funeral rites are conducted as usual with the body. At the final commendation and farewell, the optional conclusion is used at the end (CFR –4), there is no procession to the cemetery, and the body is taken away to be cremated. At a later time the rite of committal is celebrated at the place of burial or entombment, substituting the words "earthly remains" for "body" in the committal prayer. (CFR 0-6)
4. But in accord with an indult from Rome, and as permitted by the local bishop, it is also permitted to conduct all the funeral rites in the presence of the cremated remains of the body of a deceased person. (OCF 426) In this case:
  - Prayers should be chosen, or adapted, to avoid reference to the "body".
  - The cremated remains should be placed in a worthy vessel, and a small table or stand should be prepared for them at the place normally occupied by the coffin. The Easter candle may be placed by the table.
  - The vessel may be carried in and out in the usual processions of the funeral liturgy.
  - The cremated remains are honored with holy water and incense in the usual manner; the use of the pall is omitted.
  - It is recommended that the burial of cremated remains take place in the usual burial ground of the friars, with separate plot and suitable marker.

###

## **Funeral rites: When there is no body present**

*(Approved: April 2004)*

This can happen in the case where the body of a friar is not recovered, or where the body has been donated to science in an arrangement calling for immediate transfer of the body, or when a remembrance mass is scheduled at another place without the presence of the body. A memorial mass is the appropriate response. Even when there is no body, a suitable memorial marker in the cemetery could be provided if so desired.

###

# Director of Capuchin Personnel: Job Description

(Re-approved: July 2003)

## A. Nature and Scope:

Under the direction of the provincial minister, the liaison to personnel oversees the personnel policies of the province, and provides personnel administration services in connection with assignments of the friars. The liaison to personnel provides advice and service in a major area affecting the lives of the friars of the province.

The provincial minister and other councilors are kept abreast of developments through regular reports. This office is primarily a record-keeping and personnel processing position. It is to be a source of information and advice. It *is* not a decision-making position.

## B. Principal Accountabilities and Duties:

1. to maintain an official personnel file on each friar for confidential use, only for the access of the provincial minister, the Provincial Council, the friar himself, and the local minister;
2. to render whatever advice and service is possible to assist each friar to know himself and furnish objective information to his provincial and local minister;
3. to recommend personnel for available or new positions;
4. to keep himself informed on the present and future ministry needs and priorities of the province;
5. to recommend personnel policies and practices based on sound personnel administration principles;
6. to communicate appropriately with friars in formation regarding opportunities for future ministry and service in the province.

###

# **Retirement from Ministry**

*(Re-approved: July 2003)*

1. A friar is eligible for semi-retirement status upon reaching his 65th birthday. Semi-retirement is defined as ministerial involvement in a position of less than 40 and more than 20 hours per week in a provincial ministry or personal commitment.
2. A friar is eligible for retirement status upon reaching his 70th birthday. Retirement is defined as freedom from ministry commitments. There is no expectation for a retired friar to function in a provincial ministry or personal commitment.
3. Retirement is spoken of in terms of ministry, not in terms of community life, since a friar does not retire from community life. Each friar is expected to contribute to his respective community to the degree that he is able.

###

# Suffrages

*(Re-approved: July 2003)*

## 1. Customary Suffrages:

- a. For each deceased friar of our province, and for each deceased parent of the friars, each local fraternity, having been informed of the individual's death, shall designate a day of prayer to be observed by the local fraternity during which the deceased individual will be remembered in the common prayer of the brothers, including the community Eucharist.
- b. No additional suffrage is required on the death of current or former provincial ministers.
- c. Individual friars are encouraged to remember the deceased in their personal prayer throughout the designated day of prayer.
- d. Any friar who wishes to have individual masses celebrated for himself at the time of his death, may so notify the provincial office which, in turn, will communicate that wish to the friars of the province.
- e. These same suffrages, namely, the designation by each local fraternity of a day of prayer for the deceased, is extended to include those women and men who have been affiliated to the province, as well as to former members of the province who are now members of the Vice Province of St. Felix.

## 2. Suffrages and the St. Mary Province:

- a. The provincial chapter of 1987 invests our provincial minister, acting with the consent of his council, with the full authority as our agent and representative to review, reaffirm, abrogate or to effect a change in the terms of the agreement with St. Mary Province concerning those common suffrages.
- b. This delegation of authority on our part (# 2,a) remains intact until a future provincial chapter shall explicitly revoke it.
  - A mutual agreement between the provincial ministers and councils of St Mary and St Joseph Provinces in September, 1987 establishes that: (1) friars of the St. Mary Province who were members before 1952 will offer the traditional form of suffrages for friars of both provinces who were members before 1952; and (2) friars of the St. Joseph Province who were members before 1952 will offer the traditional form of suffrages for friars of the St. Mary Province who were members before 1952. —Traditional suffrage" is defined as the offering of a mass by each ordained friar who was also professed before 1952.

###

# Travel

(Re-approved: July 2003)

1. As regards undertaking journeys, each brother, before asking permission, should conscientiously weigh the reasons for his request in the light of our poverty, the spiritual and fraternal life, and the witness he should be giving to the people (Const. 91:2).
2. Letters of obedience for all continental and intercontinental trips which do not extend beyond three months are issued by the provincial minister.
3. Travel within the continent of one's province requires a letter of obedience from the provincial minister or his delegate:
  - a. The provincial minister has delegated the local minister to receive communication regarding travel outside of provincial boundaries and within the North American continent.
  - b. Those friars who have no local minister shall communicate any travel plans outside of provincial boundaries and within the North American continent with the provincial office.
  - c. Those who travel frequently outside of the provincial boundaries and within the North American continent because of ministry shall communicate the schedule of their travel plans to the local minister or provincial office.
4. Travel to Rome, Assisi or the Holy Land requires a letter of obedience from the provincial minister or his delegate.
5. Any request for travel outside of the North American continent should be addressed to the provincial minister.

*Analecta OFM Cap n. 1* (2001) pp. 82-84 contains Prot. N. 00246/01 of the General Curia about travel. It includes the following General Ordinances about travel and permissions dated 1 May 2001.

## 1. For Traveling

Letters of obedience for all continental and intercontinental trips which do not extend beyond three months are issued by the major superior. (In the case of a friar going on vacation to his province of origin, the major superior may issue a letter of obedience for a period of time even beyond three months.) In all other cases letters of obedience are issued by the general minister.

## 2. For Studies and Formation

- 2.1. Letters of obedience are issued by the *major superior* when they pertain to:
  - a. The brothers in initial formation and their formation personnel for interprovincial formation houses or programs;
  - b. Periods of study and programs of special formation (except for what is mentioned below at 2.2.b);
  - c. Those participating in conventions and formation meetings.
- 2.2. Letters of obedience are issued by the general minister when they pertain to:

- a. Pursuing studies with residence at our International College of St. Lawrence of Brindisi in Rome;
- b. Periods of study or programs of special formation which take place on a continent other than one's own, when they extend beyond three months.

### 3. For Ministry (Service)

No brother may reside within the territory of a circumscription other than his own without having first received a letter of obedience and the *placet* of the major superior of that territory, including an assignment to a local fraternity. The following norms apply to the letters of obedience:

- 3.1. Letters of obedience are issued by the major superior when they pertain to:
  - a. Service being given in a vice province, custody, delegation or house of presence dependent upon the same major superior;
  - b. Service being given in another circumscription for up to three years (see Constitutions 113, 4 and General Ordinance 14).
- 3.2. Letters of obedience are issued by the general **minister** when they pertain to:
  - a. Any type of service or ministry given in another circumscription (with the exception of what is mentioned above at 3.1.a) for a period beyond three years or for which, upon the completion of three years, a continuation is desired;
  - b. Service to be rendered at the international friaries of the Order;
  - c. Returning to own's home circumscription at the termination of the services mentioned in 3.2.a and b.

*Please keep in mind the following:*

- 1. Requests for letters of obedience from the general minister must specify the following details:
  - a. The name and surname of the friar for whom the request is being made;
  - b. The name of his home circumscription;
  - c. The reason for the move and/or type of service to be rendered;
  - d. The place and/or circumscription within which the service is to be rendered;
  - e. The date on which the letter of obedience becomes valid or takes effect.
- 2. The request is to be signed by the respective major superior, not by the secretary.

*Nota bene:* In accord with Constitutions 113, 5 and the ordinances passed at General Chapter 2000, the following norms apply to the exercise of one's rights:

- 1. Brothers who are sent to another circumscription for reasons of ministry or service exercise their voting rights in their home circumscription for the first year, after which they exercise their voting rights in the circumscription where they serve.
- 2. Brothers who are sent to another circumscription for reasons other than ministry or service (e.g., for studies, for reasons of health, or to work in interprovincial collaborative situations) exercise their rights in their home circumscription.
- 3. With regard to those brothers who reside Within the territory of a circumscription not their own and for whom until now the norms of Constitutions 113,5 have not been applied, we ask that the respective major superiors, in dialogue with the individual

brother, bring those situations into conformity with the current norms by December 31, 2001. In cases of doubt please refer the matter to the general minister.

###

## **Unlawful Absence and Liability**

*(Approved: Jan 2006)*

If a member does not return to the province and/or his assigned Capuchin community at the end of a period of exclaustation or other lawful absence, or if a member is unlawfully absent from the province and/or his assigned Capuchin community, the Province of St. Joseph of the Capuchin Order shall not be liable for any acts, omissions, debts or other obligations incurred by the member during the period of unlawful absence. The provincial minister shall give notice of this fact to the member.

###

# Vacations and Jubilees

*(Re-approved: July 2003)*

1. The brothers shall daily enjoy suitable recreation, to foster fraternal life and to renew their energies; all of them should be given some free time for themselves. Special recreations and some time for vacation should be allowed, in keeping with what is customary and available in the area. These recreations and vacations are to be spent in a way consistent with our condition as lesser brothers (Const. 81:1,2).

2. Each friar is entitled to take an annual vacation of two weeks (14 days).

3. Each friar is entitled to an extended vacation of three additional weeks on the occasion of his 25th and 50th religious jubilee. The provincialate pays for jubilee trip expenses. A jubilarian should notify the provincialate a year in advance to budget for his jubilee trip. The norm for this amount is set by the provincial office. At its March 2004 meeting, the Provincial Council established \$5,000.00 as the ceiling for jubilee trips.

If a jubilee trip includes overseas travel, the friar may request an adjusted amount to account for a significant variance in value between the U.S. dollar and the currency of the country of destination.

4. The fact that a trip is paid for by means other than the community or provincial funds does *not* justify requesting the travel. Travel for the friars should reflect our identification with a simple lifestyle.

###

## Vehicle Rentals by Friars

(Source: "Car Rental Information for Friars of the Province of St. Joseph,"  
Provincial Treasurer: 1998)

1. Car rental agencies generally offer three types of insurance: (1) liability (to cover damage to other persons, vehicles or property); (2) loss damage waiver (to cover damage to the rented vehicle); and (3) personal injury/property loss (to cover the driver's personal injuries or loss of property).
2. The province's vehicle insurance policy with Virginia Surety Company provides both liability and loss damage waiver protection when a friar rents a car for "business purposes," (e.g., to participate in a provincial meeting, chapter, etc.). In order to insure that a rental car is covered under the province's policy with Virginia Surety, the words "The Province of St. Joseph of the Capuchin Order" must be written somewhere on the rental agreement. This may be indicated as the company or organization the friar represents, or as part of one's address. If a rental agency requests "proof of insurance" at the time a friar declines insurance offered by the agency, it should be indicated that insurance is provided by Virginia Surety Co. through Catholic Mutual Group.
3. The province's vehicle insurance policy, however, does not provide coverage when a car is rented for personal use (e.g. for vacation). When a vehicle is rented solely or almost exclusively for personal use, it is expected that a friar will obtain at least liability and loss damage waiver insurance. The province's property and liability insurance policy with Catholic Mutual Group provides for the loss of a friar-driver's personal belongings, and a friar's health insurance policy will cover and medical expenses that arise from injuries sustained in an accident.
4. Many major credit cards also offer loss damage waiver and personal injury/property loss insurance as a service to cardholders. Friars are encouraged to consult their credit card services for specific coverage information. Friars who may have private automobile insurance should consult their insurance policies and agents to find out the type and scope of their rental coverage.

###

# Restated Articles of Incorporation

The Province of St. Joseph of the Capuchin Order, a corporation without stock and not for profit, which was formerly known as the Province of St. Joseph of the Capuchin Order, and the original articles of which were filed on September 15, 1885 hereby restates its Articles of Incorporation in accordance with the Michigan Non-Profit Corporation Act. These restated articles supersede and take the place of the existing Articles of Incorporation and all amendment thereto.

## Article 1: Name

The name of the corporation is the Province of St. Joseph of the Capuchin Order, Inc.

## Article 2: Period of Existence

The period of existence shall be perpetual.

## Article 3: Purposes

The sole purpose of this corporation is to serve as a religious organization which pursues religious, charitable, educational and similar purposes, and to fulfill all other purposes which directly support these aims, except that Article 12, below, shall govern, to the extent, if at all, that it may be in conflict with this article.

## Article 4: Principal office

The principal office is located in Michigan at 1740 Mt. Elliott Avenue, Detroit, Michigan 48207.

## Article 5: Registered Agent

The name of the registered agent at the registered office is Mark McDonough.

## Article 6: Registered Office

The address of the registered agent is 1740 Mt. Elliott Avenue, Detroit, Michigan 48207.

## Article 7: Amendment of Articles

These articles may be amended in the manner authorized by law at the time of amendment.

## Article 8: Number of Directors

The number of directors shall be fixed by bylaw but shall not be less than three. The manner of election or appointment of directors and their terms of office shall be provided by bylaw.

## Article 9: Members

The corporation shall have no members, but shall be organized on a directorship basis.

## Article 10: Bylaws

The directors shall adopt all bylaws of the corporation.

## Article 11: Inurement of Income

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its directors, officers or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered.

## Article 12: Legislative or Political Activities

No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Article 13: Operational Limitations

Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501©)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

Article 14: Dissolution Clause

Upon the dissolution of the corporation, the board of directors shall, after paying or making provisions for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501©)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), as the board of directors shall determine. Any such assets not so disposed of shall be disposed of by the Wayne County Court, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Article 15: Adoption

The undersigned officers of the Province of St. Joseph of the Capuchin Order, Inc., certify that at a duly called and noticed general meeting of the members which was held on the 13' day of June, 1990, these restated Articles of Incorporation were adopted by the affirmative vote of more than two thirds both of the members entitled to vote and of the members present at the meeting, all in accordance with Section 450.2642 of the Michigan Non-Profit Corporation Act and in accordance with the former (Restated) Articles of this Corporation.

Dated this 26<sup>th</sup> day of July, 1990.

/S/ Kenneth Reinhart O.F.M. Cap.

President (Provincial Minister)

/S/ Mark McDonough O.F.M. Cap.

Secretary

(SEAL)

###

## **Bylaws**

I HEREBY CERTIFY that I am the duly appointed and qualified Secretary of The Province of St. Joseph of the Capuchin order, Inc., a Michigan non-profit corporation, and the keeper of the records and corporate seal of said Corporation.

The following By-laws were adopted by the Board of Directors of the corporation in accordance with Article X of the 1978 By-laws of the Corporation at a regular meeting of the Board of Directors held at St. Bonaventure Monastery, on the 18' day of June 1991.

/S/ Mark McDonough, Secretary

SEAL

I, Kenneth Reinhart, President and a Director of said Corporation, do hereby certify that the foregoing is a correct copy of a resolution of the Corporation adopted as above set forth.

Kenneth Reinhart, President and Director

## **Bylaws of the Province of St. Joseph of the Capuchin Order, Inc.**

### Article I

The principal office for the transactions of the business of the Corporation shall be located in the City of Detroit, Michigan.

### Article II Members

#### Section 1. Number

The corporation shall have no members.

### Article III Directors

#### Section 1. Powers

Subject to the limitations of the articles of incorporation of the corporation, these bylaws and the laws of the State of Michigan, the affairs of the corporation shall be managed by the board of directors.

#### Section 2. Number and Qualifications

The authorized number of directors of the corporation shall be five, provided, however, that such authorized number may be changed (but in no event to a number less than three) by an amendment of these bylaws adopted by a action of the board of directors of the corporation. Directors need not be residents of the State of Michigan. Directors must be persons who are Capuchin Friars Minor who have made perpetual profession at least three years before election and who are by election or appointment (all in accord with the Constitution, Order of Capuchin Friar Minor) either a provincial minister or provincial councilor.

#### Section 3. Election and Term of Office

The directors shall be elected at the time of the triennial meeting of the board of directors from persons elected or appointed as provincial minister or provincial definitors for the United States Province of St. Joseph of the Capuchin Friars Minor. Each director shall hold office for three years and until a successor is elected and qualified, or until the director's prior death, resignation or removal. Directors may be reelected to serve more than one term in office.

#### Section 4. Resignation

A director may resign at any time by giving written notice to the secretary of the corporation, who shall advise the board of directors of such resignation. Such resignation shall take effect at the time specified therein or, if no time is specified, then upon receipt of the resignation by the secretary of the corporation, and unless otherwise specified therein, acceptance of such resignation shall not be necessary to make it effective.

#### Section 5. Removal

Any individual director may be removed from office, with or without cause, by the action of the board of directors.

#### Section 6. Vacancies

A vacancy or vacancies in the board of directors occurring for any reason, may be filled by the action of the board of directors of the corporation with a qualified person. Each director so elected shall hold office for the unexpired portion of the term he is elected to fill and until a qualified successor is elected, or until the director's prior death, resignation or removal.

#### Section 7. Regular Meetings

Regular meetings of the board of directors of the corporation shall be held at such time and place as the board of directors may designate, or in the absence of designation by the board, as the president shall designate. A triennial meeting of directors may be held without other notice than this bylaw at the place of and following the triennial chapter of the members of the Capuchin Friars Minor belonging to the Province of St. Joseph, U.S.A. for the purpose of electing a successor board of directors and for the transaction of such other business as may come before the meeting. In the event of failure, through oversight or otherwise, to hold the triennial meeting of directors at the time herein provided therefore, the meeting, upon waiver of notice or upon due notice, may be held at a later date, and any election had or business transacted at such meeting shall be as valid and effectual as if had or transacted at the triennial meeting at the time herein provided.

#### Section 8. Special Meetings

Special meetings of the board of directors for any purpose or purposes shall be held whenever call by the president of the corporation, or if the president is absent or is unable to act, by the vice-president, or by a majority of the board of directors.

#### Section 9. Place of Meetings

Meetings of the board of directors shall be held at any place within or outside the State of Michigan which may be designated from time to time by resolution of the board. In

the absence of such designation, meetings of the board of directors shall be held at the principal office of the corporation.

Section 10. Notices: Notice of any regular or special meeting of the board of directors (other than the triennial meeting described in Section 7 of Article II of these bylaws), in each case specifying the place, date and hour of the meeting, shall be given to each director by delivering notice, orally or in writing, at least twenty-four (24) hours before the time set for such meeting or, if notification is by mail, by mailing such notice at least seventy-two (72) hours before the time set for such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, with postage prepaid, addressed to the director at his address as it appears on the records of the corporation.

#### Section 11. Conference Telephone

A member of the board may participate in a meeting of the board by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection constitutes presence in person at the meeting.

#### Section 12. Waiver of Notice

The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting and objects to the transaction of any business because the meeting is not lawfully called or convened. The transactions of any meeting of the board of directors, however called and noticed or wherever held, shall be as valid as though had a meeting duly held after regular call and notice, if a quorum is present and if, either before or after the meeting, a written waiver of notice of the meeting, containing the same information as would have been required to be included in a proper notice of the meeting, is signed by (a) each director not present at the meeting, and (b) each director present at the meeting who objected there at to the transaction of any business because the meeting was not lawfully called or convened. All such waivers shall be filed with and made a part of the minutes of the meeting.

#### Section 13 Action Without Meeting

Any action which may be taken at a meeting of the board of directors may be taken without a meeting if all the directors shall consent in writing to such action. Such action by written consent shall have the same force and effect as the unanimous vote of the directors.

#### Section 14. Quorum

A majority of the directors in office shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be the act or decision of the board of directors, unless the law, the articles of incorporation or these bylaws require a greater proportion.

Section 15. Committees The board of directors may, by resolution passed by a majority of the whole board, designate two or more of their number to constitute an executive and/or any other committee who to the extent provided in such resolution shall possess and exercise the authority of the board in the management of the business of the corporation between the meetings of the board.

## Section 16. Adjournment

Any meeting of the board of directors, whether regular or special, and whether or not a quorum is present, may be adjourned from time to time by the vote of a majority of the directors present. Notice of the time and place of an adjourned meeting need not be given to absent directors if said time and place are fixed at the meeting adjourned. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting adjourned.

Section 17. Organization The president of the corporation, or in the president's absence, the vice-president shall act as chairman at every meeting of the board of directors. The secretary of the corporation, or in the secretary's absence, any person appointed by the chair of the meeting, shall act as secretary of the meeting.

## Article IV: Officers

### Section 1. Officers

The corporation shall have a president, a vice-president, a secretary, a treasurer and such other officers as the directors may appoint. The board of directors may appoint to the office of secretary and/or treasurer persons who are not directors, in which case persons so appointed shall have all duties and authority of the office except the right to vote on matters coming before the board. Any two or more of said offices may be held by the same person, except that the offices of president and secretary and the offices of president and vice president may not be held by the same person.

### Section 2. Election

The officers of the corporation shall be elected triennially by the board of directors, and each shall hold office until a successor has been duly elected and qualified, or until the officer's death, resignation or removal. In electing the person to serve as president, the board shall elect the person who is the provincial minister of the United States Province of St. Joseph of Capuchin Friars Minor. In electing a vice-president, the board shall elect the person who is the provincial vicar for the United States Province of St. Joseph of Capuchin Friars Minor.

### Section 3. Resignation

Any officer may resign at any time by giving written notice to the board of directors or the secretary of the corporation. Such resignation shall take effect at the time specified herein or, if no time is specified, then upon receipt of the resignation by the secretary or the board of directors as the case may be, and unless otherwise specified therein, acceptance of such resignation shall not be necessary to make it effective.

### Section 4. Removal

Any officer may be removed from office by the action of the board of directors, whenever in their judgment the best interests of the corporation will be served thereby.

### Section 5. Vacancies

A vacancy occurring in any office, for any reason, may be filled by the board of directors for the unexpired portion of the term of said office with a qualified person.

### Section 6. President

The president shall have such responsibilities and powers as may be delegated by the board of directors and shall at all times be subject to the policies, control and direction of

the board of directors. The president may execute, in the name of the corporation, any instrument authorized by the board of directors, except when the signing and execution thereof shall have been expressly delegated by the board of directors or by these bylaws to some other officer or agent of the corporation. The president shall have such other powers and duties as may be prescribed by these bylaws and may prescribe the duties of other officers and employees of the corporation, in a manner not inconsistent with the provisions of these bylaws and the directions of the board of directors.

#### Section 7. Vice-President

In the absence or disability of the president, the vice-president shall perform all of the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions on, the president.

#### Section 8. Secretary

The secretary shall:

- a. Certify and keep at the provincial office of the corporation the original or a copy of its bylaws, as amended or otherwise altered to date.
- b. Keep at the principal office of the corporation or such other place as the board of directors may direct, a book of minutes of all meetings of the board of directors and committees thereof, with the time and place of holding, whether regular or special and, if special, how authorized, the notice thereof given, and the names of those present at the meetings.
- c. See that all notices are duly given in accordance with the provisions of these bylaws or as required by law.
- d. Be custodian of the records of the corporation.
- e. See that the books, reports, statements and all other documents and records required by law are properly kept and filed.
- f. Exhibit at all reasonable times to any director, upon application, the bylaws and minutes of proceedings of the board of directors and committees thereof of the corporation.
- g. In general, perform all duties incident to the office of secretary, and such other duties as from time to time may be assigned by the board of directors.

#### Section 9. Treasurer.

The treasurer shall:

- a. Have charge and custody of, and be responsible for, all funds and securities of the corporation, and deposit all such funds in the name of the corporation in such banks, trust companies or other depositories as shall be selected by the board of directors.
- b. Keep and maintain adequate and correct account of the corporation's properties and business transactions, including account of its assets, liabilities, receipts, disbursements, gains, losses, charitable gifts, charitable annuities, etc.
- c. Exhibit at all reasonable times the books of account and records to any director during business at the office of the corporation where such books and records are kept.

d. Render a statement of the condition of the finances of the corporation at all meetings of the board of directors, and a full financial report at the triennial meeting to the board of directors.

e. Receive, and give receipt for, moneys due and payable to the corporation from any source whatsoever.

f. In general, perform all the duties incident to the office of treasurer and such other duties as from time to time may be assigned by the board of directors.

g. Receive for the corporation, whatever is given as remuneration for work done by the members of Friar Minor Capuchins of the Province of St. Joseph U.S.A.

Section 10. Assistant Treasurer The board of directors shall have authority to appoint assistant treasurers for the management of the various local houses of the corporation. Such assistant treasurers shall have the full management of the financial affairs of the corporation within their respective houses. They shall have authority to select the bank or trust companies with whom the funds of the corporations shall be placed, provided however, all such accounts shall be in the name of the corporation. They shall have authority to receive and disburse the funds of the corporation as the local needs may require. They shall keep an accurate account of all receipts and disbursements of their district. Such assistant treasurers, however, shall not have the authority to loan or borrow money on promissory notes, mortgages or otherwise excepted upon express authorization of the president in writing. The books of account and records of such assistant treasurers shall be opened to inspection by any officer or director of this corporation. The assistant treasurer shall make such accounting and report of their financial affairs to the treasurer or to the board of directors as directed by resolution of the board of directors.

#### Section 11. Absence or Disability

In case of the absence or inability of any officer of this corporation to act, the president shall have power to delegate for the time being the duties of such officer to any other officer or director of the corporation or to any person who is a member of the Capuchin Friars Minor.

### Article V: Instruments; Bank Accounts; Checks and Drafts; Loans; Securities

Section 1. Execution of Instruments Except as in these bylaws otherwise provided, the board of directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authorization may be general or confined to specific instances. Except as so authorized, or as in these bylaws otherwise expressly provided, no officer, agent, or employee shall have any power or authority to bind the corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount.

#### Section 2. Bank Accounts

The board of directors from time to time may authorize the opening and keeping of general and/or special bank accounts with such banks, trust companies or other depositories as may be selected by the board or by any officer or officers, agent or agents of the corporation to whom such power may be delegated from time to time by the

board of directors. The board of directors may make such rules and regulations with respect to said bank accounts, not inconsistent with the provisions of these bylaws, as the board may deem expedient.

#### Section 3. Checks and Drafts

All checks, drafts or other orders for the payment of money, notes, acceptance, or other evidence of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents, of the corporation, in such manner, as shall be determined from time to time by resolution of the board of directors.

#### Section 4. Loans

No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by or under the authority of a resolution of the board of directors. Such authority may be general or confined to specific instance. No loans may be made to any officer or director of the corporation, directly or indirectly.

#### Section 5. Sale of Securities

The board of directors may authorize and empower any officer or officers to sell, assign, pledge or hypothecate any and all shares of stock, bonds or securities, or interest in stocks, bonds or securities, owned or held by this corporation at any time, including without limitation because of enumeration, deposit certificates for stock and warrants or rights which entitle the holder thereof to subscribe for shares of stock, and to make and execute to the purchaser or purchasers, pledgee or pledgees, on behalf and in the name of this corporation, any assignment of bonds or stock certificates representing shares of stock owned or held by this corporation, and any deposit certificates for stock, and any certificates representing any rights to subscribe for shares of stock.

### Article VI: Corporate Seal

The seal of this corporation shall be a circulate disk the outer periphery of which shall contain the words, "The Province of St. Joseph of the Capuchin Order" and the inner field of which shall contain the words, "Corporate Seal, Detroit, Michigan."

### Article VII: Miscellaneous

Section 1. Fiscal **Year** The fiscal year of the corporation shall be fixed by resolution of the board of directors.

#### Section 2. Amendments.

All or any portion of these bylaws may be amended or repealed by a resolution of the board of directors of the corporation.

#### Section 3. Order of Capuchin Friars Minor

The Order of Capuchin Friars Minor and Capuchin Friars Minor referred to in these bylaws is a religious fraternity within the Roman Catholic Church dedicated to living the gospel of Christ according to the Rule of St. Francis and the Constitution of the Order of Capuchin Friars Minor (always in accord with the magisterium and the canon law of the Roman Catholic Church). The Order of Friars Minor is distinct from this corporation. Nothing provided in these bylaws is intended to conflict with the Constitution of the Order of Capuchin Friars Minor or the Code of Canon Law. This

corporation is a civil legal entity distinct from the religious fraternity known as the Order of Capuchin Friars Minor.

###

# Corporate Secretary/Treasurer: Job Description

Reports To: Provincial Minister/Provincial Council Department: Provincialate

Date: 01/03

FLSA: Exempt

## *Position summary*

The corporate secretary/treasurer is responsible for directing and monitoring the overall financial and legal well-being of the province in a uniform manner. As a corporate officer, exercises responsibility for the administration and control of provincial funds and maintenance of all related official records and documents of both the province and the civil corporation.

## *Essential duties and responsibilities*

- Plan, organize, prepare and present an annual provincial operating budget to Provincial Council for approval.
- Analyze, interpret, and communicate financial operating results to provide information and guidance to the Provincial Council and the Finance Commission.
- Continually improve the budget process through education of local ministers, business managers and department managers on financial issues impacting their budgets.
- Coordinate annual audits including distribution of final audits and provide appropriate bishops with fund-raising reports.
- Manage provincial investments (including missionary funds) generate monthly reports of fund performance.
- Manage alternative investments using board designated funds by authorizing lowinterest loans to financial lenders serving the borrowing needs of the poor and marginalized.
- Provide advice from a financial perspective on contracts into which the province may enter.
- Provide support for friars on sabbatical, leave of absence, and in missions with budgeting and credit establishment.
- Represent provincial interests in legal, financial, tax, investment, lease, and property issues.
- Maintain all official accounting records, articles of incorporation and by-laws in conformance with generally accepted accounting and business principles.
- Secure legal consultation for the provincial offices and communities.
- Coordinate all legal and financial transactions necessary for the sale or purchase of real property and vehicles.
- Approve annual insurance proposal for real property and vehicles.
- Manage the capital campaign budget and report financial results.
- Develop and maintain a knowledge of current trends and regulations to ensure effectiveness and compliance for the finance functions.
- Demonstrate, exemplify and support the Capuchin charism throughout all professional responsibilities and activities.
- Comply with provincial and ministry policies, procedures, guidelines and standards.

*Direct reports: support staff*

Knowledge, skills and abilities

- Ability to work independently and in collaboration with others
- Effective leadership and mentoring skills
- Ability to successfully manage several tasks simultaneously
- Excellent time management, problem solving, organizational, interpersonal and verbal and written communication skills
- Professional demeanor and appearance

Education, training, experience

- BS degree in accounting or related field
- Minimum of ten years progressively responsible experience in positions of finance and accounting responsibility
- Demonstrated experience with and knowledge of spreadsheet and accounting software
- Computer skills: Microsoft Word, Excel, Access, WordPerfect, QuickBooks

Working conditions

- Maintain a clean, safe work environment
- Work a flexible schedule
- Ability to sit, stand, stoop, bend and reach throughout the day
- May be required to use computer for extended periods of time throughout workday
- Travel will be required
- Standard office environment and office equipment

Approved by:

/s/ Department director/date

/s/ Human resources director/date

Job description review:

*I have read, understand and will comply with the job description for the position of corporate secretary/treasurer. I further understand I may be required to perform job-related duties not outlined in the job description. The above is intended to describe the general nature and level of work performed by people assigned to this position. It is not intended as an exhaustive statement of duties, responsibilities or qualifications. The most recently dated job description on file in Human Resources Department will be considered the official job description.*

/s/ Employee signature/date

###

## Acts of Administration

Certain administrative matters dealt with by ministry directors and local ministers require that the provincial minister (the sole corporate member of the province), with the consent of his council and the provincial treasurer, give approval before the action is valid and legal.

