



**CAPUCHIN  
FRANCISCAN  
PROVINCE OF  
ST. JOSEPH**

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The Midwest Capuchins

# Provincial Policy Handbook

(Version: April 26, 2022)

# Introduction

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*(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.

- When helpful, policy level directives from an authority higher than the province are included in the provincial handbook.
- 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.
- 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.
- 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.

# Subjects and Topics

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## JOB DESCRIPTIONS

Archives - Director  
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Corporate Secretary/Treasurer  
Corporate Responsibility Agent  
Continuing Formation - Director  
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# Acts of Administration

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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

## 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.

It will be placed on the agenda of the next scheduled Provincial Council meeting for consideration.

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# Provincial Chapters

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*(Re-approved: July 2003)*

A. 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.

B. 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.

C. "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.

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# Code of Professional Responsibility

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## 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 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 preexisting 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 non-consensual 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 record 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, employee, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. Using a team approach to managing emergency situations, the friar, employee or volunteer must consult with other responsible parties to manage 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**

4.1 Friars, employees, and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

4.2 No friar, employee, or volunteer may exploit another person for sexual purposes.

4.3 Allegations of sexual misconduct should be taken seriously and reported to the provincial minister and the director 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.

4.4 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 The Office of Human Resources 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 director's

- 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 Office of Human Resources director;
- Others knowledgeable about ethical issues, or
- The 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 Office of Pastoral Care and Conciliation and/or the Office of Human Resources, 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.

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# Sexual Misconduct with Adults

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(Approved: July 7, 2020)

***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 friar of or in 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

***Sexual Abuse:*** Sexual abuse with an adult, as defined in these guidelines, occurs when a friar of the province intentionally engages in sexual contact, intercourse, fondling or touching with an adult, incapable of giving informed consent, in any context. (this may constitute making a report to civil authorities if the abuse if such abuse meets state statute of a vulnerable adult)

***Sexual Exploitation:*** Sexual exploitation is defined as any kind of sexual interaction between a friar when the adult is receiving pastoral care or counseling from a minister or when the friar 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 friar. 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

- A. The primary responsibility for reporting to law enforcement and to the director of any allegation of a sexual offense by a friar of the province rests with the adult victim. Adults who report being victims of a crime of sexual assault by a friar 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 vulnerable adult” which requires mandatory reporting). Law enforcement ordinarily will act upon such complaints only if the adult person who reports them is the victim.  
Notwithstanding the previous sentence, 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.
- C. 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.

## REPORTING TO THE OPCC DIRECTOR

- A. Adults who have experienced sexual misconduct by a friar 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, of the province having engaged in sexual misconduct with an adult as defined under these guidelines, will report such an allegation to the director and or the provincial minister.

## FOLLOW-UP

- A. The director along with the provincial minister will notify all appropriate parties, including the accused, of any report made under these guidelines. A friar may be put on administrative leave pending any criminal or provincial investigation.
- B. The provincial or his delegate 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 friar without any imputation of guilt and without prejudice to the accused friar's presumption of innocence.
- E. 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.
- F. The provincial shall notify the accused friar to have no contact with the complainant or with any person alleged to be involved in the misconduct.
- G. The provincial shall notify the accused friar to have no contact with the complainant or with any person alleged to be involved in the misconduct.

## **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.

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# Policies and Procedures Regarding Sexual Misconduct with Minors and Vulnerable Adults

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(Revised: 07/21/20)

## *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 and vulnerable adults. 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 including the Code of Canon Law, *Sacramentorum Sanctitatis Tutella*, *Vos Estis Lux Mundi* and other pertinent documents and with the *Charter for the Protection of Children and Young People* 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:** One 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 under the age of 18.

**Child Sexual Abuse Images:** 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 sexual abuse images are defined as any visual depiction, including any photograph, film, video, picture, or computer or computer generated image or picture, whether made of 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:** can involve the following: possession, production, and distribution of child sexual abuse images; online enticement of children for sexual acts including 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 & Conciliation.

**Ecclesiastical ministry:** any ministry that is under the authority of a diocesan bishop.

**Friar:** a member of the Province of St. Joseph of the Capuchin order, ordained and lay.

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

**Ministry:** any religious, charitable or educational institution owned by the province as, 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 friar or provided by the province to offer pastoral care to a minister who is accused of misconduct.

**Office of Pastoral Care & 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.

**Partners in ministry:** Any person, other than a friar, authorized to participate in 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. SST and the Code have a lower standard to begin a process and a higher standard to find guilt.

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

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

**Public ministry:** any friar that is under the authority of a diocesan bishop and/or the sponsorship of a religious institute, and/or with the permission of the major superior.

**Review Board (board):** a group of at least five persons, the majority of whom shall not be friars, who are appointed by the provincial minister with the consent of the council.

**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:** unwelcome sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature on the part of a 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 and individualized plan to guide the supervision of any restricted member as provided in the policies and procedures.

**Vulnerable adult:** a person of 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.

## Policies

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*(NB: Some of the policies pertain only to friars or employees)*

### *Prevention*

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

#### **A. Background checks**

The provincial minister shall conduct a criminal background check on any or all friars at his discretion. 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 province shall use reliable and available means to learn whether the person has a recognizable risk toward sexual or other misconduct.

#### **B. Ongoing education**

All friars shall be required to participate in training and educational sessions that will help them to identify, prevent and promptly respond to sexual misconduct, especially that which involves minors and vulnerable adults.

### **C. 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.

### **D. Formation**

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, recognition of the signs of potential abuse or other misconduct, pastoral care to victims of abuse and their families, cyber-sex, inappropriate use of social media, and internet pornography.

## ***Complainant 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 or vulnerable adult. The province recognizes its pastoral responsibility to those who have been affected by sexual abuse of minors by friars, the complainant and the complainants' family, and the community.

### **A. Office of Pastoral Care & Conciliation**

The province has created and shall maintain the Office of Pastoral Care & Conciliation (OPCC). The function of this office is to assist the provincial minister 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. The provincial 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.

### **B. Response and outreach**

The province shall make appropriate assistance available to those who allege harm by sexual abuse or misconduct as minors by one of its friars, 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:

1. 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 complainant move forward after making a complaint.
2. The provincial minister will meet with those individuals and their families if they desire such.
3. The director of the OPCC shall provide a compassionate response to those who want to report sexual abuse of a minor or any other misconduct.
4. The director and provincial minister shall inform the complainant of their right to report their allegation directly to civil authorities or another agency, and will assist them in doing so, if desired.

## ***Reporting***

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

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

Whenever a friar has reason to believe that a minor has been subjected to sexual misconduct, or is threatened with sexual misconduct, the friar 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 civil authorities, the friar shall also

inform the provincial minister or the OPCC director, who shall confirm and document that the appropriate authorities have been notified.

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 the information be kept confidential (see Canon 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.

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

When the director receives an allegation against a friar 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 minister will be immediately informed of any such allegations. If another friar hears such a report, he shall direct the individual to contact the OPCC director, and will encourage him to report any crime committed in the past directly to civil authorities.

**C. Protection of rights and unfounded allegations:**

Care shall be taken to protect the rights of all parties involved, particularly those of the complainant and accused. When an accusation has been proved to be unfounded, every step possible shall be taken to restore the good name of the accused.

