



**CAPUCHIN  
FRANCISCAN  
PROVINCE OF  
ST. JOSEPH**

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The Midwest Capuchins

# Provincial Policy Handbook

Version March 28, 2024

# Provincial Policy Handbook Definitions & Introduction

(Approved by the Provincial Minister and Council May 25, 2022)

## I. Policy

- A. 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, ministries, or offices 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.
- B. When helpful to provide context, policy level directives from a juridic or spiritual authority higher than the province are included in the provincial handbook. These can include the *Capuchin Constitutions*, the *General Ordinances*, the plenary councils of the order, the *Code of Canon Law*, the writings of Francis of Assisi, hagiography about Francis of Assisi or similar documents.
- C. Job descriptions that are approved by the provincial minister and Provincial Council are considered of policy authority and, thus, included in this handbook.
- D. The director of Capuchin Internal Communications is responsible to keep this handbook up to date in an online version.
- E. The director of Capuchin Internal Communications shall ensure that the original approval date and that of each subsequent revision are inscribed near the title of each policy document.
- F. The Provincial Archivist shall conserve a digital copy of this handbook on the first of every calendar year.

## II. Procedure

- A. Procedures are directives from an intermediary body between the provincial minister and Provincial Council, and a provincial ministry or office, which implements provincial policy. The intended staff is required to implement such procedures. The Formation Council is an example of such an intermediary body.

- B. The intermediary body shall maintain a current collection of its procedures. Procedures are not retained in the *Provincial Policy Handbook*.

### **III. Practice**

- A. Practices are the means through which an office or ministry staff implements provincial policies and/or procedures from an intermediary body.
- B. The staffs of provincial ministries and offices shall maintain a collection of its practices to ensure its smooth operation. Practices are not retained in the *Provincial Policy Handbook*.

### **IV. Guidelines**

- A. Guidelines have no policy or procedural weight. They offer guidance to friars, staff, ministries, and offices about particular issues.
- B. Guidelines composed by the provincial minister and Provincial Council can be retained in appendices at the back of the *Provincial Policy Handbook* so that they are not confused with provincial policies.

# Subjects and Topics

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Records Management  
Retreat Centers in General  
St. Lawrence Seminary  
St. Lawrence Seminary Ministry Council

## JOB DESCRIPTIONS

Archives - Director  
Capuchin Communications - Director  
Corporate Secretary/Treasurer  
Corporate Responsibility Agent  
Continuing Formation - Director  
Initial Formation - Director  
Healthcare - Director  
Provincial Ministries and Human Resources - Director  
Pastoral Care & Conciliation - Director  
Religious Secretary of the Province  
Solanus Mission Association - Director  
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## GUIDELINES (NOT POLICIES)

# Acts of Administration

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

## ACTS OF ADMINISTRATION REQUIRING APPROVAL OF THE PROVINCIAL MINISTER, WITH CONSENT OF THE PROVINCIAL COUNCIL AND PROVINCIAL TREASURER:

- Borrowing money
- Selling, mortgaging, leasing or other encumbering of provincial property (friaries, ministry buildings, land, etc.)
- Making an extraordinary expenditure of funds “already in hand” that is not a regular operation expenditure for any amount of money and which exceeds 2.5% of the ministry’s approved operating budget or \$2,500, whichever is lower. Such requests should be submitted to the provincial treasurer.
- Establishing an endowment for any purpose

## 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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# Procedures for Celebrating a Provincial Chapter

## PART ONE

### GENERAL NORMS

#### 1. Procedural Norms

- 1.1 These *Procedures* contain the norms that govern all Provincial Chapters of the Province of St. Joseph of the Capuchin Order (*aka* the Calvary Province).<sup>1</sup> To be implemented and have legal binding force, all such norms require the approbation of a Provincial Chapter. A copy of the Procedures is to be sent to the General Minister who, with the advice of the General Procurator, may make suggestions for revision.<sup>2</sup>
- 1.2 Once approved by a Provincial Chapter, the *Procedures* remain in full force.<sup>3</sup> All changes to these norms – whether permanent or temporary – require the approbation of a Provincial Chapter, unless otherwise determined in law.<sup>4</sup>
- 1.3 If the Province desires to change these *Procedures*, in whole or in part, it may do so by means of an extra-capitular referendum called by the Provincial Minister with the consent of his Council. The change comes into force if at least 75% of the perpetually professed brothers participate in the referendum, and two-thirds of the votes are in favor

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<sup>1</sup>The civil corporation is officially designated. “The Province of St. Joseph of the Capuchin Order, Inc.,” while the official Capuchin curial designation is *Provincia Calvariensis*.

<sup>2</sup>The *Procedures* do not require the approval of the General Minister. His role is to advise the Province if there appears to be something amiss.

<sup>3</sup>Non-compliance with the approved *Procedures* can affect the validity of certain capitular acts, such as elections.

<sup>4</sup>For example, our proper law permits the use of an extra-capitular referendum [“a general consultation”] to determine whether or not to change from celebrating Delegate Chapters to celebrating Direct Suffrage Chapters and vice-versa (Ordinance 8/18,2). Also see 4.1 and 4.2 below.



of the change. The results of the referendum are binding and take legal effect immediately. The changes are to be written into the *Procedures*.<sup>5</sup>

- 1.4 Changes to Canon Law, the Constitutions or Ordinances of the Order,<sup>6</sup> or individual enactments of Provincial Chapters may automatically alter certain procedural norms. When a canonical determination is made that such changes supersede the existing *Procedures*, the text of the *Procedures* should be amended to reflect the change and the Province should be informed of the change. No further action by a Provincial Chapter is required.<sup>7</sup>
- 1.5 References, footnotes, and parenthetical remarks are not to be considered part of the *Procedures* proper.<sup>8</sup>

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<sup>5</sup>See Ordinance 8/18,2. The referendum is not merely advisory (i.e., consultative) but deliberative (i.e., binding), and the result of the vote must be implemented immediately. It should be noted, however, that not every norm contained in the *Procedures* is subject to change by the Province; in the case of norms established by a higher authority, the Chapter and the Province lack the authority to decide otherwise.

<sup>6</sup>The most current and definitive edition of the Constitutions and Ordinances of the Order were approved by the General Chapter of 2012 and promulgated on December 8, 2013 (Prot. N° 00935/13).

<sup>7</sup>The operative phrase is “*canonical* determination.” Apart from instances otherwise determined in law, the only changes to the *Procedures* that may be made without the explicit approval of a Provincial Chapter are those which are legally required, and only to the extent that a strict interpretation of the law demands. One ought not to assume that changes in canon law or other sources automatically require a change in the *Procedures*. The opinion of canonical experts should be sought, and if necessary, a clarification asked from the Capuchin General Procurator.

<sup>8</sup>Although these may be helpful, they do not belong to the substance of the *Procedures* and have no binding force. The approved norms remain intact despite changes in law or in fact that effect the accuracy of the references, footnotes or parenthetical remarks. Nonetheless, these references should be kept up-to-date so that the sources of the *ius vigens* [i.e., the prevailing law], the current legal interpretation and opinion, and the actual practice of the Roman Curial Congregations and that of the Capuchin General Curia may be immediately identifiable.

## 2. The Provincial Chapter and its Convocation

- 2.1 The first authority in the Province is the Provincial Chapter (see Const. 129,1).<sup>9</sup>
- 2.2 A Provincial Chapter may be either Ordinary or Extraordinary.
- 2.3 An Ordinary Provincial Chapter is announced and convoked every three years by the Provincial Minister with the permission of the General Minister. The faculty of permitting the celebration of a Chapter, for a just cause, six months before or after a three-year term belongs to the General Minister (Ordinance 8/15).
- 2.4 The Chapter must allow itself sufficient time to accomplish its work. This is especially critical when a Chapter is both a Chapter of Elections and a Chapter of Affairs. Ideally, the length or duration of the Ordinary Chapter would not be determined until after the brothers have been consulted concerning potential agenda items. At times, however, the venue for the next Chapter may have to be arranged before agenda items are surfaced. Since the duration of the Chapter is contingent upon the availability of the venue, those making the arrangements should presume that the Chapter will last four and one-half days (e.g., Monday

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<sup>9</sup>The so-called *Chapter of Mats* is distinguishable from an Ordinary or Extraordinary Provincial Chapter. Strictly speaking, a Chapter of Mats is *not* a Provincial Chapter, but rather, it is a provincial or even inter-provincial gathering of the brothers to provide for a common fraternal experience, dialogue and discernment. As such, a Chapter of Mats is not bound by the procedural norms governing Chapters. Similarly, directives decided upon and decisions made at a Chapter of Mats do not enjoy the same binding force as those of a Chapter. The same can be said of Provincial Assemblies. A Provincial Chapter, on the other hand, is the *primary* provincial authority, and as such, decisions made by a Provincial Chapter are only alterable by a subsequent Provincial Chapter. The statement, “the Chapter is the primary provincial authority” signifies not only that a Chapter is an exercise in collegial governance and as such may legislate, more importantly it signifies that the Chapter’s authority stands above all over authority exercised in the course of provincial administration. The authority of the Provincial Minister and his Council does not supercede the authority or the decisions made by previous Provincial Chapters. For example, the *Procedures* approved by a Chapter may not be changed validly by a provincial administration, a Chapter Preparatory Commission, or lesser levels of authority.

morning to Friday lunch), with arrival expected on the evening before the start of Chapter (see 5.1).<sup>10</sup>

- 2.5 After informing the General Minister, an Extraordinary Provincial Chapter may be convoked by the Provincial Minister with the consent of his Council to discuss the principal matters concerning the life and activity of the Province, excluding elections (see Const. 129,3).
- 2.6 The Convocation of a Provincial Chapter is carried out lawfully through a Circular Letter signed by the Provincial Minister and published to the Province.<sup>11</sup>
- 2.6 Canon Law determines the quorum needed for the valid celebration of a chapter, whether a chapter of direct suffrage or a delegate chapter.<sup>12</sup>

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<sup>10</sup>This norm effectively pertains only to planning. Because many brothers need to schedule events well in advance, and because venues with sufficient space, especially for a Chapter of universal suffrage, must be secured as soon as possible—even before the brothers can be consulted about the number and nature of potential agenda items—it is necessary to insure that the Chapter have sufficient time to deal adequately with both elections and affairs. The current norm makes explicit, but does not legislate, the expected duration of Ordinary Chapters whose agendas include both elections and affairs. That the Chapter have sufficient time to address the issues has a higher priority than the availability of a particular venue. The norm is silent with regard to Extraordinary Chapters and Chapters that deal solely with elections or solely with affairs. The Chapter itself always retains the right to adjourn whenever it deems appropriate.