*Acts of Administration requiring approval of the provincial minister, with consent of the Provincial Council and provincial treasurer:*

- Borrowing money
- Selling, mortgaging, leasing or other encumbering of provincial property (friaries, ministry buildings, land, etc.
- Making an extraordinary expenditure of funds “already in hand” that is not a regular operation expenditure for any amount of money and which exceeds 2.5% of the ministry’s approved operating budget or \$2,500, whichever is lower. Such requests should be submitted to the provincial treasurer.
- Establishing an endowment for any purpose
- Entering into any building or renovation project in excess of \$10,000. (For additional guidelines, please see “Commissions/Building and Maintenance)

*Requesting approval for Acts of Administration:*

In order to obtain the approval of the provincial minister (with the consent of the Provincial Council and provincial treasurer), a letter explaining the proposal is sent directly to the provincial minister by the applicable ministry director or local minister. The letter should contain the following:

- Clear explanation of the situation
- Figures and funding matters
- Lender and payment schedule, if any is needed
- Time lines
- Identification of research or studies
- Statement about the advisory vote, opinion or recommendation of the applicable ministry council, parish council or local fraternity
- A copy of a lease agreement or endowment statutes, etc.

If the matter is one that requires prior review by the Building & Maintenance Commission, the provincial minister will first refer it to the commission for consideration. Otherwise, it will be placed on the agenda of the next scheduled Provincial Council meeting for consideration.

###

# Donations of Real Property

*(Approved: January 2012)*

The Capuchin Province of St. Joseph is grateful for the generosity of our benefactors and their gifts, whether they come in the form of cash or other financial instruments or are given in-kind. In accord with the religious and charitable mission of the province, gifts that are given in-kind such are given to our brothers and sisters in need, used to benefit our ministries or friaries, or are sold and converted into cash, according to the will of the donor, if it is expressed.

Occasionally the province receives in-kind donations of real property, such as gifts of houses, other buildings, or land. The following procedures shall normally be used to receive, use and/or dispose of such gifts.

1. The property in question must be in reasonably good condition and not in need of substantial repair, and free of any legal encumbrances that would prevent the prompt transfer of title or the prompt liquidation (sale) of the property. Before accepting the property offered for donation the province may employ the services of a professional building inspector to assess the condition and value of the property.
2. The ministry site, friary, or office that is offered the property should ask the owner if the gift would be for the benefit of a particular ministry (including the people served by that ministry), friary, or office. If the owner does not specify his/her intent, then the gift shall be used for the good of the province.
3. Any donor of real property shall be informed that if a donated property is not needed by the designated ministry, friary, office or the province, then that gift shall be liquidated (sold) at the earliest opportunity. The proceeds shall be used to benefit the designated ministry, friary or office or the province. If no ministry, friary, or office is designated the proceeds shall be used to benefit the province.
4. The director of finance, director of development, and provincial minister should be consulted prior to accepting any gift of real property.
5. All gifts of real property should be processed through the Development Office.
6. If it is decided that the donated property is to be liquidated (sold), then the Development Office shall employ the services of a licensed real estate broker to

affect the prompt sale of the property at a price that is as close as possible to the fair market value of that property in the relevant market.

7. The province should not accept more donations of real property than it can manage and promptly liquidate.

###

## Bank Accounts

1. All ministry, community and individual friar checking accounts are to be corporate accounts with the civil secretary of the province as a signer on the account.
2. Ministries, communities and individual friars are not permitted to open a savings account without the explicit, written permission of the provincial minister.
3. Checking accounts of communities and individual friars are to maintain a moderate balance: *sufficient to meet the needs of one month's ordinary expenses*. Excess funds are to be sent to the provincial treasurer. For the same reason, individual friars and communities are to inform the provincial treasurer if they do not need a particular monthly or quarterly subsidy.
4. Correspondingly, communities and individual friars are to request from the provincial treasurer enough funds to maintain a balance *sufficient to cover one month's ordinary expenses*.
5. Provincial ministries (such as soup kitchens, retreat centers, fund raisers, etc) which maintain funds in bank accounts under the name of *The Province of St Joseph* are required to send their excess funds (i.e., money which is not needed for the ordinary operation of the ministry) to the provincial treasurer to be kept for the ministry as *funds on deposit*. Each such ministry will develop, in dialogue with the provincial council, guidelines which define such —excess funds".
6. Interest from these funds on deposit will be credited to the ministry at the end of the fiscal year.

###

## Cars

1. The provincial minister, after consulting with the Provincial Council, decides about the advisability of having vehicles useful for a ministry or office or the service of the fraternity, as also about their use (Const. 91:6).
2. The decision as to whether an individual friar needs a car is based on the amount of travel that he has to do for ministry or other needs. Cars should be shared by community members where feasible.
3. In purchasing cars, the amount to be expended will be determined annually by the Provincial Council and communicated to the province. To seek approval of the provincial minister for the purchase of a car, the community or individual will submit a written request which will give the reason and time frame for the desired purchase.
4. Mileage is not the sole reason for replacing a car. The province will keep a car as long as it is performing well. Cars are to be replaced if projected maintenance costs over a twelve-month period (less gas and damage repair) are in excess of one-third of the book value. For this reason, it is important to keep accurate maintenance records, especially noting any major repairs that have been done. In case of accidents, a car is replaced if the damages exceed 80% of the book value of the car.

###

## Cottages/Hermitages

### A. Gilmary (Pickerel, WI)

1. Pickerel is reserved for the use of the Capuchin community, i.e., friars of the province. The term "friars of the province" includes the use of Pickerel by the friars and their immediate family: parents, brothers and sisters, their spouses and offspring.
2. When individual friars and their families use the facilities, the friar is to be present. The facilities provide the opportunity for a friar to gather with his family; they are not meant to provide a friar with the opportunity to offer his family a place to gather.
3. The Provincial Council and provincial formation programs will be given priority in scheduling the use of the facilities.
4. Time limitations: from June through August, reservations are limited to *one week only*. At other times, reservation time is negotiable.
5. Reservations for Gilmary during the months of June, July and August will not be confirmed until January 1st of each year. Friars are encouraged to submit their requests prior to January 1st, but no reservations will be confirmed until January 1st of each year.
6. In accepting requests for reservations, the following norms will be used:
  - a. Friars who have not used the facilities in the previous year will be given preference over those who have used the facilities in the previous year.
  - b. Reservations will be made on a first-come-first-serve basis. Those letters with the earlier postmark will be given precedence.
7. All reservations for scheduling must be made through the director of St. Anthony Retreat Center, Marathon, WI.

### B. Eau Pleine (Marathon, WI)

1. Only the stipulations in paragraphs 1 and 2 above apply to the Eau Pleine cottage.
2. All reservations for scheduling must be made through the director of St. Anthony Retreat Center, Marathon, WI.

### C. Harrison (Harrison, MI)

1. Harrison is reserved for the use of the friars and their immediate family: parents, brothers and sisters, their spouses and offspring.
2. Time limitations: from June through August, reservations are limited to one week only. At other times, reservation times are negotiable.
3. All reservations for scheduling must be made through the provincialate secretary.

###

## Extraordinary Expenses

1. An extraordinary expense is defined as an expenditure not included in an approved budget. It is not dependent on whether there are funds available.
2. Permission is needed for an extraordinary expense that is more than \$5000.00 or 2 1/2% of the approved budget, whichever ever is the smaller amount.
3. Such requests are presented to the provincial treasurer. His recommendation for approval or non-approval is given to the provincial minister or his delegate. The final decision is communicated by the provincial office.

###

# Financial Policy

In order to observe gospel poverty faithfully in ways suitable to the changing times (Const. 60.1), we affirm the following:

## *General Principles*

- I. We friars, both as individuals and as a province, accept as our practical norm: for every use of goods, including money, the minimum necessary, not the maximum allowed (Const. 67.3);
- II. We friars shall acquire the means and aids for the necessities of our life and ministry as much as possible by our own work (Const. 63.3);
- III. We friars, as individuals and as members of community, accept the responsibility to contribute to the financial support of the province;
- IV. We friars realize that our province has the need to have recourse — to the table of the Lord." We recognize that accepting the gifts and donations from our benefactors enables us to work more closely with the poor and alienated both in our country and in our missions. At the same time, we acknowledge that it imposes upon us the obligation of giving witness to the poverty we profess (Const. 60.4);
- V. We friars recognize our need for sound investments to maintain financial viability in our contemporary American society.

## *Specific Principles*

- I. We friars recognize that in the use of temporal goods, we are to show our conformity with the poor and crucified Christ and our solidarity with the little ones of the world. Since the resources of the province and the world itself are limited, we recognize our responsibility to use them sparingly and with a sense of gratitude, so that more may be available for others to have (Const. 59.5 Sz 59.7)

In our use of goods, we have the obligation of providing for the necessities of life, for the apostolate and for charity, especially on behalf of the poor (Const. 62.3).

A. On the provincial level, the areas that are to be provided for include the following: health, formation, provincial administration, and plant and facility maintenance, as well as support of friars who are working in ministries that do not produce income.

B. On the local/community level, the areas that are to be provided for all friars include those goods and services necessary for personal and communal living of a frugal and simple lifestyle (Const 60.4).

C. The provincial minister and his council, or their delegates, will be responsible for the allocation of surplus funds.

- II. We friars recognize our responsibility to work and to strive to support ourselves and our works of charity for others chiefly by our work. At the same time, work is not our supreme objective and is not to impede the spirit of prayer and devotion (Const. 76.1&3).

A. Those friars who are working in a ministry that is able to pay a salary are to receive that salary. They are also to receive the other "fringe" benefits that are part of the employment compensation.

B. Those friars who are working in a ministry that is determined by the provincial administration to be unable to pay a salary shall be supported by the province. In giving this support, the province declares its solidarity with the poor of the world.

C. Any external ministry that is directed primarily toward the needs of those who are not economically poor is to support itself and to contribute to the financial welfare of the province.

D. Since various values often in tension with one another are involved in choosing ministry work, the friars shall engage in fraternal dialogue with the provincial ministers and brothers concerning their ministry. It belongs to the ministers, in virtue of their office, to make the final decision, based on the overall mission of the church and needs of the province (Const. 157.4 & 165.1).

III. We friars recognize our obligation to observe common life and to be responsible to each other as members both of a local fraternity and a province.

A. Each community or individual friar is to submit an annual budget for approval. Since we share with one another the things we receive as individuals, this budget shall include all goods which come to us in any way, to be used for the needs of the fraternity (Const. 61.1&2).

B. All communities and ministries accept their share of the total provincial financial responsibility.

C. All salary checks are to be sent directly to the provincial office. Contracts for employment should be between the province and the employer, insofar as possible (Const. 61.2).

IV. Our recourse to our benefactors is to be done in accord with the laws of the universal and local church as well as with civil law. The funds that are raised are to give witness to our poverty, fraternity and Franciscan joy (Const. 63.4).

A. All fund-raising activities for which the province has responsibility and liability are to have the prior approval of the provincial ministers.

B. All fund-raising activities are to be audited annually in a manner prescribed by the provincial ministers.

C. All funds collected are to be used in accord with the approved purpose of the fund-raising activity.

V. We live in a society which makes it necessary for us to have various investment funds.

A. The purpose of our investments is to provide funding for needs and services which are not self-supporting and which we are unable to support fully by our own work.

B. We commit ourselves to a moral and ethical integrity in the investment of our funds.

C. Only the interest and dividends generated by the investment funds, not the principal itself, may be used to accomplish the purpose of the fund.

D. Our investment portfolio includes the following funds:

a. The provincial general fund has as its objective the support of various provincial programs, such as the care and maintenance of properties; initial and

- ongoing formation; the financial assistance to members in nonsupporting ministries; and the general administration of the province.
- b. The Health Care Fund is intended to provide money to cover the costs of friars health care.
    - i. Until the fund is able to cover fully the annual health care expenses of the friars, a provincial priority is to increase the fund.
    - ii. Since we are not only brothers to each other, but also sons of our parents, we assure them of our reasonable support for their welfare and health when their circumstances call for it and other resources are not available to them.
  - c. The retirement fund is concerned with the anticipated retirement and health needs of the province. It is funded through the annual provincial budget.
  - d. The automobile self-insurance fund has been established to provide comprehensive and collision coverage of province-owned vehicles. It is funded by payments from communities and individuals.

*Binding Force of this policy:*

In approving this financial policy, it is the mind of the chapter to grant to the provincial minister, with the deliberative consent of a majority of his council, the power to act in exception to this policy, when it is deemed to be in the best interest of the province. The manner in which this financial policy has been administered shall be included in the provincial minister's triennial report to the chapter.

###

# Friar credit cards

(Approved: September 2011)

## *General Principles*

1. Credit cards are useful and occasionally necessary for many financial transactions in the modern economy, e.g. for car rentals, purchases via the internet, etc.
2. Because of their convenience, there is also a risk that credit cards can be abused or used in manners inconsistent with the evangelical counsels, particularly our vow of poverty.
3. A friar's use of a credit card should be consistent with the general and specific principles enunciated in the province's financial policy, e.g. "the minimum necessary, not the maximum allowed," commitment to "a frugal and simple lifestyle," stewardship, responsibility to the community, etc.

## *Specific Principles*

1. Every friar in simple vows or perpetual vows may possess one major credit card.
2. Because of their universal use and acceptance, the province will make available a VISA or MasterCard. A card that earns a reward, e.g. airline miles or cashback, may be permitted to replace the province-provided card if it is available.
3. Any friar who wishes to have a credit card should make the request to the provincial minister and the provincial treasurer, who will facilitate the application process. Friars who wish to possess more than one credit card should be able to provide a cogent rationale for doing so.
4. Credit card charges create a debt to the credit card company. The province pledges the assets of the fraternal economy to back the debt of the credit cards it provides. A friar who applies for a card other than that issued by the province is doing so in his name. The credit card company has the right to deny the application of either the province or the individual friar.
5. Credit card bills should be paid promptly and in full upon receipt of the bill by submitting the bill with supporting receipts to the local treasurer or appropriate office. If they are familiar with the chart of accounts, friars are also encouraged to note the specific expense categories for their credit card purchases.
6. Because we are brothers and are accountable to each other, a local minister, local treasurer, provincial minister or provincial treasurer has the right to raise legitimate concerns about a friar's credit card use. The provincial minister has the right to withdraw a friar's province-provided credit card.

###

## **Friar Honoraria and Other Occasional Income**

*(Approved: Sept 2011)*

1. All honoraria and stipends from occasional Masses (i.e. help-outs) at parishes, retreats, days of reflection, missions, revivals, etc. should be presented in a check made payable either to the "Province of St. Joseph of the Capuchin Order" or to the friary to which the friar is assigned (e.g., "St. Lawrence Friary," "St. Bonaventure Monastery," etc.).
2. If for some reason an honorarium or stipend check is made payable to the individual friar, the check should be endorsed with that friar's signature and presented to his local minister to be deposited in the friary account. The friar should keep the check stub or make a copy of the check for his records since receipt of income in his name may trigger tax liability and/or require the filing of individual income tax returns.
3. If a friar receives an honorarium or stipend in the form of cash, he should remit the entire amount to his local minister.
4. Friars who live alone and have an individual bank account (in the name of the Province of St. Joseph) should deposit all income received from whatever source into that account so that it may be properly recorded/accounted for.

###

# Financial Policy Clarification

## *Background:*

The financial policy adopted by the chapter of 1987 for the Province of St. Joseph states in part:

- I. We friars recognize our responsibility to work and to strive to support ourselves and our works of charity for others chiefly by our work. At the same time, work is not our supreme objective and is not to impede the spirit of prayer and devotion (Const. 76.1&3).
  - A. Those friars who are working in a ministry that is able to pay a salary are to receive that salary. They are also to receive the other "fringe" benefits that are part of the employment compensation.
  - B. Those friars who are working in a ministry that is determined by the provincial administration to be unable to pay a salary shall be supported by the province. In giving this support, the province declares its solidarity with the poor of the world.
- II. We friars recognize our obligation to observe common life and to be responsible to each other as members both of a local fraternity and a province.
  - A. Each community or individual friar is to submit an annual budget for approval. Since we share with one another the things we receive as individuals, this budget shall include all goods which come to us in any way, to be used for the needs of the fraternity (Const. 61.1&2).
  - B. All communities and ministries accept their share of the total provincial financial responsibility.
  - C. All salary checks are to be sent directly to the provincial office. Contracts for employment should be between the province and the employer, insofar as possible (Const. 61.2)."

The above policy statements require further clarification given the complexity of the salary and benefit packages offered by the various dioceses and institutions in which the friars minister.

As a result, the following is suggested as a means for assisting the friars in pastoral ministry in determining which benefits to accept, which to send into the province and which to retain for their local needs.

###

## **Financial Policy Specification Regarding Friars in Pastoral Ministry**

In general, the province requires that friars assigned to a pastoral ministry which provides a salary, receive salary and benefits according to the prevailing diocesan or institutional guidelines. Because of the growing financial needs of the province, friars are to accept every benefit and payment due them for their ministry. Friars may not forego either their full salary or benefits without the expressed, written approval of the Provincial Council.

The salary and benefits usually given to those in pastoral ministry are as follows:

*To be sent to the provincialate:*

Base salary

Ordination increment to base salaries

Retirement and pension benefits/payments. This includes Social Security withholdings.

Health insurance: where health and/or dental insurance is not provided but rather a payment is made to the friar, these payments are sent to the provincialate.

Car insurance (when the car is covered by the provincial insurance plan)

*To be retained by the friar:*

Transportation allowances

Car depreciation allowances

Living and housing allowances

Friars ministering in dioceses or institutions which offer funds for retreats and professional growth activities are to accept these benefits. This also applies to medical, dental and professional liability insurance coverage.

Friars in pastoral assignments will make annual adjustments to their salary and benefit payments to the provincialate whenever new diocesan or institutional guidelines become effective.

Friars who minister among the poor and marginalized may request an exception from the above policy by writing to the Provincial Council.

###

# Lawsuits

(Approved: September 2009)

## 1. Lawsuits

a. Ministry directors should not initiate or respond to any lawsuit in the name of their ministry without prompt and prior consultation with the province's legal counsel and the provincial minister.

b. Friars should not initiate or respond to any lawsuit in which they are named party without prompt and prior consultation with the province's legal counsel and the provincial minister.

## 2. Acts of Administration

Certain administrative matters dealt with by ministry directors and local ministers require that the provincial minister (the sole corporate member of the province), with the consent of his council and the provincial treasurer, give approval before the action is valid and legal.

*Acts of Administration requiring approval of the provincial minister, with the consent of the Provincial Council and the provincial treasurer:*

- Borrowing money
  - Selling, mortgaging, leasing or other encumbering of provincial property (friaries, ministry buildings, land, etc.)
  - Making an extraordinary expenditure of funds "already in hand" that is not a regular operation expenditure for any amount of money and which exceeds 2.5% of the ministry's approved operating budget or \$2,500, whichever is lower. •
- Such requests should be submitted to the provincial treasurer.
- Establishing an endowment for any purpose
  - Entering into any building or renovation project in excess of \$10,000. (For additional guidelines, see "Commissions/Building and Maintenance Commission/Guidelines for Consulting the BMC" in this handbook)

## 3. Requesting approval for Acts of Administration

In order to obtain the approval of the provincial minister (with consent of the Provincial Council and provincial treasurer), a letter explaining the proposal is sent directly to the provincial minister by the applicable ministry director or local minister. The letter should contain the following:

- A clear explanation of the situation
- Figures and funding matters
- Lender and payment schedule, if any is needed
- Time lines
- Identification of research or studies
- Statement about the advisory vote, opinion or recommendation(s) of the applicable ministry council, parish council or local fraternity
- A copy of a lease agreement or endowment statutes, etc.

# Maintenance of Provincial Property

1. Generally, the provincialate is responsible for paying the necessary expenses of maintaining provincial property and buildings. The process of obtaining funding for maintenance ministry involves submitting proposals to the Building and Maintenance Commission at the time of the annual budget preparation. The Building and Maintenance Commission will study the proposal, gather information and make recommendations to the Provincial Council.
2. Ministries which raise their own funds (e.g., soup kitchens, retreat centers, fund raisers, St Lawrence Seminary, etc) are expected to pay the costs of maintenance ministry. They may borrow funds from the province, if necessary.
3. In order to help prepare for maintenance ministry, ministries which raise their own funds should develop funds on deposit with the province. These funds on deposit can come from excess income, extraordinary gifts, bequests, grants, etc.

###

# Model Living Agreement Between a Local Community and a Non-Provincial Member

(Approved: June 2004)

Whenever a non-member of the Province of St. Joseph lives in a provincial community, the individual and the local community should execute a written agreement, which should be retained by the local minister and the individual. The agreement should include a list of what the Capuchin community will provide to the guest and what the guest shall provide to the Capuchin community. The agreement should include the projected length of residence and a clause stating that the Capuchin community or the guest can terminate the agreement at any time for any reason. It should explicitly state that the Capuchin community and/or the province shall never be consider financial liable for services rendered by the guest. In all cases, a criminal background check on the prospective guest should be executed *before* the individual moves into the Capuchin community. A model agreement follows.

Agreement

Parties:

[Guest]

and

[Name] Capuchin Community

The following is an agreement between [Guest] and [Name] Capuchin Community ("the Community"), located at [Street, City, State] describing the terms under which [Guest] shall be welcomed as a guest of the community.

The community shall provide the following to [Guest]

- Room and board.
- Opportunity to participate in community prayer and social life.

[Guest] shall provide to the community:

- Participation in community prayer and social life, as much as possible in light of work, school and other commitments.
- Help in cleaning and maintaining the building.
- Participation in community meetings and planning as the local minister deems prudent.

By signing this agreement, [Guest] further consents to participating to a criminal background check. This check shall be paid for by the community and must be successfully completed before [Guest] is permitted to move into the community.

Neither the Province of St. Joseph nor the community assumes any financial responsibility for [Guest] other than room and board. [Guest] is responsible for all other personal and living

expenses, including but not limited to: education, transportation, health care, insurance, and recreation. [Guest] will receive no payment for any work he does at the community.

[Guest's] other responsibilities and commitments are recognized and respected within this agreement. These include: [List]. [Guest] and his primary community contact [Name of Friar] shall work out an arrangement that allows [Guest] to continue these activities while living and participating in the life of [Name] Capuchin Community.

This agreement shall commence on [Date] and will end on [Date]. However, each party reserves the right to terminate this agreement for any reason and at any time. In such an event, the terminating party shall give the other party no fewer than seven (7) days notice, unless the party receiving notice waives that right.

/s/ [Guest], date

/s/ Friar representative, [Name] Community, date

###

# Poor and Marginalized Fund

*(Revised and Approved: April 2009)*

## *Purpose*

The Poor and Marginalized Fund (PMF or Fund) is one of the ways that the province seeks to respond to our gospel mandate to build a world that is more just, peaceful and environmentally sustainable. The Fund does this by supporting ministries with the province and other organizations that serve this goal but need financial assistance. Because the PMF is a regular line item in the provincial budget, it also serves as an expression of the fraternal economy within the Province of St. Joseph.

## *Guidelines*

The organization or program seeking support from the PMF must:

- Promote institutional or systemic change in society and/or the church; and /or
- Provide direct services to people who are poor or marginalized.
- In exceptional cases, the provincial minister and council may accept requests to help fund capital improvements at ministries that serve poor and marginalized communities and find it difficult to raise capital funds from other sources.
- Proposals should be submitted in the form of a simple letter that includes the following information:
  - Name, address, telephone number, and e-mail address of the organization to be funded, as well as a contact person for the organization;
  - A brief rationale for support from the PMF.
  - Grant amount requested;
  - Name of the friar(s) who referred/recommended the organization (if available);
  - Supporting material (e.g., budget summary, annual report, brochure) may also be submitted, if available and relevant to the grant requested.
- First priority will be given to specific programs or projects in province-owned or province-supported ministries. Requests that are sponsored or referred by a Capuchin who is either personally involved in the organization/ministry or has personal knowledge of it will also receive special consideration.
- While other ministries or organizations receiving funding should generally be within the boundaries of the province, international efforts may also be funded as an expression of global solidarity.
- An effort will be made to assure that the distribution of funds within the province is geographically balanced while recognizing that some areas also have a greater access to other fund raising resources.
- Requests for assistance by or on behalf of an individual shall normally not be considered, although contributions to scholarship funds that benefit individuals are permitted.

- Provincial memberships in particular organizations (e.g., NETWORK, Franciscans International, ICCR, etc.) shall be funded through other budget lines of the province, (e.g., Grants &U Donations, JPE, etc.).
- The provincial minister, exercising his own discretion and following these guidelines, may make individual grants up to \$5,000. Grant awards exceeding \$5,000 shall require the approval of the full Provincial Council.
- The maximum grant awarded shall not exceed \$10,000. This limitation shall not, however, preclude the province from honoring existing commitments (e.g., partnership agreements, pledges, etc.) that exceed that amount.
- Grants made from the PMF shall be published in the minutes of the Provincial Council as they are approved or awarded.
- These guidelines shall be made available upon request of any interested party and may be amended upon review by the provincial minister and council.

###

## **Provincial Celebrations**

1. All expenses related to our provincial celebrations are to be paid by the provincialate.
2. Provincial celebrations include the following; celebration of perpetual vows; celebration of first vows; ordination to the priesthood; ordination to the permanent diaconate; silver religious jubilee; golden religious jubilee; diamond religious jubilee and every five years thereafter.
3. All monetary gifts received at the time of these celebrations are to be sent to the provincialate to help defray the cost of the celebrations.

###

## Supplemental Security Income

Friars who have become unable to minister (due to age or ill health) or reside in a nursing home will be enrolled in the Supplemental Security Income Program. This does *not* include friars who are eligible for Social Security payments.

*NB: See Legal Bulletin No. 45, Office of Legal Services, CMSM-LCWR-NATRI for background information.*

###

# Human Resources: Director's Job Description

Department: Human Resources

Reports To: Provincial Minister/Provincial Council

Date: 09/03

FLSA: Exempt

## *Position summary*

The human resources director is responsible for the overall administration, coordination, and evaluation of human resources functions. This person is also responsible to work collaboratively with each ministry to assist in the implementation of these functions.

## *Essential duties and responsibilities*

- Oversee the development and administration of: benefit programs, compensation structures, compliance and reporting functions, job descriptions and performance evaluation program, employment practices, employee recruitment and retention, training and professional development, employee relations and organizational structure and development.
- Be available to assist in employee orientation programs.
- Participate in the development of the province's strategic plans especially as they impact employees and human resources.
- Establish and manage the human resources budget.
- Consult with legal counsel on human resource matters.
- Provide leadership and consulting support to ministry directors, employees and friars on human resources matters.
- Annually review and update the employee handbook.
- Implement and manage the human resources information system that meets provincial employee information needs.
- Maintain accurate and legal human resources records.
- Maintain knowledge and understanding of regulations, industry trends, current practices, new and applicable laws regarding human resources.
- Demonstrate, exemplify and support the Capuchin charism throughout all professional responsibilities and activities.
- Comply with provincial and ministry policies, procedures, guidelines and standards.

*Direct reports:* Shared

## *Knowledge, skills and abilities*

- Effective interpersonal skills with ability to function in a collaborative environment
- Effective time management, problem solving, organizational, and verbal and written communication skills
- Ability to provide a strategic focus as well as an operational, implementation and detail oriented perspective
- Ability to work with employees from each ministry in a variety of situations

- Effective leadership and mentoring skills
- Strong process orientation
- Ability to problem-solve and make independent judgments
- Ability to successfully manage several tasks simultaneously
- Professional demeanor and appearance

*Education, training and experience*

- Minimum ten years progressively responsible human resources management experience with a solid generalist background
- Master's degree preferred, or bachelor's degree with significant management experience
- Computer skills: Microsoft Word, WordPerfect, Excel, Access, Quick Books

*Working conditions*

- Maintain a clean and safe environment
- Work a flexible schedule
- Ability to sit, stand, stoop, bend and reach throughout the day
- May be required to use computer for extended periods of time throughout workday
- Travel may be required
- Standard office environment and office equipment
- Ability to lift up to 20 pounds

Approved by:

s/ Department director, date

s/ Human resources director, date

*Job Description Review:*

I have read, understand and will comply with the job description for the position of human resources director. I further understand that I may be required to perform job-related duties not outlined in this job description. The above is intended to describe the general nature and level of work performed by people assigned to this position. It is not intended as an exhaustive statement of duties, responsibilities or qualifications. The most recently dated job description on file in the Human Resources department will be considered the official job description.

s/Employee, date

###

# Hiring of Employees and Performance Review

1. In March 1983, the previous Provincial Council determined that no immediate family member of any current Capuchin on the staff at St. Lawrence Seminary could be hired to work at the seminary. The Provincial Council has expanded this policy to include the following:

- Immediate family members (father, mother, brother, sister, brother-in-law, sister-in-law) of any friar of our province are not to be hired.
- This policy applies, not only to employees of St. Lawrence Seminary, but to all employees of the Province of St. Joseph.
- This new policy is not retroactive.

2. Hires by provincial minister

The provincial minister, with the assistance of the human resources director, hires the directors of the following provincial ministries or offices:

- all external provincial ministries
- Archives
- Cap Corps
- Detroit facilities manager
- Development director
- Human resources director
- Information technology specialist
- Internal communications director
- Marketing and public relations specialist
- Senior Life and Wellness Program coordinator
- Provincial treasurer
- Provincial's administrative assistant

3. Performance review

The human resource director shall conduct an annual performance review of all provincial ministry hires.

###

# Sexual Misconduct

(Approved: February 2012)

## *Introduction*

As brothers of Francis of Assisi the friars of the Province of St. Joseph of the Capuchin Order, (hereinafter “province”) respect all creatures, especially children and vulnerable adults who hold a special place in God’s affection. For this reason, we have established these policies and procedures to help prevent and respond to sexual misconduct with justice and compassion.

The province is opposed to, will strive to prevent, and will promptly address all forms of misconduct, especially sexual misconduct involving minors. The province is also committed to participating in processes of healing for victims and survivors of misconduct by its members, employees or other partners in ministry.

The policies and procedures described here are to assist the provincial minister (hereinafter “provincial”) in dealing with allegations of misconduct by any member. The province intends that these procedures are in conformity with canonical norms and with the *Charter for the Protection of Children and Young People* (link) and companion *Essential Norms* of the United States Conference of Catholic Bishops (USCCB). The province will fully comply with the civil laws of the jurisdictions in which our ministries take place.

These policies and procedures cover all friars in the province as well as Capuchin ministries (hereinafter “ministry” or “ministries”). All persons who participate in any ministry owned by the province are also subject to this policy. Because the province spans a number of civil and ecclesial jurisdictions, other laws, policies and regulations may also apply to such persons.

## *Definitions*

*Allegation:* An accusation against someone asserting a violation of a law or policy.

*Accused Person:* A minister who is alleged to have engaged in sexual misconduct.

*Child or Minor:* A person less than 18 years of age.

*Child Pornography:* Any activity which involves the production, distribution, or possession of a graphic depiction of a minor that is sexually explicit. Under federal law (18 U.S.C. §2256), child pornography<sup>1</sup> is defined as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

- the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct; or
- the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

*Complainant:* A person who alleges that misconduct has occurred.

*Credible Allegation:* An allegation that is at least within the realm of possibility with respect to the persons, dates, places and other relevant information concerned.