## *Investigations*

**A. Gathering information**

The director will work with the provincial minister 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 a 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 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.

### **B. Review Board**

In all circumstances indicated by these policies, the director — after consulting with the provincial minister — shall request that the board be convened to review the facts in the case and/or provide recommendations to the provincial minister on appropriate ministry and community placement, supervision and safety plans, and other situations as the provincial minister sees fit. A review board must be convened in any case involving allegations of sexual misconduct with a minor or vulnerable adult.

## *Safety and Supervision*

The province is committed to protecting persons from 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 the circumstances.

### **A. Supervision**

Whenever a friar has acknowledged that he has engaged in sexual misconduct involving a minor, or whenever the Provincial Review Board indicates that a friar has engaged in such misconduct, and has made its recommendations to the provincial minister, the provincial minister shall take such actions, as in his judgment, are deemed appropriate, including — but not limited to:

1. Recommending the friar participate in an evaluation (including a risk assessment and/or therapeutic treatment).
2. Placing restrictions on the friar's ministry and other activities.
3. Seeking and/or imposing appropriate canonical measures or penalties, up to and including dismissal from the Capuchin Order and, where applicable, the clerical state.

### **B. Supervision plans**

The provincial minister or, if duly appointed, the OPCC director, shall have the 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 minister for sexual misconduct, and to take appropriate actions.

## **Procedures**

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### ***Prevention***

#### **A. Education**

1. The director shall work in collaboration with other ministry directors to develop ongoing educational programs that meet or exceed safe environment 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 shall receive a copy of these policies. After reading the policies, friars will sign a prepared form indicating that he read the document, noting the location, date and time.

#### **B. Background checks**

1. The OPCC shall conduct background checks on all friars and residents in friaries.
2. The Vocation Office will conduct background checks on all applicants to postulancy and candidates in residence.

#### **C. Formation**

1. 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, if — in the admissions process — traits of pedophilia or ephebophilia are identified, the candidate shall be disqualified from entering the order.

2. 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 minors and vulnerable adults.

#### **D. Consultation**

The director and the provincial minister 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. This document shall also be submitted to the board to review and make recommendations every three years, or more often when needed.

### ***Complainant Assistance***

#### **A. Assistance to victim/survivors**

1. The director shall respond, with compassion and care, to any person who reports sexual misconduct of a minor.
2. The director will encourage any adult reporting sexual abuse that occurred when he/she was 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 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 complainants.
4. The provincial minister 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 minister 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.

#### **B. Assistance to families of victim/survivors, and the community**

1. The director shall respond, with compassion and care, to any person(s) affected the harm caused by the sexual abuse of a minor by a minister.
2. To the extent possible, the director shall work with complainants, 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.

### ***Reporting and Notifications***

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 minister, 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 written reports. Each written report will be placed in the specific file for that case.

#### **A. Reporting known or suspected abuse of a current minor or vulnerable adult**

1. The provincial minister shall verify, with the director, that the required report(s) were made to the appropriate civil authorities, and if the required reports have not been made, he or the director will immediately make the required reports 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 minister.
3. When civil authorities grant permission to proceed with the preliminary internal investigation by the province, such permission should be documented.
4. The provincial minister or director shall notify the accused friar of the allegations against him in collaboration with civil authorities.
5. The provincial minister or director shall instruct the accused minister to have no contact with the alleged victim, their parents or guardian(s).
6. The director will notify the community, as soon as possible, in which the friar resides, and the wider community as needed.
7. 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 case.
8. The director will also 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 friars currently resides as soon as possible and in collaboration with civil authorities.
9. The director will promptly notify the employer of the location where the alleged abuse occurred, and where the friar is currently ministering.
10. The director and the provincial minister will notify the faithful and other members of the public, as appropriate.

## **B. Reporting allegations when the complainant was sexually abused as a minor, but is now an adult**

1. The provincial minister shall verify with the director that the required reports have been submitted to the appropriate district attorney's office and, if the required reports have not been submitted, he or the director will immediately submit the required reports to the appropriate civil authority.
2. When civil authorities grant permission to proceed with the preliminary internal investigation by the province, such permission should be documented.
3. The provincial minister will promptly notify the general minister of the Capuchin Order in collaboration with civil authorities.
4. 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 and once it has been shown that some semblance of truth exists.
5. In order to assist in any inquiry of sexual abuse, the director may call upon friars, lay persons, legal advisors, outside investigators and mental health professionals chosen for their expertise.
6. The provincial minister or director shall notify the accused friar of the allegations against him in collaboration with civil authorities and shall place the friar on an administrative leave. His ministry will be suspended and he will be restricted to a specific residence determined by the provincial minister pending the outcome of the investigation.

## ***Investigations***

### **A. Foundational Principles**

1. Complaints of sexual abuse can come from a variety of sources. This could include an anonymous source.
2. All complaints will be taken seriously and responded to in a timely manner.
3. Unless the complaint is deemed manifestly false or frivolous, the provincial minister must open a preliminary investigation. The provincial minister will share all complaints with the provincial review board so as not to make the determination of false or frivolous without consultation.
4. A formal independent investigation of sexual misconduct against an accused person is not done based on unspecified information, although law enforcement authorities will use their own guidelines in the investigation of child sexual abuse.
5. For the province to proceed with a formal independent investigation, the identity of the accuser and the accused are necessary
6. Fairness in process will include, but not be limited to: (a) the opportunity to be heard; (b) a fair investigation; (c) a concern for the good name, reputation and privacy of all parties; (d) an emotionally safe environment in which the process takes place; and (e) a concern for maintaining the dignity and respect of all parties.
7. 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 an investigation will be temporarily placed on administrative leave as defined above.

*C.* When the provincial minister, with the assistance of the review board, has determined that a claim of sexual abuse of a minor is not manifestly false or frivolous, and 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.

D. The investigation is to be conducted in accord with the provisions of church law governing the preliminary investigation process.

1. 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.
2. The purpose of the preliminary investigation is to determine whether the claim against the accused friar has a semblance of truth.
3. When the provincial minister decides to initiate a preliminary investigation, he must notify the General Minister of the Capuchin Order and (if the accused is a cleric) the Congregation for the Doctrine of the Faith that he is initiating such an investigation.
4. If not already done, the accused will be informed of the allegation, his rights under both secular and ecclesiastical law and the basic steps in the process.
5. An independent investigator will be employed by the director in consultation with the provincial minister. The investigator will collect all pertinent information from the complainant, witnesses and the accused.
6. The accused and his counsel will be permitted to review all the information collected and to offer an oral and written statement to be included in the investigator's report.

### *Review Process*

#### **A. Convening the Review Board**

1. The director shall contact the chair of the board with every allegation and inform him/her of the allegation and the status of any investigation.
2. The director shall notify the chair of the board when the investigations is completed.
3. The chair, with the support of the director, shall convene the Board to review a summary of the case prepared by the OPCC

director, as well as the results of any investigation that has been conducted.

4. The 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 complainant(s) and the accused are invited by the director to make written statements directly to the board.
6. Although the review board is not an investigative body, it may suggest further investigative steps. For example, the board may direct the investigator(s) to conduct additional interviews to clarify or complete a line of inquiry developed in a particular instance.
7. The independent investigator must be available to the board when it meets in person to answer any questions that may arise.
8. The recommendations of the board do not extinguish any rights that any party may otherwise have under civil or canon law.