<sup>11</sup>The Letter of Convocation must be in writing and include the dates and place of the Chapter; it must be dated and signed by the Provincial Minister, and it should bear the seal of the Province. The letter becomes part of the Acts, i.e., the official minutes, of the Chapter, and is to be archived with the rest of the official minutes. The publication of the letter may take place in one or more of a variety of ways, e.g., printed and mailed, e-mailed, etc. However it is accomplished, every reasonable effort must be made to ensure that every capitular is informed in a timely fashion as soon as the Letter of Convocation has been issued.

<sup>12</sup>Canon 119: In regard to collegial acts, unless the law or the statutes provide otherwise: 1° in regard to elections, **provided a majority of those who must be summoned are present**, what is decided by an absolute majority of those present has the force of law... 2° in regard to other matters, **provided a majority of those who must be summoned are present**, what is decided by an absolute majority of those present has the force of law. *Commentary on Canon 167*: “Unless the statutes establish a special

## PART TWO

### THE CHAPTER BODY

#### 3. The Choice between a Chapter of Direct Suffrage and a Delegate Chapter

In 1983, the Province of St. Joseph adopted Direct Suffrage as the norm for its Provincial Chapters. This was superseded, however, by the General Ordinances (8/18,1) which stipulate that Provinces with 100 or fewer brothers are to celebrate a Chapter of Direct Suffrage, and Provinces with over 100 brothers are to celebrate a Chapter of Delegates. According to the same Ordinance (8/18,2), that norm can be changed by the Province if, in a referendum in which at least 75% of the perpetually professed brothers participate, and a two-thirds vote is in favor of the change. The decision, then, is written into the *Procedures for Celebrating a Provincial Chapter*. The decision remains in effect until or unless another referendum is held to change the *Procedures*.

#### Norms specific to Chapters of Direct Suffrage

- 3.2 Under Direct Suffrage, the following enjoy active voice in all Ordinary and Extraordinary Provincial Chapters (Const. 130,1):
  - 3.2.1 the General Minister (if he presides),
  - 3.2.2 the Provincial Minister and Provincial Councilors,
  - 3.2.3 all perpetually professed brothers of the Province of St. Joseph, unless otherwise impeded (see Const. 121,6),<sup>13</sup> and

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quorum for the constitution of an electoral college, it is considered to have been formed **if the majority of those who should have been convoked, i.e., at least half of the members plus one – are present.** \* *Code of Canon Law Annotated*, (ed.) Ernest Caparros, Michel Thériault, Jean Thorn; second edition (ed) Ernest Caparros, Hélène Aubé (2004), 138.

<sup>13</sup>This document always uses the term “brother” without distinction in reference to the members of the Capuchin Order, this based on our Constitutions (90, 1): “By reason of the same vocation, the brothers are equal. Therefore, according to the Rule, the Testament, and the earliest customs of the Capuchins, all of us are called brothers without distinction.” Impediments include: those perpetually professed brothers who belong juridically to St. Joseph Province but who exercise their voting rights in another

3.2.4 all perpetually professed brothers from other jurisdictions who are sent to our Province to serve or minister in our Province (see Const. 121,6 and Ord. 8/3,2). All such brothers exercise their voting rights in their home circumscription for the first year, after which they exercise them in our Province.<sup>14</sup>

#### **4. Norms specific to Delegate Chapters**

4.1 In virtue of their Office, the following brothers enjoy active voice in all Ordinary and Extraordinary Provincial Chapters:

4.1.1 the General Minister, if he presides,

4.1.2 the Provincial Minister and Provincial Councilors, and

4.1.3 the Guardians<sup>15</sup> of fraternities with a minimum of three professed brothers, residing in a canonically established house, under that same Guardian.<sup>16</sup>

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Capuchin jurisdiction. Also excluded are those who are either *ipso facto* or *ipso iure* deprived of active voice (see 8.1, 8.2 and 8.3 below).

<sup>14</sup>Brothers who are sent to our Province for reasons other than ministry or service (e.g., studies, reasons of health, sabbatical, or as part of an interprovincial formation program), exercise their voting rights in their home jurisdiction.

<sup>15</sup>The Office of Guardian is linked to the notion of “local fraternity.” “Local fraternity” is defined by our Constitutions (118, 8) “as consisting of a minimum of three professed brothers, who live in a canonically established house, under a Guardian.” Specifically excluded as capitulars-by-law are (1) “regional ministers” and (2) ministers of communities consisting of one or two brothers with other non-resident brothers “attached” to the community, and (3) formation communities in which one or two professed brothers live and the remainder of the community is comprised of non-professed members, e.g., candidates, postulants, novices. Similarly, a community established by a provincial administration without the consent of a Provincial Chapter or the consent of the General Minister and his Council does not fulfill the Constitutional requirements for a local fraternity, no matter how many professed brothers live there.

<sup>16</sup>It is the right of a Provincial Chapter to establish which friars participate by right, the number of delegates and the manner in which they are to be elected (see CIC, c. 632 and Const. 131, 3).

- 4.1.4 The term for Guardians is three years, or until the next Provincial Chapter. If the Office of Guardian becomes vacant six or more months before the Chapter, the provincial minister, with the consent of his Council, may appoint another friar to finish the term of office. If, however, the office becomes vacant less than six months before the Chapter, the Vicar assumes the office by law.<sup>17</sup>
- 4.2 If a Guardian is impeded or excused from attending Chapter, or if the Office of Guardian is vacant, the Local Vicar substitutes for him *ex officio*.<sup>18</sup>
- 4.3 In a Delegate Chapter, the number of Capitulars-by-law must be fewer than the number of delegates (Ord. 8/17,1).
- 4.3.1 The number of Delegates to be elected shall be at least equal in number to the capitulars-by-law plus one.
- 4.4 Delegates to the Provincial Chapter shall be elected in the following manner:<sup>19</sup>
- 4.4.1 After the Letter of Convocation has been published, the Provincial Minister shall determine and publish the number of capitulars-by-law. A list shall be composed of all the perpetually professed brothers who are eligible to be elected as Delegates. The brothers are to be listed

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<sup>17</sup>Our Constitutions themselves (see Const. 140, 5) prohibit a provincial administration from appointing a new Guardian if the office becomes vacant less than six months prior to the Chapter. In the meantime, the Vicar, by law, heads the local fraternity and becomes a capitular-by-law to the Chapter.

<sup>18</sup>It is important to note that these brothers are capitulars in virtue of the Office they actually hold. If no one holds the Office of Guardian, then the *ex officio* right falls to the brother who holds the Office of Local Vicar. If no one holds either Office (Guardian or Local Vicar), the local fraternity forfeits its opportunity to send an *ex officio* capitular. Similarly, if no one holds the Office of Local Vicar and the Guardian is impeded from attending the Chapter, no other brother may be designated as his substitute.

<sup>19</sup>The current formula for electing Delegates is based on a presumption that there will be a minimum of six (6) Guardians attending Chapter *ex officio*.

according to seniority by First Profession and divided into three equal groups.<sup>20</sup>

- 4.4.2 Meanwhile, the Provincial Minister shall appoint three perpetually professed brothers as scrutineers for the process of electing Delegates. At the same time, the Provincial Minister shall establish and publish a deadline for receiving the first ballot (e.g., 12 noon on June 12, 2005). The ballots and list are to be distributed to all the perpetually professed brothers of the Province who enjoy active voice.<sup>21</sup>
- 4.4.3 Each brother with active voice shall vote for three (3) brothers from each of the three groups.
- 4.4.4 The three brothers from each of the three groups who receive the highest number of votes (i.e., a simple plurality) shall be elected as Chapter Delegates.
- 4.4.5 The results of each balloting shall be published, recording individually all the brothers who received five or more votes, and the number of votes each received.
- 4.4.6 A second ballot shall be sent to each elector with as many blank positions as there remain Delegates to be elected to fill up the required number of Delegates. At the same time, a list of all the eligible brothers – excluding the names of the capitulars-by-law and the twelve (12) Delegates already elected – shall be sent to the electors. This list is not to be divided into age groups. The electors are to vote for as many brothers as there are places to be filled. An absolute majority of the votes cast is required for election in this balloting.<sup>22</sup>

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<sup>20</sup>The division had previously been into three (3) groups and was changed to four (4) (see *Messenger*, 38 [1975], p. 222). The norms adopted in 2014 return to having three groups due to the diminishment of numbers and the potential of having brothers unable to effectively participate in Chapter, especially due to age and/or infirmity.