*Director:* The director of the Office of Pastoral Care and Conciliation.

*Friar:* A member of the province of St. Joseph of the Capuchin Order, ordained and non-ordained.

*Intimate Part:* The breast, buttock, anus, groin, scrotum, penis, vagina or pubic mound of a human being.

*Minister:* Any friar or partner in ministry.

*Ministry:* Any religious, charitable or educational institution owned by the province and, as applied to any friar, any place in which that friar works under the sponsorship of the province.

*Minister Support Person:* A person identified by the accused minister or provided by the province to offer pastoral care to a minister who is accused of misconduct.

*Office of Pastoral Care and Conciliation (OPCC):* The ministry established by the province to coordinate the province's response to allegations of sexual and other misconduct, as well as to develop programs, policies and procedures to help prevent such misconduct.

*Partner in Ministry:* Any person, other than a friar, authorized to participate in a ministry, including employees, agents, and volunteers.

*Preponderance of the Evidence:* Standard of proof which establishes a fact by evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

*Province:* The Province of St. Joseph of the Capuchin Order, Inc.

*Provincial:* The person who holds the office of provincial minister within the province. By virtue of his office, the provincial has ultimate authority over and ultimate responsibility for the implementation of these policies and procedures.

*Review Board:* A group of at least five persons, the majority of whom shall not be friars, who are appointed by the provincial.

*Child Sexual Abuse:* Any act involving sexual molestation or sexual exploitation, including sex offenses under applicable state and federal criminal codes

*Child Sexual Exploitation:* Child sexual exploitation can involve the following: Possession, production, and distribution of child pornography; online enticement of children for sexual acts; child prostitution; child sex tourism and; child sexual molestation.

*Sexual Misconduct with Adults:* Sexual misconduct is defined as sexual activity, whether consensual or not, regardless of who initiates such an activity, between an adult (i.e. a person 18 years of age or older) of either sex and a member, employee or volunteer of the province who is providing care or has power of influence over such an adult, either in person or online. It includes any practice that constitutes a breach of professional trust having as its intent sexual contact or activity.

*Sexual Harassment:* Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature on the part of member, employee or volunteer of the province when he/she is in a position of power and influence over such an adult.

*Sexually Immoral Conduct:* Any intentional sexual contact or sexual involvement that occurs in ministry and which violates the moral teachings of the Catholic Church. This includes the abusive, improper and immoral use of any and all internet and social media activity.

*Supervision and Safety Plan (SSP):* A formal, written individualized plan to guide the supervision of any restricted member as provided in the policies and procedures.

*(Note some of the policies pertain only to friars or employees)*

## **Policies and Procedures Concerning Minors and Vulnerable Adults for Friars and Employees**

### *Policies*

#### I. Prevention

The province will strive to prevent the occurrence of sexual misconduct.

##### *Background checks:*

The province shall conduct criminal background checks on all friars, employees and applicants. In addition, the province shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for profession and ordination. In the selection of candidates, as well as in the selection of other ministers, the province shall use reliable and available means to learn whether the person has a recognizable risk toward sexual or other misconduct.

#### II. Ongoing education:

All friars, employees shall be required to participate in training and educational sessions that will help participants to identify and prevent sexual misconduct, especially that which involves minors. In addition, volunteers will be encouraged to participate in training.

#### III. Consultation:

The province shall employ the services of persons and organizations outside the province to ensure that its policies, practices and procedures for preventing and addressing misconduct meet or exceed the standards that are applicable to religious and other nonprofit organizations in the United States.

#### IV. Formation (friars):

The province shall review and continue to develop its programs of initial formation to include courses that deal in depth with issues such as: mandatory reporting, human sexuality; relationships and boundaries in ministry; commitment to healthy celibate chastity; recognizing the signs of potential abuse or other misconduct; cybersex, social media, and internet pornography.

#### V. Victim Assistance

The first obligation of the church is to create an environment that provides a swift, pastoral and compassionate response to anyone who makes an allegation of sexual abuse of a minor by a friar, employee or volunteer. The province recognizes its pastoral responsibility to those who have been affected by sexual abuse of minors by friars, employees and volunteers: the victim and the victim's family, and the community.

#### VI. OPCC

The province has created and shall maintain the Office of Pastoral Care and Conciliation. The function of this office is to assist the provincial in carrying out the policies and procedures

outlined in this document. The office shall consist of a director who will be a lay professional with a strong background in providing sexual abuse/assault services and a friar liaison who shall aid the director in carrying out his/her responsibilities.

#### VII. Response and outreach:

The province shall make appropriate assistance available to those who have been harmed by sexual abuse as minors by one of its friars, employees or volunteers, regardless of when that abuse may have occurred. The province is committed to participating in the healing process for victims of sexual misconduct. The province may take any number of actions, including but not limited to the following:

- Provide support for counseling, spiritual guidance, support groups, and other social services agreed upon by the victim and the province. The director shall make appropriate referrals to help the victim/survivor move forward after making a complaint.
- The provincial will meet with those individuals and their families if they desire such a meeting.
- The director of the OPCC shall provide a compassionate response to those who want to report sexual abuse as a minor or any other misconduct.
- The director shall provide the person reporting a complete explanation of the province's policies and procedures regarding the complaint and investigation process.
- The director and provincial shall inform the complainant of their right to report their allegation directly to the civil authorities or another agency and will assist them in doing so if desired.

#### VIII. Reporting

Allegations of misconduct may come from a variety of sources, including complainants or their family members, diocesan officials, members of the Capuchin community, a colleague in the workplace, or from the perpetrator.

#### IX. Protection of rights and unfounded allegations:

Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom an allegation has been made. When an accusation has proved to be unfounded every step possible shall be taken to restore the good name of the person accused.

#### IV. Investigation

A. Reporting allegations when the victim was sexually abused as a minor, but is now an adult: When the director receives an allegation against a friar or employee who is still alive, all such reports will be handed over promptly by the director to the district attorney of the county in which the alleged offense took place. The provincial will be immediately informed of any such allegations. If another friar or employee hears such a report, he/she shall direct the individual to contact the OPCC director or provincial for support and will encourage him/her to report any crime committed in the past directly to the civil authorities. The director of Human Resources shall be informed in any case involving an employee of the province.

B. Reporting known or suspected sexual abuse of a minor: Whenever a friar or employee has reason to believe that a minor has been subjected to sexual misconduct or is threatened with sexual misconduct, the friar or employee shall immediately inform by

telephone or in person the appropriate civil authorities in the area, whether or not the civil law requires such reporting. After the report has been completed to the civil authorities the friar shall also inform the provincial or the OPCC director, who shall confirm that the appropriate civil authorities have been notified. In the case of an employee reporting, the employee will inform their immediate supervisor that a report has been made and that supervisor will inform both the OPCC director, Human Resources director and or the provincial.

*The foregoing duty to report is suspended when church law relating to sacramental confession requires that the information be kept confidential. However, in instances where canon law requires that the information must be kept confidential (see Canons 983,984), the friar should do whatever practically can be done, consistent with the minister's obligation to keep the matter confidential, to avert the likelihood of the minor being subjected to (further) serious injury or harm.*

#### V. Gathering Information (friars):

The director will work with the provincial or his delegate to investigate all allegations or reports and gather information that is provided to the extent possible, including information that is provided anonymously. The director will follow the reporting procedures laid out in these policies. If there is a criminal investigation as the result of a report of an allegation, the province shall defer any investigation of its own until it receives confirmation that the criminal investigation is completed or cannot otherwise proceed. However, if the civil authorities cannot proceed with criminal action for any reason and the case is returned to the province, there will be a thorough investigation of allegations using an established process which includes an independent investigator and the Review Board.

#### VI. Review Board (friars):

In all circumstances indicated by these policies the director, after consulting with the provincial, shall request that a review board be convened to make findings of fact and/or to provide recommendations to the provincial on appropriate ministry and community placement, Supervision and Safety Plans, and other situations as the Provincial sees fit. A Review Board must be convened in any case involving allegations of sexual misconduct with a minor.

VII. Safety and Supervision: The province is committed to protecting persons from the harm of misconduct, especially sexual misconduct against minors. To that end the province is also committed to the accountability and rehabilitation of any friar who has been involved in sexual misconduct and will provide supervision of such friar as required by all of the circumstances.

A. Supervision (friars): Whenever a friar has acknowledged that he has engaged in sexual misconduct involving a minor, or whenever the findings of fact of the Review Board indicate that a friar has engaged in such misconduct and has made its recommendations to the Provincial, the Provincial shall take such actions as in his judgment are deemed appropriate, including but not limited to:

- Recommending the friar participate in an evaluation (including a risk assessment and/or therapeutic treatment.)
- Placing restrictions on the friar's ministry and other activities.

- Seeking and/or imposing appropriate canonical measures or penalties, up to including dismissal from the Capuchin Order and, where applicable, the clerical state.

B. Safety and supervision plans (friars): The provincial or, if duly appointed, the OPCC director, shall have authority to oversee and, with the assistance of a written and individualized safety plan, shall supervise the aftercare and placement of any friar who has been the subject of action by the provincial for sexual misconduct and to take appropriate actions.

### *Procedures*

#### I. Prevention

##### A. Education (friars and employees)

1. The director shall work in collaboration with other ministry directors to develop ongoing educational programs that meet or exceed Praesidium's standards for accreditation. These programs shall focus on sexual and other forms of misconduct as well as prevention and reporting such behaviors.
2. The director shall certify that these trainings have occurred.
3. All friars and employees shall receive a copy of these policies. After reading the policies, friars and employees will sign a prepared form indicating that he/she read the document, noting the location, date and time.

##### B. Background checks (friars and employees)

1. Friars and all residents in friaries: The OPCC shall conduct background checks on all friars every five years.
2. Employees: The Human Resource Department shall conduct background checks on all employees.
3. Applicants to postulancy and resident candidates: The Vocation Office will conduct background checks on all applicants to postulancy and candidates in residence.

##### C. Formation (friars)

1. Psychological profile: Consistent with applicable ethical, canonical and legal principles and before acceptance into the province's initial formation program, an admissions interview, a psychological profile and criminal background check of each candidate shall be obtained. In addition to general psychological fitness for ministry, the profile should seek to identify any tendencies toward pedophilia or ephebophilia. If in the admissions process traits of pedophilia or ephebophilia are identified the candidate shall be disqualified from entering the order. The psychological profile shall be maintained as part of the candidate's permanent personnel file. The profile may be updated as necessary or appropriate.
2. Initial formation programs: The province's initial formation programs shall offer appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with church teaching and

chaste living. While commitments to the virtue of chastity and a life of celibacy may be well known, there will be clear and well-published provincial standards of ministerial behavior and appropriate boundaries for ministry for persons in positions of trust who have regular contact with children and young people.

D. Consultation: The director and the provincial shall consult as needed with victims/survivors, law enforcement, social service providers and others to develop procedures to implement, review and recommend revisions of the guidelines in this document.

## II. Victim Assistance

### A. Assistance to victim/survivors

1. The director shall respond to any person who reports sexual misconduct of a minor with compassion and care.
2. The director will encourage any adult reporting sexual abuse that occurred when they were a minor to report the abuse to civil authorities and will assist in doing so if the person desires such assistance. The director will also inform the person reporting that he/she has an obligation by these guidelines to report all alleged abuse to the district attorney's office where the alleged crime was committed, and/or to verify that a report has been made.
3. The director is primarily responsible to meet with and provide assistance to victims/survivors.
4. The provincial is committed to personal and active contact with victims/survivors and their families.
5. The director will work in collaboration with, and be a consultant to, the provincial in all matters pertaining to outreach assistance to victims, their families and the wider community.
6. The director shall provide complete information about the province's policies and procedures to those who report sexual abuse.
7. If the accused was/ is an employee, the human resources director shall direct any response in collaboration with the OPCC director.

### B. Assistance to the families or victim/survivors, the larger community

1. The director shall respond to any person(s) affected by the harm caused by the sexual abuse of a minor by a minister with compassion and care.
2. To the extent possible, the director shall work with victims/survivors, their families, social service providers and others to develop ways to reach out to all who have been harmed and develop strategies to promote reconciliation and healing.

## III. Reporting

### A. Reporting known or suspected abuse of a minor

1. The provincial shall verify with the director that the required report(s) has been made to the appropriate civil authorities, and if the required report(s) has not been made, he or the director will immediately make the required report(s) to the appropriate civil authorities.

2. All friars shall inform the director of any and all reports made to civil authorities; once those reports have been made the director shall inform the provincial of any such report.
3. All employees shall inform their supervisor of any and all reports made to civil authorities and that supervisor shall inform the director or the director of human resources.
4. If the alleged misconduct has occurred within a diocesan parish, school or other diocesan affiliated ministry, the director will notify the bishop of that diocese or the person designated in that diocese to handle such matters once civil authorities have given permission to do so.
5. In order to assist in any investigation of sexual abuse, the director may call upon ministers, lay persons, legal advisors, outside investigators and mental health professional and others chosen for their expertise.
6. The provincial or director shall notify the accused friar of the allegations against him, once the civil authorities have given permission to do so.
7. The provincial or director shall instruct the accused minister to have no contact with the minor, minor's parent(s) or guardian(s).
8. The director shall inform all ministers of their mandatory reporting responsibilities and the consequences for not reporting through ongoing education and sharing of this policy.

B. Reporting allegations when the victim was sexually abused as a minor but is now an adult

1. The provincial shall verify with the director that the required report(s) have been made to the appropriate district attorney's office and if the required report(s) have not been made, he or the director will immediately make the required report(s) to the appropriate civil authority.
2. If the alleged misconduct has occurred within a diocesan parish, school or other diocesan affiliated ministry, the provincial will notify the bishop of that diocese or the person designated in that diocese to handle such matters after receiving permission to do so from civil authorities.
3. In order to assist in any inquiry of sexual abuse, the director may call upon ministers, lay persons, legal advisors, outside investigators and mental health professional chosen for their expertise.
4. The provincial or director shall notify the accused friar of the allegations against him, once the civil authorities have given permission to do so.
5. The provincial or director shall instruct the accused minister to have no contact with the party or parties making the allegations.

C. Receiving Reports

1. The director shall inform the Review Board when any allegation of sexual misconduct against a minor has been received, regardless of when the alleged abuse occurred or whether the accused is deceased, and even if the information received may be from an anonymous or other indirect source.

2. The provincial and director will be available for any friar or employee who wishes to seek advice, make a self-report, or express concern about other ministers.
3. The director shall work with any friar or employee who receives an allegation or report of sexual misconduct to follow the province' guidelines.
4. The provincial or director shall notify the administrator who is in charge of the ministry where the conduct is alleged to have occurred when civil authorities have given permission to do so.
5. When a credible allegation of sexual abuse is reported, the province will immediately place the accused friar or employee on paid administrative leave, unless otherwise instructed by civil authorities so as not to interfere with a criminal investigation. For the purposes of this policy, a credible allegation is one that is at least within the realm of possibility with respect to the persons, dates, places, and other relevant information concerned.
6. The director shall inform any person(s) making a report that they are free to give or not give information and/ or a written statement.
7. The director shall inform any person(s) reporting abuse of the province's policies on reporting.
8. The provincial minister shall inform the general minister of the Capuchin Order of any credible allegation involving a friar and shall provide to the general minister reports on the disposition of the case. If that friar is a cleric, the general minister will inform the Congregation for the Doctrine of the Faith.
9. In any case where the accused is an employee, the director of human resources will work in conjunction with the OPCC director in following these guidelines.

#### IV. Investigations

##### Conducting an investigation (friars\*)

- A. Due process: A formal independent investigation of sexual misconduct against an accused person is not done on the basis of unspecified information, although law enforcement authorities will use their own guidelines in the investigation of child sexual abuse. For the province to proceed with a formal independent investigation, the identity of the accuser and the accused are necessary. Fairness in process will include, but not be limited to: the opportunity to be heard; a fair investigation; a concern for the good name, reputation and privacy of all parties; an emotionally safe environment in which the process takes place; and a concern for maintaining the dignity and respect of all parties. The accused is also entitled to a presumption of innocence unless or until otherwise established by the applicable standard of proof.
- B. During the course of an investigation by civil authorities or by the province, the friar who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties once the civil authorities have reported that doing so shall not interfere with the investigation. If the accused is a friar and he is living in a residence that is near a school or another place where minors are ordinarily present, he may also be moved to another location where minors are not ordinarily present.
- C. When civil authorities are unable to move forward with a criminal investigation and the director receives confirmation that this is so, the director shall designate an

investigator to independently gather information regarding the allegations and produce a written report:

1. In cases where substantial differences exist in the facts as related by complainant(s), by witness(es) and/or the accused, an investigation will be conducted to obtain all available evidence. The investigator shall interview and obtain statements from all parties and witnesses, and will keep the director informed regarding the status of the investigation.
2. The director shall keep all parties informed about the status of any investigation, whether it is through direct communication with the complainant(s) or the accused, or through their respective support person(s).
3. The provincial shall inform the accused friar that he has a right to legal counsel, both civil and canonical, at the expense of the province.
4. As an investigation comes to a close, the complainant(s) and the accused will be notified by the investigator that the report is ready to be sent to the Review Board. Each party shall have 15 days to submit any additional information to the investigator.

*\*Conducting an investigation if the accused is an employee: The director of human resources shall lead any such investigation in accordance with applicable laws. The director of human resources shall work with the director of the OPCC and the provincial in such cases.*

#### V. Review Process

##### A. Once an allegation has been received against a friar:

1. The provincial or director shall inform the accused friar of the substance of the allegations against him, unless prohibited by an ongoing criminal investigation.
2. The provincial or director shall inform the accused friar either in person, or through his support person, or through counsel of his choice, that he is requested to, but not required to, respond in writing to the allegations. Any such written response may be submitted to the Review Board.
3. A support person shall be made available to the accused friar.

##### B. Finding of fact, convening the review board (friars):

1. The director shall contact the chair of the Review Board with every allegation and inform him/her of that allegation and the status of any investigation.
2. The director shall notify the chair of the Review Board when the investigation is completed.
3. The chair with the support of the director shall convene the Review Board to review a summary of the case prepared by the OPCC director as well the results of any investigation that has been conducted.
4. The Review Board does not meet with the complainant(s), the accused, legal counsel, or any family member(s) or support person(s) of the complainant or accused.
5. The board may direct the investigator(s) to conduct additional interviews to clarify or complete a line of inquiry developed in a particular instance.
6. The complainant(s) and accused are invited by the OPCC director to make written statements directly to the board.

7. Although the Review Board is not an investigative body it may suggest further investigative steps.
8. The independent investigator must be available to the Review Board when it meets - in person - to answer any questions that may arise.
9. The decisions of the Review Board do not extinguish any rights that any party may otherwise have under civil or canon law.

C. Disposition (friars):

1. After it is satisfied that it has probably received all available evidence, the Review Board will then discuss and evaluate all the evidence and thereafter determine what the preponderance of evidence suggests most probably happened. These determinations by the Review Board shall constitute the findings of fact in the form of a written report prepared by the OPCC director. This report shall be approved by the Review Board prior to being sent to the provincial by the OPCC director.
2. Finding of misconduct (established):
  - a. Whenever it has been established by a friar's own admission, through the Review Board's findings of fact on the preponderance of the evidence, or by judicial proceedings that the friar has engaged in sexual misconduct with a minor, that friar shall thereafter be prohibited from engaging in public ministry. This prohibition shall apply equally to lay friars and cleric friars.
  - b. Regarding the placement of friars in ministry, the province shall comply with the applicable provisions of the most recently promulgated versions of the "Charter for the Protection of Children and Young People" approved by the United States Catholic Conference of Catholic Bishops (USCCB) and the "Essential Norms for Diocesan/Eparchial Policies" and promulgated by the USCCB and approved for promulgation by the Holy See..
3. Finding of no misconduct:
  - a. Wherever a Review Board's determination of the facts clearly demonstrate that the friar has not committed an act of child sexual abuse or child exploitation, the provincial shall:
    - i. Take whatever actions he deems appropriate to clear the name of the accused minister.
    - ii. Offer to meet with the complainant(s) and his/her family and/or support person.
  - b. In assigning the minister to a new ministry or returning the minister to his/her current ministry, the Provincial may consider:
    - i. The preferences of the accused minister.
    - ii. The best interests of the ministry concerned.
    - iii. The spiritual wellbeing of the people served in that ministry.
    - iv. The wellbeing of the province.
    - v. The recommendations of the Review Board.
4. Generally:

- a. A wrongfully accused friar may be returned to any ministry otherwise appropriate for the friar.
- b. The OPCC director shall:
  - i. Suggest resources to help the wrongfully accused friar to deal with the emotional effects of being wrongfully accused.
  - ii. Suggest resources to help the complainant deal with his/her emotional responses to the Review Board and provincial's decisions.
  - iii. Offer to meet with the complainant(s) and his/her family and/or support person.
  - iv. Offer to meet with and find support for those within the ministry affected.
- c. Unable to establish: There are times when the Review Board may not have sufficient evidence to establish that sexual misconduct occurred but cannot equally rule it out and may therefore conclude that it is "unable to establish" the required facts. In these cases, the provincial shall, upon consulting with the Review Board, the director, and the Provincial Council, make a determination of fitness for ministry.

## **VI. Review Board** (*friars*)

### A. Establishment and purpose :

1. The province has established a Review Board for the purpose of providing advice to the provincial on the implementation and administration of these policies and procedures of the province.
2. Persons selected to be on the Review Board shall be persons who have not formed any opinion regarding the merits of the claims or issues that they will consider, who have no biases toward the parties involved, and who promise to fairly evaluate all of the information presented to them.
3. Persons selected to be on the Review Board must undergo a criminal background check at the expense of the province and facilitated by the OPCC director.
4. The province shall strive to have no less than 50% non-Catholic representation on the board.
5. A liaison from the Provincial Council shall attend meetings, however will not be a voting member of the board.
6. The provincial Review Board's functions are:
  - a. Advising the provincial in his assessment of allegations of sexual abuse of minors and vulnerable adults and in his determination of suitability of an accused friar for ministry. The board may also be asked to advise the provincial on any other allegation of misconduct about which the provincial seeks advice.
  - b. Periodically reviewing province policies for dealing with sexual abuse of minors and adults.
  - c. Offering advice on all appropriate aspects of cases of sexual abuse of minors and vulnerable adults.

- d. Reviewing and assessing the province response to allegations and the process followed, and making recommendations for improvements.
- e. Reviewing each safety and supervision plan at least annually and offering recommendations to the provincial regarding appropriate adjustments.
- f. Recommend Review Board appointments to the provincial.

B. Membership :

1. The board shall consist of six to thirteen members, including no more than one member of the province.
2. The Review Board shall include representation from the following groups or professions:
  - a. Professionals from the social sciences (psychologists, counselors, victims' advocates, and/or social workers).
  - b. Representatives from the legal or law enforcement profession or state protective services.
  - c. Laity (preferably parents)
  - d. A religious other a Capuchin
  - e. A survivor of sexual abuse by clergy or religious or the parent of a survivor.
3. The provincial shall consider the recommendations of the Review Board and will appoint all members of the Review Board.
4. The Review Board will elect a chair from among the members of the board.
5. Board members shall serve a term of three years. Review Board members may be appointed for two additional three year terms.
6. Vacancies created by the departure of Review Board members during their term shall be filled by appointment by the provincial with consideration given to the recommendation of the Review Board.
7. The director shall staff the Review Board and work closely with the chair of the board to carry out all of the duties and responsibilities outlined within this policy.

VII. Friars on a safety and supervision plan: Any friar who has an established allegation of sexual abuse of a minor shall live under an individualized safety and supervision plan (SSP).

- A. The SSP will be developed by the OPCC director with the assistance of the friar liaison and others, for example treatment providers. As part of the initial development of the SSP, the friar will be asked to participate in an independent risk assessment provided by an appropriate professional who is skilled in conducting such assessments for sex offenders.
- B. The goals of the SSP are to: (1) hold the friar accountable for his misconduct; (2) assist the friar in his rehabilitation; and (3) protect the community from the risk of any future harm by the friar.
- C. The SSP will be reviewed and approved annually by the provincial.
- D. The SSP shall be reviewed annually by the Review Board for recommendations.
- E. The OPCC director shall review the plan annually with the friar.

*\*Nothing in this policy shall be construed so as to give to any accused person any rights that he or she does not otherwise possess. By adopting this policy the province does not waive any rights that it may have under the Constitution of the United States or any other applicable laws to be free from governmental entanglement in religious and/or ecclesial matters; nor shall this policy be construed as constituting such a waiver.*

*Acknowledgments:*

The Diocese of Tucson  
The Chicago Jesuit Province  
The Archdiocese of Milwaukee  
The Archdiocese of Chicago

## **Sexual Misconduct with Adults**

*(Approved: February 2012)*

*Sexual misconduct:* Sexual misconduct is defined as sexual activity, whether consensual or not, regardless of who initiates such an activity, between an adult (i.e., a person 18 years of age or older) of either sex, and a priest, deacon, religious, seminarian, employee or volunteer of the province who is providing pastoral care or having power or influence over such an adult. It includes any practice that constitutes a breach of professional trust having as its intent sexual activity involving a priest, deacon, religious, seminarian, employee or volunteer of the province that adversely affects the spiritual and psychological health of the adult, or the reputation of the province. When adults are involved, sexual misconduct includes sexual abuse, sexual exploitation, sexual harassment, and sexual assault.

*Sexual Abuse :* Sexual abuse with an adult, as defined in these guidelines, occurs when a minister of the province intentionally engages in sexual contact, intercourse, fondling or touching with an impaired adult, incapable of giving informed consent, in any context.

*Sexual Exploitation :* Sexual exploitation is defined as any kind of sexual interaction between a minister when the adult is receiving pastoral care or counseling from a minister or when the minister is in a relationship of power or influence over such an adult. (Such *misconduct could occur in person or over the internet.* )

*Sexual Harassment:* Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature on the part of the minister. Sexual harassment in the workplace is governed by human resources policies adopted by the Province of St. Joseph.

*Sexual Assault:* Sexual assault upon an adult is defined as the use of force upon a person for the purpose of sexual contact or gratification by the assailant.

### **I. Reporting to law enforcement**

A. The primary responsibility for reporting to law enforcement and to the director of any allegation of a sexual offense by a friar, employee or volunteer of the province rests with the adult victim. Adults who report being victims of a crime of sexual assault by a friar, employee or volunteer of the Province shall be strongly encouraged to make a report to law enforcement.

B. State laws do not mandate reporting of a sexual offense when the victim is an adult when the crime is committed (unless the adult falls into the category of “impaired adult” which requires mandatory reporting see page...). Law enforcement ordinarily will act upon such complaints only if the adult person who reports them is the victim.

C. Notwithstanding the previous paragraph, these guidelines strongly encourage any party aware of a sexual offense against an adult person to report the alleged violation to the local law enforcement.

D. Paramount in cases of sexual abuse is to give due consideration to the desires, emotional and spiritual needs and wishes of the victim while still being responsive to and acting upon the allegations. For example, if the accused is still at large, reporting to law enforcement may be appropriate in order to prevent sexual offenses with others, especially to prevent child abuse and sexual offenses with children or adolescents.

## II. Reporting to the director

A. Adults who have experienced sexual misconduct by a friar, employee or volunteer of the province are strongly encouraged to make a report to the director.

B. Anyone who has observed or has evidence of or information about any friar, employee or volunteer of the province having engaged in sexual misconduct with an adult as defined under these guidelines, will report (strongly encouraged?) such an allegation to the director.

## III. Follow-up

A. The director will notify all appropriate parties, including the accused, of any report made under these guidelines. A minister may be put on administrative leave pending any criminal or provincial investigation.

B. The provincial (director) will arrange and conduct a meeting as soon as possible with the accused for the purpose of informing him/her of the allegations. This meeting may be held in the presence of counsel, civil or canonical. The accused will be given an opportunity to respond in writing to the allegation.

C. If the misconduct is alleged to have occurred within a diocesan parish, school or other diocesan affiliated ministry, the provincial will notify the bishop of that diocese or the person designated in that diocese to handle such matter.

D. In his discretion as may seem warranted by the circumstances, the provincial may request that the accused minister submit to any appropriate professional testing, evaluation and/or assessment, all of which actions may be requested by the provincial and consented to by the accused minister without any imputation of guilt and without prejudice to the accused minister’s presumption of innocence.

E. Employee or volunteer: The provincial, director or director of human resources will arrange a meeting as soon as possible with the accused, his or her department head for the purpose of informing him/her of the allegations. The accused will be given the opportunity to respond in writing.

F. Any allegation of sexual misconduct may be submitted to the Review Board for their consideration and recommendations. Such recommendations shall be submitted in writing to the provincial to assist in making a decision as to fitness for ministry.

G. The provincial shall notify the accused minister to have no contact with the complainant or with any person alleged to be involved in the misconduct.

###

## Provincial Offices

1. Budgets and Annual Reports: In part, the Provincial Council exercises its oversight of the province by approving annual budgets for each provincial office and ministry, and reviewing annual reports from the same. Directors of provincial offices and ministries should submit their annual budget to the Provincial Treasurer. They should submit their annual reports to the Provincial Vicar. Annual reports should review the past year's activities and reflect plans for the future. Normally, annual reports should not exceed two pages.

2. Partners Serving the Larger Province: Employees of provincial offices and ministries are partners in mission with the entire province. Friars have the responsibility of sharing our mission with each partner in every office or ministry. Our partners, including our employees, share in our ministry by performing their specific responsibilities at their normal provincial location and by performing more general services to the wider province, including service on provincial commissions and ministry councils. Provincial commissions and ministry councils will reimburse employees' expenses for attending meetings and events of the commission or ministry council. Time spent in service to the wider province shall be considered part of an employee's work schedule. When providing service to the wider province, the employee shall not be penalized for time lost to the local office or ministry, and shall receive her or his normal compensation from the local office or ministry.

Provincial employees are responsible to give proper notice to her/his supervisor when attending provincial business. It is expected that supervisors and directors will support and facilitate the involvement of provincial employees in these activities.

### 3. Equal Opportunity Policy

It is the policy of the Province of St. Joseph of the Capuchin Order and ministries that are owned or otherwise sponsored by the Province to comply with all applicable state and federal statutes and regulations relating to nondiscrimination in employment and in the delivery of services. (PC 3/12/2004)

4. Mission-Values-Vision Statement (MVV) All provincial ministries and offices are expected:

- a. to display the MVV Statement on its premises;
- b. to use the content of the MVV Statement in job descriptions and performance evaluations;
- c. to provide new partners (employees, volunteers, and donors) orientation to provincial mission, values and vision;
- d. to do partner (employees, volunteers, and donors) education about provincial MVV.

###

# Archives: Job Description of Director

## A. Nature and Scope:

Under the direction of the provincial minister, and in conjunction with the civil and religious provincial secretaries and the provincial vicar, the director of the archives maintains and develops the provincial archives and makes its contents available to those who legitimately ask to use them. All this is done in accord with the provincial policy for the archives. It is also the function of the director of the archives to keep the official membership registers of the province.

The director of the archives is a provincial staff person, who is responsible for collecting, processing, and preserving the acts and other non-current records of provincial chapters, the office of provincial, other provincial offices, the ministries and fraternities of the whole province, as well as the personal files of departed and deceased members of the province. In keeping with the overall theme of the archives—the life and work of the Province of St Joseph at home and abroad from 1857 to the present—he also collects, processes, and preserves the personal papers of deceased friars and all other material which illustrates the life and work of the friars.