## **B. Disposition**

1. After it is satisfied that it has probably received all available evidence, the board will then discuss and evaluate all the evidence and thereafter determine whether the allegation has a semblance of truth. After the review of evidence, the board shall make its recommendations to the provincial minister in a written report prepared by the director. This report shall be approved by the board prior to being sent to the provincial minister by the director.
2. The provincial minister shall receive the board's recommendations and, giving them due deference, shall review them and the available evidence before rendering a judgment in the case and how to proceed.
3. ***Finding of a complaint/allegation is lacking a semblance of truth:*** Where ever a board's determination of the facts clearly demonstrates that the complaint/allegation lacks any semblance of truth, the provincial minister shall: take whatever actions he deems appropriate to clear the name of the accused friar and

offer to meet with the complainant(s) and his/her family and or support person. In assigning the friar to a new ministry, or returning the friar to his current ministry, the provincial minister may consider:

- a. The preferences of the accused friar;
  - b. The best interests of the ministry;
  - c. The spiritual wellbeing of the people served in the ministry;
  - d. The recommendations of the board;
  - e. Suggest resources to both the friar and the complainant/s to deal with the emotional response to the process.
4. ***Unable to confirm:*** There are times when the board may not have sufficient evidence to establish that sexual misconduct occurred, but cannot equally rule it out, and may therefore conclude that is “unable to establish” the required facts. In these cases, the provincial minister shall, upon consulting with the board, the director, and the Provincial Council, make a determination of fitness for ministry.
5. ***Finding of allegation having a semblance of truth (all such findings will be forwarded to the General Minister and then to the Congregation for the Doctrine of the Faith if applicable.)***

***For a Non-Ordained Friar***

- a. If admitted by the friar or convicted in secular court:
  - i. The friar shall be prohibited from all public ministry.
  - ii. The friar shall be given a supervision plan outlining restrictions that will be put in place.
  - iii. The friar will be restricted to a specific house with specific supervision
  - iv. If warranted, canonical action will be taken to dismiss the friar from the Capuchin Order.
- b. If a behavior is not admitted by the friar:
  - i. The provincial minister, after hearing from the accused, and allowing for his right of defense, will determine whether to gather additional information

and begin an administrative penal process outline in the Code of Canon Law and may result in a permanent penalty; not excluding dismissal from the Capuchin Order.

*For an Ordained Friar*

- a. If admitted by the friar or convicted in a secular court:
  - i. The case will be submitted to the General Minister and the Congregation for the Doctrine of the Faith.
  - ii. The friar shall be prohibited from all public ministry.
  - iii. The friar shall be given a supervision plan outlining restrictions that will be put in place.
  - iv. The friar will be restricted to a specific house with specific supervision.
  - v. If warranted, canonical action will be taken to dismiss the friar from the clerical state and/or the Capuchin Order.
- b. If a behavior is not admitted by the friar:
  - i. The provincial minister will forward the acts of the case with his votum to the General Minister and the Congregation for the doctrine of the Faith for further direction.
  - ii. A judicial or administrative penal process will be conducted as outlined in the Code of Canon Law and may result in permanent penalty; not excluding dismissal from the clerical state and/or the Capuchin Order.
  - iii. If the friar is found not guilty following a canonical process, the provincial will follow the actions outlined above.
  - iv. The friar shall be prohibited from all public ministry.
  - v. The friar shall be given a supervision plan outlining restrictions that will be put in place.
  - vi. The friar will be restricted to a specific house with specific supervision.
  - vii. If warranted, canonical action will be taken to dismiss the friar from the clerical state and/or the Capuchin Order.

## *Friar 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. 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 supervision plan are:
  - 1. hold the friar accountable for his misconduct;
  - 2. assist the friar in his rehabilitation;
  - 3. protect the community from the risk of any future harm by the friar.
- C. The SP will be reviewed and approved annually by the board for recommendations.
- D. The SP will be reviewed and approved annually by the provincial minister upon prior review and recommendations from the board and consultation with the Provincial Council and OPCC director.
- E. The director shall review the plan annually with the friar.

## *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.
- D. The outgoing provincial minister will thoroughly brief the incoming provincial minister about reports of friars'

sexual abuse or other misconduct involving minors and their disposition to ensure continuity of supervision, monitoring, intervention and care.

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# Social Media Policy

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(Approved: 7/21/20)

## I. Introduction

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In the spirit of St. Francis of Assisi, the Capuchin Franciscan Province of St. Joseph is committed to using social media as a means to share the Gospel of Jesus Christ.

The province commits itself to maintaining safe environments that protect vulnerable children and adults from abuse. This social media policy has been adopted and updated in an effort to foster safe environments on social media.

The ubiquity of social media affords opportunities to engage and communicate with the public. While social media provides a means to reach people, it must be balanced with our duty to ensure the safety of minors (those 17 years of age and under), friars, staff, volunteers and those we serve.

## II. Policy

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This policy categorizes the use of social media into two broad categories:

***Institutional Use*** promoting the Capuchin Franciscan Province of St. Joseph, its ministries and mission.

***Personal Use*** for the purpose of connecting and sharing with family and friends.

### INSTITUTIONAL USE

Ministries may maintain an institutional account to serve as the official face of the ministry on a social media network, such as Facebook, YouTube or

Twitter. However, the ministry director and the Province's Public Relations Director must give permission prior to the launch of any social media account for institutional use. In addition, all institutional social media accounts must grant top-level administrator privileges to a member of the Provincial PR Office. Institutional social media accounts must always be public and fully discoverable, and have a minimum of two administrators, one of whom is a member of the Province PR team.

## COPYRIGHT AND INTELLECTUAL PROPERTY

Content posted on an institutional social media channel must be original content, licensed content or in the public domain. Original content is 100% original material created by the ministry or province. For example, a photograph or video shot by ministry or provincial staff is original content and is owned by the Province. Licensed content is content that was created by an outside party, for which the Province or ministry has obtained a license for its use. An example of this would be liturgical music that is part of a livestreamed Mass. Public domain content is material that is no longer copyrighted and is freely

available for use by others without restriction. An example of such a work would be a public domain image of Caravaggio's painting of the Saint Francis of Assisi in Ecstasy. Note that it is permissible to share content for which we do not own the copyright via a social media share or retweet.

Friars that are part of a province-sponsored ministry are instructed to communicate on ministry-related activities through the institutional account instead of through personal accounts. When interacting on an institutional account, friars and staff should interact as the account administrator, rather than from a personal account. A friar may share a message from an institutional account on their personal account, but the content should originate at the institutional account and include the original post. This approach allows the ministry director as well as the Provincial PR Office, to monitor communications and ensures that no one has private (and possibly inappropriate) conversations with minors.

Friars and staff must not publish images or videos of minors on social networking sites without parental/ guardian permission. This can be done by obtaining a photo or video release form signed by a parent or guardian. Contact the Provincial PR Office for an electronic copy of this form.