<sup>21</sup>See 8 (below) regarding those perpetually professed brothers who are ineligible to vote.

<sup>22</sup>Note that *in the election of Delegates* to a Provincial Chapter, the majority of votes required for election is based on the number of votes cast, not on the number of electors.

- 4.4.7 If necessary, a third ballot shall be taken to elect the remaining number of Delegates, in which a simple plurality shall determine the election.
- 4.4.8 The last ballot, be it the second or the third, listing the names of the brothers and how many votes they received is to be kept by the Provincial Secretary. This list determines who, if any, will serve as substitutes.
- 4.5 The following norms apply to the election of Delegates to the Chapter:<sup>23</sup>
- 4.5.1 Ballots received after the established deadline are invalid and may not be counted.
- 4.5.2 In the case of a tie, that brother will be declared elected who is senior by date of First Profession, and if they made Profession on the same day, the one who is senior by age.
- 4.5.3 If any brother, for a serious reason, wishes to resign his passive voice in the election of Delegates, or, if elected, wishes to resign his election, he shall offer his resignation in writing to the Provincial Minister together with the reasons for his action.
- 4.5.4 If an elected Delegate is impeded from attending the Chapter for a serious reason and with the approval of the Provincial Minister, or if a Delegate dies, a substitute is to attend the Chapter in his stead. As needed, the brother(s) who received the next highest number of votes in the last ballot<sup>24</sup> shall be the substitute Delegate(s).
- 4.5.5 If a Guardian is prevented from attending the Chapter for a serious reason approved by the Provincial Minister, or if the Office of Guardian becomes vacant, the Local Vicar attends the Chapter as his substitute. In these cases, if the Local Vicar had been elected as a Delegate to the Chapter, a substitute Delegate will be chosen in his stead.

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<sup>23</sup>See *Messenger*, 38 [1975], p. 222.

<sup>24</sup>The previous norms indicated that the substitutes were elected according to their ranking in the “third ballot.” Since a third ballot may not be necessary, the current norm specifies the “last ballot,” be it the second or third.



## 5. The Obligation to attend Chapter

- 5.1 All capitulars shall arrive at the place of the Chapter no later than the evening before the first general session or formal opening of the Chapter.<sup>25</sup> All capitulars are obliged to attend the Provincial Chapter in its entirety.<sup>26</sup>
- 5.2 Any capitular who is prevented from attending the Chapter must request permission to be excused. The request is to be made in writing and presented in a timely manner beforehand to the Provincial Minister and his Council who have the right of knowing and judging the matter.<sup>27</sup>
- 5.3 No capitular is permitted to leave before the Chapter is officially concluded unless the Chapter President, knowing and approving the reason for the departure, permits an early departure.<sup>28</sup>

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<sup>25</sup>This directive is found in Article III of the Provincial Chapter procedures approved in 1970 [henceforth, *1970 Procedural Norms*] (see *Messenger*, 33 [special issue], May 1970, 73-90). Until now, the *1970 Procedural Norms* have been the prevailing norms except in those matters which subsequent Provincial Chapters have altered.

<sup>26</sup>Ord. 8/17,3: "Brother capitulars lose their active voice if, without permission, they are not present at the Chapter for its entirety, whether it be a Chapter of Delegates or a Chapter of Direct Suffrage."

<sup>27</sup>A deadline for such requests should be established and published in a timely fashion. The Provincial Minister and his Council are competent to excuse any capitular from attending the Chapter prior to the Chapter's opening. However, when it comes to excusing a capitular from part of the Chapter itself (e.g., arrivals subsequent to the formal opening of the Chapter, missed plenary sessions, or early departures), the competence to judge the matter belongs to the Chapter President (see 5.3 and 5.4). In these cases, it is the Chapter President who determines whether or not 8.4 of these *Procedures* (i.e., the loss of active voice) applies.

<sup>28</sup>This norm reflects the *Procedures for Conducting a General Chapter* (Ch. I, Art. 4).

5.4 Any capitular who wishes to excuse himself from a plenary (general) session of the Chapter must make his reason known to the Chapter President.<sup>29</sup>

## 6. Those who enjoy Active Voice<sup>30</sup>

6.1 According to our Constitutions (130,1), at both Ordinary and Extraordinary Provincial Chapters, the following enjoy active voice: the General Minister, if he presides; the brothers listed in 3.2 [for Direct Suffrage Chapters] or 4.4 [for Delegate Chapters]; any other brother to whom that right has been granted by the Order's particular law (see CIC 632), keeping always in mind the dispositions of our Constitutions (121,6).

6.2 Only those brothers who are actually present at the Chapter enjoy the right to vote (Const. 130,3) (see also 50.4, below).<sup>31</sup>

## 7. Those who enjoy Passive Voice<sup>32</sup>

7.1 Since we are an Order of brothers, in accord with the will of St. Francis and our authentic Capuchin tradition, all perpetually professed brothers may be elected to any office or position in the Order.<sup>33</sup>

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<sup>29</sup>This norm reflects the *Procedures for Conducting a General Chapter* (Ch. I, Art. 5).

<sup>30</sup>"Active voice" refers to the right to cast a vote.

<sup>31</sup>This excludes virtual presence (e.g., via Skype or other technological means), but does not apply to those who are at the Chapter location but because of sickness cannot be in the Chapter hall at the time of voting, for which Canon Law provides a method for their participation in the voting.

<sup>32</sup>"Passive voice" refers to the right to be elected to Office.

<sup>33</sup>See Const. 90, 3 and 123, 6. A distinction must be made between an election and its subsequent confirmation. With regard to the election of lay brothers to the Offices of Provincial Minister and Provincial Vicar, the Chapter may elect any brother who is otherwise eligible [e.g., at least three years in perpetual vows]. Thus, straw ballots for Provincial Minister and Vicar should list all eligible candidates, i.e., all the brothers who have been perpetually professed for a minimum of three years. *All* elections – whether or not they involve lay brothers – lack effect until and unless confirmed by the proper ecclesiastical authority. Currently, the competent ecclesiastical authority for confirming

7.2 The Office of Superior<sup>34</sup> may be validly conferred only upon those brothers who have been perpetually professed for a minimum of three years (see Const. 123,6).

## **8. The Loss of Active and/or Passive Voice**

8.1 Brothers are *ipso iure* deprived of both active and passive voice if, before Chapter, they had presented to the Major Superior a written request for dispensation from religious life. If such a request is presented during the Chapter, the brother requesting dispensation is to be excluded from the Chapter Body, and no Substitute is to be named (Ord. 8/19,1).

8.2 Brothers are *ipso facto* deprived of both active and passive voice if, before Chapter, they had presented to the Major Superior a written request for a leave of absence or to begin the process of exclaustation. If such a request is presented during Chapter, the brother making the request is to be excluded from the Chapter Body, and no Substitute is to be named (Ord. 8/19,1). Deprivation of active and passive voice remains in effect until the brother is officially received back into active life in the Province.<sup>35</sup>

8.3 Brothers are *ipso facto* deprived of both active and passive voice if, by the date of the Letter of Convocation, they have been absent from the Province or their legitimate assignment for a prolonged period, i.e., for

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the election of a lay brother to the Offices of Provincial Minister and Provincial Vicar is the Roman Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. The current practice of this Roman dicastery is to deny confirmation of lay brothers elected to the Office of Provincial Minister, but to confirm their election to the Office of Provincial Vicar.

<sup>34</sup>The term “Major Superior” includes the Provincial Minister and the Provincial Vicar; other “Superiors” include Guardians and Local Vicars (see. Const. 122, 1 and 2). Provincial Councilors whose act as advisors, are not canonical superiors.

<sup>35</sup>This is a codification of the current practice of the Province.

- a sustained period of six months, without permission from the Provincial Minister (see Ord. 8/19,1).<sup>36</sup>
- 8.4 A capitular loses his active voice if, without legitimate permission, he is not present for the entire proceedings of the Chapter.<sup>37</sup>
- 8.5 A Provincial Minister may not be elected to a third consecutive term (Const. 132,2).<sup>38</sup>
- 8.6 Postulation is permitted in the Order (Const. 123,7). To entertain the possibility of postulation, at least one-third of the capitulars must present a request in writing to the president of the Chapter. Lacking one-third, the attempt fails (Ord. 8/5,1). If a request is made by the requisite one-third of the capitulars, the candidate must receive two-thirds of the vote of the capitulars present in the first balloting. Failing this, the postulation fails and no other attempt to postulate may be entertained (Ord. 8/5,2). If the candidate is successfully postulated for a third term, he may not serve beyond that third consecutive term (Ordinances 8/21). After three consecutive terms, the individual is excluded from all possibility of being elected, appointed, or postulated (Ord. 8/21).