## B. Principal accountability and responsibilities:

1. to develop for the approval of the Provincial Council, a comprehensive provincial policy for the provincial archives, and to revise it when necessary;
2. to prepare for the Provincial Council a yearly budget for the operation and development of the archives;
3. to order necessary supplies and equipment, and to make other expenditures necessary to run and develop the archives;
4. to prepare the annual report for the Provincial Council and the triennial report for the provincial chapter;
5. to join the organizations and attend conventions and workshops that will help to keep him abreast of current practice in the archival profession;
6. to recruit and supervise all who work in the archives;
7. to set annual goals for the archives and to do long range planning;
8. to create public relations material for the archives and to see that it is disseminated in the province;
9. to collect and receive archival material, including:
  - a. the promotion in the province of good record management and knowledge of what material and when to send it to the archives;
  - b. the accession and inventory of material once it is received by the archives;
10. to process the accessioned material according to contemporary archival standards and to store it in an appropriate place;
11. to develop appropriate finding aids for the material once it is processed;
12. to preserve all the material in the archives by maintaining a proper physical environment for preservation, storing the material in archival quality containers and enclosures, providing the proper security as to access, and developing a disaster plan;

13. to provide ready access to archival material to the provincial administration and to members of the province and others who have legitimate reason to use the material. This involves:

- a. determining with the provincial administration what material is open for use and what materials is closed;
- b. answering requests for information;
- c. screening and supervising those who come to the archives to do research;
- d. providing copies of materials for those legitimately asking for copies, and collecting fees from outside researchers.

14. to keep the book of postulants, novices, and professed current. This involves:

- a. obtaining the necessary information from the office of the provincial minister;
- b. keeping the books in good physical condition.

15. to remind directors of offices and ministries to deposit appropriate materials with the office of archives; to ensure that minutes from all meetings from provincial chapter and assemblies, and minutes from all meetings of the Provincial Council and all provincial commissions, ministry councils, and caucuses are sent to the archives; to inform secretaries of the above mentioned groves to file complete minutes with the archives and to remind them to send complete or abridged copies to Capuchin Communications on a regular basis.

16. to have the ultimate responsibility for writing the necrologies of the friars. The archivist will send a copy of each necrology to Capuchin Communications for publication and a copy to the general curia for publication in *Analecta OFM Cap.*

###

# Archives

## I. Purpose of the archives

The archives of the Province of St. Joseph of the Capuchin Order in the U.S.A. is the official repository for the acts and other non-current records of provincial chapters, the office of the provincial, other provincial offices, the communities and ministries of the province, as well as the personal files of departed and deceased members of the province. It is also the repository of the personal papers of members and all other material which illustrates the life and work of the province and its members. The material in the provincial archives includes documents and manuscript material, published material, photographs, films, recordings, and machine readable records.

## II. What and when to send to the archives

A. The non-current records and files of the office of provincial, other provincial offices, provincial commissions and committees (whether permanent or ad hoc) are to be sent to the archives. The heads of offices and the secretaries of commissions, ministry councils and caucuses will be responsible for this. Files are to be sent in the order they were kept by their originators, and, if possible, in the original labeled folders. Paper copies of files on computers will be made if this hasn't been done yet. Photographs should be dated and identified. It is the responsibility of the archivist to evaluate the materials and to discard whatever is not of administrative and/or historical value.

B. The records, files, and other material of historical value of communities and ministries are to be sent to the archives when the community or ministry closes, or when the community or ministry no longer wishes to care for the materials themselves. Parish records and files are to be sent to the diocesan archives. If the diocesan archive does not want them, they are to be sent to the provincial archives.

C. The personal files of members of the province (postulants, novices, and professed) are to be sent to the archives upon the death or departure from the province of the individual. What is to be kept in the personal file of an individual is determined by provincial policy. When a member dies the local minister is to send to the archives the material of historical interest from the member's personal papers, e.g., sermons, diaries, journals, etc.

D. When a member of the province has a book, pamphlet, article, recording or film, published, copy is to be sent to the archives.

## III. Access to material in the archives

A. The provincial administration has access to all material **in** the archives in the pursuit of its legitimate business. Directors of provincial offices are to have access to the material in the archives from their office.

B. For all others who want to use material in the archives the following rules apply in order to protect privacy:

1. Administrative records shall remain closed to research for a 25 year period.

Before this they can be used for reference with the permission of the provincial in consultation with the archivist. Even after they are opened for research, sections of administrative records can be restricted because of sensitive material in them.

2. Personal files shall remain closed for 25 years after the member's death and for 100 years after the person's birth for those who left the province before death. Controlled use can then be made of the files with the permission of the provincial in consultation with the archivist. The personal papers of a member will be closed for 25 years after the person's death. After that some material may be restricted indefinitely because of its sensitive nature.
3. Other unpublished material may be made available to a researcher for legitimate use with the permission of the archivist. Published materials are always available for anyone doing research or reading.
4. Academic transcripts will be released when requested in writing by an individual or institution.
5. Individuals who have withdrawn from the province may have access to their files with the permission of the provincial.

#### IV. The use of material in the archives

- A. Researchers will fill out an application form before permission is granted to use the material in the archives.
- B. Researchers will also agree to abide by the current rules for researchers before using the material in the archives.
- C. The researcher will abide by current copyright and libel laws in the use of archival material.
- D. Researchers who are not members of the province will be charged a reasonable fee for services.
- E. Only authorized persons may enter the stack area of the archives.
- F. Researchers may not remove archival material from the archives area.

If the provincial administration or the directors of provincial offices need an original document, a record will be made of what material was removed and when, and when it was returned.

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# Capuchin Communications Director: Job Description

Reports to: Provincial Minister

Department: Internal provincial communications

Date: January 2010

FLSA: Friar

## *Position summary:*

On behalf of the provincial administration, this position communicates to provincial membership, announcements and notices that originate in the provincial offices. In addition, the office works cooperatively with the provincial administration on various levels in order to communicate effectively with the membership.

## *Essential duties and responsibilities:*

- Demonstrate, exemplify and support the Capuchin charism and provincial mission, vision and values throughout all professional responsibilities and activities;
- Edit and publish the minutes of the Provincial Council meetings, as well as minutes of the various provincial commissions and other groups within the province;
- Edit and publish a weekly newsletter primarily for the friars of the province, but also available to interested individuals associated with the province and order;
- Edit and publish a provincial photo catalog following each provincial chapter;
- Publish various materials which serve the membership (e.g., *Inforum*);
- Distribute official documents and significant decisions of the Holy See, the general curia, the North American/Pacific Capuchin Conference, the US Episcopal Conference, etc., which pertain to the life of the province and which are not otherwise readily available according to the discretion of the provincial minister;
- Edit and publish studies and reports significant to the life of the province;
- Update the provincial membership, on a regular basis, on the activities of individual friars and ministries through electronic/print media;
- Publish announcements, letters and official communications which originate in the provincial offices or from provincial commissions, committees or task forces;
- Notify the membership of prayer requests or death notices of friars and relatives;
- Record and update all personnel transfers and appointments, and maintain the non-confidential personnel records or the membership (including the periodic updating of the Personnel Directory);
- Maintain a database of family addresses of provincial membership;
- Organize and supervise the publications of various mailings from the provincial commissions and task forces;
- Publish notice of customary/traditional suffrages prescribed by provincial policy.
- Issue provincial identification cards to friars following each provincial chapter;
- Annually update the necrologies and directories for publication with the Capuchin Liturgical Calendar (Ordo), and to distribute same;

- Regularly maintain the Capuchin Communications' website, and post all published documents on that site;
- Comply with provincial and ministry policies, procedures, guidelines and standards.

Direct reports: none

Knowledge, skills and abilities:

- Knowledge of and familiarity with the Capuchin Order.
- Advanced electronic media knowledge and skills, including web site design and maintenance.
- Demonstrated ability to create accurate, interesting publications for the province membership.
- Demonstrated proficiency in writing and editing skills.

Education, training and experience:

- Continuing education in electronic and media proficiency.
- Regularly reviewing Capuchin publications and documents issued from the Capuchin generalate.

Working conditions:

- Maintain a clean safe work environment
- Work a flexible schedule
- Ability to sit, stand, stoop, bend, and reach throughout the day
- May be required to use computer for extended periods of time throughout the workday
- Travel will be required
- Standard office environment and office equipment
- The friar must occasionally lift and/or move up to 25 pounds.

# Corporate Responsibility Agent: Job Description

## A. Nature and scope:

The ministry of the Corporate Responsibility Agent is to fulfill the goal of our province's financial policy and the ideal envisioned by the Fifth Plenary Council of the Order. The Corporate Responsibility Agent is a provincial staff person.

The Corporate Responsibility Agent is to facilitate and coordinate the monitoring of the investments of the province and its corporate entities in accord with the principles of social responsibility. This includes recommending actions for investment and consumption practices in accord with these principles.

## B. Principal accountability and duties:

1. to monitor the portfolios regarding the issues and companies involving decisions where we have divestment postures (i.e., abortifacients and nuclear armaments companies);
2. to advise the Provincial Council on issues about which other groups have taken positions regarding corporate responsibility (i.e., defense contracts, nuclear arms, tobacco, global warming, and disparity concerns);
3. to research issues and corporations in order to recommend investment postures to the Provincial Council;
4. to represent the province at the Interfaith Center on Corporate Responsibility and other entities dealing with corporate responsibility;
5. to vote proxies that deal with social issues and investment postures of the province;
6. to choose issues and corporations for shareholder actions;
7. to make recommendations for corporate responsibility actions (especially shareholder resolutions) to the Provincial Council;
8. to prepare or utilize existing shareholder resolutions;
9. to procure verification of stock ownership, date of purchase, and current amount;
10. to advise the treasurer to retain sufficient stock for shareholder actions;
11. to coordinate provincial activities at and around shareholder meetings;
12. to collaborate with other groups on corporate responsibility issues and corporations;
13. to file necessary legal documents with the corporation, ICCR, and the Securities and Exchange Commission;
14. to give input and make recommendations regarding national and international boycotts;
15. to communicate publicly (i.e., press conferences) on corporate responsibility issues/decisions of the province (i.e., divestment, boycotts, shareholder meetings) after consultation with provincial minister;
16. to attend regularly scheduled meetings of the /CCR as a representative of the province. Become actively involved in its issue groups.
17. to read and maintain a working knowledge of corporate responsibility, its theoretical dimension and practices (i.e., issues and corporations);
18. to prepare materials for the province on issues taken, when called for.

###

## Mission Effectiveness Office: Job Description of Co-directors

As participants in the province's vision of "transforming the world through reverence," and the province's mission to "build sister-brotherhood in the world," the co-directors of the office of Mission Effectiveness undertake to aid the ministries of the province in the process of instilling the values of mission effectiveness in each ministry. In order to accomplish this goal, the co-directors respectfully partner with any ministry director who seeks support and/or assistance in developing opportunities for the ministry to further explore the province's mission, vision and values (MVV) and to assist in formulating job descriptions for the partners in that ministry, insuring that each partner in ministry is treated fairly and with dignity in an attempt to match the gifts of individuals with the tasks required to carry out the goal of the ministry.

There are two kinds of provincial ministries: province-sponsored ministries, and province-supported ministries.

- Province-sponsored ministries are those for which the Provincial Council is the board of directors.
- Province-supported ministries are any ministries in which a member of the province is engaged; e.g., parishes, nursing homes, educational institutions, hospitals, etc.

### Focus of the co-directors' attention

The co-directors will focus their attention and efforts on the province as a whole and on specific ministries.

#### A. The province as a whole:

1. Coordinate the efforts of the Mission Effectiveness Commission in planning the provincial assemblies.
2. Use opportunities for "news" in already existing provincial publications as an educational piece to celebrate the diverse ways the values are implemented and manifested (communications component).
3. Utilize *Partners* magazine to point out how the values are portrayed in the lives of individuals (communications component).
4. In the re-writing of the *Policy Handbook*, focus on support and accountability, and on which value is embodied in each policy that is made.
5. Help the members of the provincially supported and sponsored ministries recognize, acknowledge, celebrate, clarify and support the fact that we do what we talk about in the MVV. It's deeply ingrained in us and is reflected in what we do, as evidenced by what people said about us in the MVV.

#### B. Specific ministries:

1. Make themselves available to ministries to help in the formulation of job descriptions based on the mission, vision and values of Capuchin ministries.
2. Help ministries report their successes.
3. Facilitate conversations within a ministry and share the fruit of those conversations with the other provincial ministries.
4. Within each ministry, assist in developing avenues to discuss and explore the MVV.

###

# Mission Effectiveness Office

*(Approved: February 2003)*

Mission Statement for the Office:

The Mission Effectiveness Office exists to animate St. Joseph Province and its partners to identify the province's mission and to integrate it effectively within all corporate ministries and offices, and among its members and partners.

Lexicon:

- "Partners" in mission refer to employees, volunteers and benefactors of St. Joseph Province, its mission, and its ministries/offices.
- "Corporate ministries and offices" refers to ministries to which St. Joseph Province is corporately committed and offices established by the St. Joseph Provincial Council to assist the province to accomplish its mission.

The current list of corporate ministries is:

- Cap Corps headquartered in Milwaukee WI
- Capuchin Soup Kitchen in Detroit MI
- Capuchin Retreat in Washington Township MI
- Chepo "Mission" and surrounding area in Panama
- House of Peace in Milwaukee WI
- Monte Alverno Retreat Center in Appleton WI
- Solanus Center in Detroit MI
- Solanus Guild headquartered in Detroit MI
- St. Anthony Retreat Center in Marathon WI
- St. Benedict Meal in Milwaukee WI
- St. Benedict Parish in Milwaukee WI
- St. Francis Parish in Milwaukee WI
- St. Lawrence Seminary in Mt. Calvary WI

St. Joseph Province maintains a special relationship, regulated by agreements about membership and finances, with The Vice Province of St. Felix in Central America. However, this historical mission is no longer a corporate commitment.

The current list of offices is:

- Provincialate and all its service arms, including
  - Archives
  - Capuchin Personnel Office
  - Communications Office
  - Continuing Formation
  - Development Office in Detroit
  - Foreign Missions Office
  - Human Resources Office in Detroit
  - Initial Formation and Vocations
  - Justice, Peace & Ecology Office/Commission

- Marketing and Communications Office
- Mission Effectiveness Office
- Preacher's Office SARC & Aftercare Wellness
- Solanus Cause (an extension of the general postulator's office in Rome)
- Treasurers Office

###

# Overseas Mission: Secretary's Job Description

## *A. Nature and Scope:*

Under the direction of the provincial minister and council, the secretary of overseas mission, with the assistance of the provincial development office, cares for and directs missionary activity for the province. This direction and supervision comprises four general areas: advising, setting up mutual communications, and supporting the missions financially, fraternally and spiritually.

The Overseas Mission Commission advises the secretary of overseas mission in all aspects of his work. The provincial director of development assumes the tasks of acquiring funds for the overseas mission and is the provincial delegate for the Capuchin Mission Association. Due to these functions of the provincial director of development, there will be mutual interests and concerns between him/her and the secretary of overseas mission. This necessitates close communication and cooperation in these areas of mutuality.

The goals of overseas mission fund-raising and distribution are not only (1) to meet the needs of Provincial missions and missionaries but also (2) to help in the support of other mission efforts of the church, primarily keeping in mind those of the Capuchin Order around the world and above all (3) those of Central American where the province has special historical and fraternal ties. Therefore, fund-raising efforts will not be limited to narrower provincial needs but will be expanded to take into account the broader missions of church and order.

## *B. Principal Account abilities and Duties:*

The secretary of overseas mission relates to four entities while accomplishing his principal Account abilities and duties: 1) to friars overseas and their places of ministry, 2) to the province, particularly the administration and the Overseas Mission Commission [OMC], 3) to the provincial development office and 4) networking.

### 1. Friars overseas and place of ministry:

- to keep in contact with and visit missions/missionaries, and to be liaison with families when needed;
- to help host friars when home from the missions for vacation, medical care, etc;
- to manage accounts and specified donations, and to deal with the Vice-province of St. Felix regarding financial agreements;
- to purchase and ship requested needed items;
- to facilitate continuing formation, sabbaticals, and the reintegration of returning missionaries.

### 2. Province, particularly the administration and the OMC:

- to be an animator of the missions, especially by keeping the missionaries and their endeavors before the province and appropriate other groups;
- to relate to the various entities of the province on behalf of missionaries as called for, e.g., with the Communications Office, Cap Corps, PR Office, Continuing Formation, JPE Office, and Eucharistic Mission Band;

- to consult with the provincial administration as needed and appropriate;
  - to prepare an annual budget, distribute provincial mission funds according to stated guidelines and policies, and serve as a channel of funds;
  - regarding OMC, see below.
3. Provincial Development Office [PDO]:
- to help in the mailings as mutually agreed upon;
  - to develop the budget in dialogue with the PDO as to what may be future needs and in view of the third paragraph of the nature and scope of this office.
4. Networking:
- to relate to mission oriented organizations as deemed beneficial, e.g., United States Catholic Mission Association, Volunteer Missionary Movement, Latin America Bureau of the USCCB ;
  - to participate in the meetings of the Mission and Development Directors of NACC.

###

# Office of Pastoral Care and Conciliation (OPCC)

## Mission

The mission of the OPCC is to serve the province and the church by providing services and access to resources that help to further our ministry of healing and reconciliation.

## Values

- Competence
- Pastoral sensitivity
- Accountability
- Integrity
- Justice

## Director's Job Description

- Sexual Abuse Response Coordinator (SARC)—Facilitates the province's response to allegations of sexual misconduct (see Provincial Handbook).
- Oversees friars who are receiving psychotherapy and other professional counseling services.
- Maintains confidential files of friars.
- Provides pastoral support for victims/survivors of sexual misconduct, where appropriate and requested.
- Oversees the implementation of the *Instruments of Hope and Healing* program provided by Praesidium Religious Services via CMSM, including the Provincial Sexual Misconduct Policy."
- Serves as provincial representative on the Board of Directors of the Pathways to Hope ministry.
- Coordinates the provincial review board and serves as provincial representative on regional review boards convened in CMSM Region V.
- Facilitates mediation and conciliation to ministries in conflict either directly or indirectly by providing access to local resources.
- Reports to: provincial minister and Provincial Council and, where appropriate, to the director of human resources.
- This is a part-time position, preferably filled by a friar.

###

# Office of Preaching and Evangelization

## Mission

The purpose of this office is to support and coordinate the ministries of preaching and evangelization for the Capuchin Province of St. Joseph. In collaboration and communication with the province's retreat centers' staffs and ministry councils, the OPE oversees retreats/days of reflection, parish missions, revivals, renewal programs and the other evangelization efforts of our friars and collaborators that are not part of the retreat centers' programs.

## Job Description

The director of this office shall be a Capuchin friar as a part-time ministry and supported by a suitable provincial budget. He shall report to the provincial and council, both as to activities and management of the office's finances. Secretarial help shall also be obtained if deemed necessary by the director. The director shall have some training and/or experience in preaching and evangelization, and shall seek membership in one or more organizations that provide ongoing learning and formation for these ministries. He shall have computer skills that enable him to search the Internet for resources to aid these ministries. The director's duties shall include:

- Researching and sharing with the friars information about readings and audio-visual materials, as well as workshops and conferences on preaching and evangelization; he may also initiate and offer such programs.
- Informing the friars about "best practices" and promising new initiatives in preaching and evangelization taking place around the country;
- Having the time and budget for travel to places that exhibit these kinds of practices and initiatives;
- Serving as a center where requests can be forwarded for Capuchin preaching and evangelization ministries;
- Creating a list of friars who have skills and are available for programs of preaching and evangelization;
- Taking care to include multi-cultural awareness in providing resources and support for preaching and evangelization;
- Collaborating with the Office of Continuing Education in recommending formation programs for these ministries;
- Informing the Office of Public Relations about noteworthy preaching and evangelizing events conducted by Capuchins and their collaborators;
- Being available to help any Capuchin ministry to evaluate and further develop its ministry of preaching and evangelization.

###

# Religious Secretary of the Province: Job Description

## *A. Nature and Scope:*

Under the direction of the provincial vicar, the religious secretary records minutes of Provincial Council meetings, the proceedings of meetings of local ministers, and the proceedings of provincial chapters and assemblies. Most other official religious acts of the province are handled by the provincial minister or his other staff. Acts of the corporation are handled by the corporation secretary.

## *B. Principal Accountability and Duties:*

1. To record minutes of Provincial Council meetings, the proceedings of local minister meetings, and the proceedings of provincial chapters and assemblies.
2. To distribute copies of Provincial Council minutes to the council members for review and correction before publication.
3. To deliver after each Provincial Council meeting a final copy of its minutes to the provincial vicar who collects them throughout each triennium and submits a hard and digital copy to the provincial archivist at the end of each triennium. It is the responsibility of the provincial vicar, not the religious secretary, to arrange for publication of all minutes recorded by the religious secretary.
4. To execute his signature on the few religious documents that require it.

###

# Senior Life and Wellness: Director's Job Description

## I. Service Summary

The provincial minister in consultation with the Provincial Council appoints the director of Senior Life and Wellness as a resource person in the areas of aging, retirement from full-time responsibility for ministry and wellness. The director coordinates and implements programs and policies for aging, retirement from full-time ministry responsibility, wellness and senior living in the Province of St. Joseph. The director is assisted by the program assistant for aging, retirement and wellness.

## II. Responsibilities

### A. To the province

1. Acts as a resource person in the areas of aging, retirement and wellness.
2. Focuses on the spiritual and fraternal aspects of aging, retirement and wellness.
3. Updates self on geriatric and senior living issues.
4. Disseminates information on aging, retirement and wellness to the province.

### B. To the program assistant (PA)

1. Acts as the supervisor for the PA.
2. Consults the PA regarding the Senior Life and Wellness Newsletter, the regular contacts/visits with the senior friars and the updating of the health care forms used in the province.

###

# Senior Life and Wellness: Program Coordinator's Job Description

Program Coordinator, Office of Senior Life and Wellness

Reports To: Director, Senior Life and Wellness

Department: Senior Life and Wellness

Date: 9/03

FLSA: Non-Exempt

## *Position Summary*

The primary purpose of this position is to provide assistance to friars with a focus on the physical, psychological, and spiritual aspects of wellness, aging and retirement.

## *Essential Duties and Responsibilities*

- In collaboration with the director, Office of Senior Life and Wellness (OSLW):
  - Design and complete a wellness and retirement assessment tool with each friar.
  - Develop and maintain a wellness, aging and retirement resource directory.
  - Develop presentations and provide information to friars on various wellness, aging, mental health and retirement issues.
- Develop and maintain information regarding various types of living arrangement (ECF, assisted living, etc.) resources in the Chicago, Detroit, Fox Valley, Milwaukee and Montana regional areas.
- Develop and implement an orientation plan to meet with and become familiar with friars and to introduce the available services and resources.
- Develop and maintain records and information for each friar to ensure a smooth admission transition to a retirement or assisted living facility.
- In collaboration with human resources, assist friars in completing SSI, Medicare, Medicaid and related applications.
- May be required to assist with friar insurance claim questions.
- Be sensitive to the spiritual, physical and psychological needs of the friars.
- Attend and participate in workshops and conferences to maintain current knowledge wellness, geriatrics, retirement and insurance issues and concerns.
- Consult with friars on individual health problems and assess the need for intervention and identify appropriate resources.
- Demonstrate, exemplify and support the Capuchin charism throughout all professional responsibilities and activities.
- Comply with provincial and ministry policies, procedures, guidelines and standards.

*Direct Reports: None*

*Knowledge, Skills and Abilities*

- Ability to work with highly confidential information maintaining confidentiality and respect the dignity of the friars.
- Maintain appropriate professional license/certification in applicable states.
- Effective interpersonal skills with ability to function in a collaborative environment
- Excellent oral and written communication skills
- Ability to work independently
- Ability to successfully manage, prioritize and organize several tasks simultaneously
- Professional demeanor and appearance
- Strong customer service orientation

*Education, Training and Experience*

- Registered Nurse, or
- Masters of Social Work
- Minimum of 4 years experience in at least one of the following areas: Community health experience, home care, hospice, geriatrics or a parish nurse program
- Community resource and patient assessment skills

*Working Conditions*

- Maintain a clean safe work environment
- Work a flexible schedule
- Ability to sit, stand, stoop, bend, and reach throughout the day
- May be required to use computer for extended periods of time throughout the workday
- Travel will be required.
- Standard office environment and office equipment

###

## External Provincial Ministries

1. The Provincial Council is the governing board of all external provincial ministries.
2. Budgets and Annual Reports: In part, the Provincial Council exercises its oversight of the province by approving annual budgets for each provincial office and ministry, and reviewing annual reports from the same. Directors of provincial offices and ministries should submit their annual budget to the provincial treasurer. They should submit their annual reports to the provincial vicar. Annual reports should review the past year's activities and reflect plans for the future. Normally, annual reports should not exceed two pages.
3. Partners serving the larger province: Employees of provincial offices and ministries are partners in mission with the entire province. Friars have the responsibility of sharing our mission with each partner in every office or ministry. Our partners, including our employees, share in our ministry by performing their specific responsibilities at their normal provincial location and by performing more general services to the wider province, including service on provincial commissions and ministry councils. Provincial commissions and ministry councils will reimburse employees' expenses for attending meetings and events of the commission or ministry council. Time spent in service to the wider province shall be considered part of an employee's work schedule. When providing service to the wider province, the employee shall not be penalized for time lost to the local office or ministry, and shall receive her or his normal compensation from the local office or ministry. Provincial employees are responsible to give proper notice to her/his supervisor when attending provincial business. It is expected that supervisors and directors will support and facilitate the involvement of provincial employees in these activities.
4. Mission Statements: Each external provincial ministry shall have a mission statement, recommended by the ministry director with the advice of his/her ministry council and approved by the Provincial Council.
5. Hiring directors: The director of each ministry is hired by the provincial minister, who may consult with his Provincial Council and the ministry council about the hire.
6. Performance reviews of directors and provincial hires: The provincial human resource director shall conduct an annual performance review of all provincial minister hires, including directors of external provincial ministries. These reviews shall involve ministry council members, employees, constituents and others deemed helpful.
7. Liaison: The Provincial Council liaison is the normal channel of communication and consultation between the Provincial Council, and the external ministry director and his/her ministry council.
8. Equal opportunity policy: It is the policy of the Province of St. Joseph of the Capuchin Order and ministries that are owned or otherwise sponsored by the province to comply with all applicable state and federal statutes and regulations relating to nondiscrimination in employment and in the delivery of services. (PC 3/12/2004)
9. Mission-Values-Vision Statement (MVV): All provincial ministries and offices are expected:
  1. to display the MVV Statement on its premises;

2. to use the content of the MVV Statement in job descriptions and performance evaluations;
3. to provide new partners (employees, volunteers, and donors) orientation to provincial mission, values and vision;
4. to do partner (employees, volunteers, and donors) education about provincial MVV.

###

# Monte Alverno: Director's Job Description

Reports To: Provincial Council  
Department: Preaching/Administration  
Date: 10/03  
FLSA: Exempt

## *Position summary*

The director has the overall responsibility to ensure that the retreats, programs, activities and services support the retreat center mission, vision and objectives in an atmosphere of prayer and cooperation.

## *Essential duties and responsibilities*

- Develops long range strategic planning consistent with the mission, vision and objectives of the retreat center.
- Leads the fund raising efforts of the retreat center.
- Establishes and maintains relationships with groups and individuals who utilize and provide financial support for the center.
- Establishes and maintains relationships with religious leaders throughout the community. Attends meetings, public functions and diocesan meetings as the representative of the retreat center.
- Works closely with the business manager in the day to day operation of the retreat center.
- Responsible to provide information for the preparation of an annual budget.
- Works in conjunction with others to ensure that retreat center facility is prepared for retreatants and program participants.
- Participates in providing directed retreats, spiritual direction and presenting retreats through preaching conferences, preparing and leading prayer services.
- Ensures that there is a balanced spirituality and theology perspective in retreats and programs.
- Oversees the planning and evaluation of retreats through regular communication and meetings with employees, friars, staff and others involved with program development.
- Work with Capuchins, employees and volunteers to develop a comfortable, hospitable and supportive environment at the retreat center.
- Maintains communication with employees and Friars to support the coordination of activities and services for retreatants.
- Demonstrates, exemplifies and supports the Capuchin Charism throughout all professional responsibilities and activities.
- Complies with provincial and ministry policies, procedures, guidelines and standards.

*Direct reports:* Business manager

*Knowledge, skills, abilities:*

- Ability to conduct directed retreats
- Ability to work independently and in collaboration with others
- Effective interpersonal and public speaking skills
- Ability to successfully manage several tasks simultaneously
- Proficient time management, problem solving, organizational, and verbal and written communications skills
- Professional demeanor and appearance

*Education, training and experience:*

- Six years related work experience in a parish, hospital, educational setting or retreat center environment
- Specific training and certification in spiritual direction

*Working conditions:*

- Maintain a clean, safe work environment
- Maintain a flexible work schedule
- Ability to sit, stand, stoop, bend and reach throughout the day
- May be required to use computer for extended periods of time throughout the workday
- Some travel may be required
- Standard office environment and use of standard office equipment

###

## Retreat Centers in General

1. The purpose of a retreat is defined to foster an ongoing process of prayerful listening and responding to the Spirit of God in the contemporary world: to help an individual to experience a deeper commitment to the living Christ through spiritual growth and development of the whole person.
2. Our retreat centers are houses of prayer where all retreatants can find an environment conducive to being alone with God and experience the contemplative union with him. This must be the main purpose of our adult retreat centers. No other program should militate against this purpose.
3. Contemplative prayer in its various forms is one of our distinctive characteristics as Capuchins and the gift we bring to the church through our lives and preaching.
4. Our retreat centers are places of contemplative prayer where people can be initiated and guided in their thirst for prayer. Our retreat centers are not primarily places of education or workshops.
5. The retreat team (people who can live, pray, share and work together) are assigned to each retreat center and seek to acquire an ever deepening contemplative, scriptural orientation for their own personal growth and for their ministry to others. Only persons who have this orientation, who have the ability to preach and direct others, and who express the riches of the Second Vatican Council in a context familiar to the modern laity, should be assigned to the preaching team.
6. Our retreat centers are to serve the local church in unity with the bishop and his ministers according to the principles established above.

###

# St. Lawrence Seminary

## *Philosophy of St. Lawrence Seminary*

St. Lawrence is a school, an institution and a community. St. Lawrence is a school because it has students and has developed educational, academic goals and objectives and the means of realizing them. St. Lawrence is an institution because student and staff life is organized around principles and rules, which are intended to promote specific goals and objectives. St. Lawrence is a community because its purpose extends beyond the provision of academic instruction and the maintenance of necessary order to include the comprehensive personal formation, growth and development of staff and students. Many of these, i.e., all students and the majority of staff, live on campus twenty-four hours a day.

The overriding purpose for St. Lawrence's existence is to promote, foster, and live principles and values announced in the gospel of Jesus Christ and articulated in the Catholic Church. All members of the community are expected to cooperate with this purpose by accepting the promotion of the reign of God as the essential priority of the school worked out in the present historical/cultural context. This priority flows more directly from some areas of the school/institution/community than from others. Academic activities, for instance, or some student activities, can have a legitimate secular purpose as their immediate end. However, ultimately, all areas of participation should contribute in some way, directly or indirectly, to the overriding purpose described above.

St. Lawrence is especially directed toward implementing and/or nurturing gospel values within high school age Catholic adolescents. The school/institution/community has, as part of the concrete implementation of its purpose, the preparation of adolescents for active ministry in the Catholic Church. Therefore, the program includes a place for those adolescents who are interested to whatever degree, in becoming priests or religious.

St. Lawrence recognizes, accepts and depends on the presence within itself of Jesus Christ, the risen Lord. Without His presence and the subsequent and continuous outpouring of the Spirit, the above-mentioned main purpose could not be accomplished or even successfully pursued.