## PERSONAL USE

Friars may maintain private social media accounts for their own personal use. Friars should identify themselves as being members of the order, with language in their profile bio and/or by listing the Province as the organization they are affiliated with.

Generally, friars are encouraged to share the Gospel using personal social media. When posting about ministry work, friars are recommended to publish these communications on an institutional account first and then share the official post from their personal account. Friars should approach all communications on social media as public and have the same identity, regardless of a public or private account. This reflects their seamless private and public presence as a member of the order.

There are risks with social networking, especially with blurring boundaries of personal and professional relationships. Friars should use their personal accounts primarily for communicating with relatives and friends on a social level. Friars are strongly encouraged to never get into debates on social media communications, as these communications present a risk to the friar plus the province.

Friars may not speak negatively about their ministry, another friar, partner, or the province at any time on social media.

Friars using social media sites, especially those in a ministry that involve minors, must set very strict privacy settings on their personal account. Establishing boundaries is important. It is generally a good practice to avoid sending invitations to connect on social media with adults whom you are in a position of authority over. For example, avoid sending friend requests to staff. You may wish to accept friend requests from adult subordinates, but do not initiate them. Connecting with minors that a friar ministers to or with is never allowed. The Province's Office of Pastoral Care and Conciliation and PR Office are available to assist in understanding these settings. This helps to assure that youth and children do not have access to private and personal information.

Electronic communication should always reflect the mission vision and values Capuchin charism. Any sexually-oriented conversations or discussions about sexual activities are prohibited on all forms of social media. Cyber-bullying or any other form of harassment, vulgarity or intimidation are also prohibited.

Friars may not create or share images of minors that are sexually suggestive, could be construed as sexually suggestive, or include minors in a state of undress on any social media or messaging platform, such as Facebook, Twitter, WhatsApp and similar platforms. Should a friar receive such images, it should be immediately reported to the appropriate civil authorities and the Director of the Office of Pastor Care and Conciliation.

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.

When using social media for purposes of a particular ministry involving minors, parents/guardians 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.

Friars should participate online in the same way as you would with other public forums. Friars must take responsibility for the things done, said or written.

Carefully evaluate whether a particular message or post could put one's effectiveness as a friar at risk. Post only what is appropriate for the world to see.

Internal dialogue between friars should not be on any social media sites. Rather these communications should remain private on phone, email or Inforum. Community life should not be displayed for the public to read.

Friars should not accept minors they serve in ministry as 'friends' on social media sites, nor should they engage in direct messaging with minors on social media sites.

We recommend friars avoid using social media sites that are primarily used by minors or lack sexual content regulations. Examples of such sites include TikTok and Tumblr.

Friars publishing images or videos of adults on public ministry social media accounts must first gain signed permission from the individual. A copy of the photo release form will be provided to friars.

At public gatherings (i.e. Mass, public celebrations, etc.) friars should make a public statement stating that pictures or videos will be captured and will be published publicly to ministry sites. This will give an opportunity for adults and parents or guardians of minors to opt out of the pictures or videos.

At a minimum, friars should have Facebook privacy settings set to 'only friends'. Do not use 'Friends of Friends' or 'Everyone' as these open the content to a large group of unknown people. A friar's privacy and that of the friar's family may be at risk.

Maintain control of security, privacy and access to personal social media accounts and information.

Use strong passwords on all social media accounts with a minimum of 8 characters, one number, one capitalized letter and a special character (i.e. ! @ # \$ % ^ &). Unless the social network doesn't allow you to have one of those items in a password. Also, we highly recommend you change passwords every six months. Password managers such as LastPass are recommended for this purpose.

### III. Confidentiality

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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 as 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 social media site, blog or other internet site, assume it is still available even if it is later deleted from the original site.

Content on the internet is frequently screenshotted, archived and easily searchable.

## IV. Definitions

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**Institutional account** (i.e. a public account) – A social media account, blog or any internet website created by a friar or employee for the purpose of advancing the mission of the Province or ministries. A ministry account is the public face of a ministry or institution on a given social media platform.

**Personal account**– A social media account, blog or any internet website created by friar primarily to share personal communication with family and friends. (i.e. a private account)

**Email** – Electronic mail is a method of exchanging digital messages between one or more users. Email operates across computer networks, which are based on a store-and-forward model. Email servers accept, forward, deliver, and store messages.

**Instant Messaging** – Private real time communications between two or more users on a social media platform (i.e. direct messages on Twitter, communication using Facebook Messenger, WhatsApp or other messaging services).

**Content** – Words, images and/or videos published to a social media site. (i.e. a post on Facebook, a Tweet on Twitter, a Snap on Snapchat.)

**Comment/reply** – A public response to another user's social media content.

**Live stream** – A instantly published video that any user can view in real time. Livestreamed video is usually also archived and available to view after the live event has concluded.

**Reddit** – A social media, social news aggregation, web content rating, and discussion website. Reddit's registered community members can submit content, such as text posts or direct links. Registered users can then vote submissions up or down to organize the posts and determine their position on the site's pages. The submissions with the most positive votes appear on the front page or the top of a category. Content entries are organized by areas of interest called "subreddits". The subreddit topics include news, science,

gaming, movies, music, books, fitness, food, and image-sharing, among many others.

**Snapchat** – An image messaging and multimedia mobile application launched September 2011. Snapchat evolved into a mix of private messaging and public content, including brand networks, publications, and live events such as sports and music. Nevertheless, according to survey studies conducted in March 2016, the personal oriented messaging was still being accessed by users more than the publicly offered content that was being presented.

**Tumblr** – A microblogging and social networking website founded in 2007, and owned by Yahoo! since 2013. The service allows users to post multimedia and other content to a short-form blog. Users can follow other users' blogs. Bloggers can also make their blogs private. For bloggers, many of the website's features are accessed from a "dashboard" interface. Due to lax copyright and decency standards, it is estimated that as many as half of Tumblr users either consume or produce pornography on the site.

**Twitter** – An online social networking service that enables users to send and read short 280-character messages called "tweets." Registered users can read and post tweets, but those who are unregistered can only read them. Users access Twitter through the website interface, SMS or mobile device app. Twitter was created in March 2006. The service rapidly gained worldwide popularity, and handles 1.6 billion search queries per day.

**Facebook** – A for-profit corporation and online social media and social networking service. The Facebook website was launched on February 4, 2004. Since 2006, anyone age 13 and older has been allowed to become a registered user of Facebook. The Facebook name comes from the face book directories often given to United States university students. Facebook can be accessed by a large range of desktops, laptops, tablet computers, and smartphones over the Internet and mobile networks. After registering to use the site, users can create a user profile indicating their name, occupation, schools attended and so on. Users can add other users as "friends", exchange messages, post status updates and digital photos, share digital videos and links, use various software applications ("apps"), and receive notifications when others update their profiles or make posts. Additionally, users may join common- interest user groups organized by workplace, school, hobbies or other topics, and categorize their friends into lists. In groups, editors can pin posts to top. Additionally, users can complain about or block unpleasant people. Because of the large volume of data that users submit to the service, Facebook has come under scrutiny for its privacy policies. Facebook makes most of its revenue from targeted advertisements which appear onscreen that are based on the

vast volume of user data, from both online and offline sources, owned and analyzed by Facebook. Facebook is a popular destination for livestreamed video content.