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<sup>36</sup>Brothers in particular circumstances may live apart from a local or provincial fraternity with the “blessing of obedience” (see Const. 99, 1-5). Whereas 8.1 and 8.2 address the effects of legitimate absences, 8.3 addresses the effects of illegitimate [unlawful] absences, which include not only being absent from the Province without permission, but also the refusal of a legitimate transfer to another local fraternity. The 6-month period is based on Canon 696 §1 which determines six months as the criterion for a sufficiently “prolonged period of illegal absence” at which point the Major Superior may commence legal proceedings to dismiss the brother from the Order. As in 8.1 and 8.2, such brothers are to be excluded from the Chapter Body. Deprivation of active and passive voice remains in effect until the brother returns to active life in the Province.

<sup>37</sup>Ordinance 8/17,3.

<sup>38</sup>An *appointment* to Office does not count in the calculation. However, the stipulations contained in the Ordinances (8/21, i.e., no one can hold an Office beyond three terms, including when the Office is conferred by Postulation or Appointment) still apply (see 8.6 below).

8.7 An outgoing Provincial Minister may not be elected to the Provincial Council, i.e., he enjoys only active voice in the election of the Councilors (Ord. 8/22).

8.7 *Per se* the Provincial Vicar and Provincial Councilors are not subject to term limits. However, at any Chapter no more than half of the Councilors elected in the previous Chapter may be re-elected (Const. 132,3).

## 9. The Presence of Non-Capitulars<sup>39</sup>

9.1 The Ordinances of the General Chapters (8/17,2) indicate that the brothers of the Province who are not capitulars may participate in the Chapter as observers [i.e., listeners] unless the Procedures for Celebrating the Provincial Chapter determine otherwise.<sup>40</sup> In our Province the norm has been that all postulants, novices, and temporarily professed brothers of the Calvary Province, all perpetually professed brothers of the Calvary Province who exercise their voting rights in another circumscription according to the norm of law, as well as all former brothers of the Province who now belong to another circumscription currently or formerly dependent upon the Calvary Province, are *ipso facto* granted observer status at all Provincial Chapters.<sup>41</sup> With advances in technology, the physical presence of observers at the Chapter may not be necessary to accomplish this objective.

9.2 Non-capitulars legitimately elected or appointed to a Chapter office or role of service the exercise of which requires their full- or part-time presence during Chapter deliberations, e.g., the Parliamentarian,

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<sup>39</sup>Non-capitulars include the brothers in initial formation of our Province, brothers of other Capuchin jurisdictions, as well as individuals who are not Capuchins.

<sup>40</sup>Those who have been deprived of active and passive voice [see 8.1-8.3 above], may not be admitted as non-capitulars. i.e., observers.

<sup>41</sup>Our former norm only applied to Chapter of Direct Suffrage. The Ordinances (8/17,2) make it applicable also to Delegate Chapters. It codifies the current practice which allows those in initial formation, missionaries and Calvary-raised brothers of the General Vice Province of Nicaragua–Costa Rica–Panama to be present as observers during Chapter deliberations. The principle applies to all parallel situations.

Moderator, secretaries, speakers, liturgical personnel, etc., are to be admitted to the Chapter Hall whenever the exercise of their role requires their presence and may address the Chapter Body in the exercise of their role, or when given permission to do so by the Chapter Body.<sup>42</sup>

9.3 The Chapter Body itself decides whether, and to what extent, other non-capitulars – including those who exercise roles of service which do not require their full-time presence in the Chapter Hall – may be admitted and given permission to address the Chapter Body.<sup>43</sup>

9.4 The Chapter Hall itself shall be arranged in such a way that clearly delineates and separates capitulars from non-capitulars.<sup>44</sup>

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<sup>42</sup>For non-capitulars – apart from those mentioned in 9.1 –, the right to be present during the Chapter deliberations and to address the Chapter body is directly linked to and limited to the strict exercise of each one's proper role. The presumption is that, once legitimately elected or appointed, they will remain in the Chapter Hall, fulfilling their functions, even during semi-closed and closed sessions, unless the Chapter explicitly decides otherwise.

<sup>43</sup>Conversely – apart from those mentioned in 9.1 and those non-capitulars who exercise roles which require their full-time presence in the Chapter Hall –, the presence of all other non-capitulars during Chapter deliberations is subject to the approval of the Chapter Body, which may deny, limit or restrict their participation.

<sup>44</sup>This norm reflects recent practice and formally abrogates the *1970 Procedural Norms* (Art. V, 2) which determined that non-capitulars were to be entirely excluded from electoral sessions. The reason for this seating arrangement is to facilitate the voting process, which may occur at any time during Chapter deliberations, not solely during the electoral proceedings.

## PART THREE

### THE PREPARATORY PROCESS

#### 10. Collaboration of the entire Province

Without regard to the type of Chapter being celebrated (Ordinary or Extraordinary, Delegate or Direct Suffrage), the preparatory phase of a Provincial Chapter requires the active participation and fraternal collaboration of all the members of the Province.

#### 11. The Preparatory Commission (*aka* Pre-Chapter Steering Committee)

11.1 A Preparatory Commission is formed *ad hoc*. It is to be established by the Provincial Minister and his Council, allowing sufficient time to prepare properly for the Chapter.

11.2 The Provincial Minister and the Provincial Councilors are *ex officio* members of the Preparatory Commission. The Provincial Minister serves *ex officio* as its President (*aka* Chairperson).<sup>45</sup>

11.3 It pertains to the Provincial Minister and his Council to appoint additional members to the Preparatory Commission from among the members of the Province.

11.4 From among the members of the Preparatory Commission, the Provincial Minister and his Council shall appoint an Executive Secretary whose role it is to coordinate the Commission's activities.

11.5 At the discretion of the Preparatory Commission, other individuals may be invited and committees formed to help with the Commission's work. Such individuals need not be Capuchins.

11.6 The Preparatory Commission is charged with the following:

11.6.1 proposing agenda items to be treated at Chapter, based on the following: items about the scope of a Provincial Chapter (see 12, below), any pertinent Constitutional issues (see 13, below), requisite agenda items (see 14, below), and issues arising from a consultation with all

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<sup>45</sup>The provincial secretary is not an *ex officio* member of the Preparatory Commission, even though he may be present at the plenary meetings of the Preparatory Commission and may take notes as part of his role as secretary of the Provincial Council. On the other hand, nothing prevents his appointment to the Preparatory Commission.

- the members of the Province concerning agenda items, proposals for action to be taken during the following triennium, and statements for endorsement by the Chapter;
- 11.6.2 preparing the proposals for action and statements for endorsement;
  - 11.6.3 recommending a procedure for dealing with the agenda;
  - 11.6.4 developing and implementing an appropriate pre-Chapter process, if deemed advisable;
  - 11.6.5 making arrangements for implementing the proposed agenda, including input by presenters, etc., even though final approval of these matters is the prerogative of the Chapter itself;
  - 11.6.6 facilitating the logistics of the Chapter by making arrangements for the venue<sup>46</sup>, food, lodging, presenters, materials, etc.,
  - 11.6.7 providing for adequate adjunct personnel to help with the duties of the Chapter, particularly regarding secretarial staff, and
  - 11.6.8 selecting a capitular to make the formal motion to adjourn the Chapter *sine die* and informing the capitular in due time.
  - 11.6.9 The Preparatory Commission *may* be consulted by the Provincial Minister and his Council concerning nominations of those to be proposed to the Chapter to fill certain Offices and roles of service, namely: the Parliamentarian (15.3), the Juridical Committee (15.4), the Finance Committee (15.5), the Formation Committee (15.6), the Continuing Education Committee (15.7), the Capuchin Life Committee (15.8), the Senior Life Committee (15.9), the Capuchin Ministries Committee (15.10), the Special Events Committee (15.11), technicians (15.13), adjunct secretarial staff (15.14), the Moderator (18), the Chapter Secretarial Staff (19), the Chapter Secretary (20), the Tellers and Assistant Tellers (21).
  - 11.7 The Preparatory Commission will include on the Chapter agenda proposals which have been endorsed and submitted to it by:
    - 11.7.1 any commission or standing committee of the Province,

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<sup>46</sup>The venue, by necessity, may have already been arranged before the Preparatory Commission is appointed (see 2.4 with its corresponding footnote).



- 11.7.2 any local fraternity of the Province, and
- 11.7.3 any individual brother, provided that the agenda item in question has received the endorsement of at least 5% of the perpetually professed brothers of the Province with active voice.<sup>47</sup>
- 11.8 The Preparatory Commission's service ends with the election of the Presidential Council by the Chapter itself.<sup>48</sup>
- 12. The Scope of a Provincial Chapter**
- 12.1 A Provincial Chapter deals with matters regarding the life and activity of the Province. All the brothers are to be consulted beforehand concerning the issues with which the Chapter will deal (see Const. 129,4).
- 12.2 All capitulars are to be informed in a timely fashion of the agenda items which are being proposed for discussion. Nonetheless, it is the Chapter itself that determines the Chapter agenda (Ord. 8/16).
- 13. Constitutional Aspects of a Provincial Chapter**
- 13.1 It pertains to the Provincial Chapter to approve the *Procedures for Celebrating a Provincial Chapter* (Const. 132,1).<sup>49</sup>
- 13.2 In the Ordinary Provincial Chapter, the elections of the Provincial Minister, Provincial Vicar, and Provincial Councilors are to take place

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<sup>47</sup>The "individual brother" may be either temporarily or perpetually professed.