## *Mission Statement of St. Lawrence Seminary*

St. Lawrence has existed, since its founding in 1860, as a school for the formation of Catholic high school and college youth interested in pursuing a vocation to ministry in the Catholic Church, primarily in the priesthood. As the understanding of ministry has grown within the Church, the school has historically adjusted its purpose to respond to the various ministerial needs of the Church and society. Underlying the school's philosophy is the conviction that the primary obligation of all Christians is to witness to gospel values in that life vocation to which God calls them. Combined with this belief is the additional conviction that such values are not only the path to eternal salvation and union with God for each individual but also the only real remedy for the ills of the human community. Therefore, the staff of St. Lawrence wishes to

promote and foster these values in themselves and in the adolescents who enter into and participate in the life of the community.

St. Lawrence is a boarding school. Therefore, its life embraces the total life of the students. Students at St. Lawrence are accepted as active inquirers who desire to develop their capacities to think and to learn. All programs in which the students are involved — academic, social, spiritual, physical and vocational — should be inspired by and directed in some manner to the implementation of gospel values. The seeds of gospel witness, which are planted and/or fostered in St. Lawrence students, will bear fruit in their lives when they take their place as active ministers of this gospel in the larger community. Their lives will promote not only their own salvation but also that of others and be a source of healing and growth in the human community. Both students and staff members should enter and remain at St. Lawrence because: (1) they recognize the goals and life of the community as not only compatible with but also as supportive of their personal development and their commitment to understand and live the Gospel of Jesus Christ, and (2) because they are willing to make the sacrifices that are demanded in order to absorb, nurture and witness to these values.

#### *Objectives of St. Lawrence Seminary*

1. To achieve the order which promotes tranquility within the school.
2. To insure an academic curriculum which provides the tools for pursuing a career in postsecondary schools.
3. To reinforce the facility of thinking and behaving which allows for continual and deepening participation in the Catholic Church.
4. To promote an internalization of the Catholic Church's moral and ethical values which will motivate the students' behavior after they leave St. Lawrence.
5. To promote growth in the self-discipline, which enables the making of life choices, which go beyond the self-aggrandizing norms of much of modern society and which foster a gradual awakening of service to and sacrifice for others.
6. To achieve a level of human social growth which enables students to delay immediate gratification of personal desires.
7. To nurture an awareness of and relationship with Jesus Christ which find expression in the understanding and implementation of Gospel values as the norm for our activity.

#### *Policies*

The Provincial Council approves the tuition/room/board schedule for St. Lawrence Seminary.

###

# **Provincial Commissions, Ministry Councils, Caucuses & Task Forces**

## **Protocol for appointments to ministry councils, commissions, and task forces** *(Approved: October 2010)*

Capuchins, employees and volunteers of Capuchin ministries may be asked to serve on ministry councils, commissions or task forces of the Province of St. Joseph. The employee should normally have been with the Capuchins for a minimum of two years.

Membership on ministry councils, commissions or task forces originates in one of three ways:

- The individual volunteers to serve.
- A ministry council proposes the person for membership.
- The provincial minister and/or council asks the individual to serve.

Prior to the person being asked to serve on a ministry council, commission or task force, the provincial or his designee consults the ministry director where the individual is employed or volunteers regarding the following:

1. The suitability and availability of the person to serve on said council, commission or task force.
2. The time commitment and expectations of said service and the potential impact on the ministry where the individual is employed or volunteers.

###

# All Commissions, External Ministry Councils, Caucuses, and Representative Groups

## I. Definitions

*Commissions* report directly to and advise the Provincial Council. In this capacity, commissions perform ad hoc and/or on-going tasks for the Provincial Council. Generally, the Provincial Council designates groups as commissions when they serve provincial life in a general or broad way.

*External Ministry Councils* are advisory bodies regarding specific provincial ministries. They advise the directors of their ministries. They are not governing boards in the normal sense, but may have specific and explicit responsibilities delegated from the Provincial Council.

*Caucuses* are voluntary associations of Capuchins and their partners in ministry who desire to meet around a specific interest in the life and ministry of the province.

Caucuses must be approved by the Provincial council, which may appoint a coordinator and liaison for each caucus. The Provincial Council does not appoint membership to caucuses.

## II. List of Commissions, Ministry Councils, Caucuses, and special groups with friar membership currently involving the Province

### *Commissions*

Building & Maintenance Commission

Development Commission

Evangelization Commission

Finance Commission

Investment Commission

Justice, Peace & Ecology Commission

Liturgical Commission

Mission Effectiveness Commission

Overseas Mission Commission

Provincial Initial Formation Commission

Research & Planning Commission

### *External Ministry Councils*

Cap Corps Ministry Council

Capuchin Communications Ministry Council

Capuchin Soup Kitchen Ministry Council

House of Peace Ministry Council

Retreat Centers Ministry Council

Solanus Center Ministry Council

St. Lawrence Seminary Ministry Council

St. Benedict Meal Ministry Council

### *Caucuses*

Urban Ministry Caucus

*Special Advisory Groups*

Capuchin College Program Council

Interprovincial Admissions Advisory Board

*Bodies on which the Province Has Representatives*

Catholic Theological Union Governing Board (provincial minister, ex officio)

Catholic Theological Union Board of Trustees

Eighth Day Center

North American Capuchin Conference (provincial minister and vicar, ex officio)

St. Labre Indian School Educational Association Board of Trustees

III. Commissions and ministry councils shall offer reimbursement to its members for their expenses to attend meetings and events that are part of their work.

###

# Building and Maintenance Commission

I. The Building and Maintenance Commission (BMC) is an advisory commission to the provincial minister and council. The membership is appointed by the provincial minister and council for a three-year term, beginning in January following the provincial chapter. Membership should include at least one lay person.

II. Guidelines for consulting the BMC:

These guidelines are written to assist local communities in preparing their budgets. BMC will remind communities of the need to get information to them in due time. This reminder will generally be sent out in June preceding the budget deadline.

A. Ordinary maintenance expenses. These are expenses for things that must be done regularly to take care of the physical plant. These items are submitted directly to the provincial finance committee in the annual budget. Examples: replacing small appliances like fixing or replacing toilets; ordinary repairs to keep buildings and machinery running effectively.

If an ordinary maintenance item exceeds \$10,000.00, the friar/institution submits that portion of the budget to the BMC for review. Upon the completion of that review, the BMC submits a recommendation to the provincial finance committee with a copy to the local community.

B. Extraordinary Maintenance Expenses. These are for projects done only periodically in order to maintain the plant and keep it in good repair. Budgets for such projects are submitted to the BMC before submitting the budget to the Finance Committee. Examples: replacing a roof; insulating a house; re-siding a building; initial installation of blacktop for a driveway. (Sealing a blacktop driveway would be considered ordinary maintenance.)

1. Procedures:

a. Unless the local people preparing the budget are knowledgeable about the project and how to fix it, they consult a competent, professional local person to:

i. Inspect the project to be submitted.

ii. Discuss possible alternatives to be used in fixing the project.

iii. Recommend what the "fixed" project will look like.

iv. Offer recommendation(s) on how to achieve the desired result including cost.

b. The people submitting the budget write up a summary of this report and submit it to the BMC. The BMC will examine the report and return it with their recommendation:

i. The project is approved or rejected (with reasons for rejection).

ii. The BMC will seek more information on the project before deciding.

iii. The BMC will recommend obtaining three bids on the project.

iv. The BMC may choose to make an on-site visit in order to better understand the project.

c. After receiving the three bids, the BMC members may make an on-site inspection and meet with the people involved (friars and others) for clarification and a better understanding of the project. After this visit the BMC will respond to this fresh information.

- i. Recommend that the project go forward or reject it.
- ii. If approved, BMC will write a formal request to the Provincial Council to approve the expenses for the project.
- iii. Recommend the scope of the project-enhance it or cut it back.
- iv. Recommend which bid(s) to accept.
- v. Provide a copy of the recommendations to the local community/maintenance people, the Provincial Council liaison to BMC, copies to BMC members and a copy for the official BMC files.

C. New buildings and major renovation projects (This is a separate category and follows these procedures)

1. Procedures:

- a. The local community begins the conversation with the BMC and the Property Asset Manager (PAM). The PAM offers a professional assessment of the project to the BMC.
- b. The BMC submits a report to the Provincial Council to recommend or reject the project.
- c. The Provincial Council considers the project, including the manner of raising the money for the project. If they approve, they return the request to the local community.
- d. The local community fleshes out the proposal in consultation with the BMC. Firm plans are drawn and cost figures obtained. These might well include:
  - i. Schematic design phase-where the architect reviews the owners' program and develops conceptual drawings with preliminary construction estimates.
  - ii. Design development phase-where the architect prepares detailed design documents and refines construction costs.
  - iii. Construction documents phase-where the architect prepares drawings and specifications.
  - iv. Bidding and negotiation phase-where the architect assists the owner in the bidding process or in negotiations with prospective contractors.
  - v. Construction phase-where the administration of the contract is implemented with architect acting as owner's representative during construction.
- e. The BMC then makes its recommendations to the Provincial Council.
- f. If the Provincial Council approves, they return the recommendation to the local community who then proceeds with the project.

Re: #v under d (above): This is a vital ingredient in construction. It is important to have competent oversight of the project. Oversight by such a supervisor (architect or

otherwise) is vitally necessary and we strongly urge careful consideration for employing such an overseer for the project. Past experience has shown the value of such a person who supervises/oversees all phases of the project.

### III. Documentation

The following blueprints, records, plans, etc. are necessary for the proper maintenance of our buildings and properties. The PAM shall organize these with the help of the local community:

- A. Original blueprints
- B. Specs: plumbing, heating, electrical
- C. Records of contractor, architect and subcontractors
- D. A log of things altered
- E. A plat plan (survey)
- D. Sanitary sewage and storm drains
- E. Underground telephone, power lines
- H. Gas lines and storage tanks
- I. Underground tunnels.

Copies of the above items should be kept in the provincial archives and in each local community.

### IV. Renovation of liturgical space

Given the theological significance of every liturgical space, it is appropriate that the building, renovation or restoration of such space be achieved with liturgical integrity. Therefore, it is the policy of the province that all building, renovation or restoration of liturgical spaces in province-owned buildings which requires permission of the provincial minister and council, shall require the formal involvement of the provincial liturgical commission from the beginning.

- A. repairs: when repairs are going to be an overhaul of plumbing, electrical, or heating systems;
- B. remodeling: when any structural changes are involved (e.g., removal or construction of permanent walls; opening in walls for doors, windows, etc.);
- C. additions: any additions to existing buildings;
- D. or when a project may necessitate further remodeling or repairs in the above-mentioned areas.

#### E. Renovation of liturgical space

Given the theological significance of every liturgical space, it is appropriate that the building, renovation or restoration of such spaces be achieved with liturgical integrity. Therefore, it is the policy of the province that all building, renovation or restoration of liturgical spaces in province-owned buildings which requires permission of the provincial minister and council, shall require the formal involvement of the provincial Liturgical Commission from the beginning (P+PC, *Mess.* 50 [1987:1-2]).

III. The Building and Maintenance Commission sees that the maintenance visitation will be carried out regularly.

- A. Nature and purpose: Members of the Building and Maintenance Commission will visit those houses owned by the province at least once every two years. The reason for the visit is to determine that on-going maintenance is being performed and to discuss future concerns regarding the buildings with the concerned community members.
- B. Time of visitation: The Building and Maintenance Commission would meet twice each year at various places in the province.

1. The Detroit area meeting would take in all province-owned buildings in Detroit, Washington, Saginaw, Harrison and St Clair.
2. The Milwaukee area meeting would take in all province-owned buildings in Milwaukee.
3. The Calvary area meeting would take in all province-owned buildings in Mt Calvary, Calvary, and Appleton.
4. The Marathon area meeting would take in all province-owned buildings in Marathon, Pickerel, and Eau Pleine.
5. The following blueprints, records, plans, etc. are necessary for the proper maintenance of our buildings and properties:
  - I. original blueprints;
  - ii. specs: plumbing, heating, electrical;
  - iii. records of contractor, architect and subcontractors;
  - iv. a log of things altered;
  - v. a plat plan (survey);
  - vi. sanitary sewage and storm drains;
  - vii. underground telephone, power lines;
  - viii. gas lines and storage tanks;
  - ix. underground tunnels.

Copies of the above items should be kept in the provincial archives and in each local community.

###

# Evangelization Commission

*(Approved: February 2004)*

The Evangelization Commission helps the province to implement its evangelizing mission by: connecting the ministry of evangelization with our provincial plan; affirming ways that the friars are already evangelizing; proposing new forms of and strategies for evangelization; and suggesting resources for evangelizing methods.

## Bylaws

1. The Evangelization Commission is advisory to the provincial minister and council.
2. Membership is appointed by the provincial minister and council for a three-year term beginning at the end of each provincial chapter. Membership is to include up to three non-Capuchins.

###

## **Finance Commission**

This is an advisory commission to the provincial minister and council. The membership is appointed by the provincial minister and council for a three-year term beginning at the end of each provincial chapter. Membership is to include at least one lay person.

Purpose: To advise the provincial minister and council regarding the area of finances and financial planning.

###

## **Justice, Peace and Ecology Commission**

The membership is appointed by the provincial minister and council for a three-year term beginning at the end of each provincial chapter. Membership is to include at least one lay person.

The Justice and Peace Commission has a two-fold purpose:

1. to help facilitate the continual conversion of ourselves and our brothers in the province as we respond, on all levels of community life and ministry, to our calling to be Franciscan men of justice, peace, and reconciliation; and
2. to enable and empower ourselves and our brothers to analyze the social reality of North America and the critical justice, peace and ecology issues which impact our lives as fraternity, as church, and as members of a global community, in order to prayerfully discern, develop and facilitate gospel responses to social injustice that will be faithful to our Franciscan charism.

###

## Liturgical Commission

This is an advisory commission to the provincial minister and council. The membership is appointed by the provincial minister and council for a three-year term beginning at the end of each provincial chapter. Membership is to include at least one lay person.

This is not a policy-making body, nor is it responsible for the total liturgical life of the friars. It serves in an advisory capacity to the council, to other offices, to local communities, committees, and individual friars. Its general thrust is to promote the on-going renewal of the liturgical life of the friars, in accord with the spirit and directives of the church, the territorial hierarchy, and our Capuchin Franciscan tradition. The liturgical life of the friars includes both the liturgical life in our friaries and liturgy in the apostolate.

###

## Overseas Mission Commission

1. To help the Overseas Mission Secretary to develop and review policies and procedures, to evaluate his activities and work, and to promote mission awareness in the Province.
2. To advise and recommend regarding financial matters, distribution of funds, screening budgets and similar matters.
3. To meet no less than twice a year.
4. To be composed of eight persons, some of whom are ex-missionaries, at least three of whom are not Capuchins, and all with an understanding of cross cultural matters if not actual cross cultural/mission experience.
5. Membership terms normally run from Provincial Chapter to Chapter. Members may be appointed for more than one term. The Overseas Mission Secretary presents nominations to the Provincial Council for appointment.

###

## External Ministry Councils

1. External ministry councils are advisory to the ministry's director.
2. External ministry councils have the following responsibilities:
  - To review the ministry's mission statement and to recommend changes.
  - To determine rules for ministry council membership, including who are ex officio members, and term limits.
  - To recommend ministry council membership to the Provincial Council.
  - To participate in the performance review of the ministry's director, under the leadership of the Provincial Human Resource Director.
  - To develop and recommend provincial policies that are unique to its ministry.
  - To review and make a recommendation about the director's proposed annual budget to the Provincial Council.
  - To review the ministry's annual audit.
  - To advise the ministry's director on matters of his/her choice.
  - To review and make recommendations to the provincial Buildings and Maintenance Commission about proposals for physical capital projects, prior to budget time.
3. Minutes: Each external ministry council shall forward minutes of its meetings to the provincial office of internal communication for publication.
4. Liaisons: The Provincial Council liaison is the normal channel of communication and consultation between the Provincial Council, and the external ministry director and his/her ministry council.

###

# Initial Formation Council

I. Definition: The Initial Formation Council is a vehicle for the establishment of *procedures* and the review of program *practices* guiding the ministry of initial formation in the province of St. Joseph. Additionally, it shall serve as a vehicle of communication between those engaged in the ministry of initial, continuing, and presbyteral formation, and the Provincial Councils.

II. Membership:

- A. vocation directors
- B. the postulancy staff
- C. the novitiate staff (if a member of St. Joseph Province)
- D. the post-novitiate/presbyteral formation staff
- E. the provincial director of initial formation

III. Purpose:

- A. to recommend initial formation policy to the Provincial Council and to give advice to the Provincial Minister and Council about initial formation.
- B. to implement policies governing the formation program.
- C. to create procedures for the initial formation program.
- D. to serve as a vehicle of consultation regarding the progress and development of the men in our programs of initial formation.
- E. to serve as a vehicle of conversation and exploration regarding further collaborative initiatives in the realm of formation.

###

# Retreat Centers Ministry Council

The Retreat Centers Ministry Council:

1. Coordinates and facilitates the evangelizing ministry of the retreat centers of the Province of St. Joseph.
2. Speaks with one voice to the Province and Provincial Council concerning retreat center issues.
3. Serves as a resource for individual retreat centers and Provincial Council with regard to present needs and future planning for the ministry.

Membership

1. Ex officio: directors/leadership teams (or their delegated representative) of the retreat centers of the Capuchin Province of St. Joseph.
2. Two people, not directly connected with our retreat centers, but knowledgeable about retreat ministry. These will be nominated by the Retreat Centers Ministry Council and appointed by the Provincial Council for a three year term, with the possibility of renewal for one term.
3. Non-voting members of this ministry council are the liaison from the Provincial Council, the director of Capuchin preaching, and a representative of Dwelling Place.
4. The chairperson is elected by this ministry council for a two year term.
5. The secretary is appointed by the chairperson for a two year term.

Meetings

1. The ministry council will **meet** at least twice a year. All members are required to attend. The ministry council determines the time and location of each meeting. The chairperson develops the agenda for meetings. For special needs, the ministry council may meet more frequently.
2. The ministry council will attempt to make decisions through consensus. If necessary, a decision is made through a voting process (one vote per retreat center and one vote per each appointed ministry council member).

Finances

1. Each retreat center absorbs the expenses of ministry council meetings at its center.
2. Expenses created by the ministry council (e.g., consultants, speakers) will be evenly divided between the provincial retreat centers.
3. Each retreat center budgets travel expenses yearly for its ministry council membership. Each center also budgets its portion of the travel expenses of appointed ministry council members.
4. The provincial retreat centers will share equally in the travel expenses of the two appointed ministry council members. Each appointed ministry council member sends her/his travel expenses to the chairperson who will reimburse her/him. The chairperson will divide the cost of the travel between the retreat centers, billing them for this cost. Each retreat center sends payment to the chairperson.

5. Non-voting members pay their own travel expenses.

###

# St. Lawrence Seminary Ministry Council

*(Revised and approved: August 2002)*

The St. Lawrence Seminary Ministry Council (hereafter called "the ministry council") is committed to developing, promoting and advancing the ministry of St. Lawrence Seminary as a school, institution, and community in which male high school students are enabled to lay a foundation for a life of ministry in the Roman Catholic Church. In cooperation with and subject to the Provincial Council of the Province of St. Joseph (hereafter called "the Provincial Council"), which province owns St. Lawrence Seminary, the ministry council engages in the formulation of policies for the school and for itself, which policies govern the school's mission of providing education and formation of students in the Catholic traditions as expressed and interpreted through the charism of the Capuchin Franciscan Order. The ministry council is not an administrative council (approving or vetoing decisions of the rector/president) nor a management council (directing the activity of members of the faculty and staff of the school). Its task is confined to the formulation and articulation of policy; that is, the values and perspectives within which the school operates.

The ministry council is responsible for generating and recommending policies in the following areas: ends to be achieved<sup>1</sup>, means to the ends<sup>2</sup>, ministry council-rector/president relationships, and the process of governance<sup>3</sup>. The ministry council shall serve the school as a governance body with its powers and jurisdiction determined by the Provincial Council.

The ministry council recommends the appointment of the rector/president to the Provincial Council, and his appointment is approved by the archbishop of Milwaukee.

## *By-laws of the St. Lawrence Seminary Ministry Council*

### I: Composition of the ministry council

- A. The name of the ministry council shall be: Saint Lawrence Seminary Ministry Council.
- B. The ministry council shall be composed of at least five (5) and no more than seven (7) members.

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<sup>1</sup>Ends are to be understood as the results of the programs of the school, how the efforts of the school will affect the world and the church and/or specific beneficiaries of the school's activities. Ends relate both to the long and the short term. The ends are a set of values about the intended impact on the world that is at the root of the school's reason for existence.

<sup>2</sup>Means are to be understood as the activities in which the school engages in order to accomplish the results (ends). The ministry council's only interest in staff means is that they be effective, prudent and ethical.

<sup>3</sup>The ministry council makes policies concerning its approach to governance and delegation, its view of the CEO role, its manner of assessing performance, the nature of trusteeship, and its own job process and products.

1. No more than two (2) members of the ministry council shall be members of the Capuchin Province of Saint Joseph.
2. A quorum for ministry council meetings shall be an absolute majority of its members.
3. Ministry Council decisions shall require approval by an absolute majority of members regardless of the number of votes cast or members present.
4. The term of membership shall be five (5) years.
5. Normally, Ministry Council members must be off the Ministry Council for at least 12 months before being reappointed to a subsequent term. A Ministry Council member may begin serving her or his own complete term immediately following the conclusion of another member=s term that she or he is completing.
6. Ministry Council terms begin with the first regular meeting after the first day of summer.
7. The terms of Ministry Council members shall be staggered as evenly as mathematically possible. If the number of ministry council members does not equal the number of years in a term, they shall determine by majority vote the rotation of terms. To begin this rotation, sitting ministry council members may draw lots to establish a rotation in which the conclusion of the first term occurs no less than one year and no more than two years after the approval of this by-law. Those same sitting Ministry Council members are not eligible for another term until after 12 months.
8. The following are excluded from Ministry Council membership: members of the Provincial Council, current seminary employees and students, and the immediate families of Capuchin staff and employees of St. Lawrence Seminary

C. Appointment to the Ministry Council shall be made by the Provincial Council.

1. Nominations for membership on the Ministry Council shall be welcomed from any interested source.
2. Following the last Ministry Council meeting before the last Provincial Council meeting before the first day of summer, the Ministry Council shall send to the Provincial Council a slate of candidates to fill scheduled vacated Ministry Council seats.
3. Scheduled appointments for membership on the Ministry Council shall be made at a Provincial Council meeting before the first day of summer in the year in which the appropriate term begins.
4. When a Ministry Council seat becomes vacant before the completion of the term, the Ministry Council shall provide the Provincial Council with a slate of candidates to complete the term at its next meeting. The Provincial Council shall act on this recommendation as soon as possible. The term in question continues to expire as scheduled for its original occupant.

D. Members of the ministry council shall elect officers at the first meeting of the academic year for one-year terms.

1. The offices to be filled by election are chairperson and vice chairperson.
2. The chairperson will

- a. preside over the ministry council meetings and be responsible for securing relevant input from the rector/president, ministry council members, and other pertinent sources;
  - b. The chairperson shall be responsible for monitoring the discussions and debate of the ministry council and for confining the ministry council's deliberations to matters of mission and policy;
  - c. The chairperson shall be responsible for all official correspondence with the members of the ministry council, with the Provincial Council, and rector/president.
3. The vice chairperson shall assume the responsibilities of the chairperson in his/her absence.
4. The members of the ministry council may appoint or hire anyone who is not one of their number to be a recording secretary to record all relevant transactions which take place at ministry council meetings.
- E. The ministry council shall meet at least twice a year. The day, time and location of the next meeting will be determined by a majority consent of the ministry council members.
- 1. The rector/president shall be in attendance at all ministry council meetings. If an executive session is desired for purposes of the rector/president evaluation, appropriate and timely arrangement for such shall be made.
  - 2. Other parties may be present at ministry council meetings by invitation of the rector/president, the ministry council chairperson and/or a majority of ministry council members.
- F. The ministry council may form subsidiary ministry councils or committees comprised of its own members and/or others for the purpose of carrying out its commitment to develop, promote and advance the ministry of St. Lawrence Seminary.<sup>4</sup>

## II: Relationship of St. Lawrence Seminary Ministry Council to the Provincial Council

- A. Members of the ministry council serve at the pleasure of the Provincial Council.
  - 1. Ministry council members may be removed from service by the Provincial Council at any time for any or no cause. Notice of such removal must be communicated over the signature of the provincial minister.
  - 2. In the event that a member of the ministry council is removed or resigns, a replacement shall be appointed by the Provincial Council to serve out the term of the member who was removed or resigned.
- B. The Provincial Council shall appoint one of its members to act as liaison between the Provincial Council and the ministry council.

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<sup>4</sup>The purpose of the subsidiary ministry councils or committees could be to study or research a question or an issue, to advise the ministry council on matters of interest to the members of the ministry council, to undertake projects for the benefit of Saint Lawrence Seminary, such as marketing, fund-raising or public relations. These subsidiary ministry councils and committees may include members of the Provincial Council, faculty and staff members of St. Lawrence Seminary and members of the immediate families of current students of St. Lawrence Seminary.

1. The liaison will not be a member of the ministry council.
  2. The liaison shall be informed of the date, time and place of the ministry council meetings and shall ordinarily attend the meetings.
- C. Travel expenses for ministry council members, expenses for the recording secretary, and ordinary operating expenses of the ministry council shall be paid by St. Lawrence Seminary.

### III. Responsibilities of the St. Lawrence Seminary Ministry Council

A. All competencies and prerogatives regarding St. Lawrence Seminary, both those established in this provisional constitution and by-laws and those established subsequently, are enjoyed by the ministry council as a whole rather than by individual members or officers. Individual ministry council members and the officers of the ministry council enjoy no particular competencies or prerogatives vis-a-vis St. Lawrence Seminary and its administration.

B. Specific ministry council responsibilities shall include the following:

1. Providing guidance and recommendations regarding the philosophy, mission, and policies of St. Lawrence Seminary.
2. Evaluating the performance of the rector/president at least every three years according to the attainment of both long and short-term goals and objectives and presenting that evaluation, with recommendation, to the rector and Provincial Council.
3. Making recommendations to the Provincial Council regarding the acceptance of the annual budget as submitted to the council by the rector/president.
4. Serving in a consultative capacity on issues of seminary concern brought to it by the rector/president.
5. Assisting the rector/president in a process which envisions and plans for the future of St. Lawrence Seminary.
6. Recommending administrative structural changes at the seminary to the Provincial Council as needed.

### IV. Appointment of the rector/president

A. In the case of a vacancy in the office of the rector/president, the ministry council shall request of the Provincial Council the appointment of a Capuchin Friar to fill the vacancy.

B. The Provincial Council shall submit the name(s) of their rector/president designee(s) to the ministry council and shall discuss with the ministry council the qualifications of the designee(s). The Provincial Council shall hear from the ministry council the qualities deemed desirable in the rector/president and shall demonstrate to the ministry council how its designee(s) fulfill(s) those qualifications.

C. The ministry council shall review the qualifications of the designee(s) and make a recommendation regarding the appointment of a rector/president to the Provincial Council.

D. The Provincial Council shall appoint the rector/president.

E. The rector/president appointment shall be approved by the Archbishop of Milwaukee.

### V. Amendment to the provisional constitution of the St. Lawrence Seminary ministry council and to these provisional by-laws

- A. The ministry council shall operate and function within the parameters of the provisional constitution and provisional by-laws for the first triennium of its existence.
- B. During the first triennium, the ministry council may make recommendations to the Provincial Council for modifications in the provisional constitution and the provisional by-laws.
- C. Recommendations made to the Provincial Council for changes in the provisional constitution and the provisional by-laws must have won the support of a majority of the ministry council members by means of a votation taken at a regular or special meeting of the ministry council.
- D. By the end of the first triennium, the ministry council shall have presented to the Provincial Council for its approval a text of "The Constitution of the St. Lawrence Seminary Ministry Council" and of "The By-Laws of the St. Lawrence Seminary Ministry Council."

###

# Social Networking

(Approved: August 2010)

The advent and availability of social networks, web logs (blogs), and other forms of electronic communication (e.g., text and instant messages, FaceBook, MySpace, You Tube, Twitter, etc.) provides users with greater opportunities to connect with a variety of persons and groups throughout the world, 24 hours a day. With those opportunities, however, also come greater risks and responsibilities, not only for individual friars, employees, volunteers and other partners but also for the province and its ministries.

Friars, employees, volunteers and other partners in the Province of St. Joseph (hereinafter, the Province) are encouraged to exercise great care in identifying themselves with the Province in the posting of any information on their personal blogs and social networking sites.

Posting information (including but not limited to comments, digital pictures or films) that may be adverse to the Province, individual friars or communities, ministries, offices, employees, volunteers, vendors or those served by our ministries can harm the goodwill and reputation of the Province and/or disrupt the life of a community or the work of an office, ministry, or vendor. Posting such information may also place in doubt the reliability, trustworthiness, or sound judgment of any party that is the subject of the information, as well as the credibility of the party who has posted the information. It may ultimately compromise the Province's ability to fulfill its mission and subject the party who posted the information to appropriate disciplinary action (e.g., for employees, suspension or termination).

It is presumed that the ministries and offices of the Province of St. Joseph have permission to use the logos, insignias or publicly available official texts of the Province and to provide links to the web sites of the Province's other ministries or offices. It is further presumed that individual friars and employees have similar permission for individual *professional* sites that are related to their ministry for/with the Province.

However, individual friars, employees, volunteers and other partners in the Province of St. Joseph should consult with the Director of Public Relations and the Director of Capuchin Communications, and consult with and receive the permission of the Provincial Minister prior to:

- Using a *personal* website, social network, or web log (blog) to conduct provincial business or using the logos, insignias or official texts of the Province on a *personal* sites; or
- Providing a link to any web site of the Province of St. Joseph, its offices or ministries on a *personal* website, social network, or blog.

###

# Serving on Nonprofit Boards

(Approved: December 2011)

## *Introduction*

Service on the board of directors of a nonprofit organization can be a rewarding experience for any person. It is one of the ways in which friars and employees of the province can enhance our mission as well as that of the organization, address real needs in the community, build relationships, and develop skills. Work on boards can also be challenging and demand significant commitment. These guidelines are not intended to be an exhaustive list of "do's and don'ts." Rather, they are offered to assist a friar or employee of the province in discerning the call to service on a board.

## *Some Things to Consider*

### I. Organizational Considerations

- A. Are the mission and activities of the nonprofit organization consistent with the mission and values of the Province of St. Joseph: hospitality; joyful service; compassion; empowerment; justice for all creation; partnering?
- B. Are the mission and activities of the organization consistent with the teachings of the Roman Catholic Church?
- C. Does the organization enjoy a good reputation in the community?
- D. Is the board in question a governing board or an advisory board? Service on a governing board entails some significant legal responsibilities and potential liabilities. Find out if the organization provides insurance coverage for its directors and officers, i.e. "D & O" insurance.
- E. Are the organization and its board healthy financially, structurally, in the relationship between the board and the executive director, etc.?
- F. Is the board position voluntary or subject to appointment, e.g., by the Provincial Minister and Council?
- G. Can service on the board build relationships between the province/ministry/friar and the organization or local community?
- H. Is the organization well-established or just getting off the ground? New, struggling, or restructuring organizations can require significantly more support and work from board members than those that are firmly established and stable.

## *Personal Considerations*

### I. Time

- A. How much time will be required to serve on the board? Is this time commitment expected as part of or outside of one's current ministry?
- B. How much work will be required as a board member, officer, committee member, etc.?
- C. What is the length of a board member's term? Can it be renewed? If so, how many times?