**Instagram** – A popular photo- and video-sharing site launched independently in 2010 and now owned by Facebook. Users can follow other users and like and comment on photos. Digital photo filters were an initial novel feature of the platform. Like many social media platforms, Instagram includes a direct messaging feature, allowing users to privately message one another. Users can also post Stories, which are a sequential series of photos and/or videos that may include emoji, stickers, text overlays and other effects.

**YouTube** – Owned by Google, YouTube is a widely-used video sharing and livestreaming platform. YouTube algorithmically scans all uploaded content and will automatically flag any content that contains copyrighted material. YouTube earns revenue by selling targeted advertising based on user data gathered online and offline by Google and other sources.

**Flickr** – A photo-sharing site owned by Yahoo. Flickr was popular prior to the rise of Instagram.

**TikTok** – A micro video-sharing platform widely used by minors and young adults.

**Discord** – A text, voice, video and photo chat service popular with video-gamers. It has strong privacy and security features.

**Dating apps** – Because each friar takes a vow of chastity, dating apps should never be installed or used by any member of the Capuchin community.

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# Driver Policy and Safety Procedures

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*(Revised and Approved: December 6, 2019)*

## **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 wellbeing of the friars and our partners in ministry, appropriate use of motor vehicles, and the safety of our neighbors.

## **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 & 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. Provisions of this policy shall be deemed in effect and applicable to all appropriate parties upon the date of approval by the Provincial Council.

## **DRIVING A VEHICLE IS 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.

Drivers represent the human element in the risk management equation. According to Christian Brothers Risk Management, nearly 95% of all accidents are attributed to driver error. Age, health and performance are the key factors influencing driver safety.

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, whenever 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 local minister and Provincialate immediately.

## **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;
- Having three (3) moving violations within three (3) 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.
- Avoiding certain roadways, i.e. expressways & state highways

### **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.

### **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) SMART DRIVER COURSE 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. Beginning at age 65, friar drivers should have an annual vision exam.

When a friar reaches his 80<sup>th</sup> birthday, he will be required to take an annual driver's examination, that includes a cognitive evaluation and a road test conducted by Christian Brothers Risk Management Services or another agency recognized by the province. The results of these evaluations are communicated immediately through the local minister with emphasis on following any restrictions or recommendations. If a friar receives a driver's assessment and/or medical evaluation that indicates that his ability to safely operate a motor

vehicle is compromised, he will be expected to voluntarily surrender his driving privileges. Recommendations to cease driving are implemented immediately and monitored by the local minister.

A copy of the friar's most recent driver's assessment (road test and/or in-clinic test) as well as medical evaluation (related to driving ability) 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.

The Provincial Minister may at any time (regardless of age) require that a friar obtain a medical opinion concerning his ability to safely operate a motor vehicle. 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 an assisted living or 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 friar involved or his local minister (or ministry supervisor) will communicate with the Provincialate and the province's Health Care Director. The Health Care Director shall assess whether there were any age or health-related factors involved in the accident. All accidents will be reported to Christian Brothers Risk Management through the minister provincial's office.

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.

## Appendix: Vehicle Rentals by Friars

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SOURCE: "CAR RENTAL INFORMATION FOR FRIARS OF THE PROVINCE OF ST JOSEPH"

- 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 Christian Brothers 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 ensure that a rental car is covered under the Province's policy with Christian Brothers, 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 Christian Brothers.
- 3) The Province's property and liability insurance policy with Christian Brothers provides for the loss of a friar-driver's personal belongings, and a friar's health insurance policy will cover any medical expenses that arise from injuries sustained in an accident.

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## Unlawful Absence and Liability

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*(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.

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# Hiring of Employees and Performance Review

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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.

## 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
- 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

## PERFORMANCE REVIEW

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

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# Guidelines for Legal and Tribal Adoption

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Province of St. Joseph of the Capuchin Order

Approved August 22, 2017

## LEGAL ADOPTION

While it may be inspired by the best of motives, the legal adoption of another person—particularly a minor—by a friar is *prohibited*. The moral as well as legal obligations that a parent has toward a child are incompatible with the nature and obligations of religious life (e.g., primary relationship with members of the Capuchin fraternity, living in community with other friars, freedom to move and work when and where assigned by superiors, the vow of poverty and the fraternal economy, etc.). In addition, such a relationship between an individual friar and an adoptee may also require the Province to assume moral if not legal obligations toward that adoptee and also set the friar and community in conflict with the Province's or a diocese's own norms on safe environments for minors.

## ADOPTION BY A TRIBE OR TRIBAL FAMILY OR CLAN

Some tribes of Native Americans have a custom of informal adoption by which a person is incorporated into a family or even an entire tribe. Such adoptions are typically offered or granted in recognition of extraordinary service or a longstanding relationship between the individual and the family or tribe.

These adoptions are considered a great honor; and while they may not create a legal relationship, they may carry with them social and cultural expectations and obligations that, like legal adoption, may be incompatible with the nature and obligations of religious life (e.g. financial support of members of the adopting family, the care of children or grandchildren, etc.) as well as provincial and diocesan norms on safe environments. At the same time, because it is considered such an extraordinary honor, demurring from the offer or conferral of a customary adoption may be considered an insult.

For these reasons, friars should carefully consider whether the acceptance of a customary or informal adoption is in the interests of the parties involved as well as the Province. This consideration must necessarily include dialog with the Provincial Minister, as required under CIC 671.<sup>1</sup>

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<sup>1</sup> Canon 671—A religious is not to accept duties and offices outside the institute without the permission of the legitimate superior.

# Continuing Formation Program

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*(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 must be submitted on the budget requested 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.

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.

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# Continuing Formation - Sabbaticals

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*(Re-approved July 2021)*

## DEFINITION.

A sabbatical is a continuing formation experience that enables a friar to step away from full-time ministry for an extended period for a focused program of personal and ministerial growth. It may involve various elements, e.g., study, travel, reading, counseling, retreat, spiritual direction, etc. However, it should be distinguished from a leave of absence, medical leave, graduate or special studies, and vacation.

## LENGTH.

A sabbatical will range from one month one year. However, it will normally last three (3) to six (6) months.

## ELIGIBILITY.

A friar is eligible to request a sabbatical after ten (10) years of full-time ministry following perpetual vows or a prior sabbatical.

## APPLICATION PROCEDURE.

- A. The applicant contacts the Provincial Minister and the Director of Continuing Formation about his interest in a sabbatical.
- B. The Director of Continuing Formation informs the applicant about the relevant procedures and options for a sabbatical.
- C. In dialog with the Continuing Formation Director and the Provincial Minister, the applicant develops a proposal for his sabbatical. This proposal will include the following elements:
  1. The length of the sabbatical.
  2. The location(s) of the sabbatical.
  3. An outline of the programmatic elements of the sabbatical.

4. An itemized budget for the sabbatical, including but not limited to the following: personal expenses, housing, room and board, tuition/fees, travel, books/media, and electronic devices. It is helpful if this budget is submitted in time to be incorporated into the Continuing Formation Budget for the fiscal year in which the proposed sabbatical is expected to occur.
5. If the friar is not leaving his current ministry, a plan for his work to continue during the time of his absence.
6. The applicant submits his final sabbatical proposal to the Provincial Minister (with a copy to the Director of Continuing Formation. The Provincial Minister will consult with his Provincial Council before accepting, modifying, or not accepting the proposal.