<sup>48</sup>The ongoing facilitation of the Chapter may require continued collaboration between members of the pre-Chapter Preparatory Commission and the Presidential Council. It remains, however, the right of the Chapter Body to elect its own Presidential Council (see 17, below).

<sup>49</sup>It is the prerogative of the Provincial Chapter to determine both provisional procedural norms and to determine and codify permanent procedural norms governing the celebration of Provincial Chapters. Provisional changes can happen simply by the President asking "Does it please the capitulars to ...?," followed by the affirmation by the required majority. Provisional changes, however, do not effect a permanent change to the *Procedural Norms for Celebrating a Provincial Chapter*.

according to the approved *Procedures for Celebrating a Provincial Chapter* (see Const. 132,1).<sup>50</sup>

- 13.3 It pertains specifically to the Provincial Chapter to approve the canonical establishment of local fraternities before their actual establishment by the Provincial Minister with the consent of his Council (Const. 120,1).<sup>51</sup>
- 13.4 It pertains to the Provincial Chapter to establish norms for the disposition of the goods of suppressed fraternities, respecting the will of the donors and any rights legitimately acquired (Ord. 4/6).<sup>52</sup>
- 13.5 It pertains to the Provincial Chapter to establish how the Provincial Delegate(s) to the General Chapter is/are to be elected (Ord. 8/9,2).<sup>53</sup>
- 13.6 It pertains to the Provincial Chapter to determine who among those who serve in Provincial Offices, besides the Provincial Secretary, are accountable solely to the Provincial Minister (Const. 135,2).

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<sup>50</sup>It is the Chapter that determines certain details of the electoral process, e.g., whether to have a straw ballot(s), at what point during the course of the Chapter each election will be held, etc. To allow for the broadest range of options, according to the circumstances of each particular Chapter, the permanent codification of such details effecting all Provincial Chapters should be kept to a minimum.

<sup>51</sup>The Constitutions approved by the General Chapter of 2012 endorsed an amended text to read: “It is the responsibility of the Provincial Minister, with the consent of the Council, after obtaining the consent of the Chapter, to legitimately establish houses, observing the prescriptions of law. In urgent cases, lacking the vote of a Chapter, the consent of the General Minister and his Council is required.” The *suppression* or definitive closing of local fraternities is the prerogative of the General Minister and his Council (Const. 120, 2). The “legitimate establishment” of a local fraternity (which replaced the notion of canonically-erected houses, etc.), has juridical effects (see 4.4.3, above). A community simply established by a provincial administration without Chapter consent or the consent of the General Minister and his Council does not fulfill the Constitutional requirements for a “legitimately established house.”

<sup>52</sup>See *AOFMCap* 104 (1988) 230.

<sup>53</sup>*AOFMCap* 116 (2000) 990ff. The *Provincial Norms for Electing a Delegate to the General Chapter* are attached to these Procedures (see Appendix VI).

- 13.7 It pertains to the Provincial Chapter to establish norms concerning which brother substitutes for the Guardian in the absence of both the Guardian and the Local Vicar (Const. 140,4).
- 13.8 It pertains to the Provincial Chapter and the local Chapter to see to it that all the brothers have the time needed for mental prayer done either in common or privately (Const. 55,3).
- 13.9 It pertains to the Provincial Chapter or the Conference of Major Superiors to determine the advisability of establishing Houses of Prayer and Contemplation and to provide norms for them (Ord. 3/5).<sup>54</sup>
- 13.10 The Provincial Chapter may be consulted concerning establishing structures for the accompaniment and more adequate preparation of those interested in religious life (Ord. 2/1,2).
- 13.11 It is for the Provincial Chapter to decide the limits of financial assets necessary for the ordinary internal needs of the Province and how much needs to be kept in reserve for internal extraordinary expenses (maintenance, health care, insurance, formation) and for solidarity outside the Province (missions and charity) (Ord. 4/4,2).
- 13.12 It pertains to the Provincial Chapter to establish norms determining how the goods of a suppressed fraternity are disposed of, respecting the wishes of those who founded or offered the places to us and any legitimately acquired rights (Ord. 4/6).
- 13.13 It pertains to the Provincial Chapter to establish structures (i.e., commissions, etc.) that deal with financial matters, the administration of goods and the construction, maintenance, and alienation of houses, and to determine their competence, even though it is the Major Superior with the consent of his Council who appoint their members, some of whom may be lay people (Ord. 4/15,1-2).
- 13.14 It pertains to the Provincial Chapter to promulgate norms concerning forms of penance, especially those done in common (Ord. 7/1,2).

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<sup>54</sup>The Constitutions suggest that it is good to have such fraternities whether they be provincial- or interprovincial fraternities, and that they should keep in mind what St. Francis wrote for those who wish to lead a religious life in hermitages (see Const. 57, 2).

- 13.15 It is the responsibility of the Provincial Chapter to determine more precisely both days of fasting and abstinence, as well as the manner of fasting (Ord. 7/1,1).
- 13.16 It is the responsibility of the Provincial Chapter to adapt our apostolic labors (i.e., ministries) to the needs of the times. But it pertains to the Provincial Minister with the consent of his Council to coordinate the ministerial resources of the Province (Const. 148,3).
- 13.17 It is the responsibility of the Provincial Chapter to determine the suffrages to be offered for deceased Provincial Ministers, former Provincial Ministers, and deceased brothers, parents, and benefactors (Ord. 3/2,3).
- 13.18 The Provincial Chapter may enact special Statutes that must be approved by the General Minister with the consent of his Council, so that the prescriptions of the Constitutions may be appropriately applied according to the circumstances of the Province (Const. 186,4).

#### **14. Requisite Agenda Items**

- 14.1 Always to be included among the agenda items and in the schedule of the Ordinary Provincial Chapter are the following:
- 14.1.1 the address of the General Minister (or his Delegate) to the Chapter Body, with adequate opportunity for dialogue;<sup>55</sup>
- 14.1.2 the report of the Provincial Minister whose term is ending, with adequate opportunity for dialogue with the Chapter Body;<sup>56</sup>
- 14.1.3 the triennial provincial financial report, with adequate opportunity for dialogue with the Chapter Body;<sup>57</sup>

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<sup>55</sup>The Provincial Minister should make known this expectation to the General Minister or his Delegate beforehand.

<sup>56</sup>Chapter reports may be disseminated prior to the Chapter, including the Report of the Provincial Minister. However, it is especially helpful to have a review and dialogue between the Provincial Minister and the Province with regard to the term of office now ending.

<sup>57</sup>Although it may be distributed prior to the Chapter, the provincial financial report must be presented at Chapter (see Ord. 4/12,4). It should include a balance sheet

14.1.4 any other requirements contained in the approved *Procedures for Celebrating a Provincial Chapter*.

## 15. Pre-Chapter Service Appointments<sup>58</sup>

15.1 In general, all who exercise roles of service during the Chapter are to be elected by the Chapter itself. Because certain roles require extensive pre-Chapter preparation and expertise, and because the Chapter is best served by their continuity, once appointed during the pre-Chapter phase, no further action is required on the part of the Chapter. Unless otherwise determined in the *Procedures*, the specific task of each is to be determined by the Provincial Minister and his Council.<sup>59</sup>

15.2 The **Provincial Liturgical Commission**, in collaboration with the Preparatory Commission, is hereby mandated to prepare all the public

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reviewing the finances of the Province from when the provincial administration began to the present. The purpose of this Chapter report is not only for transparency's sake, but also to hold the provincial minister and administration accountable to the Province for the financial decisions made during their term of office.

<sup>58</sup>According to the *1970 Procedural Norms* (Art. III, 2f), committees could be either appointed by the Presidential Council or nominated and elected by the Chapter itself during its first or another plenary session of the Chapter. The norms specified four areas in which committees might prove useful: liturgical, juridical, financial and educational, this based upon the types of issues with which the Chapters of the time had to deal. The *2005 Procedures* indicate an increased number of areas which have rather consistently been at the center of recent Chapters, and suggest that – if deemed helpful – committees be established by the Provincial Minister and his Council during the preparatory phase to function as study groups prior to Chapter and to stand ready to function as a resource during Chapter.

<sup>59</sup>This is a taxative list of the roles of service which may be called upon as resources to function during the Chapter without the Chapter's explicit permission. With the exception of the Liturgical Commission and the Parliamentarian, the formation of these committees depends on the proposed agenda of the Chapter, e.g., if no formation issues are expected to be on the agenda, a Formation Committee need not be formed. Other committees may, of course, be appointed during the preparatory phase, however, if they are to function during the Chapter they require the approval of the Chapter.

prayer functions of the Chapter<sup>60</sup> and to make arrangements for musicians, cantors, liturgical aids, etc. The approval of the liturgical preparations, preachers, and celebrants is left to the Provincial Minister and his Council.<sup>61</sup>

15.3 A **Parliamentarian** may be appointed by the Provincial Minister and his Council as a procedural resource person to aid the Moderator, the President, and the Presidential Council. The Parliamentarian need not be a capitular or a Capuchin. Because our *Procedures* take precedence over all other forms of parliamentary procedure, the Parliamentarian must be well-versed in our *Procedures*. The Parliamentarian should also possess a facile familiarity with other forms of accepted parliamentary

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<sup>60</sup>It has been the practice at more recent Provincial Chapters to have three common Eucharistic liturgies (i.e., Masses): on the opening day of Chapter, on the closing day of Chapter, and on one other day during the Chapter. That pattern is presumed in the current norms, although the norms only require one common Eucharist on the closing day (see 59.1, below). Nonetheless, the Liturgical Commission will help facilitate the celebration of a single daily Eucharist at which whoever wishes to concelebrate or participate may do so. The Commission's role is limited to securing a reasonable time and suitable place, and providing the liturgical requisites, excluding albs and stoles for concelebrants. Additional celebrations, whether by individuals or small groups, are not the responsibility of the Liturgical Commission, although the Commission's assistance may be sought in this regard. It has also been the practice at recent Provincial Chapters to have a prayer service to commemorate those brothers of the Province who died during the past triennium.