### II. Talent

What skills, talents, and backgrounds are needed on the board?

A. Is there a good "fit" between one's own skills and what the organization and its board appear to need?

B. Can one provide better service to the organization by serving on a committee rather than the board itself?

III. Treasure

A. Are board members expected to make a financial contribution to the organization?

B. Is there an expectation that board membership will create a financial relationship between the province and the organization, i.e. that the province will be expected to support it, e.g. by purchasing a table at the organization's fund raiser or providing other services?

IV. Training

A. Does the organization provide some type of orientation and training to new board members?

B. How will service on the board and/or one of its committees enhance one's own personal and professional growth and development?

V. Trust

A. What are the fiduciary and other responsibilities of a board member?

B. Is there a clear understanding of the roles and responsibilities of the board and those of the organization's management, particularly the executive director? Is the board advisory to the director or does it also have responsibilities of governance, including that of evaluating and hiring and firing the executive director?

VI. Travel

A. Will board membership require substantial travel? If so, how much and to which locations?

B. Are board members reimbursed for travel and other reasonable expenses related to their service?

*Discernment*

It is important for anyone called to board service to take time to discern before accepting that call. Those called are encouraged to pray, talk with friends, colleagues, ministry directors, and others. Friars who make the decision to join boards are expected to inform the Provincialate of their board membership(s). Employees are expected to inform their ministry directors of their board memberships if those memberships are undertaken as a consequence or in the course of their employment. This is useful information for a friar's or employee's personnel file and can also be used to update one's curriculum vitae or resume. It also helps to put the Provincial Minister and/or ministry director on notice of the friar's or employee's involvement on the board.

## **Friar Publications**

*(Approved: August 2010)*

The Capuchin Province of St. Joseph encourages scholarship by its members, including writing and publishing, particularly that which advances the mission of the Church, the Order, and the

Province. The Province recognizes that the means of social communication have the "power to influence and move the masses and the entire human society and as instruments for evangelizing peoples of our time" (Capuchin Constitutions 153:2).

The Province of St. Joseph supports academic and other expressions of individual freedom. They can enhance human dignity and raise issues that are important for people to address even when doing so is uncomfortable or controversial. They can even have a prophetic role and call us to conversion. At the same time, what a friar publishes may not always be perceived as a purely personal expression and may also reflect on the wider Province and the Church. For this reason, the Province encourages friars to exercise prudence in what they publish, including expressions of personal opinion in letters to the editor, op-ed pieces, and similar forums.

Friars should be mindful that some publications require more formal and official ecclesiastical review and/or approval under provisions of our Capuchin Constitution or the Code of Canon Law (see, e.g., Cap. Const. 153:6, CIC 824-832). If such review and/or approval are required for a particular work, the friar is expected to obtain it prior to publication.

A friar who intends to publish or self-publish a book of a personal nature or interest (e.g., memoir, autobiography, family or ministry history, hobby, etc.) should inform the Provincial Minister and Council prior to making any plans for publication, particularly if he intends to seek the financial support of the Province for publication. Any proposal requesting financial support for such publication should include a rationale and a budget for the project.

The Provincial Minister and Council may occasionally ask a friar to create a book for publication (e.g., the history of a particular ministry). Any friar who is asked to do such research, writing and publication performs a great service to the Province. He is expected to periodically update the Provincial Minister and Council on his progress and to work with them on the budget and publication process.

###

# **Mentoring Program for Newly Perpetually Professed Friars**

*(Approved July 2011)*

Rationale: Friars who are newly perpetually professed, whether or not they are seeking ordination, find themselves in a new relationship with the province, the wider Capuchin fraternity, and the Church. This includes some new privileges and rights (e.g., to vote at chapter) as well as responsibilities and expectations. These newer friars may also find themselves in new experiences and under new pressures, e.g., full-time ministry and in new communities away from the peer support and relative comfort of their formation houses.

Research and anecdotal evidence suggest that those who are newly professed and/or ordained in the Church may benefit significantly from participating in some type of mentoring program that has both individual and group components. Participation in the province's mentoring program shall be an expected or mandatory part of the continuing formation of friars in the years immediately following perpetual profession.

Conversation topics could include, but are not limited to, the following:

1. Ministry (e.g., servant leadership, persona in ministry – representing the province as well as the church, cross-cultural ministry, etc.)
2. Spirituality (e.g., maintaining a healthy prayer life in the face of ministerial demands, integrating one's ministerial experiences into one's prayer life, etc.)
3. Relationships and Sexuality (e.g., intimacy, maintaining healthy boundaries, etc.)
4. Similarities and Differences Between Seminary Training and Pastoral Reality
5. Community Life

Meeting frequency: Individual and group meetings will be held quarterly, i.e. approximately every three months.

Requirements: open mind and heart, reliance on the Holy Spirit, honesty/transparency, mutual trust, etc.

Mentors: Provincial minister or his delegate. Other mentors (e.g., past formation directors, ministry director or pastor, etc.) may also provide support.

Length: 5 years after perpetual profession; could be extended if needed.

###

## *ADDENDUM*

**The following policies have been updated.**

*Affiliation*

*Donations of Real Property*

*Guidelines for Disposition of a Friar's Material Goods*

*Misconduct with Adults*

*Misconduct with Minors*

*Model Living Agreement*

*Records Management*

*Social Networking*

*See the following pages for the updated policies.*

Affiliation with the Province  
(Re-approved: November 2014)

1. Affiliation to the Capuchin Province of St. Joseph can be granted only by the provincial minister and his council. Recommendation for affiliation can only come from an assembled local Capuchin fraternity or the Provincial Council. Recommendation from an individual friar, without the support of the local community, will not be considered.
2. Recommendation for the affiliation shall be made through a formal letter by the local minister. The letter shall contain reasons for the nomination together with a general biographical history of the person nominated. This request will also include a summary of the local community's discussion on the nomination. "Recommendation for affiliation may also be made by a motion of the the Provincial or a member of the Council."
3. The person nominated should have a long standing relationship to the local community or province (e.g., ten years or more).
4. The person nominated must have given faithful service to the local Capuchin community or province, not just a particular ministry or friar. That service will be expressed by a generous giving of time, talent, or support of any kind, to foster the life and ministry of the local community or province.
5. The person should be truly virtuous, have a genuine love for Franciscan ideals and for the church and be well thought of by the local community—both religious and lay.
6. The ceremony of affiliation is to be presided over by the provincial minister or his delegate at a fitting ceremony.
7. A document of affiliation shall be given the person and a copy shall be kept in the provincial office and archives. A notice of affiliation will be sent to all the communities and individual friars of the province.
8. Affiliates' names and addresses will be listed in a special section of the annual directory of the province, listing the friary through which they are affiliated.
9. Our human and spiritual relationship with our affiliates is to be fostered by inviting them to local and provincial gatherings of the friars and by remembering them in our private and communal prayer. The local community is to take the initiative in these matters.

# Donations of Real Property

*(Approved: January 2012)*

The Capuchin Province of St. Joseph is grateful for the generosity of our benefactors and their gifts, whether they come in the form of cash or other financial instruments or are given in-kind. In accord with the religious and charitable mission of the province, gifts that are given in-kind such are given to our brothers and sisters in need, used to benefit our ministries or friaries, or are sold and converted into cash, according to the will of the donor, if it is expressed.

Occasionally the province receives in-kind donations of real property, such as gifts of houses, other buildings, or land. The following procedures shall normally be used to receive, use and/or dispose of such gifts.

1. The property in question must be in reasonably good condition and not in need of substantial repair, and free of any legal encumbrances that would prevent the prompt transfer of title or the prompt liquidation (sale) of the property. Before accepting the property offered for donation the province may employ the services of a professional building inspector to assess the condition and value of the property.
2. The ministry site, friary, or office that is offered the property should ask the owner if the gift would be for the benefit of a particular ministry (including the people served by that ministry), friary, or office. If the owner does not specify his/her intent, then the gift shall be used for the good of the province.
3. Any donor of real property shall be informed that if a donated property is not needed by the designated ministry, friary, office or the province, then that gift shall be liquidated (sold) at the earliest opportunity. The proceeds shall be used to benefit the designated ministry, friary or office or the province. If no ministry, friary, or office is designated the proceeds shall be used to benefit the province.
4. The director of finance, director of development, and provincial minister should be consulted prior to accepting any gift of real property.
5. All gifts of real property should be processed through the Development Office.
6. If it is decided that the donated property is to be liquidated (sold), then the Development Office shall employ the services of a licensed real estate broker to

affect the prompt sale of the property at a price that is as close as possible to the fair market value of that property in the relevant market.

7. The province should not accept more donations of real property than it can manage and promptly liquidate.

###

# Guidelines for Disposition of the Material Goods of a Friar in a Nursing Facility

(Approved: June 2012)

## *Introduction*

The permanent move of a friar from a friary or community house to an assisted living or nursing facility presents special challenges for the local minister. In addition to attending to the stresses of moving and the friar's and community's processes of grieving, he often faces the task of disposing of some of the material goods that the friar had in his possession in a manner consistent with our religious vows.

Our Capuchin *Constitutions* urge the friars to "not be immoderately preoccupied with goods" (63:2) and to "not cling to earthly goods with inordinate affection" (74:4). However, as creatures of our culture as well as disciples of Jesus in the spirit of St. Francis, it is not uncommon for the friars to accumulate material things.

In many cases, the friar's new living and available storage spaces will be much smaller than what was available to him in his former home. Further, the rules of the facility may limit how much he can bring with him. These limitations can be complicated by the friar's lifestyle and in particular the number and type of material goods he has accumulated. Some of these may have significant value, others may be part of the province's patrimony, and still others could be put to good use elsewhere. These guidelines are intended to assist local ministers in disposing of the material goods that a brother had in his possession in a manner that is both pastorally sensitive and consistent with our vows.

## *Our Vows*

All friars in the province accept and vow to live the evangelical counsel of poverty. To this end, at the time a friar makes perpetual vows he signs a *Disposition of Property* form in which he: (1) affirms that he has freely and voluntarily disposed of all of his "worldly possessions, money and property;" and (2) assigns, conveys, transfers and gives to the province "any and all interest in and to property (both real and personal)" which he may acquire in the future. [The friar may provide a list of items that he has retained for his use with the permission of the provincial minister and under the direction of his local minister.]

It has been the practice of the province that the local minister usually serves as the provincial minister's designee unless otherwise specified. Each friar's personnel file at the provincialate in Detroit should include the original copies of his *Disposition of Property* and *Last Will and Testament* forms. Any friar may request a copy of his *Last Will and Testament* for his own review.

While avoiding a morbid preoccupation or an unseemly anticipation of a friar's demise, his move to a nursing facility naturally provides the opportunity for him, together with his local minister (and the provincial minister, if desired), to reflect on what will be done with the

material things that he cannot bring with him. Some of these may be put at the service of the community or our ministry to the poor.

A friar may have items of a professional or academic nature (e.g. specialized collections of books) that may be more useful to groups other than the local fraternity or the province. These may be donated to a particular institution (e.g., school of theology, Capuchin library, college or university). When the friar lives in a house that has a dual purpose as a residence and ministry center (e.g., parish rectory) extra caution will need to be exercised in designating what belongs to the friars/province and what belongs to the ministry.

#### *Disposing of the Material Goods of a Friar: Suggestions for Local Ministers*

Be reasonably certain that the friar's move to a healthcare facility is permanent. Under our provincial practices of "aging in place" and providing some assisted living services in our friaries and given our aging it is not unusual for friars to make even multiple trips to healthcare facilities for post-operative rehabilitation, acute medical conditions, etc. In cases of doubt, it may be helpful to consult with the Wellness director of the province to get an accurate assessment of a friar's condition and his likelihood of returning home.

Pray for the guidance of the Holy Spirit! The move of a brother to a nursing facility can be a time of significant stress for many. It may even involve the familiar stages of death: denial, bargaining, anger, depression, and acceptance. It is important to maintain a clear head and peaceful and loving heart and to balance the need for pastoral attention and patience with practical concerns (e.g. the community's need to use the room of the friar who has moved).

In most circumstances, once a friar is moved to a nursing facility his driving privileges are automatically withdrawn if they have not already been revoked. If the friar had primary use of a particular vehicle in the community, the provincial minister should be informed so that the vehicle may be reallocated to another friar or community if needed.

Work with members of the local Capuchin community and appropriate ministry staff to ensure that the friar's bedroom(s) and office(s) are secured. Family members, friends, or unauthorized friars should not be permitted to enter a friar's bedroom(s) or office(s), particularly unaccompanied by the local minister, provincial minister, or designated friar(s) [in the case of a ministry site, the ministry director or designated staff member]. If a friar is living alone, the same applies to his entire residence. No one other than the provincial minister, local minister, or designated friar(s) [in the case of a ministry site, the ministry director or designated staff member] should be permitted to remove items from where they were at the time of the friar's move.

If family members, friends, or friars request particular items, it is important to be pastorally sensitive. However, feel free to show them the *Disposition of Property* and *Last Will and Testament* forms. If they persist in their claims please refer them to the provincial minister or, where appropriate, to the ministry director.

While local ministers or those otherwise designated to dispose of a friar's material goods are encouraged to use common sense, justice and prudence, the following are some general suggestions:

Excess clothing items and footwear may be given to the poor, provided they are in good condition. Items that are not in good condition or otherwise suitable for others to wear should be thrown out unless they are suitable for rags or a similar use.

Excess books may be kept for the friary library, given to another community library, or given to the poor.

Computers, cell phones, cameras and other similar electronic devices that have been personally used by the friar or in connection with a *provincial* ministry and which cannot be used at the nursing facility should be turned off and secured for inspection, data recovery/storage, etc. by the province's Information Technology (IT) office.

Televisions, radios, stereo systems, etc. that were personally used by the friar and which cannot be used at the nursing facility may be kept by the local fraternity or, if not needed, offered to another local fraternity or given to the poor.

Family photos, knickknacks and assorted items may be separated and put into a box for family members to have.

A friar's extra habit (if he possessed more than one), breviary and liturgical items (e.g. alb, stoles, chalice and paten, Mass kit, etc.) may be kept for the friary, given to another fraternity, or given to the missions.

Some items found in a friar's possession may actually be part of the province's patrimony (e.g., a statue, artwork or similar item that may have once been at another friary). Other items (e.g., historical documents and those related to a friar's life and ministries) may have archival value. These often require evaluation by a member of the Patrimony Commission and/or the provincial archivist. If these or other items are found in a friar's possession and raise particular questions or concerns please notify the provincial minister as soon as possible.

On occasion a friar may have items (e.g. artworks or collectibles) that may be of significant monetary value. These may be professionally appraised and, if possible, sold at fair market value through appropriate and legal channels. Other items may be sold through E-Bay or another online auction site.

No set of guidelines is perfect or will answer every potential question. Local ministers who have questions or concerns about these and similar matters should always know that they may contact the provincial minister for support.

# Sexual Misconduct with Adults

(Approved: November 2013)

***Sexual misconduct:*** Sexual misconduct is defined as sexual activity, whether consensual or not, regardless of who initiates such an activity, between an adult (i.e., a person 18 years of age or older) of either sex, and a priest, deacon, religious, seminarian, employee or volunteer of the province who is providing pastoral care or having power or influence over such an adult. It includes any practice that constitutes a breach of professional trust having as its intent sexual activity involving a priest, deacon, religious, seminarian, employee or volunteer of the province that adversely affects the spiritual and psychological health of the adult, or the reputation of the province. When adults are involved, sexual misconduct includes sexual abuse, sexual exploitation, sexual harassment, and sexual assault.

*Sexual Abuse* : Sexual abuse with an adult, as defined in these guidelines, occurs when a minister of the province intentionally engages in sexual contact, intercourse, fondling or touching with an impaired adult, incapable of giving informed consent, in any context.

*Sexual Exploitation* : Sexual exploitation is defined as any kind of sexual interaction between a minister when the adult is receiving pastoral care or counseling from a minister or when the minister is in a relationship of power or influence over such an adult. (Such *misconduct could occur in person or over the internet.* )

*Sexual Harassment:* Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature on the part of the minister. Sexual harassment in the workplace is governed by human resources policies adopted by the Province of St. Joseph.

*Sexual Assault:* Sexual assault upon an adult is defined as the use of force upon a person for the purpose of sexual contact or gratification by the assailant.

Reporting to Law Enforcement

## ***I. Reporting to law enforcement***

A. The primary responsibility for reporting to law enforcement and to the director of any allegation of a sexual offense by a friar, employee or volunteer of the province rests with the adult victim. Adults who report being victims of a crime of sexual assault by a friar, employee or volunteer of the Province shall be strongly encouraged to make a report to law enforcement.

B. State laws do not mandate reporting of a sexual offense when the victim is an adult

when the crime is committed (unless the adult falls into the category of “impaired adult” which requires mandatory reporting). Law enforcement ordinarily will act upon such complaints only if the adult person who reports them is the victim.

C. Notwithstanding the previous paragraph, these guidelines strongly encourage any party aware of a sexual offense against an adult person to report the alleged violation to the local law enforcement.

D. Paramount in cases of sexual abuse is to give due consideration to the desires, emotional and spiritual needs and wishes of the victim while still being responsive to and acting upon the allegations. For example, if the accused is still at large, reporting to law enforcement may be appropriate in order to prevent sexual offenses with others, especially to prevent child abuse and sexual offenses with children or adolescents.

## *II. Reporting to the director*

A. Adults who have experienced sexual misconduct by a friar, employee or volunteer of the province are strongly encouraged to make a report to the director.

B. Anyone who has observed or has evidence of or information about any friar, employee or volunteer of the province having engaged in sexual misconduct with an adult as defined under these guidelines, will report (strongly encouraged?) such an allegation to the director.

## *III. Follow-up*

A. The director will notify all appropriate parties, including the accused, of any report made under these guidelines. A minister may be put on administrative leave pending any criminal or provincial investigation.

B. The provincial (director) will arrange and conduct a meeting as soon as possible with the accused for the purpose of informing him/her of the allegations. This meeting may be held in the presence of counsel, civil or canonical. The accused will be given an opportunity to respond in writing to the allegation.

C. If the misconduct is alleged to have occurred within a diocesan parish, school or other diocesan affiliated ministry, the provincial will notify the bishop of that diocese or the person designated in that diocese to handle such matter.

D. In his discretion as may seem warranted by the circumstances, the provincial may request that the accused minister submit to any appropriate professional testing, evaluation and/or assessment, all of which actions may be requested by the provincial and consented to by the accused minister without any imputation of guilt and without prejudice to the accused minister’s presumption of innocence.

E. Employee or volunteer: The provincial, director or director of human resources will arrange a meeting as soon as possible with the accused, his or her department head for

the purpose of informing him/her of the allegations. The accused will be given the opportunity to respond in writing.

F. Any allegation of sexual misconduct may be submitted to the Review Board for their consideration and recommendations. Such recommendations shall be submitted in writing to the provincial to assist in making a decision as to fitness for ministry.

G. The provincial shall notify the accused minister to have no contact with the complainant or with any person alleged to be involved in the misconduct.

#### *IV. Records and Communications of Allegations of Abuse*

A. The Province will maintain adequate records of all reports of sexual abuse or other misconduct involving adults and their disposition.

B. The outgoing Provincial will thoroughly brief the incoming Provincial about reports of friars' sexual abuse or other misconduct involving adults and their disposition to ensure continuity of monitoring, intervention, and care.

###

## Policies and Procedures Regarding Sexual Misconduct with Minors

(Approved: November 14, 2013)

### *Introduction*

As brothers of Francis of Assisi the friars of the Province of St. Joseph of the Capuchin Order, (hereinafter “province”) respect all creatures, especially children and vulnerable adults who hold a special place in God’s affection. For this reason, we have established these policies and procedures to help prevent and respond to sexual misconduct with justice and compassion.

The province is opposed to, will strive to prevent, and will promptly address all forms of misconduct, especially sexual misconduct involving minors. The province is also committed to participating in processes of healing for victims and survivors of misconduct by its members, employees or other partners in ministry.

The policies and procedures described here are to assist the Provincial Minister (hereinafter “provincial”) in dealing with allegations of misconduct by any member. The province intends that these procedures are in conformity with canonical norms and with the *Charter for the Protection of Children and Young People* (link) and companion *Essential Norms* of the United States Conference of Catholic Bishops (USCCB). The province will fully comply with the civil laws of the jurisdictions in which our ministries take place.

These policies and procedures cover all friars in the province as well as Capuchin ministries (hereinafter “ministry” or “ministries”). All persons who participate in any ministry owned by the province are also subject to this policy. Because the province spans a number of civil and ecclesial jurisdictions, other laws, policies and regulations may also apply to such persons.

### *Definitions*

***Accused Person:*** A minister who is alleged to have engaged in sexual misconduct.

***Actionable allegation***—One that is not manifestly false or frivolous and which compels further investigation because it is at least within the realm of possibility with respect to the persons, dates, places or other relevant information concerned.

***Allegation:*** An accusation against someone asserting a violation of a law or policy.

***Child or Minor:*** A person less than 18 years of age.

***Child Pornography:*** Any activity which involves the production, distribution, or possession of a graphic depiction of a minor that is sexually explicit. Under federal law (18 U.S.C. §2256), child pornography<sup>1</sup> is defined as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

- the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct; or

- the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

**Child Sexual Abuse:** Any act involving sexual molestation or sexual exploitation, including sex offenses under applicable state and federal criminal codes

**Child Sexual Exploitation:** Child sexual exploitation can involve the following: Possession, production, and distribution of child pornography; online enticement of children for sexual acts (including “sexting”); child prostitution; child sex tourism and; child sexual molestation.

**Complainant:** A person who alleges that misconduct has occurred.

**Director:** The director of the Office of Pastoral Care and Conciliation.

**Friar:** A member of the province of St. Joseph of the Capuchin Order, ordained and non-ordained.

**Intimate Part:** The breast, buttock, anus, groin, scrotum, penis, vagina or pubic mound of a human being.

**Minister:** Any friar or partner in ministry.

**Ministry:** Any religious, charitable or educational institution owned by the province and, as applied to any friar, any place in which that friar works under the sponsorship of the province.

**Minister Support Person:** A person identified by the accused minister or provided by the province to offer pastoral care to a minister who is accused of misconduct.

**Office of Pastoral Care and Conciliation (OPCC):** The ministry established by the province to coordinate the province’s response to allegations of sexual and other misconduct, as well as to develop programs, policies and procedures to help prevent such misconduct.

**Partner in Ministry:** Any person, other than a friar, authorized to participate in a ministry, including employees, agents, and volunteers.

**Preponderance of the Evidence:** Standard of proof which establishes a fact by evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

**Province:** The Province of St. Joseph of the Capuchin Order, Inc.

**Provincial:** The person who holds the office of provincial minister within the province. By virtue of his office, the provincial has ultimate authority over and ultimate responsibility for the implementation of these policies and procedures.

**Review Board:** A group of at least five persons, the majority of whom shall not be friars, who are appointed by the provincial.

**Sexual Misconduct with Adults:** Sexual misconduct is defined as sexual activity, whether consensual or not, regardless of who initiates such an activity, between an adult (i.e. a person 18 years of age or older) of either sex and a member, employee or volunteer of the province who is providing care or has power of influence over such an adult, either in person or online. It includes any practice that constitutes a breach of professional trust having as its intent sexual contact or activity.

**Sexual Harassment:** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature on the part of member, employee or volunteer of the province when he/she is in a position of power and influence over such an adult.

**Sexually Immoral Conduct:** Any intentional sexual contact or sexual involvement that occurs in ministry and which violates the moral teachings of the Catholic Church. This includes the abusive, improper and immoral use of any and all internet and social media activity.

**Supervision Plan (SP):** A formal, written individualized plan to guide the supervision of any restricted member as provided in the policies and procedures.

**Vulnerable Adult:** a person age 18 or older who, because of advanced age, developmental disability, mental illness or physical disability, requires supervision or personal care or lacks the personal and social skills to live independently.

*(Note some of the policies pertain only to friars or employees)*

## **Policies and Procedures Concerning Minors and Vulnerable Adults for Friars and Employees**

### **Policies**

#### ***I. Prevention***

The province will strive to prevent the occurrence of sexual misconduct.

##### ***Background checks:***

The province shall conduct criminal background checks on all friars, employees and applicants. In addition, the province shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for profession and ordination. In the selection of candidates, as well as in the selection of other ministers, the province shall use reliable and available means to learn whether the person has a recognizable risk toward sexual or other misconduct.

##### ***Ongoing education:***

All friars and employees, those in supervisory positions, shall be required to participate in training and educational sessions that will help participants to identify, prevent and promptly respond to sexual misconduct, especially that which involves minors. In addition, volunteers will be encouraged to participate in training.

***Consultation:***

The province shall employ the services of persons and organizations outside the province to ensure that its policies, practices and procedures for preventing and addressing misconduct meet or exceed the standards that are applicable to religious and other nonprofit organizations in the United States.

***Formation (friars):***

The province shall review and continue to develop its programs of initial formation to include courses that deal in depth with issues such as: mandatory reporting, human sexuality; relationships and boundaries in ministry; commitment to healthy celibate chastity; recognizing the signs of potential abuse or other misconduct; providing pastoral care to victims of abuse and their families; cybersex; inappropriate use of social media; and internet pornography.

***Notification:*** If a friar is witness to another friar's violation of the Code of Professional Responsibility or this policy, he will report his concerns to his local minister, the OPCC Director or the Provincial. (Code of Professional Responsibility is an addendum to this policy.)

***II. Victim Assistance***

The first obligation of the church is to create an environment that provides a swift, pastoral and compassionate response to anyone who makes an allegation of sexual abuse of a minor by a friar, employee or volunteer. The province recognizes its pastoral responsibility to those who have been affected by sexual abuse of minors by friars, employees and volunteers: the victim and the victim's family, and the community.

***OPCC***

The province has created and shall maintain the Office of Pastoral Care and Conciliation. The function of this office is to assist the Provincial in carrying out the policies and procedures outlined in this document. The Office shall consist of a Director who will be a lay professional with a strong background in providing sexual abuse/assault services and a Friar Liaison who shall aid the Director in carrying out his/her responsibilities. The Province and OPCC Director will also engage and consult with outside persons and groups to help ensure the integrity of the Province's policies and practices in preventing sexual and other forms of abuse and in responding promptly, effectively, and pastorally to reports of abuse.

***Response and outreach:***

The province shall make appropriate assistance available to those who have been harmed by sexual abuse as minors by one of its friars, employees or volunteers, regardless of when that abuse may have occurred. The province is committed to participating in the healing process for victims of sexual misconduct. The province may take any number of actions, including but not limited to the following:

- Provide support for counseling, spiritual guidance, support groups, and other social services agreed upon by the victim and the province. The director shall make appropriate referrals to help the victim/survivor move forward after making a complaint.
- The provincial will meet with those individuals and their families if they desire such a meeting.
- The director of the OPCC shall provide a compassionate response to those who want to report sexual abuse as a minor or any other misconduct.
- The director shall provide the person reporting a complete explanation of the province's policies and procedures regarding the complaint and investigation process.
- The director and provincial shall inform the complainant of their right to report their allegation directly to the civil authorities or another agency and will assist them in doing so if desired.

### **III. Reporting**

Allegations of misconduct may come from a variety of sources, including complainants or their family members, diocesan officials, members of the Capuchin community, a colleague in the workplace, or from the perpetrator.

#### ***Reporting known or suspected sexual abuse of a minor:***

Whenever a friar or employee has reason to believe that a minor has been subjected to sexual misconduct or is threatened with sexual misconduct, the friar or employee shall immediately inform by telephone or in person the appropriate civil authorities in the area, whether or not the civil law requires such reporting. After the report has been completed to the civil authorities the friar shall also inform the Provincial or the OPCC Director, who shall confirm that the appropriate civil authorities have been notified. In the case of an employee reporting, the employee will inform their immediate supervisor that a report has been made and that supervisor will inform both the OPCC Director, Human Resources Director and or the Provincial.

The foregoing duty to report is suspended when church law relating to sacramental confession requires that the information be kept confidential. However, in instances where canon law requires that the information must be kept confidential (see Canons 983,984), the friar should do whatever practically can be done, consistent with the minister's obligation to keep the matter confidential, to avert the likelihood of the minor being subjected to (further) serious injury or harm.

#### ***Reporting allegations when the victim was sexually abused as a minor, but is now an adult:***

When the director receives an allegation against a friar or employee who is still alive, all such reports will be handed over promptly by the director to the district attorney of the county in which the alleged offense took place. The provincial will be immediately informed of any such allegations. If another friar or employee hears such a report, he/she shall direct the individual to contact the OPCC director or provincial for support and will encourage him/her to report any crime committed in the past directly to the civil authorities. The director of Human Resources shall be informed in any case involving an employee of the province.

#### ***Protection of rights and unfounded allegations:***

Care shall be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom an allegation has been made. When an accusation has proved to be unfounded every step possible shall be taken to restore the good name of the person accused.

#### *IV. Investigations*

***When the accused minister is not a friar (employees):***

In instances of allegations of sexual abuse of a minor by an employee (subject only to the accused employee's contractual rights and/or rights under civil or ecclesiastical law, if any) the provincial or his designee may take any actions that he deems appropriate and which are consistent with the applicable civil reporting responsibilities, personnel policies of the province and the particular ministry, including but not limited to: immediate placement on paid administrative leave, suspension and/or termination of the accused minister.

***Gathering Information (friars):***

The director will work with the provincial or his delegate to investigate all allegations or reports and gather information that is provided to the extent possible, including information that is provided anonymously. The director will follow the reporting procedures laid out in these policies. If there is a criminal investigation as the result of a report of an allegation, the province shall defer any investigation of its own until it receives confirmation that the criminal investigation is completed or cannot otherwise proceed. However, if the civil authorities cannot proceed with criminal action for any reason and the case is returned to the province, there will be a thorough investigation of allegations using an established process which includes an independent investigator and the Review Board.

***Establishment of review process (friars):***

Determinations and recommendations regarding the continuation of ministry of any friar who is the subject of an allegation of sexual abuse of a minor shall be made by the Provincial according to the consultative and advisory process established. The director of the Office of Pastoral Care and Conciliation and the Review Board are established as advisors to the provincial. While this process is declared to be consultative and advisory, the safety and well-being of the community is of primary concern. The provincial is expected to trust in the independent judgment and professional competence of the OPCC director and the Review Board.

***Review Board (friars):***

In all circumstances indicated by these policies the director, after consulting with the Provincial, shall request that a Review Board be convened to make findings of fact and/or to provide recommendations to the Provincial on appropriate ministry and community placement, Supervision and Safety Plans, and other situations as the Provincial sees fit. A Review Board must be convened in any case involving allegations of sexual misconduct with a minor.

***V. Safety and Supervision***

The province is committed to protecting persons from the harm of misconduct, especially sexual misconduct against minors. To that end the province is also committed to the accountability and rehabilitation of any friar who has been involved in sexual misconduct and will provide supervision of such friar as is reasonably required by all of the circumstances.

***Supervision (friars):***

Whenever a friar has acknowledged that he has engaged in sexual misconduct involving a minor, or whenever the findings of fact of the Review Board indicate that a friar has engaged in such misconduct and has made its recommendations to the Provincial, the Provincial shall take such actions as in his judgment are deemed appropriate, including but not limited to:

- Recommending the friar participate in an evaluation (including a risk assessment and/or therapeutic treatment.)
- Placing restrictions on the friar's ministry and other activities.
- Seeking and/or imposing appropriate canonical measures or penalties, up to including dismissal from the Capuchin Order and, where applicable, the clerical state.

***Supervision Plans (friars):***

The provincial or, if duly appointed, the OPCC director, shall have authority to oversee and, with the assistance of a written and individualized Supervision Plan (SP), shall supervise the aftercare and placement of any friar who has been the subject of action by the provincial for sexual misconduct and to take appropriate actions.