## CRITERIA FOR EVALUATING A SABBATICAL PROPOSAL.

- A. The benefit of the experience to the applicant, the Province, and the Church
- B. The years of service contributed by the applicant.
- C. The available financial resources.
- D. If the applicant will be returning to his same ministry, the availability of a friar substitute or the capacity of the ministry to function well in the applicant's absence.
- E. The clarity, rationale, and coherence of the applicant's sabbatical proposal.

## FINANCES.

Sabbaticals are normally part of the Continuing Formation Budget for a given fiscal year. However, if circumstances do not make this possible, the applicant in consultation with the Director of Continuing Formation, may request funding through the Province's Director of Finance (Corporate Secretary and Treasurer) and Provincial Minister.

## FOLLOW-UP AND EVALUATION.

At the conclusion of his sabbatical, the friar should provide a brief (two page) report to the Director of Continuing Formation (with a copy to the Provincial Minister). This report will include: (1) a summary of the friar's sabbatical experiences and how they will benefit him, the Province, and the Church; and (2) a plan for the friar's continuing formation so that experience of his sabbatical will be sustained in the years that follow.

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# Initial Formation Council

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## DEFINITION:

The Initial Formation Council (“Formation Council”) considers and establishes *procedures* and the review of program *practices* to guide this vital internal ministry of the Province. The Initial Formation Council also makes policy recommendations to the Provincial Minister and Council. Additionally, it serves as a vehicle of communication between those engaged in the ministry of initial formation, the Provincial Minister, and Council.

## MEMBERSHIP:

- A. the vocation director
- 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

## 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.

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# Initial Formation Program

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*(Approved: March 2005)*

## Policies, procedures, practices

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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.

### *Cross-cultural formation*

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

### *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 Minister.
- 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.

### *Evaluation guidelines*

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

### *Program description*

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

### *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.

### *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.

### *Recourse*

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

## *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.

## *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.)

## *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

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### *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.)

### *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

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## *Candidate living arrangements*

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

## *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.

## *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.

# The Postulancy Program

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## *Constitution 30*

The postulancy is the period of initial formation when one makes the affirmative choice to adopt our life and undertakes more careful discernment of our vocation. For its part, the fraternity comes to better know the postulant and ascertains his growth, especially his affective maturity, and his ability to discern his life and the signs of the times according to the gospel. The postulant, therefore, must be helped to deepen his life of faith. To this end, the formation of the postulants is chiefly aimed at completing their catechesis in the Catholic faith, introducing them to our liturgical life, the methods and experience of prayer, study of our Franciscan heritage, life in the brotherhood, and to an initial experience of apostolic work.

### *Admission decision*

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

### *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.

### *Record of admission*

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

### *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.

### *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

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### *Admission decision*

Admission to novitiate is the decision of the provincial minister upon the advice of the Novitiate Admissions Advisory Board. (*Constitution 20:2*) (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.)

### *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 31:2*)

## *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 31:6*)

## *Constitution 31*

*The novitiate is a period of more intense initiation and more profound experience of the Capuchin Franciscan gospel life in its fundamental demands. It requires a free and mature decision to try out our form of religious life.*

*The process of initiation during the novitiate is based on the values of our consecrated life as known and lived in light of the example of Christ, the gospel insights of Saint Francis, and the sound traditions of the order.*

*The rhythm of the novitiate shall be in harmony with the primary aspects of our religious life, particularly through a special experience of faith, contemplative prayer, life in brotherhood, contact with the poor, and hard work (31:1,3-4).*

## *Financial responsibility for novices*

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

# The Post-novitiate Program

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## *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

## *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.

### *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.

### *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

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### *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.

### *Approval for ordination*

It is the prerogative of the provincial minister and council to grant approval for diaconal and presbyteral ordination (*Constitution* 39:4). 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.

### *Permanent diaconate*

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

### *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.

### *Degree and certificate requirements*

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

### *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.

*Criteria for admission to presbyteral formation*

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

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# Mentoring Program for Newly Perpetually Professed Friars

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*(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:

- A. Ministry (e.g., servant leadership, persona in ministry—representing the province as well as the church, cross-cultural ministry, etc.)
- B. 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.)
- C. Relationships and Sexuality (e.g., intimacy, maintaining healthy boundaries, etc.)
- D. Similarities and Differences Between Seminary Training and Pastoral Reality
- E. Community Life

### *Meeting Frequency:*

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

### *Requirements:*

An 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 or presbyteral ordination; could be extended if needed.

###

# Archives

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## *Purpose of the archives*

The office of 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.

## *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.

### *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.

### *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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# Commissions, Councils, and Bodies on which POSJ has Representatives

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*Revised (April 2022)*

## *Definitions*

**External Ministry Councils** are advisory to the ministry's director.

External ministry councils have the following responsibilities:

- A. To review the ministry's mission statement and to recommend changes.
- B. To determine rules for ministry council membership, including who are ex officio members, and term limits.
- C. To recommend ministry council membership to the Provincial Council.
- D. To participate in the performance review of the ministry's director, under the leadership of the Provincial Human Resource Director.
- E. To develop and recommend provincial policies that are unique to its ministry.
- F. To review and make a recommendation about the director's proposed annual budget to the Provincial Council.
- G. To review the ministry's annual audit.
- H. To advise the ministry's director on matters of his/her choice.

**Minutes:** Each external ministry council shall forward minutes of its meetings to the provincial office of internal communication for publication.

**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.

**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.

## *Protocol for Appointments to Ministry Councils, Commissions, and Task Forces*

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:

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

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

### COMMISSIONS

Preaching & Evangelization Commission  
Finance Commission  
Investment Commission  
Justice, Peace & Integrity of Creation Commission  
Liturgical Commission  
Initial Formation Council

### EXTERNAL MINISTRY COUNCILS

Capuchin Soup Kitchen Ministry Council

Capuchin Community Services Ministry Council  
Solanus Center Ministry Council  
St. Lawrence Seminary Ministry Council

## SPECIAL ADVISORY GROUPS

Rapid Response Team  
Interprovincial Admissions Advisory Board  
Provincial Review Board

## BODIES ON WHICH THE PROVINCE HAS REPRESENTATIVES

Catholic Theological Union Governing Board

- (provincial minister, ex officio)

Catholic Theological Union Board of Trustees  
North American Capuchin Conference

- (provincial minister and vicar, ex officio)

Conference of Major Superiors of Men, Region 7  
St. Labre Indian School Board of Directors  
Interfaith Center for Corporate Responsibility  
Franciscan Action Network (FAN)

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

###

## External Provincial Ministries

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A. The Provincial Council is the governing board of all external provincial ministries.

**B. 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.

**C. 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.

**D. 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.

**E. Hiring of 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.

**F. 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.

**G. 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.

**H. 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)

**I. 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.

###

# Finance Commission

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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.

###

## Liturgical Commission

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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.

###

# Justice, Peace, and Integrity for Creation Commission

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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.

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# Office of Pastoral Care and Conciliation (OPCC)

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## 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.