<sup>61</sup>This norm replaces the *1970 Provincial Procedures* which determined that the Provincial Council would appoint a capitular as Master of Ceremonies whose role it was, in consultation with the President of the Chapter, to plan and arrange the liturgical functions during the Chapter. Formerly, the appointment of a Master of Ceremonies was simply announced to the Chapter, without its approval being sought or an election being held (see *1970 Procedural Norms*, Art. III, 2d). Hence, the new norm entrusts liturgical planning to the existing Provincial Liturgical Commission *as a unit* (which now normally includes non-capitulars and qualified lay people), the bulk of whose work is done prior to Chapter.

- procedure (e.g., Robert's *Rules of Order*),<sup>62</sup> to offer effective direction when our *Procedures* prove insufficient.<sup>63</sup>
- 15.4 A **Juridical Committee**, consisting of two or three individuals with pertinent expertise, may be appointed by the Provincial Minister and his Council to study specific legal issues, be they canonical or civil, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.<sup>64</sup>
- 15.5 A **Finance Committee**, consisting of the Provincial Treasurer and two other individuals with expertise, may be appointed by the Provincial Minister and his Council to study specific financial issues, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.<sup>65</sup>

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<sup>62</sup>This norm replaces the *1970 Procedural Norms* which determined that the Provincial Council would appoint a capitular as Parliamentarian to aid the Moderator in conducting the Chapter sessions according to adopted procedures. Formerly, the appointment of the Parliamentarian was simply announced to the Chapter, without its approval being sought or an election being held (see *1970 Procedural Norms*, Art. III, 2d). It is important to note that nowhere, neither formerly nor in these proposed *Procedures*, is Roberts' *Rules of Order* or any other single system of parliamentary procedure canonized. Rather, the former norm stated: "basic parliamentary procedure is to be used," observing always the parliamentary procedures approved by the Province. While it is important to follow first our approved parliamentary procedure and to rely on commonly accepted or basic parliamentary procedure, the Chapter is well to avoid getting bogged down in the quagmire of any one overly detailed and intricate parliamentary system.

<sup>63</sup>The Parliamentarian is a primary resource when procedural questions arise. As such, the Parliamentarian does not normally directly address the Chapter Body unless called upon to do so by the Chapter President or Moderator. During the Chapter, the Parliamentarian should have other parliamentary resources at hand, in addition to the approved provincial *Procedures*.

<sup>64</sup>The *1970 Procedural Norms* (Art. II,f) determined that the Juridical Committee would be comprised of two or three Capuchins. The current proposal requires the members to have expertise, but does not limit membership to Capuchins.

<sup>65</sup>The *1970 Procedural Norms* (Art. II,f) determined that a Financial Committee would be comprised of the Provincial Treasurer (who was a Capuchin at that time) and

- 15.6 A **Formation Committee**, consisting of the Provincial Director of Formation and two other individuals with expertise, may be appointed by the Provincial Minister and his Council to study issues regarding Capuchin initial formation, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.<sup>66</sup>
- 15.7 A **Continuing Education Committee**, consisting of the Provincial Director of Continuing Education and two other individuals with expertise, may be appointed by the Provincial Minister and his Council to study specific issues related to the ongoing formation and continuing education of the brothers, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.8 A **Capuchin Life Committee**, consisting of three Capuchins with expertise, may be appointed by the Provincial Minister and his Council to study issues specifically tied to our Capuchin heritage and lifestyle,

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two other brothers to report on the financial status of the Province. Much has changed since 1970. The Office of Provincial Treasurer is no longer held by a Capuchin. The financial report to the Province is generally done apart from Chapter. The proposed *Procedures* recognize that a Chapter may be dealing with financial matters (and not simply reporting on the financial status of the Province) for which some expertise is required as a resource for the Chapter's deliberations.

<sup>66</sup>The *1970 Procedural Norms* (Art. II,f) determined that an "Educational Committee, consisting of the Provincial Prefect of Formation and two other friars is appointed to report on the educational program of the Province." Again, much has changed. The *Procedures* now allow for two distinct committees to be formed: one dealing with initial formation and the other with continuing education, the appointment of each dependant upon the specific agenda issues that a Chapter may be facing. Nothing prevents the appointment of both the Director of Formation and the Director of Continuing Education to a single committee. On the other hand, an agenda item that deals strictly with initial formation issues might benefit from having the Director of Formation complemented by two other individuals with expertise or experience in initial formation.



and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or members of our Province.<sup>67</sup>

- 15.9 A **Senior Life Committee**, consisting of the Provincial Director of Senior Life and two other individuals with expertise or experience in the field, may be appointed by the Provincial Minister and his Council to study issues affecting our senior brothers, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.10 A **Capuchin Ministries Committee**, consisting of the Provincial Personnel Director and two other individuals with ministerial expertise, may be appointed by the Provincial Minister and his Council to study issues connected with the exercise of ministry in the Province and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.11 The Provincial Minister and his Council may establish a **Special Events (aka Entertainment) Committee** which, in collaboration with the Preparatory Commission, plans and makes arrangements for special entertainment events during the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.12 In collaboration with the Presidential Council, which is responsible for authorizing all official communications from the Chapter, news releases, and the communication of election results, all external communications from the Chapter shall be handled by the **Provincial Communications Office**.<sup>68</sup> In addition, the Provincial Communications Office is charged with making arrangements to have a group photo taken of the Chapter Body. The official Chapter photograph will form part of the Acts of the Chapter and will be preserved in the Archives of the Province.

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<sup>67</sup>This Committee primarily functions as a window to our heritage, bringing to bear our rich Capuchin sources and traditions on contemporary issues affecting our Capuchin fraternal life and relationships.

<sup>68</sup>While relying on the expertise of our Office of Communications, the norms also specify that all official communications emanating from the Chapter are to be authorized by the Presidential Council. The Office of Communications may also use the opportunity to arrange for individual photos for publicity purposes or for provincial ID purposes, etc.

- 15.13 If deemed advisable, **technicians** may be appointed by the Provincial Minister and his Council to ensure the smooth operation of whatever equipment is needed by the Chapter. Technicians need not be capitulars or Capuchins.
- 15.14 The appointment of adjunct secretarial staff and technical personnel does not require confirmation or election by the Chapter.

## PART FOUR

### OFFICES AND OTHER ROLES OF SERVICE

#### 16. The President of the Chapter<sup>69</sup>

16.1 At Ordinary Chapters, the General Minister, or his duly appointed Delegate,<sup>70</sup> presides *ex officio* over all the Chapter proceedings. If neither the General Minister nor his Delegate is present, the Provincial Minister acts as President. At Extraordinary Chapters, the Provincial Minister presides even should the General Minister or a General Councilor be present.

16.2 If the General Minister or his Delegate is presiding over the Chapter, the Provincial Minister is *ex officio* the Vice President of the Chapter. Otherwise, the Provincial Vicar acts as Vice President.

#### 17. The Presidential Council (*aka* the Chapter Steering Committee)

17.1 The Provincial Minister and the Provincial Vicar – both of whom were *ex officio* members of the Preparatory Commission – are *ex officio* members of the Presidential Council. Three other capitulars are to be elected to the Presidential Council by the Chapter.<sup>71</sup> Nominations are to be proposed by the Provincial Minister and his Council (see 29.2). The Provincial Minister and Council may also propose entertaining nominations from the floor. The elected members of the Presidential Council need not have been members of the pre-Chapter Preparatory Commission.

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<sup>69</sup>This repeats the *1970 Procedural Norms* (see Art. II,1).

<sup>70</sup>The Delegate presides over the Chapter but does not enjoy active voice.

<sup>71</sup>The *1970 Procedural Norms* (Art. II,3), determined that the Presidential Council be comprised of the President and Vice President of the Chapter and *three* other members chosen by the Chapter itself. While the number of members is rather arbitrary, the Presidential Council should be constituted of an uneven number of members because, failing to reach a consensus, its decisions are determined by majority vote. It should also be kept in mind that for the smooth running of the process it is *not* advantageous to have too large of a group.

- 17.2 It pertains to the Presidential Council to ensure that the *Procedures for Celebrating a Provincial Chapter* are duly observed, and doubts and difficulties are resolved. It shall be convoked frequently to conduct the general business so that the work of the Chapter can proceed more expeditiously.
- 17.3 It pertains to the Presidential Council to schedule the agenda, determine the hour-plan of the general sessions, and see that the topics to be treated in each session are announced to the capitulars in a timely fashion by the Chapter Secretary.<sup>72</sup>
- 18. The Moderator of the Chapter (*aka* Chairperson/Facilitator)**
- 18.1 A Moderator of the Chapter is to be nominated by the Provincial Minister and his Council and elected by the Chapter. If deemed advisable, additional Assistant Moderators may be nominated. They must be Capuchins, although not necessarily capitulars or members of our Province.<sup>73</sup> They need to possess familiarity and facility with our *Procedures for Celebrating a Provincial Chapter*.
- 18.2 The function of the Moderator is to direct the Chapter's sessions of affairs (i.e., plenary or general sessions): namely, to control and regulate the discussions following the approved *Procedures*; to permit those who wish to speak to have the floor, and also to interrupt a speaker when the intervention or presentation exceeds the fixed time limit (see 39.3; see also 33.2.4 and Footnote 93).