**Procedures**

***I. Prevention***

***A. Education (friars and employees)***

1. The director shall work in collaboration with other ministry directors to develop ongoing educational programs that meet or exceed Praesidium's standards for

accreditation. These programs shall focus on sexual and other forms of misconduct as well as prevention and reporting such behaviors.

2. The director shall certify that these trainings have occurred.

3. All friars and employees shall receive a copy of these policies. After reading the policies, friars and employees will sign a prepared form indicating that he/she read the document, noting the location, date and time.

***B. Background checks (friars and employees)***

1. Friars and all residents in friarys: The OPCC shall conduct background checks on all friars every five years.

2. Employees: The Human Resource Department shall conduct background checks on all employees.

3. Applicants to postulancy and resident candidates: The Vocation Office will conduct background checks on all applicants to postulancy and candidates in residence.

***C. Formation (friars)***

1. Psychological profile: Consistent with applicable ethical, canonical and legal principles and before acceptance into the province's initial formation program, an admissions interview, a psychological profile and criminal background check of each candidate shall be obtained. In addition to general psychological fitness for ministry, the profile should seek to identify any tendencies toward pedophilia or ephebophilia. If in the admissions process traits of pedophilia or ephebophilia are identified the candidate shall be disqualified from entering the order. The psychological profile shall be maintained as part of the candidate's permanent personnel file. The profile may be updated as necessary or appropriate.

2. Initial formation programs: The province's initial formation programs shall offer appropriate courses and components that deal in depth with psychological development, including both moral and deviant sexual behavior, with emphasis on the implications of making moral choices in accord with church teaching and chaste living. While commitments to the virtue of chastity and a life of celibacy may be well known, there will be clear and well-published provincial standards of ministerial behavior and appropriate boundaries for ministry for persons in positions of trust who have regular contact with children and young people.

***D. Consultation***

The director and the provincial shall consult as needed with victims/survivors, law enforcement, social service providers and others to develop procedures to implement, review and recommend revisions of the guidelines in this document.

## ***II. Victim Assistance***

### **A. Assistance to victim/survivors**

1. The director shall respond to any person who reports sexual misconduct of a minor with compassion and care.
2. The director will encourage any adult reporting sexual abuse that occurred when they were a minor to report the abuse to civil authorities and will assist in doing so if the person desires such assistance. The director will also inform the person reporting that he/she has an obligation by these guidelines to report all alleged abuse to the district attorney's office where the alleged crime was committed, and/or to verify that a report has been made.
3. The director is primarily responsible to meet with and provide assistance to victims/survivors.
4. The provincial is committed to personal and active contact with victims/survivors and their families.
5. The director will work in collaboration with, and be a consultant to, the provincial in all matters pertaining to outreach assistance to victims, their families and the wider community.
6. The director shall provide complete information about the province's policies and procedures to those who report sexual abuse.
7. If the accused was/ is an employee, the human resources director shall direct any response in collaboration with the OPCC director.

### **B. Assistance to the families or victim/survivors, the larger community**

1. The director shall respond to any person(s) affected by the harm caused by the sexual abuse of a minor by a minister with compassion and care.
2. To the extent possible, the director shall work with victims/survivors, their families, social service providers and others to develop ways to reach out to all who have been harmed and develop strategies to promote reconciliation and healing.

## ***III. Reporting***

### **A. Reporting known or suspected abuse of a minor**

1. The provincial shall verify with the director that the required report(s) has been made to the appropriate civil authorities, and if the required report(s) has not been made, he or the director will immediately make the required report(s) to the appropriate civil authorities.
2. All friars shall inform the director of any and all reports made to civil authorities; once those reports have been made the director shall inform the provincial of any such report.
3. All employees shall inform their supervisor of any and all reports made to civil authorities and that supervisor shall inform the director or the director of human

resources.

#### 4. Notifications

- (a) When civil authorities grant permission for the preliminary internal investigation of the Province to proceed, that permission should be documented in writing.
- (b) The Provincial Minister will promptly notify the Minister General of the Capuchin Order, once the civil authorities have given permission to do so. If the accused friar is a cleric, the General Minister is required to notify the Congregation for the Doctrine of the Faith. The General Minister will be notified of significant developments and final disposition of the matter.
- (c) The director will also promptly notify the bishop of the diocese in which the alleged abuse occurred (or the person designated in the diocese to handle such matters), as well as the bishop of the diocese in which the friar currently resides (if different), once the civil authorities have given permission to do so. The bishop(s) will be notified of significant developments and final disposition of the matter.
- (d) The director will promptly notify the employer of the place where the alleged abuse occurred, and where the friar is currently employed.
- (e) The director will promptly notify the community in which the friar resides and the wider community as needed.
- (f) The director, along with the Provincial, will notify the faithful and other members of the public as appropriate to the circumstances.

5. In order to assist in any investigation of sexual abuse, the director may call upon ministers, lay persons, legal advisors, outside investigators and mental health professional and others chosen for their expertise.

6. The provincial or director shall notify the accused friar of the allegations against him, once the civil authorities have given permission to do so.

7. The provincial or director shall instruct the accused minister to have no contact with the minor, minor's parent(s) or guardian(s).

8. The director shall inform all ministers of their mandatory reporting responsibilities and the consequences for not reporting through ongoing education and sharing of this policy.

9. Reports of misconduct may come from a variety of sources, including complainants or their family members, diocesan officials, members of the Capuchin community, a colleague in the workplace, or from the perpetrator. The director, in collaboration with the Provincial, will maintain a written record of each stage of the reporting process. All reports, particularly those to provincial leaders and civil authorities, will be made in writing or, if initially made orally, will be followed up with a written report. Each written report made in a case will be placed in the file for that case.

#### B. Reporting allegations when the victim was sexually abused as a minor but is now an adult

1. The provincial shall verify with the director that the required report(s) have been made to the appropriate district attorney's office and if the required report(s) have not

been made, he or the director will immediately make the required report(s) to the appropriate civil authority.

## 2. Notifications

- (a) When civil authorities grant permission for the preliminary internal investigation of the Province to proceed, that permission should be documented in writing.
  - (b) The Provincial Minister will promptly notify the General Minister of the Capuchin Order, once the civil authorities have given permission to do so. If the accused friar is a cleric, the General Minister is required to notify the Congregation for the Doctrine of the Faith. The General Minister will be notified of significant developments and final disposition of the matter.
  - (c) The director will also promptly notify the bishop of the diocese in which the alleged abuse occurred (or the person designated in the diocese to handle such matters), as well as the bishop of the diocese in which the friar currently resides (if different), once the civil authorities have given permission to do so. The bishop(s) will be notified of significant developments and final disposition of the matter.
3. In order to assist in any inquiry of sexual abuse, the director may call upon ministers, lay persons, legal advisors, outside investigators and mental health professional chosen for their expertise.
  4. The provincial or director shall notify the accused friar of the allegations against him, once the civil authorities have given permission to do so.
  5. The provincial or director shall instruct the accused minister to have no contact with the party or parties making the allegations.

## C. Receiving Reports

1. The director shall inform the Review Board when any allegation of sexual misconduct against a minor has been received, regardless of the when the alleged abuse occurred or whether the accused is deceased, and even if the information received may be from an anonymous or other indirect source.
2. The provincial and director will be available for any friar or employee who wishes to seek advice, make a self-report, or express concern about other ministers.
3. The director shall work with any friar or employee who receives an allegation or report of sexual misconduct to follow the province' guidelines.
4. The provincial or director shall notify the administrator who is in charge of the ministry where the conduct is alleged to have occurred when civil authorities have given permission to do so.
5. When an actionable allegation of sexual abuse is reported, the province will immediately place the accused friar or employee on paid administrative leave, unless otherwise instructed by civil authorities so as not to interfere with a criminal investigation. For the purposes of this policy, a credible allegation is one that is at least within the realm of possibility with respect to the persons, dates, places, and other

relevant information concerned.

6. The director shall inform any person(s) making a report that they are free to give or not give information and/ or a written statement.

7. The director shall inform any person(s) reporting abuse of the province's policies on reporting.

8. The Provincial Minister shall inform the general minister of the Capuchin Order of any actionable allegation involving a friar and shall provide to the General Minister reports on the disposition of the case. If that friar is a cleric, the general minister will inform the Congregation for the Doctrine of the Faith.

9. In any case where the accused is an employee, the director of human resources will work in conjunction with the OPCC director in following these guidelines.

#### *IV. Investigations*

A. Due process: A formal independent investigation of sexual misconduct against an accused person is not done on the basis of unspecified information, although law enforcement authorities will use their own guidelines in the investigation of child sexual abuse. For the province to proceed with a formal independent investigation, the identity of the accuser and the accused are necessary. Fairness in process will include, but not be limited to: the opportunity to be heard; a fair investigation; a concern for the good name, reputation and privacy of all parties; an emotionally safe environment in which the process takes place; and a concern for maintaining the dignity and respect of all parties. The accused is also entitled to a presumption of innocence unless or until otherwise established by the applicable standard of proof.

B. During the course of an investigation by civil authorities or by the province, the friar who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties once the civil authorities have reported that doing so shall not interfere with the investigation. If the accused is a friar and he is living in a residence that is near a school or another place where minors are ordinarily present, he may also be moved to another location where minors are not ordinarily present.

C. When the director is able to confirm that civil authorities are unable to proceed with a criminal investigation and that any internal investigation by the Province will not impede that criminal investigation, the Province will initiate an internal investigation. The investigation is to be conducted in accord with the provisions of church law governing the preliminary investigation process. The preliminary investigation required by canon law and the particular law of the Church in the United States is intended to assist the Provincial Minister in reaching a decision as to whether the sexual abuse of a minor by a friar did occur, and if so, what type of process should be used to resolve the matter.

1. In cases where substantial differences exist in the facts as related by

complainant(s), by witness(es) and/or the accused, an investigation will be conducted to obtain all available evidence. The investigator shall interview and obtain statements from all parties and witnesses, and will keep the director informed regarding the status of the investigation.

2. The director shall keep all parties informed about the status of any investigation, whether it is through direct communication with the complainant(s) or the accused, or through their respective support person(s).

3. The provincial shall inform the accused friar that he has a right to legal counsel, both civil and canonical, at the expense of the province.

4. As an investigation comes to a close, the complainant(s) and the accused will be notified by the investigator that the report is ready to be sent to the Review Board. Each party shall have 15 days to submit any additional information to the investigator.

*\*Conducting an investigation if the accused is an employee: The director of human resources shall lead any such investigation in accordance with applicable laws. The director of human resources shall work with the director of the OPCC and the provincial in such cases.*

## **V. Review Process**

A. Once an allegation has been received against a friar:

1. The provincial or director shall inform the accused friar in writing of the substance of the allegations against him, unless prohibited by an ongoing criminal investigation.

2. The provincial or director shall inform the accused friar either in person, or through his support person, or through counsel of his choice, that he is requested to, but not required to, respond in writing to the allegations. Any such written response may be submitted to the Review Board.

3. A support person shall be made available to the accused friar.

B. Finding of fact, convening the review board (friars):

1. The director shall contact the chair of the Review Board with every allegation and inform him/her of that allegation and the status of any investigation.

2. The director shall notify the chair of the Review Board when the investigation is completed.

3. The chair with the support of the director shall convene the Review Board to review a summary of the case prepared by the OPCC director as well the results of any investigation that has been conducted.

4. The Review Board does not meet with the complainant(s), the accused, legal counsel, or any family member(s) or support person(s) of the complainant or accused.

5. The board may direct the investigator(s) to conduct additional interviews to clarify or

complete a line of inquiry developed in a particular instance.

6. The complainant(s) and accused are invited by the OPCC director to make written statements directly to the board.

7. Although the Review Board is not an investigative body it may suggest further investigative steps.

8. The independent investigator must be available to the Review Board when it meets - in person - to answer any questions that may arise.

9. The decisions of the Review Board do not extinguish any rights that any party may otherwise have under civil or canon law.

#### C. Disposition (friars):

1. After it is satisfied that it has probably received all available evidence, the Review Board will then discuss and evaluate all the evidence and thereafter determine what the preponderance of evidence suggests most probably happened. These determinations by the Review Board shall constitute the findings of fact in the form of a written report prepared by the OPCC director. This report shall be approved by the Review Board prior to being sent to the provincial by the OPCC director.

2. **The Provincial shall receive the Review Board's findings and giving them due deference, shall review those findings and the available evidence before rendering a judgment in the case and how to further proceed.**

##### 3. Finding of misconduct (confirmed allegation):

a. Whenever it has been established by a friar's own admission, through the Review Board's findings of fact on the preponderance of the evidence, or by judicial proceedings that the friar has engaged in sexual misconduct with a minor, that friar shall thereafter be prohibited from engaging in public ministry. This prohibition shall apply equally to lay friars and cleric friars.

b. Regarding the placement of friars in ministry, the province shall comply with the applicable provisions of the most recently promulgated versions of the "Charter for the Protection of Children and Young People" approved by the United States Catholic Conference of Catholic Bishops (USCCB) and the "Essential Norms for Diocesan/Eparchial Policies" and promulgated by the USCCB and approved for promulgation by the Holy See..

##### 4. Finding of no misconduct:

a. Wherever a Review Board's determination of the facts clearly demonstrates that the friar has not committed an act of child sexual abuse or child exploitation, the provincial shall:

i. Take whatever actions he deems appropriate to clear the name of the accused minister.

ii. Offer to meet with the complainant(s) and his/her family and/or

support person.

b. In assigning the minister to a new ministry or returning the minister to his/her current ministry, the Provincial may consider:

- i. The preferences of the accused minister.
- ii. The best interests of the ministry concerned.
- iii. The spiritual wellbeing of the people served in that ministry.
- iv. The wellbeing of the province.
- v. The recommendations of the Review Board.

5. Generally:

a. A wrongfully accused friar may be returned to any ministry otherwise appropriate for the friar.

b. The OPCC director shall:

- i. Suggest resources to help the wrongfully accused friar to deal with the emotional effects of being wrongfully accused.
- ii. Suggest resources to help the complainant deal with his/her emotional responses to the Review Board and provincial's decisions.
- iii. Offer to meet with the complainant(s) and his/her family and/or support person.
- iv. Offer to meet with and find support for those within the ministry affected.

c. Unable to confirm: There are times when the Review Board may not have sufficient evidence to establish that sexual misconduct occurred but cannot equally rule it out and may therefore conclude that it is "unable to establish" the required facts. In these cases, the provincial shall, upon consulting with the Review Board, the director, and the Provincial Council, make a determination of fitness for ministry.

## ***VI. Review Board***

A. Establishment and purpose: (*friars*)

1. The province has established a Review Board for the purpose of providing advice to the provincial on the implementation and administration of these policies and procedures of the province.
2. Persons selected to be on the Review Board shall be persons who have not formed any opinion regarding the merits of the claims or issues that they will consider, who have no biases toward the parties involved, and who promise to fairly evaluate all of the information presented to them.

3. Persons selected to be on the Review Board must undergo a criminal background check at the expense of the province and facilitated by the OPCC director.
4. The province shall strive to have no less than 50% non-Catholic representation on the board.
5. A liaison from the Provincial Council shall attend meetings, however will not be a voting member of the board.
6. The provincial Review Board's functions are:
  - a. Advising the provincial in his assessment of allegations of sexual abuse of minors and vulnerable adults and in his determination of suitability of an accused friar for ministry. The board may also be asked to advise the provincial on any other allegation of misconduct about which the provincial seeks advice.
  - b. Periodically reviewing province policies for dealing with sexual abuse of minors and adults.
  - c. Offering advice on all appropriate aspects of cases of sexual abuse of minors and vulnerable adults.
  - d. Reviewing and assessing the province response to allegations and the process followed, and making recommendations for improvements.
  - e. Reviewing each safety and supervision plan at least annually and offering recommendations to the provincial regarding appropriate adjustments.
  - f. Recommend Review Board appointments to the Provincial.

**B. Membership:**

1. The board shall consist of six to thirteen members, including no more than one member of the province.
2. The Review Board shall include representation from the following groups or professions:
  - a. Professionals from the social sciences (psychologists, counselors, victims' advocates, and/or social workers).
  - b. Representatives from the legal or law enforcement profession or state protective services.
  - c. Laity (preferably parents)
  - d. A religious other a Capuchin
  - e. A survivor of sexual abuse by clergy or religious or the parent of a survivor.
3. The provincial shall consider the recommendations of the Review Board

and will appoint all members of the Review Board.

4. The Review Board will elect a chair from among the members of the board.

5. Board members shall serve a term of three years. Review Board members may be appointed for two additional three year terms.

6. Vacancies created by the departure of Review Board members during their term shall be filled by appointment by the provincial with consideration given to the recommendation of the Review Board.

7. The director shall staff the Review Board and work closely with the chair of the board to carry out all of the duties and responsibilities outlined within this policy.

### *VII. Friars on a supervision plan*

Any friar who has a confirmed allegation of sexual abuse of a minor shall live under an individualized supervision plan (SP) to ensure proper monitoring, treatment, support and accountability.

A. The SP will be developed by the OPCC director with the assistance of the friar liaison and others, for example treatment providers. As part of the initial development of the SP, the friar will be asked to participate in an independent risk assessment provided by an appropriate professional who is skilled in conducting such assessments for sex offenders.

B. The goals of the SP are to: (1) hold the friar accountable for his misconduct; (2) assist the friar in his rehabilitation; and (3) protect the community from the risk of any future harm by the friar.

C. The SP shall be reviewed annually by the Review Board for recommendations.

D. The SP will be reviewed and approved annually by the provincial, upon prior review and recommendations from the Review Board and consultation with the Provincial Council and OPCC Director.

E. The OPCC Director shall review the plan annually with the friar.

### *VIII. Records and Communications of Allegations of Abuse*

A. The Province will maintain adequate records of all reports of sexual abuse or other misconduct involving minors and their disposition.

B. When a friar is reassigned or transitions to a new community, the Provincial Minister should communicate to the new supervisor and/or local minister verbally and in writing reports of sexual abuse or other misconduct involving minors and their disposition.

- C. The Provincial Minister will disclose reports of friars' sexual abuse or other misconduct involving minors and their disposition to a bishop or other ministry director external to the province, to assist in an assessment of a friar's character and fitness for a new assignment, ministry, or relocation.
- D. The outgoing Provincial Minister will thoroughly brief the incoming Provincial about reports of friars' sexual abuse or other misconduct involving minors and their disposition to ensure continuity of supervision, monitoring, intervention, and care.

*\*Nothing in this policy shall be construed so as to give to any accused person any rights that he or she does not otherwise possess. By adopting this policy the province does not waive any rights that it may have under the Constitution of the United States or any other applicable laws to be free from governmental entanglement in religious and/or ecclesial matters; nor shall this policy be construed as constituting such a waiver.*

*Acknowledgments:*

The Diocese of Tucson

The Chicago Jesuit Province

The Archdiocese of Milwaukee

The Archdiocese of Chicago

## Addendum

### **Capuchin Province of St. Joseph Code of Professional Responsibility**

#### Preamble

We, members of the Capuchin Province of St. Joseph (Province) and those associated with us in our ministries, issue the following Code of Professional Responsibility. In this document we hope to define the professional standards that should be observed by our members and those associated with us in our ministries. As leaders in the Church founded by Christ, we must always seek to uphold Christian values and conduct.

In addition to following the Gospel and its mandates, we want to act properly at all times in the light of contemporary society and its needs. This Code does not presume to address all of our responsibilities in the face of the great diversity of our ministries and in the variety of cultural contexts in which we operate. Instead, it establishes a set of minimal professional standards. These will help to delineate the boundaries within which behavior can be evaluated. This Code is not intended to supersede canon or civil law or the Province of St. Joseph's Misconduct Policy. It is intended as a supplement, particularly as a means to help prevent misconduct.

#### **General Principles**

**Responsibility**—The public and private conduct of friars, employees and volunteers can inspire and motivate people and draw them into deeper relationship with God. It can also scandalize and undermine their faith. Friars, employees and volunteers must, at all times, be aware of the responsibilities that accompany their work and trust that God's goodness and grace supports them in their ministry.

Responsibility for adherence to the Code of Professional Responsibility rests with the individual. Friars, employees, and volunteers who disregard this Code of Professional Responsibility will be subject to disciplinary action by the Province. Corrective action may take various forms—from a verbal warning to removal from the ministry. The Province of St. Joseph will provide programs to assist our ministers in understanding and living these standards, when such programs are deemed useful and necessary.

**Integrity**—As friars, employees and volunteers, we are expected to be persons of integrity and must conduct ourselves in an honest and open manner, free from deception and manipulation. We shall handle the responsibilities of our ministries in a conscientious fashion. As leaders in a Church that expects high moral standards of its members, we have a responsibility to lead by example.

**Competence**—We shall strive to maintain the highest levels of professional competence in our

particular ministries. Training, education and experience all contribute to make us competent and credible in our areas of expertise. We shall not provide services in those areas in which we lack competence, for competence also means knowing our limitations. Continuing formation and education are essential for us; time must be made for both. It is critical that we also ensure that our own faith lives are strong, so we shall seek spiritual guidance through reading, reflection, and prayer.

**Commitment to the Spirit of the Gospel**— We embrace the teachings of Jesus and work to promote the Gospel. We shall cultivate a growing knowledge of the Gospels and be able to relate them to daily situations encountered in our ministry. We shall show a special care and concern for the needs of the poor and oppressed of society. We will address community social concerns by active reflection on Catholic social teachings. We will share a spirit of ecumenism and inter-religious dialogue in our relations with people of other faiths.

**Respect for Others**— We shall respect the rights, dignity and worth of each person we serve. We honor all individuals as creations of God without regard to their economic or social status. We will strive to be sensitive to cultural differences among people and to appreciate the opportunities that diversity brings. We will take time to understand the individual and collective journeys of the people we serve.

**Sexual Conduct**— As our Provincial Policy states: “The Province of St. Joseph of the Capuchin Order is opposed to, will diligently strive to prevent, and will act promptly to eradicate all forms of sexual misconduct.” Sexual misconduct includes sexual abuse of minors, sexual exploitation of adults, and sexually immoral conduct in violation of the moral teachings of the Catholic Church.

1. We will not exploit another person for the purpose of our sexual gratification.
2. Those of us who have made a commitment to a celibate lifestyle are called to witness this in all our relationships.
3. We will familiarize ourselves with the Province’s Policies on Sexual Misconduct and abide by its directives.

## **Pastoral Standards**

### **Standard 1— Conduct for Pastoral Counselors and Spiritual Directors**

For the purposes of this code, “pastoral counselors and spiritual directors” are defined as friars, staff, and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups. Pastoral counselors and spiritual directors must respect the rights and advance the welfare of each person.

1.1 Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.

1.2 Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship).

1.3 Pastoral Counselors and Spiritual Directors should not, absent compelling circumstances, audiotape or videotape sessions.

1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

1.5 Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.

1.6 Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.7 Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided..

1.8 Sessions should be conducted in appropriate settings at appropriate times.

1.8.1 No sessions should be conducted in private living quarters.

1.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and locations of sessions with each person being counseled.

## **Standard 2—Confidentiality**

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.

2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

2.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling. Pastoral Counselors and Spiritual Directors are encouraged to use the applicable provisions of this Code for clarification in such discussions.

2.3 If Pastoral Counselors and Spiritual Directors maintain records of sessions with counselees and directees, those records should be the minimum necessary.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5 While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counselor or Spiritual Director should:

- Attempt to secure written consent from the minor for the specific disclosure.
- If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
- When possible, the appropriate supervisory personnel should be consulted before disclosure.
- If the minor is being abused or is at risk of being abused, that information must be reported to appropriate civil authorities as well as the Province.

2.6 These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

### **Standard 3—Conduct With Youth**

Friars, employees, and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors. For the purposes of this Section, "minor" is defined as any person under 18 years of age.

3.1 Friars, employees, and volunteers must be aware of their own and others' special responsibilities when working alone with minors. A team approach is strongly recommended for all youth activities.

3.2 Physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

3.3 Friars, employees, and volunteers should never possess or use illegal drugs. Due to the dangers of second-hand smoke, they should not use tobacco products in the presence of minors. Friars, employees and volunteers should never offer alcohol, tobacco or other drugs to minors; nor should they knowingly permit minors to possess or use those substances.

3.4 Friars should not allow individual minors to stay overnight in their private accommodations or residence.

3.5 Friars, employees and volunteers should not provide shared, private, overnight accommodations for individual minors including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the minor, the friar, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.5.2 Use a team approach to managing emergency situations.

3.6 Friars, employees, and volunteers shall not engage in sexually inappropriate Vocabulary, recordings, films or games with minors.

3.7 Friars, employees, and volunteers shall not take photographs of minors while they are unclothed or dressing.

3.8 Friars, employees, and volunteers shall not take an overnight trip alone with a minor who is not a relative.

3.9 When counseling a minor, friars, employees, and volunteers must not meet in isolated environments. They should meet at appropriate times (not late at night) and use locations that

are visible to others, e.g., rooms with windows or glass doors. If such rooms are not available, then the entry door should be left open.

3.10 When friars, employees, and volunteers must transport a minor in a car, another adult should accompany them; if possible, permission of the parent should be obtained first.

3.11 Friars, employees, and volunteers shall not speak to minors in a way that could be construed by an observer as harsh, threatening, shaming, or humiliating.

3.12 Friars, employees, and volunteers are prohibited from using physical discipline in any way for behavior management of minors. This includes spanking, slapping, hitting, or any other physical force as retaliation or correction for inappropriate behavior by minors. If necessary, physical restraint may be used to prevent harm to the minor, to the friar, employee or volunteer, or to others.

3.13 There can be appropriate forms of affection between friars, employees, and volunteers and minors. The following forms of affection are regarded as appropriate:

- hugs
- pats on the shoulder or back
- hand-shakes
- verbal praise
- touching hands, faces, shoulders, arms
- arms around shoulders
- holding hands while walking with small children
- kneeling or bending down for hugs with small children

The following are examples of forms of affection that are not to be used by friars, staff, and volunteers with minors:

- inappropriate or lengthy hugs/embraces
- kissing on the mouth
- touching buttocks, chests, thighs, or genital areas
- being in bed with a minor
- wrestling with minors
- tickling minors
- any type of massage with a minor
- any type of unwanted affection

#### **Standard 4—Sexual Conduct**

Friars, employees, and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

4.1 Friars, religious, employees, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Friars, employees and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or those we serve. Friars, employees and volunteers must behave in a professional manner at all times.

4.3 No friar, employee, or volunteer may exploit another person for sexual purposes.

4.4 Allegations of sexual misconduct should be taken seriously and reported to the Provincial Minister and to civil authorities if the situation involves a minor.

The Misconduct Policy of the Province of St. Joseph of the Capuchin Order will be followed to protect the rights of all involved.

4.5 Friars, employees, and volunteers should be familiar with the contents of the child abuse regulations and reporting requirements for the states in which they minister and should follow those mandates.

## **Standard 5—Harassment**

Friars, employees, and volunteers must not engage in physical, psychological, written, or verbal harassment of employees, volunteers, or those we serve and must not tolerate such harassment by other Church employees or volunteers.

5.1 Friars, employees, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:

- Physical or mental abuse.
- Racial insults.
- Derogatory ethnic slurs.
- Unwelcome sexual advances or touching.
- Sexual comments or sexual jokes.
- Requests for sexual favors used as: a condition of employment, or to affect other personnel decisions, such as promotion or compensation.
- Display of offensive materials.

5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

5.4 Allegations of harassment should be taken seriously and reported immediately to the Province—either the Provincial Minister or the Office of Pastoral Care and Conciliation. The Misconduct Policy of the Province of St. Joseph of the Capuchin Order will be followed to protect the rights of all involved.

5.5 No retaliation is permitted against any person who in good faith brings forward a complaint of harassment. Any friar, employee or volunteer who knowingly makes or communicates a claim that is not made in good faith may be subject to appropriate disciplinary action.

5.6 All ministry sites shall display the Province's written policy on sexual harassment and procedures for reporting such harassment. These will be displayed in the area customarily provided for other employee and volunteer announcements.

### **Standard 6—Province and Ministry Records and Information**

Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of provincial and ministerial records in a manner consistent with Provincial Policies and civil and canon law.

6.1 While sacramental records are documents of public events, their content should be guarded with care. When providing access to these records or compiling and publishing statistical information from them caution must be taken to protect the privacy of individuals.

6.2 Most sacramental records older than 70 years are open to the public.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

6.2.2 Only those who are duly authorized to access the records and supervise their use shall handle requests for more recent records.

6.3 Provincial or ministry records, including employee and friar personnel records, are confidential unless review is required by the Province, a Diocese or an appropriate government agency. The Provincialate and/or Human Resources Office should be consulted upon receipt of any request for release of financial records to decide whether or not a requested release is appropriate. In some instances, a signed release executed by the affected friar or employee may be necessary.

6.4 Individual contribution records of the Province or its ministries shall be regarded as private and shall be maintained in strictest confidence. This provision, however, shall not prohibit the Province from sharing its donor lists with other parties where such sharing is governed by an appropriate contract and protections.

## **Standard 7—Conflicts of Interest**

Friars, employees and volunteers shall avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

7.1 Friars, employees and volunteers shall disclose all relevant factors that potentially could create a conflict of interest.

7.2 Friars, employees and volunteers shall inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

7.2.1 No friar, employee, or volunteer shall take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

7.2.2 Pastoral counselors and spiritual directors should not provide counseling or spiritual direction services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor shall establish and maintain clear, appropriate boundaries.

7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director must:

- Clarify with all parties the nature of each relationship;
- Anticipate any conflict of interest;
- Take appropriate actions to eliminate the conflict; and
- Obtain from all parties written consent to continue services.

7.3 Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual

- Prior dealings;
- Becoming personally involved; or
- Becoming an advocate for one (person) against another.

In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

## **Standard 8—Reporting Ethical or Professional Misconduct**

Friars, employees, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Friars, employees, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by any friar, employee, or volunteers, the proper civil, provincial and other ecclesial authorities should be notified immediately.

8.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Professional Responsibility or other religious, moral, or ethical principles, consult with:

- The local ministry supervisor;
- The Provincial Human Resources Director;
- Others knowledgeable about ethical issues, or
- The Province's Office of Pastoral Care and Conciliation.

8.3 When it appears that a friar, employee, or volunteer has violated this Code of Professional Responsibility or other religious, moral, or ethical Principles:

- Report the issue to a supervisor or next higher authority, or
- Refer the matter directly to the Province's Office of Pastoral Care and Conciliation and/or the Human Resources Office, as appropriate.

8.4 The obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.5.

### **Standard 9— Administration**

Employers and supervisors shall treat friars, employees, and volunteers justly in the day-to-day administrative operations of their ministries.

9.1 Personnel and other administrative decisions made by friars, employees, and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Professional Responsibility.

9.2 No friar, employee, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

9.3 Each volunteer providing service to children and youth must read and sign the Volunteer Code of Conduct before providing services.

### **Standard 10— Friar, Employee and Volunteer Well-being**

Friars, employees, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

10.1 Friars, employees, and volunteers shall be aware of warning signs that indicate potential problems with one's spiritual, physical, mental, and/or emotional health.

10.2 Friars, employees, and volunteers shall seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives. In addition, they should develop the ability to directly but discretely and sensitively communicate concerns when they find that a fellow minister shows signs of such problems.

10.3 Friars, employees, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

10.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

*Note: The above material is taken largely from the Archdiocese of Chicago, the Province of Mary, Mother of the Good Shepherd, the Diocese of Great Falls-Billings, the CMSM Handbook Instruments of Hope and Healing, and particularly the Model Code of Pastoral Conduct produced by VIRTUS (The National Catholic Risk Retention Group, Inc.).*

Approved by the Provincial Council on (date).