###

# Provincial Offices

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## 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.

## 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.

## 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)

## 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.

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# Records Management

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(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

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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.

### RECORDS ON CONGREGATIONAL MEMBERS

Official Civil Documents	Retention
Birth/Baptismal Certificate	Permanent
Parents' Marriage Certificate	Permanent
Social Security	Destroy after death
Military Discharge	Permanent
Citizenship and/or Immigration Status	Permanent
Durable Power of Attorney for Health Care of Death Certificate	Destroy after issuance
Durable Power of Attorney for Finances given to Treasurer's Office	At time of death
Living Will	Destroy after issuance

Death Certificate	Permanent
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Official Canon Law Documents	Retention
Application Form	Permanent
Personal Report (summary sheet listing Ministries, etc)	Permanent
Letters of Recommendation	Permanent
Annulment (if applicable)	Permanent
Preliminary Agreement	Permanent
Letters of Request for Admission to Postulancy, Novitiate, Vows, Ordination	Permanent
Letters of Acceptance for above	Permanent
Renunciations and Last Will and Testament	Permanent
All Original, Signed Documents re: Vows, Deaconate	Permanent
Official Vocation/Formation Documents	Permanent
Proof of Ordination (if applicable)	Permanent
Leave of Absence (if applicable)	Permanent
Dispensation Process	Permanent
Dismissal Process (if applicable)	Permanent

Biographical	Retention
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Autobiography	Permanent
Education	Permanent
Ministry Appointments	Permanent
Residency Appointments	Permanent
Letters of Good Standing	Permanent
Letters of Obedience	Permanent
Commendations/Awards	Permanent
Significant Personal Correspondence	Permanent
General Personal Correspondence of Historical Significance	Permanent

Health Records	Retention
Medical Reports (upon entrance)	Permanent
Significant Medical Reports	Permanent
Summary of Mental Health Reports	Permanent

Records of Accusations of Sexual Misconduct	Retention
Allegation of Sexual Abuse and Follow-Up	Permanent
Misconduct, Sexual Abuse and Follow-Up	Permanent

Financial Records	Retention
Social Security/Pension Benefits	Given to Treasurer's Office at time of death.

Records re: Patrimony	Given to Treasurer's Office at time of death.
Outstanding Financial Records	Given to Treasurer's Office at time of death.

## RECORDS OF THE PROVINCE

Current records are retained in the Provincial Office. Records are transmitted to Province Archives at the end of each administration.

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

## Appendix B: Initial Formation Documentation

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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 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)

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<b>Complainants/ Victims</b>	<b>Access (other than OPCC)</b>	<b>Use</b>	<b>Retention</b>
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

<b>Friars</b>	<b>Access (other than OPCC)</b>	<b>Use</b>	<b>Retention</b>
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.
Case Notes	Provincial Minister	Provide documentation of response and supervision	Permanent
Correspondence	Depends on the type of correspondence	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	

<b>Praesidium Accreditation</b>	<b>Access (other than OPCC)</b>	<b>Use</b>	<b>Retention</b>
Background Checks	Provincialate 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

<b>Review Board</b>	<b>Access(other than OPCC)</b>	<b>Use</b>	<b>Retention</b>
Review Board Minutes	Provincialate Office	For accreditation	Five (5) years

## Appendix D: Finance Office

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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

<b>Financial Records</b>	<b>Retention</b>
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

<b>Insurance</b>	<b>Retention</b>
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

<b>Corporate Records</b>	<b>Retention</b>
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

<b>Property</b>	<b>Retention</b>
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

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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.

<b>Records</b>	<b>Retention</b>
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

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Contributions/Gifts/Grants	Retention
Contribution Records	Permanent
Documents Evidencing Terms of Gifts	Permanent
Grant Records	Seven (7) years after end of grant period

*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.*

Correspondence and Internal Memoranda	Retention
Hard copy correspondence and internal memoranda relating to routine matters with no lasting significance.	Two (2) years
Correspondence and internal memoranda important to the Province or having lasting significance.	Permanent, subject to review.

*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.*

Electronic Mail (e-mails) to or from the Province	Retention
E-mails considered important to the province or of lasting significance should be printed and stored in a central repository.	Permanent, subject to review
E-mails not included in either of the above categories.	Twelve (12) years

*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).*

<b>Electronically Stored Documents</b>	<b>Retention</b>
Electronically stored documents considered important to the Permanent Province or of lasting significance should be printed and stored in a central repository (unless the electronic aspect is of significance)..	Permanent
Electronically stored documents not included in either of the above categories.	Two (2) years

# Appendix G: Provincial Archives

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*Approved by the Provincial Minister and Council, March 2022*

## ACQUISITIONS TO THE ARCHIVES

- When a friar leaves the province (ie. death or departing), the personal friar file is to be transferred to the archives from the Provincialate Office.
- Personal effects of a deceased friar that will fit in a 10" x 12" x 15" standard archival box should be labeled with the deceased friar's name before being transferred to the archives.
- When multiple friars' personal effects are transferred in one box to the archives, items are to be bound together and clearly labeled with each deceased friar's name.
- Copies of publications authored by a friar (ie. a book, pamphlet, article, audio recording, film, etc.) are to be forwarded to the archives.
- When a Provincial Minister's tenure is completed, the records of that administration are to be transferred to the archives.
- Former committee records: Files are to be sent in the order they were kept by their originators, and, if possible, in the original labeled folders.
- It is the responsibility of the archivist to evaluate the materials and to discard whatever is not of historical value.

## ACCESS FOR RESEARCHERS

Anyone wishing to research materials in the Provincial Archives is to email the provincial archivist at [jpapas@thecapuchins.org](mailto:jpapas@thecapuchins.org) or stop in the archives during business hours.

- No food, liquids, chewing gum, etc. are allowed in the archives.

- The use of pens is prohibited – pencils are allowed.
- Researchers may only evaluate records in the presence of the provincial archivist.
- No archival materials are to be released from the archives – copies may be made.
- Fees for services: no charge for copies; fee for conversion of obsolete formats into digital is free to friars and employees of the province; public researchers pay at cost for conversion.
- Archival requests of a sensitive nature will need approval from the Provincial Minister before being released to any researcher.

## REFERENCE ROOM AND VAULT ACCESS

- The archival reference room and vault are located on the second floor of the Provincialate Building at 1820 Mt. Elliott St. in Detroit, MI 48207-3485. The reference room is the first room in the archive; the door to the archival vault is in the back of the reference room.
- The reference room has a standard door key for access. Three keys can open the reference room door retained by: the Provincial Minister, the Provincial Archivist, and maintenance.
- The vault door has a key fob access pad mounted on the wall next to the door. Three key fobs that can open the vault door retained by: the Provincial Minister, the Provincial Archivist, and maintenance.
- In the event someone needs access to the archival reference room or vault and the provincial archivist is not onsite, they should contact the Provincial Archivist, Junia Papas at (404) 304-5753, who will contact the Provincial Minister for authorization.

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## Retreat Centers in General

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- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Our retreat centers are to serve the local church in unity with the bishop and his ministers according to the principles established above.

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# St. Lawrence Seminary

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## 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 Catholic high school students. 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 ensure 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.