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<sup>72</sup>The scheduling of agenda items is handled by the Presidential Council. As in all other matters, the proposals of the Presidential Council may be overturned by a vote of the Chapter. To avoid scheduling becoming a major Chapter issue, therefore, the Presidential Council should be attentive to and accommodate itself to the concerns the Capitulars express during the course of the Chapter.

<sup>73</sup>The *1970 Procedural Norms* (see Art. II,4) added that the Moderator and his substitute may be taken from among the members of the Presidential Council. There probably was an assumption that the Chair and substitute Chair would themselves be capitulars. However, the Moderators of our more recent Chapters have included non-capitular Capuchins from other jurisdictions (e.g., John Corriveau).

- 18.3 The Moderator is to communicate to the Chapter Body in a timely fashion the program of each Chapter session.
- 18.4 When parliamentary procedure needs clarification or direction, the Moderator is assisted by the Parliamentarian.
- 18.5 The Assistant Moderator substitutes for the Moderator when the latter is absent, or at the Moderator's request.
- 19. The Chapter Secretarial Staff<sup>74</sup>**
- 19.1 The Chapter Secretarial Staff is comprised of various persons, some of whom are capitulars. The Secretarial Staff is headed by the Secretary of the Chapter and includes the recording secretaries (*aka* actuaries), typists, copyists, technicians, logistical support personnel, etc.
- 19.2 All documentation and materials required for the working sessions of the Chapter are to be collected and distributed through the Chapter Secretarial Staff.
- 19.3 Under the direction of the Chapter Secretary, the Secretarial Staff is responsible for the following:
- 19.3.1 seeing that all things needed in the Chapter Hall are prepared and provided in due time, including having ballot sheets prepared beforehand should a vote by ballot be required rather than a hand-count (see 38.4, below);
- 19.3.2 recording the official minutes of each session;
- 19.3.3 recording the votes as read by the Tellers, and drawing up a complete tabulation of the balloting, indicating the number of votes received by each brother;
- 19.3.4 duplicating and distributing the texts to be discussed and amendments submitted for the examination of the Chapter; and

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<sup>74</sup>The *1970 Procedural Norms* (see Art. II,5) determined that the Chapter would elect from its members a Secretary and two Assistant Secretaries. Since that time, much to the benefit of the Chapter, the Chapter Secretary has been aided by a pool of non-Capuchin, hence non-capitular, non-elected secretarial and technical staff persons.

19.3.5 amending or re-writing texts following the directions given by the Chapter, unless this task is given to a special committee.

## **20. The Secretary of the Chapter<sup>75</sup>**

20.1 There shall be a Secretary of the Chapter who is to be nominated by the Provincial Minister and his Council and elected by the Chapter. The Secretary must be a Capuchin, but need not be a capitular.<sup>76</sup>

20.2 The Secretary assists the President, the Presidential Council, and the Moderator.

20.3 The Secretary of the Chapter is personally responsible for the following:

20.3.1 coordinating the work of the Secretarial Staff, making sure that everything that needs to be done by the staff is assigned to someone and carried through (see 19, above);

20.3.2 calling the roll, whenever the *Procedures* call for it or as directed by the President;

20.3.3 determining the number of Assistant Tellers required to expedite the balloting process in accord with the seating arrangement approved in the *Procedures* (see 45, below);

20.3.4 ascertaining the total number of capitulars present in the Chapter Hall before each balloting and announcing the number of votes required to carry a motion or to effect an election;

20.3.5 recording the votes as read by the Tellers, and drawing up a complete tabulation of the balloting, indicating the number of votes received by each brother;

20.3.6 announcing the results of balloting and elections; and

20.3.7 authenticating the official minutes (*aka Acts*) of each Chapter session with his signature, and conserving the official minutes and all pertinent Chapter documentation (see 56, 57, 61, and 62, below) until they can

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<sup>75</sup>Whenever the term “Secretary” is used in the *Procedures*, it refers always to the Secretary of the Chapter, not to the Provincial Secretary.

<sup>76</sup>The Chapter Secretary need not be the Provincial Secretary.

be delivered to the Provincial Archivist for preservation in the Provincial Archives.

20.3.8 having at hand a copy of the current *Procedures for Celebrating a Provincial Chapter*, a copy of the current Capuchin Constitutions, a Bible, the Provincial Seal, and preparing the required documentation (see Appendices I, II, and III).

## 21. **The Tellers and Assistant Tellers (*aka* scrutineers)**

21.1 Three capitulars shall be nominated by the Provincial Minister and his Council and elected by the Chapter to serve as Tellers.<sup>77</sup>

21.2 Assistant Tellers, chosen from among the capitulars, are to be nominated by the Provincial Minister and his Council and elected by the Chapter. The number of required Assistant Tellers is to be indicated by the Secretary of the Chapter (see 20.3.3, above and 45, below).

21.3 It is the function of the Tellers to examine, record, and tally the ballots, and eventually destroy them (see 56, below).

21.4 It is the role of the Assistant Tellers to count and verify the number of capitulars who are present in the Chapter Hall before each balloting takes place (see footnote 114, below), to distribute and retrieve ballots, to assist capitulars who may be infirm during a balloting session, to count and verify the number of ballots, to open the ballots and to assist the Tellers as directed elsewhere in these *Procedures* (see 50-51, below).

21.5 When voting is done by a show of hands and a count is required, it is the role of the Assistant Tellers to count the votes.

## 22. ***Ad hoc* Chapter Committees**

22.1 Additional *ad hoc* committees, functioning during the Chapter,<sup>78</sup> may be required to facilitate the business of the Chapter.

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<sup>77</sup>There was a tradition in the Province whereby the youngest capitulars were nominated to serve as Tellers (see *Messenger*, Vol. 44 [1981], 142). This may have developed because alacrity is a valuable asset for the task at hand.

<sup>78</sup>Such are distinguished from pre-Chapter committees or subcommittees.

- 22.2 If the need for an *ad hoc* Chapter committee is foreseen in the planning stages of the Chapter, the Provincial Minister and his Council shall form the committee, delineate its role, and nominate its members. Such committees need to be confirmed by the Chapter.
- 22.3 If the need for an *ad hoc* committee becomes apparent during the Chapter, the members of the committee may be appointed by the Presidential Council, or nominated and elected by the Chapter itself.



## PART FIVE

### PARTICULAR PROCEDURAL NORMS

#### 23. **The Preparatory Commission (*aka* Pre-Chapter Steering Committee)**

As soon as it is deemed advisable, the Provincial Minister and his Council are to form a Preparatory Commission and nominate its members.

#### 24. **The Letter of Convocation**

24.1 Once permission (i.e., the Letter of Indiction) has been received from the General Minister to celebrate a Provincial Chapter,<sup>79</sup> a letter from the Provincial Minister officially convoking the Chapter is to be published to the entire Province.<sup>80</sup>

24.2 The Letter of Convocation is to indicate the place where the Chapter is to be held, the dates of the Chapter (see 2.4, above), and the persons who must attend, as well as other additional pertinent information, together with a recommendation that prayers be said for the success of the Chapter.

#### 25. **Pre-Chapter Process**

25.1 All the brothers of the Province are to be consulted in a timely fashion concerning the issues they would like placed on the Chapter agenda.

25.2 Once the entire Province has been consulted and the Preparatory Commission has formulated a proposed agenda, the Commission may decide to develop and implement an appropriate pre-Chapter process.

25.3 The entire Province is to be informed promptly of the agenda being proposed by the Preparatory Commission, together with any helpful background information, studies, or explanatory materials that would facilitate the Chapter's handling of each respective agenda item.

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<sup>79</sup>The letter of the General Minister to the Provincial Minister giving permission to celebrate a Chapter is called the Letter of Indiction. The letter of the Provincial Minister actually announcing the Chapter and calling the brothers to participate is designated the Letter of Convocation.

<sup>80</sup>See also what is prescribed above (4) in the case of a Delegate Chapter.

25.4 A pre-Chapter straw ballot may be part of the preparatory phase. The Chapter may also choose to have a straw ballot during the Chapter itself (see 41.1.3, below).

## PART SIX

### THE GATHERING AND OPENING SESSION OF THE CHAPTER

#### 26. Arrival

All capitulars shall arrive at the place of the Chapter no later than the evening before the formal opening of the Chapter.<sup>81</sup>

#### 27. The Formal Opening of the Chapter

27.1 All capitulars are to assemble at the appointed hour and place. The session opens with a prayer<sup>82</sup> and the President of the Chapter directs the provisional Secretary of the Chapter to read the General Minister's Letter of Indiction, i.e., the letter approving the convocation of the Provincial Chapter.

27.2 If a Delegate has been appointed by the General Minister to preside at Chapter, the letter of appointment is then read.