## **Model Living Agreement Between a Local Community and a Non-Provincial Member**

*(Revised: January 2015)*

As a rule, only Capuchin friars and resident candidates live in Capuchin communities. By way of exception non-provincial members may be invited to live in a Capuchin community. The local minister shall consult the members of the community and receive consent of the provincial minister before inviting a non-member of the Province of St. Joseph to live in a provincial community.

Whenever a non-member of the Province of St. Joseph lives in a provincial community, the individual and the local community should execute a written agreement, which should be retained by the local minister and the individual. A copy should be forwarded to the provincial minister. The agreement should include a list of what the Capuchin community will provide to the guest and what the guest shall provide to the Capuchin community. The agreement should include the projected length of residence and a clause stating that the Capuchin community or the guest can terminate the agreement at any time for any reason. It should explicitly state that the Capuchin community and/or the province shall never be considered financially liable for services rendered by the guest. In all cases, a criminal background check on the prospective guest should be executed before the individual moves into the Capuchin community. A model agreement follows.

Agreement Parties: [Guest]  
and  
[Name] Capuchin Community

The following is an agreement between [Guest] and [Name] Capuchin Community ("the Community"), located at [Street, City, State] describing the terms under which [Guest] shall be welcomed as a guest of the community.

The community shall provide the following to [Guest]:

- Room and board.
- Opportunity to participate in community prayer and social life.

[Guest] shall provide to the community:

- Participation in community prayer and social life, as much as possible in light of work, school and other commitments.
- Help in cleaning and maintaining the building.
- Participation in community meetings and planning as the local minister deems prudent.
- Where applicable a monthly payment of \$\_\_\_\_ to help defray the costs of non-members room and board may be negotiated. This payment shall be made in the form of a check payable to the Province of St. Joseph of the Capuchin Order.

By signing this agreement, [Guest] further consents to participating to a criminal background check. The check shall be paid for and executed by the provincialate and must be successfully completed before [Guest] is permitted to move into the community. The [Guest] also agrees to complete the required (arch)diocesan program for the protection of children and vulnerable adults. A certificate of completion of this program will be forwarded by the local minister to the provincialate.

Neither the Province of St. Joseph nor the community assumes any financial responsibility for [Guest] other than room and board. [Guest] is responsible for all other personal and living expenses, including but not limited to: education, transportation, health care, insurance, and recreation. [Guest] will receive no payment for any work he does at the community.

[Guest's] other responsibilities and commitments are recognized and respected within this agreement. These include: [List]. [Guest] and the local minister shall work out an arrangement that allows [Guest] to continue these activities while living and participating in the life of [Name] Capuchin Community.

This agreement shall commence on [Date] and will end on [Date]. However, each party reserves the right to terminate this agreement for any reason and at any time.

/s/ [Guest], date

/s/ Friar representative, [Name] Community, date

# Records Management

(Approved Oct 2013)

## I. Introduction and Scope

- A. This Policy governs the retention and destruction of documents and other records, both in hard copy and electronic media (referred to as “documents” or “records” in this Policy).
- B. Purposes of the Policy is to ensure:
  - 1. Creation and maintenance of documents necessary for the proper functioning of the Province and the furthering of our mission.
  - 2. Compliance with applicable legal requirements.
  - 3. Destruction of documents which no longer need to be retained.
  - 4. Guidance for the Provincial Minister and Council, officers, staff and other constituencies with respect to their responsibilities concerning document retention and destruction.
- C. This Policy shall cover records created and maintained by the Province Offices, Vocation/Formation Office, Office of Pastoral Care and Conciliation, Finance Office, Human Resources Office and Provincial Archives (which does not create, but does maintain documents).

## II. Goals

- A. The Province maintains records to ensure the ongoing and responsible carrying out of the life and mission of the Province. To this end, every effort will be made to ensure that:
  - 1. Records are accurate and complete.
  - 2. Records are organized and available to Province leadership to assist in their ministry.
  - 3. Confidential records are maintained with adequate safeguards.
  - 4. The Province is open and transparent with regard to its ministry and reporting responsibilities.
- B. As the Province establishes this Policy for Records Management, it is anticipated that each department and office will need to bring its current records into compliance with the Policy and procedures contained within it. They will describe a process by which this will be accomplished.

## III. Administration

- A. The Provincial Minister or his delegate shall be the Administrator, responsible for the administration of this Policy. This responsibility shall include supervising and coordinating the retention and destruction of documents pursuant to this Policy and particularly the Document Retention Schedule included in the Appendices. The Administrator shall also be responsible for documenting the actions taken to maintain and/or destroy Province documents

and retaining such documentation. The Administrator may also modify the Document Retention Schedule from time to time as necessary to comply with Civil and Canon Law and/or to include additional or revised document categories as may be appropriate to reflect Provincial policies and procedures. The Administrator is also authorized to periodically review this Policy. The Administrator may also appoint one or more assistants to assist in carrying out the Administrator's responsibilities, with the Administrator, however, retaining ultimate responsibility for the administration of this Policy.

- B. The staff of all Province offices and departments shall be familiar with this Policy, shall act in accordance with it, and shall assist the Administrator, as requested, in implementing it.

#### IV. Suspension of Document - Destruction Compliance

- A. The Province becomes subject to a duty to preserve (or halt the destruction of) documents once litigation, an audit or a government investigation is reasonably anticipated. If the Administrator becomes aware that litigation, or a governmental audit or investigation has been instituted, or is reasonably anticipated or contemplated, the Administrator shall immediately order a halt to all document destruction under this Policy, communicating the order to all affected constituencies in writing. The Administrator may thereafter amend or rescind the order only after conferring with legal counsel. Any staff member who becomes aware that litigation, a governmental audit or investigation has been instituted, or is reasonably anticipated or contemplated, with respect to the Province shall make the Administrator aware of these potential actions.
- B. Failure to comply with this Policy, including, particularly, disobeying any destruction halt order, could result in civil or criminal sanctions. In addition, for staff, it could lead to disciplinary action including termination.

#### V. Electronic Documents - Document Integrity

Documents in electronic format shall be maintained just as hard copy or paper documents are, in accordance with the Document Retention Schedule. Due to the fact that the integrity of electronic documents, whether with respect to the ease of alteration or deletion, or otherwise, may come into question, the Administrator shall establish standards for document integrity, including guidelines for passwords, handling electronic files, backup procedures, archiving of documents, and regular checkups of the reliability of the system; provided, that such standards shall only be implemented to the extent that they are reasonably attainable considering the resources and other priorities of the Province.

#### VI. Privacy

Confidentiality of documents will be maintained, especially with regard to the personal information of members or of employees of the Province.

#### VII. Emergency Planning and Documents

Documents which are necessary for the continued operation of the Province shall be stored in a safe and accessible manner. The Administrator shall develop reasonable procedures for document retention in the case of an emergency.

## VIII. Document Creation and Generation

Documents created in the ordinary course of the business of the Province will be identified as to their usefulness, timeliness, confidentiality and retention term. Ideally each document will be so identified so that it flows into the stream of Provincial documents marked with its useful-life and recommended destruction date.

## IX. Document Retention Schedule in the Appendices:

Appendix A: Province Office Records

Appendix B: Initial Formation Documentation

Appendix C: Office of Pastoral Care and Conciliation (OPCC)

Appendix D: Finance Office

Appendix E: Human Resources Records

Appendix F: Other Documents

## Appendix A: Province Office Records

A Personal Record on congregational members is kept for all living and deceased members of the order and for all those from the candidate level on who have left the order. These records consist of all official papers and pertinent documents and are kept in files designated for that purpose in a secured location with limited accessibility in the Provincialate Office in Detroit, Michigan. Some pertinent records may be held by the Local Minister of individual friars.

Access to current personal friar files at the Detroit site are limited to the Provincial Minister, Provincial Vicar, and certain designated person(s).

Members of the Order may review their personal file upon request and in the presence of the Provincial Minister or Vicar during the review.

### I. Records on Congregational Members

#### A. Official Civil Documents

	<u>Retention</u>
1. Birth/Baptismal Certificate	Permanent
2. Parents' Marriage Certificate	Permanent
3. Social Security	Destroy after death
4. Military Discharge	Permanent
5. Civil Divorce Decree (if applicable)	Permanent
6. Civil Service	Permanent
7. Citizenship and/or Immigration Status	Permanent
8. Durable Power of Attorney for Health Care	Destroy after issuance of death certificate
9. Durable Power of Attorney for Finances	At time of death given to Treasurer's Office
10. Living Will	Destroy after issuance of death certificate
11. Death Certificate	Permanent

#### B. Official Canon Law Documents

	<u>Retention</u>
1. Application Form	Permanent
2. Personal Report (summary sheet listing Ministries, etc.)	Permanent
3. Letters of Recommendation	Permanent
4. Annulment (if applicable)	Permanent
5. Preliminary Agreement	Permanent
6. Letters of Request for Admission to Postulancy, Novitiate, Vows, Ordination	Permanent

7. Letters of Acceptance for above	Permanent
8. Renunciations and Last Will and Testament	Permanent
9. All Original, Signed Documents re. Vows, Deaconate	Permanent
10. Official Vocation/Formation Documents	Permanent
11. Proof of Ordination (if applicable)	Permanent
12. Leave of Absence (if applicable)	Permanent
13. Dispensation Process (if applicable)	Permanent
14. Dismissal Process (if applicable)	Permanent
<b>C. Biographical</b>	<u>Retention</u>
1. Autobiography	Permanent
2. Education	Permanent
3. Ministry Appointments	Permanent
4. Residency Assignments	Permanent
5. Letters of Good Standing	Permanent
6. Letters of Obedience	Permanent
7. Commendations/Awards	Permanent
8. Significant Personal Correspondence	Permanent
9. General Personal Correspondence of Historical Significant	Permanent
<b>D. Health Records</b>	<u>Retention</u>
1. Medical Reports (upon entrance)	Permanent
2. Significant Medical Reports	Permanent
3. Summary of Mental Health Records	Permanent
<b>E. Records of Accusations of Sexual Misconduct</b>	<u>Retention</u>
1. Allegation of Sexual Abuse and Follow-Up	Permanent
2. Misconduct, Sexual Abuse and Follow-Up	Permanent
<b>F. Financial Records</b>	<u>Retention</u>
1. Social Security/Pension Benefits	At time of death given to Treasurer's Office
2. Records re. Patrimony	At time of death given to Treasurer's Office
3. Outstanding Financial Records	At time of death given to Treasurer's Office

## II. Records of the Province

The following records are developed by the Province:

- Provincial Chapter Proceedings
- Provincial Council Minutes
- Documents relating to Canonical Erection or Suppression of Ministries and Houses
- Special Advisory Groups
- Commission and Ministry Council Minutes
- Provincial Review Board
- Praesidium Accreditation
- Correspondence/Reports specific to the Province

## Retention

Current records are retained in the Provincialate Office. Records are transmitted to Province Archives at the end of each administration.

## Appendix B: Initial Formation Documentation

Documents are listed here in the order of creation and are indicated with three codes:

A = Documents are created and retained through the application process.

F = Documents are created and/or retained through the formation process.

P = Documents are retained in the Provincialate Offices for the life of the member then are transmitted to Province Archives.

Original signed copies of all official documents relating to formal admission to stages of formation, vows or ordination are retained in the Provincialate Offices. Copies may be retained in Vocation/Formation Offices.

Only the Provincial Minister and the Provincial Director of Formation have access to the files and can designate others who may have access. Ordinarily the individual in formation does not have access to the file.

I. The Capuchin Vocation Office (CVO) creates the original new file that will become the Province's file later, though the Provincialate may collect some of its own generated documents as a matter of course. So, the CVO collects all documents of inquiry and application to Postulancy.

A. Initial Phone Interview Report (A, F)

B. Initial In-Person Interview Report (A, F)

C. Initial Inquiry Form (A, F)

D. Application Form (used for screening, but retained for personnel file)

1. Release Form for the Province (testing, transcripts, etc.) (A, F)

2. Disclosure Release Form for Information Resources (A, F, P)

3. Admissions Checklist (A, F, P)

*{It is generally recommended that a suitable copy of a Birth Certificate be requested in the application process.}*

4. Background Checks (A, F, P)

5. Five Recommendation Forms (A, F)

6. Candidates Certificate of Baptism and Confirmation with notations issued within six (6) months of application (A, F, P)

7. High School, College and Graduate School Transcripts (A, F, P)  
ACT/SAT Scores (if required)

8. Health History and Medical Exam Report (A, F, P)

9. Questionnaire Regarding Indebtedness (A, F)  
Notarized Affidavit as to Debt (A, F, P)
  10. Autobiography (A, F, P)
  11. Psychological Testing Report (F)  
After formation a document of execution and removal is created and retained in the personnel file. (F, P)
  12. Admissions Interview Report (F)  
After formation a document of execution and removal is created and retained in the personnel file. (F, P)
- E. Vocation Director's Summary of Application and Recommendation (A, F, P)
  - F. Acceptance Letter of the Provincial into Postulancy (F, P)
- II. Upon admission to Postulancy, the Postulant Directors gain possession of the file and add to it. (less than a full year) (F, P)
- A. Remuneration Document
  - B. Child Safety Certification
  - C. Signatures of Reception of Sexual Misconduct Policy and Code of Professional Responsibility
  - D. Candidate's Letter and Provincial's Response Requesting Admission to Novitiate
- III. Upon acceptance into Novitiate, the Provincial Director of Formation gains possession of the file. He makes copies of certain documents and sends them to the Inter-Provincial Novitiate in California. He also adds evaluations generated in Novitiate to his Provincial formation file as he receives them from the Novitiate Staff. If a Novice cannot participate in the NAPCC Novitiate and goes to St. Lawrence Friary for Novitiate, the file is given to the extraordinary Novice Director. (fourteen (14) months) (F, P)
- A. Document of Investiture
  - B. Evaluations – Ministry, Community and Staff Evaluations (P)
  - C. Candidate's Letter and Provincial's Response Requesting Admission to First Vows
- IV. Upon the profession of First Vows, the Directors of Post-Novitiate and Ministry Formation gain possession of the file. They add to the file during this period which may not be less than three (3) years nor longer than six (6) years. This period may be extended, but not beyond nine (9) years. (F, P)
- A. Declaration of Freedom of Intent, before First Profession
  - B. Certificate of First Vows
  - C. Last Will and Testament, before First Profession

- D. Candidate's Letter and Provincial's Response Requesting Degree Programs
  - E. Declaration of Freedom and Intent before Renewal of Temporary Vows
  - F. Candidate's Letter and Provincial's Response Requesting Renewal of Vows
  - G. Certificates of Renewal of Temporary Vows
  - H. Candidate's Letter and Provincial's Response Requesting Perpetual Vows
  - I. Disposition of Income, Use and Administration of Property during Temporary Vows
  - J. Annual Evaluations – Ministry, Community and Staff Evaluations
  - K. Last Will and Testament
  - L. Declaration of Freedom and Intent before Perpetual Profession
  - M. Document of Solemn, Perpetual Profession
  - N. Notification of Perpetual Religious Profession
  - O. Parents' Certificate of Marriage
  - P. Testimonial Letter after being installed in the Ministry of Lector
  - Q. Testimonial Letter after being installed in the Ministry of Acolyte
  - R. Certificates of Different Stages of Diaconate or Presbyterate Formation with clear and detailed explanation of the votes obtained (required if they apply)
  - S. Candidate's Letter and Provincial's Response Requesting Diaconate (required if they apply)
  - T. Candidate's Letter and Provincial's Response Requesting Presbyterate (required if they apply)
  - U. Dismissorial Letter
  - V. Advance Directives – Health and Funeral, also Financial Power of Attorney (death plus three (3) years)
  - W. Exit Report (if applicable)
- V. The files are given to the Provincialate Office at the conclusion of ministry formation. The Province Office shall be responsible for removing and destroying those files which will not be kept in the Friar's personal file in the Provincialate Office.
- VI. Files of those who leave the order in formation or after Profession are closed by the Provincialate Office and are transmitted to Archives.

VII. In addition to the documents listed above, certain notes and correspondence are generated as a man moves through the various phases of inquiry, application and formation. These are retained as long as they are currently useful. Any significant elements from these documents will usually be reflected in the above documentation. If needed, a summary of certain elements from the notes or correspondence can be added to the file.

## Appendix C: Office of Pastoral Care and Conciliation (OPCC)

Complainants/Victims	Access (other than OPCC)	Use	Retention
Intake Reports	Provincial Minister, Law Enforcement,		Permanent
Therapy Bills	Provincial Minister Finance Department	Payment of therapy expenses, records of victim support	Permanent
Case Notes	In general, only in OPCC file, however occasionally shared with Provincial Minister	Track response and support of complaints complainants	Permanent
Correspondence	OPCC files, sometimes Provincial Administrator and Provincial Council	Records of Province response and support	Permanent

Friars	Access (other than OPCC)	Use	Retention
Summary of Allegation	Accused friar, Provincial Minister, whomever the friar chooses to share it with, including Legal/Canonical Counsel, Civil Authorities, Minister General	Due Process	Permanent
Mental Health Records: -Risk Assessments -Therapist Progress Reports	Provincial Minister, Review Board, Local Monitor	To provide adequate supervision for friars	Summary kept in file in OPCC if friar is under supervision, otherwise sent to Detroit. Assessments should be kept with the provider.
Investigations: -Investigators Report -Other documentation relevant to the investigation	Investigator Review Board Members, Provincial Minister, possibly Law Enforcement	For case disposition	Kept in OPCC file and sent to Detroit when case is finished unless friar is under supervision. Summary is kept for Life.

Friars (continued)	Access (other than OPCC)	Use	Retention
Case Notes	Provincial Minister	Provide documentation of response and supervision	Permanent
Correspondence	Depends on the type of correspondence		
Supervision Plan	Provincial Minister, Review Board, Local Minister (could be several)	To provide adequate supervision	Permanent
Several forms for friar in case of allegation (new)	Provincial Minister, Legal Counsel	Due Process	Permanent
Bills: -Residential -Mental Health Treatment	Finance	For record of payment	In Finance Office, OPCC Office can shred each year
Allegation spreadsheet	Provincial Minister	Historical record of allegations	

Praesidium Accreditation	Access (other than OPCC)	Use	Retention
Background Checks	Provincial Office Member File for Reference	Accreditation purposes	Could keep a summary and shred prior records when new screening is done
Misconduct Policies and Procedures (past and current)	Available on current province website	Accreditation purposes	Keep any historical documents for life in Archives and current ones in the OPCC Office
Safe Environment Training Information	Province Office Member File	Accreditation purposes	Keep materials and summary of attendance for life
Accreditation Documents	Provincial Office	Accreditation purposes	Permanent
Information and meeting the twenty-five (25) years standards	OPCC	Accreditation purposes	Permanent

Review Board	Access (other than OPCC)	Use	Retention

Review Board Minutes	Provincialate Office	For accreditation	Five (5) years
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## Appendix D: Finance Office

Documents	Retention
Audit Report	Permanent
Bank Reconciliation	Three (3) years
Bank Statement	Seven (7) years
Budgets	Three (3) years
Corporate Minutes	Permanent
Credit Card Statements	Three (3) years
Contracts	Permanent
Deposit Slips	Seven (7) years
Finance Commission Minutes and Reports	Permanent
Friar Tax Returns	Ten (10) years
Insurance Policies	Permanent
Investment Commission Minutes and Reports	Permanent
Investment Reports	Seven (7) years
Investment Statements	Seven (7) years
Legal Invoices and Information	Seven (7) years
Month-End Financial Reports	Seven (7) years
Paid Invoices	Seven (7) years
Payroll Register	Seven (7) years
Pension Documents and Records	Permanent
Proof of Insurance	Life
Property Information	Life
Scanned Checks for Deposit	Two (2) years
Tax Returns	Ten (10) years
Title for Cars	Life of the vehicle

Financial Records	Retention
Accounts Payable Ledger	Seven (7) years
Accounts Receivable Ledger	Seven (7) years
Annual Reports	Permanent
Audit Reports	Permanent
Balance Sheet (monthly)	Seven (7) years
Bank Reconciliation	Three (3) years
Bank Statements and Deposits	Seven (7) years
Canceled Check/Receipts for Major Purchases	Life of the purchased item
Canceled Checks	Seven (7) years
Cash Disbursement Records	Seven (7) years
Cash Receipts Records	Seven (7) years
Chart of Accounts	Permanent
Deposit Records (copies of checks deposited)	Two (2) years
Deposit Slips	Three (3) years
Depreciation Schedule	Permanent
Expense Records	Seven (7) years
Financial Records (tax preparation)	Seven (7) years
Financial Statements (year-end)	Permanent
General Ledgers and Journals (year-end)	Permanent
Grants	Permanent
Invoices	Seven (7) years
Payroll Records and Summaries	Seven (7) years
Payroll Tax Records	Permanent
Payroll Time Sheets	Seven (7) years
Payroll Vouchers	Seven (7) years

Insurance	Retention
Accident Reports (after resolution)	Seven (7) years

Insurance Claims	Permanent
Insurance Policies (including expired)	Permanent
Medical/Injury Records of Employees	Seven (7) years
Property Inspection Reports	Seven (7) years
Worker's Compensation Records and Claims	Ten (10) years

Corporate Records	Retention
By-laws (even if changed)	Permanent
Contracts (expired)	Seven (7) years
Contracts (still in effect)	Permanent
Copyright Records	Permanent
Corporate Resolutions	Permanent
Corporate Minutes	Permanent
Incorporation Records	Permanent
Notes (after paid-in-full)	Seven (7) years
Pension Documents and Records	Permanent
Permits to do Business	Permanent
Personnel Manuals	Permanent
Retirement Records	Permanent
Tax and Exemption Records	Permanent
Record of EIN	Permanent
Annual Reports and Corporate Compliance	Permanent
State and Local Tax Exemptions, Licenses and Permits	Permanent

Property	Retention
Appraisals	Permanent
Checks for purchase of Real Escrow	Permanent
Deeds and Taxes	Permanent
Easements	Permanent
Major Appliance (receipts and check)	Life of the appliance
Mineral Rights (after termination)	Seven (7) years
Property Taxes	Seven (7) years
Stock Certificate	Until surrendered

## Appendix E: Human Resources Records

The mission of the Human Resources (HR) Office is to assist in providing a safe and just work environment. Gathering these records in the many ways we do is one way to help us ensure and demonstrate a safe and just work environment.

These records are retained in HR as required by the United States Government or general practice in the field of HR, in accord with the HR Offices' General Policy. Generally, the recommended retention for HR Records is seven (7) years. OSHA Injury Reports are thirty (30) years when there is an exposure to toxic or hazardous agents.

Records may be retained in the Provincialate and ministry locations.

Records	Retention
Application	Seven (7) years
Resume	Seven (7) years
Job Description	Seven (7) years
Performance Evaluations	Seven (7) years
Background Checks	Seven (7) years
I-9 (separate file)	Seven (7) years
Benefits Application	Seven (7) years
Medical Records (related to Workers Compensation, FMLA, ADA, hiring and drug testing in a separate file)	Seven (7) years
Workers Compensation paperwork (as applicable)	Seven (7) years
Severance Agreements	Seven (7) years
Payroll and Tax Records	Seven (7) years
Position Postings	Seven (7) years
Benefit Summary Plan Description	Seven (7) years
Employee W-2	Seven (7) years
FMLA paperwork (as applicable)	Seven (7) years
OSHA Log and Reports	Seven (7) years
Short and Long Term Disability paperwork	Seven (7) years
Age Work Certification Records for minors	Seven (7) years
Professional Services Agreements	Seven (7) years
Retirement and Pension Records	Seven (7) years

## Appendix F: Other Documents

I.	Contributions/Gifts/Grants	<u>Retention</u>
	A. Contribution Records	Permanent
	B. Documents Evidencing Terms of Gifts	Permanent
	C. Grant Records	Seven (7) years after end of grant period
II.	Correspondence and Internal Memoranda	<u>Retention</u>
	<i>Hard copy correspondence and internal memoranda relating to a particular document otherwise addressed in this schedule should be retained for the same period as the document to which they relate.</i>	
	A. Hard copy correspondence and internal memoranda relating to routine matters with no lasting significance.	Two (2) years
	B. Correspondence and internal memoranda important to the Province or having lasting significance.	Permanent, subject to review
III.	Electronic Mail (e-mails) to or from the Province	<u>Retention</u>
	<i>Electronic mail (e-mails) relating to a particular document otherwise addressed in this schedule should be retained for the same period as the document to which they relate, but may be retained in hard copy form with the document to which they relate.</i>	
	A. E-mails considered important to the Province or of lasting significance should be printed and stored in a central repository.	Permanent, subject to review
	B. E-mails not included in either of the above categories.	Twelve (12) years
IV.	Electronically Stored Documents	<u>Retention</u>
	Electronically stored documents (e.g., in pdf, text or other electronic format) comprising or relating to a particular document otherwise addressed in this schedule should be retained for the same period as the document which they comprise or to which they relate, but may be retained in hard copy form (unless the electronic aspect is of significance).	
	A. Electronically stored documents considered important to the Province or of lasting significance should be printed and stored in a central repository (unless the electronic aspect is of significance).	Permanent
	B. Electronically stored documents not included in either of the above categories.	Two (2) years

# Social Networking Policy for Working with Youth and Vulnerable Adults

*(Approved: November 14, 2013)*

## **Introduction**

There has been rapid growth in what is known as social media. The widespread availability and use of social networking applications bring opportunities to engage and communicate with those we serve in new ways. It is important that we are able to use these technologies and services effectively and flexibly. However, it is also important to ensure that we balance this with our duty to ensure the safety of youth, members, staff, volunteers and those we serve. Again, there are tremendous opportunities but also potential risks. More and more cases of sexual misconduct involve electronic media.

The Province of St. Joseph has put together this policy in order to protect youth from abuse and staff from false allegations.

## **Policy**

Provincial ministers and employees may create a public social network page for a particular ministry. The supervisor for such a ministry must be informed. Staff, volunteers, and youth are instructed to communicate through this public page instead of through individual profiles. This approach allows the supervisor to monitor communication and ensures that staff and volunteers do not have private (and possibly inappropriate) conversations with youth. The site is to remain public and not have any private options.

There are risks with social networking, especially with blurring boundaries of personal and professional relationships. Individual profiles on social networking sites should not be used for ministry or work related projects. These sites are to be utilized as a way of communicating with relatives and friends on a social level. Any adult using social networking sites in ministering to children and youth should set very strict privacy settings. This helps to assure that youth and children do not have access to private and personal information.

1. Cyber-bullying or any other form of harassment, vulgarity or intimidation is prohibited.
2. Inappropriate electronic communication, as defined in the training, is prohibited.
3. "Sexting" or any other sexually oriented conversations or discussions about sexual activities are prohibited on all forms of social media.

4. Posting inappropriate pictures or inappropriate comments on pictures is prohibited.
5. If posting a picture of an identified minor to a ministerial site, permission must be given by from the minor's parent or guardian.
6. If a minor reveals abuse or inappropriate interactions with an adult, the staff or volunteer must report this information to an administrator and the proper reporting agency immediately.
7. When using social media for purposes of a particular ministry involving minors, parents/guardian should be given a copy of this policy and information regarding the intended purpose of the site as well as how the parent or guardian can access the site.
8. Ministers should participate online in the same way as you would with other public forums. Ministers take responsibility for the things done, said or written.
9. Ministers should not accept minors they serve in ministry as 'friends' on their own social network sites or interact with students on social networking sites.
10. Ministers must not post images of minors on social networking sites without parental permission.
11. Weigh whether a particular posting could put one's effectiveness as a minister at risk. Post only what is appropriate for the world to see.
12. At a minimum, ministers should have all privacy settings set to 'only friends'. Do not use 'Friends of Friends' and 'Networks and Friends' as these open the content to a large group of unknown people. A minister's privacy and that of the minister's family may be at risk.
13. Maintain control of security, privacy and access to personal pages and information.

### **Confidentiality**

The existence of social media does not change the province's understanding of confidentiality. Within the life of the church there are private conversations, confidential processes and private or closed meetings. All involved have a right to expect that others will respect confidential information they receive in any context. Breaking confidences is a wrong when using social media as it would be by any other means.

Always remember that participating in social media results in your comments being permanently available and open to being published in other media. Once something is posted to a blog or other internet site, it should be assumed to be still available even if it is later deleted from the original site

### **Definitions**

*Internet* - An immense, global network that connects computers via telephone lines and/or fiber networks to storehouses of electronic information. With only a computer, a

modem, a telephone line and a service provider, people from all over the world can communicate and share information with little more than a few keystrokes.

*Bulletin Board Systems (BBSs)* - Electronic networks of computers that are connected by a central computer setup and operated by a system administrator or operator and are distinguishable from the Internet by their "dial-up" accessibility. BBS users link their individual computers to the central BBS computer by a modem which allows them to post messages, read messages left by others, trade information, or hold direct conversations. Access to a BBS can, and often is, privileged and limited to those users who have access privileges granted by the systems operator.

*Commercial On-line Service (COS)* - Examples of COSs are America Online, Prodigy, CompuServe and Microsoft Network, which provide access to their service for a fee. COSs generally offer limited access to the Internet as part of their total service package.

*Internet Service Provider (ISP)* - Examples of ISPs are Erols, Concentric and Netcom. These services offer direct, full access to the Internet at a flat, monthly rate and often provide electronic-mail service for their customers. ISPs often provide space on their servers for their customers to maintain World Wide Web (WWW) sites. Not all ISPs are commercial enterprises. Educational, governmental and nonprofit organizations also provide Internet access to their members.

*Public Chat Rooms* - Created, maintained, listed and monitored by the COS and other public domain systems such as Internet Relay Chat. A number of customers can be in the public chat rooms at any given time, which are monitored for illegal activity and even appropriate language by systems operators (SYSOP). Some public chat rooms are monitored more frequently than others, depending on the COS and the type of chat room. Violators can be reported to the administrators of the system (at America On-line they are referred to as terms of service [TOS]) which can revoke user privileges. The public chat rooms usually cover a broad range of topics such as entertainment, sports, game rooms, children only, etc.

*Electronic Mail (E-Mail)* - A function of BBSs, COSs and ISPs which provides for the transmission of messages and files between computers over a communications network similar to mailing a letter via the postal service. E-mail is stored on a server, where it will remain until the addressee retrieves it. Anonymity can be maintained by the sender by predetermining what the receiver will see as the "from" address. Another way to conceal one's identity is to use an "anonymous remailer," which is a service that allows the user to send an e-mail message repackaged under the remailer's own header, stripping off the originator's name completely.

*Chat* - Real-time text conversation between users in a chat room with no expectation of privacy. All chat conversation is accessible by all individuals in the chat room while the conversation is taking place.

*Blogs:*

*Ministry Website* – An internet website/tool created by ministers for the purpose of conducting provincial business.

*Personal Website* – A social network page, blog or any internet website/tool created by ministers primarily to share personal communication with family and friends.

*Instant Messaging* – Private real-time texting between two users in a chat-room

*Internet Relay Chat(IRC)* – Real-time text conversation similar to public or private chat rooms COS.

*Usenet (Newsgroups)* - Like a giant, cork bulletin board where users post messages and information. Each posting is like an open letter and is capable of having attachments, such as graphic image files (GIFs). Anyone accessing the newsgroup can read the postings, take copies of posted items, or post responses. Each newsgroup can hold thousands of postings. Currently, there are tens of thousands of public newsgroups and that number is growing daily. Newsgroups are both public and/or private. There is no listing of private newsgroups. A user of private newsgroups has to be invite in the newsgroup and be provided with the newsgroup's address.

\* Above definitions are from the Cyber Division, Innocent Images National Initiative