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# St. Lawrence Seminary Ministry Council

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*(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>2</sup>, means to the ends<sup>3</sup>,

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<sup>2</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>3</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.

ministry council-rector/president relationships, and the process of governance<sup>4</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.
  - 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.

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<sup>4</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.

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: the Provincial Minister, 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 Minister.

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 Minister 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 Minister with a slate of candidates to complete the term at its next meeting. The Provincial

Minister, after consulting his 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>5</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 Minister & Council.

1. Ministry council members may be removed from service by the Provincial Minister 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 Minister to serve out the term of the member who was removed or resigned.

B. The Provincial Minister shall appoint one of the Provincial Council to act as liaison between the Provincial Council and the ministry council.

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.

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<sup>5</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.

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 Minister and 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 Minister and 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 Minister the appointment of a Capuchin Friar to fill the vacancy.
  - B. The Provincial Minister, upon consultation with his 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 Minister and 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 Minister.
  - 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 constitutions of 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.

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# Archives: Job Description of Director

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## 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 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.
13. 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.
14. 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 groups to file complete minutes with the archives and to remind

them to send complete or abridged copies to Capuchin Communications on a regular basis.

15. 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.*

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# Capuchin Communications Director: Job Description

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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 Secretary/Treasurer: Job Description

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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 low interest 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

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# Corporate Responsibility Agent: Job Description

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## 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.

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# Director of Continuing Formation: Job Description

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*(Re-approved: July 2003)*

## 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.

## 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. 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;
9. Suggest specific goals and/or norms for continuing formation to the provincial and the council;
10. to communicate with the provincial and the council, especially through periodic reports, on the state of continuing formation in the province.

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# Director of Initial Formation: Job Description

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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.

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# Human Resources: Director's Job Description

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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

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# Overseas Mission: Secretary's Job Description

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## 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.

## 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.

###

# Religious Secretary of the Province: Job Description

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## 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.

## 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.

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

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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

###

# Senior Life and Wellness: Director's Job Description

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## 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.

###

# Vocation Directors: Job Description

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*(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.

###

## Bank Accounts

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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 in consultation with the provincial treasurer.
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.

###

# Car Purchase and Replacement

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A. 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).

B. The decision as to whether an individual friar needs the use of 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.

C. 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.

D. 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.

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# Cottages/Hermitages

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## 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 family.
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. However, friars are encouraged to submit their requests prior to January 1st.
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.
7. All reservations for scheduling must be made through the current property manager.

## B. 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 Provincial Offices.

###

# Donations of Real Property

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*(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.

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# Extraordinary Expenses

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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 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

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In order to observe gospel poverty faithfully in ways suitable to the changing times (Const. 65.1), 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. 71.3);
- 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. 67.2);
- 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. 66.1);
- 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. 61)

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. 66.2).

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 62.2).

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. 79.1, 80.1).

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. 82.4, 166.1).

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. 64.4, 75.1-3).

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. 85.1).

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 (Const. 76.6). 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; financial assistance to ministries that need support with payroll, repairs, or other needs; 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.

###

# Financial Policy Clarification

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## 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

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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

- Ordinary 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.

###

## Friar Honoraria and Other Occasional Income

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*(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.

###

# Friar Credit Cards

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*(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.

###

# Lawsuits

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*(Approved: September 2009)*

- 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.

###

# Maintenance of Provincial Property

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A. 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.

B. 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.

C. 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.

###

# Supplemental Security Income

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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.*

###

# Employee Recognition and Affiliation with the Province

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(Approved January 2022)

In 2004, the provincial membership ratified a Mission-Values-Vision Statement that is still in use today. One of its values is partnering, which is defined as “sharing gifts and responsibility to fulfill a common mission.” The Provincial Council at the time defined the Province’s partners as its employees, benefactors, and volunteers. It is natural for the Province and/or its divisions and friaries to acknowledge those relationships that express a profound bond.

*Employee recognition* celebrates the significant contributions of employees who have been compensated by the Province. This recognition is initiated by the ministry, office, or friary for which the employee worked, with coordination by the ministry or office director, or the guardian. It is a local celebration by its nature, presided over by the ministry director, office director, or guardian. Employee recognition can celebrate anniversaries of service and significant contributions to the life and ministry of that location. Local volunteers may also be honored during employee recognition ceremonies. The local ministry or friary may sustain these relationships in local ways. Official province wide relationships are not envisioned as part of employee recognition.

*Affiliation with the Province* may be granted to individuals who have supported our Capuchin life and ministry as a volunteer or benefactor in a significant way that has led to strong ties between the individual(s) and the friars. Affiliation includes affiliates in our ongoing life and ministry where appropriate. Affiliates are commonly invited to provincial and local celebrations that involve prayer, ministry, and fraternal sharing. These can include occasional large events and smaller regular events, such as a weekly meal. The friars pray for affiliates on their birthdays, which are listed in *Oremus*. All friaries celebrate suffrages for deceased affiliates per the provincial policy on suffrages. Deceased affiliates are included in the provincial necrology. Affiliates' names and addresses will be listed in a special section of the provincial directory, listing the friary through which they are affiliated.

Affiliation is not granted because of service for which an individual has been compensated by the Province, one of its ministries or offices, or a friary. Such partners are more appropriately honored through employee recognition. Rather, affiliation is a means through which the Province recognizes a volunteer or benefactor who has made significant contributions to our Capuchin life and/or ministry. The significance of this contribution is not necessarily found in its economic size, as it can also be found in the “widow’s mite” which is held dear by the friars.

Only the Provincial Minister with the consent of his Council may affiliate an individual with the Province. A recommendation for affiliation can only come from a local Capuchin fraternity. Recommendations from an individual friar will not be considered. The recommendation for the affiliation shall be made through a formal letter by the guardian. The letter shall contain reasons for the nomination together with a general biographical history of the nominee. This request will also include a summary of the local community's discussion on the nomination.

The nominee should have a long-standing relationship to the local community or province (e.g., ten years or more). Though the nominee may have primarily given faithful service to a local Capuchin ministry or friary, his or her relationship should demonstrate a dimension open to the entire province. 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. 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.

The rite of affiliation is to be presided over by the provincial minister or his delegate at a fitting ceremony. A document of affiliation shall be given to the new affiliate, and a copy along with a copy of the letter of recommendation 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.

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# Chemical Dependency

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*(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

1. Chemical dependency must be recognized as (1) a progressive disease—physically, mentally, spiritually—ending in premature death; thus early intervention is imperative;
2. 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.

3. 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.
4. The success of such a program requires an operational structure in the form of chemical dependency teams.
5. 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.
6. 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.
7. 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

1. 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.
2. 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

1. 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,
2. 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.
3. 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.
4. 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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# Dispensations from Religious Life and Priesthood

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*(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.

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# Friar Publications

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*(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.

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

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*(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

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# Provincial Celebrations

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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.

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# Serving on Nonprofit Boards

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*(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? Is 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.

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# Suffrages

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*(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.

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# Travel

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*(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 121.6 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.

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# Vacations and Jubilees

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*(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.

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# Retirement from Ministry

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*(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.

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

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*(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.

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

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(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 houses 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.

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# Funeral Rites: Cremation

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*(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.

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# Funeral Rites: When there is no body present

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*(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.

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