27.3 The President of the Chapter then officially declares the Provincial Chapter to be in session.

27.4 The President of the Chapter directs the provisional Secretary of the Chapter to call the roll.<sup>83</sup>

27.5 The Provincial Minister formally welcomes those gathered.

#### 28. Exhortation for Prudent Discretion and Confidentiality

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<sup>81</sup>It has been the practice of the Province to have the following take place during the evening prior to the start of Chapter: registration, an extended prayer service, and a social. The *1970 Procedural Norms* (Art. III) required capitulars to arrive the evening before the formal opening of Chapter.

<sup>82</sup>The opening prayer is to be prepared by the Liturgical Commission. The *1970 Procedural Norms* (Art. III,1) directed that there be an opening Eucharistic liturgy, i.e., Mass.

<sup>83</sup>This roll call has both official and ceremonial aspects. As an official act, it indicates which capitulars enjoy active voice. As a ceremonial act, other names may be added, e.g., the brothers who have been excused, the temporarily professed brothers, novices, postulants, non-capitular guests, etc.

- 28.1 Either now or whatever time the President judges to be most opportune, but before any voting takes place, the President of the Chapter is to remind all who attend the Provincial Chapter – both capitulars and non-capitulars in the Chapter Hall – that the Chapter is a privileged moment in the life of the Province during which the brothers are encouraged to speak charitably yet frankly with one another. An atmosphere of trust is necessary for such to happen. Therefore, all are called to respect each other and the opinions expressed, and to observe prudent discretion both during and after the Chapter concerning what takes place during Chapter.
- 28.2 The President of the Chapter specifically reminds those who will be called upon to exercise any Office during the Chapter, e.g., the Tellers, of the seriousness of their service, and exhorts them to carry out their duties faithfully and to observe confidentiality even after the Chapter, especially concerning opinions expressed and votes cast.<sup>84</sup>

## **29. The Election of Chapter Officials**

- 29.1 The election of Chapter officials shall be accomplished by a show of hands.<sup>85</sup> Each Office or role of service is voted upon separately. When an Office or role of service is jointly held by a group of individuals (e.g., the non *ex officio* members of the Presidential Council, Tellers and Assistant Tellers, etc.), the nominees may be announced and voted on as a group. An absolute majority is required for election.<sup>86</sup> The President of the Chapter announces the election results.

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<sup>84</sup>Formerly, capitulars were required to take an oath, and a separate oath was required of the President, Secretary and Tellers (see CIC/17, c. 506, 1 and *1970 Procedural Norms*, Art. V,4 and 5).

<sup>85</sup>Previously, nominations could also come from the floor, in which case a secret ballot was called for [see *1970 Procedural Norms*, Art. III, 2, e (2) (a), (b) and (c)].

<sup>86</sup>An “absolute majority” signifies acceptance by 50% plus 1 of the capitulars present for the votation.

- 29.2 The President asks the Provincial Minister to announce the names of the candidates that the Provincial Minister and Council wish to propose, each in turn, for the following Offices or roles of service<sup>87</sup>:
- 29.2.1 either singly or jointly, nominees as elected members of the Presidential Council (see 17.1, above);
  - 29.2.2 the Moderator and Assistant Moderator(s);
  - 29.2.3 the Secretary of the Chapter;
  - 29.2.4 jointly, the Tellers and Assistant Tellers; and
  - 29.2.5 any *ad hoc* Chapter committees which may have been formed following these *Procedures* (see 22.2 and 22.3, above).
- 29.3 If the Chapter fails to elect an individual or group that has been nominated, the President will ask the Provincial Minister to nominate an alternate candidate and the President shall ask for a show of hands. Nominations from the floor are also admissible. An absolute majority is required for election.
- 29.4 The President asks the Provincial Minister to announce, for the acknowledgment of the Chapter Body, those who have been appointed to fulfill non-elected roles of service during the Chapter, including the following:
- 29.4.1 the Liturgical Commission;
  - 29.4.2 the Parliamentarian;
  - 29.4.3 the Special Events Committee;
  - 29.4.4 the Communications Office; and
  - 29.4.5 the technical, secretarial, and adjunct personnel.
- 30. The Admission and Boundaries of Non-Capitulars**
- 30.1 It pertains to the Chapter itself to determine whether or not non-capitulars are to be admitted to any or all of the Chapter proceedings.

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<sup>87</sup>The President of the Chapter judges whether the show of hands has produced the required majority. If, before the election of the Tellers and Assistant Tellers, the results are not clear, the President may appoint Tellers *pro tem* to tally the count.

It also pertains to the Chapter to determine whether or not the non-capitulars who are admitted may be heard.

- 30.2 The President will direct the Provincial Minister to present to the Chapter Body for its approval, the names of non-capitulars – apart from those in initial formation for the Calvary Province and those who will fulfill a role of service that requires their presence during the deliberations (e.g., the Parliamentarian) – who have requested to be present during the plenary (general) sessions of the Chapter deliberations. The non-capitulars may always be presented and their request voted upon individually. To expedite matters, however, if they share a common quality, e.g., Capuchins from other jurisdictions, they may be presented jointly and their request is considered *as a group*. After each individual or group is presented, the President asks the capitulars for a show of hands indicating approval of their request to attend the plenary deliberations. An absolute majority is required for approval.
- 30.3 If the Chapter has voted not to allow non-capitulars to be present during the plenary (general) sessions, those same individuals are not to be admitted to any small group discussions.
- 30.4 At any point in the Chapter proceedings, the President, in consultation with the Presidential Council, may propose that a closed or semi-closed plenary (general) session<sup>88</sup> of the Chapter be held. An absolute majority is required for the adoption of the proposal.
- 30.5 Provided that the Chapter has voted to allow non-capitulars to be present during the plenary (general) sessions, the Presidential Council may propose to the Chapter that some or all of the non-capitulars be permitted to participate in the small group work of the Chapter. An absolute majority is required for the adoption of the proposal.

### **31. The Adoption of Procedures for Celebrating a Provincial Chapter**

If a revision of *The Procedures for Celebrating a Provincial Chapter* is to be considered by the Chapter (see also 1.3, above), the revision is to be presented for discussion and adoption as the first matter of

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<sup>88</sup>A closed session would bar all non-capitulars from the Chapter Hall; a semi-closed session would bar only certain non-capitulars.

business,<sup>89</sup> even before considering the agenda, unless the Chapter itself decides otherwise by an absolute majority vote.

### **32. Determining Agenda Items, their Priority, and their Sequence**

The Preparatory Commission's proposal concerning agenda items, their priority, and their sequence is presented to the Chapter. The Chapter itself decides which topics will be placed on the agenda, their priority, and their sequence.<sup>90</sup> The proposed agenda may be accepted or amended, in whole or in part, by an absolute majority vote of the capitulars present. It facilitates the Chapter process if, during the pre-planning phase, the Province is consulted with regard not only to agenda items, but also their priority and sequence.

### **33. Determining the Schedule<sup>91</sup>**

33.1 A preliminary Chapter schedule is to be drawn up by the Preparatory Commission. Once Chapter begins, it falls to the Presidential Council to propose a schedule for each session, monitor the progress of the Chapter and the sentiments of the capitulars regarding the schedule, and propose schedule changes in response thereto. When such proposals come from the Presidential Council, the President asks if the proposed change pleases the Chapter. Like other motions, an absolute majority is needed to carry the proposal.

33.2 Issues regarding the schedule are also subject to motions from the floor, according to the norms of accepted parliamentary procedure. The following are some examples:

33.2.1 *A plenary session goes too long.* A capitular may feel that a plenary session has gone too long. He may make a motion to adjourn until a future time. This type of motion does not need to be seconded, does

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<sup>89</sup>This reflects the *1970 Procedural Norms* (Art. III, 2, i).

<sup>90</sup>This mimics the *1970 Procedural Norms* (Art. III,2, j).

<sup>91</sup>It is not entirely accurate to say that the Chapter's schedule – although distinguishable from its agenda – is outside the control and determination of the Chapter Body. It is clear from parliamentary procedure itself that motions can be made which would alter not only the content but also the scheduling of agenda items.

not allow debate, does not allow for amendments, and requires an absolute majority to pass.

33.2.2 *Request for a break.* A capitular may move that the Chapter recess for a certain amount of time. This type of motion requires a second, does not allow for debate, may be amended, and requires an absolute majority to pass.

33.2.3 *Postpone the discussion.* A capitular may move to postpone the discussion until a future time. This type of motion requires a second, allows for debate, permits amendments, and requires an absolute majority to pass.

33.2.4 *Desire to enforce the schedule.* If the schedule that has been accepted is not being followed and the Moderator has not enforced the time limits established by the Chapter (see 18.2, and 39.3), a capitular has the right to call for the orders of the day. This requires that the agenda and schedule be followed unless the Chapter decides by a two-thirds vote to set aside the orders of the day.<sup>92</sup>

#### **34. Establishing the time for the Elections**

Elections may take place at any time during the Chapter.<sup>93</sup> The Chapter itself determines the most suitable time for holding the elections of the Provincial Minister, the Provincial Councilors, and the Provincial Vicar. The proposal of the Preparatory Commission is presented, which may be accepted or amended, in whole or in part, by an absolute majority vote of the capitulars present. It facilitates the Chapter process if, during the planning phase, the Province is consulted concerning the timing of elections.

#### **35. The Report of the Provincial Minister**

Unless the Chapter has determined that another time is more suitable, the Provincial Minister now reports on his administration and the status

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<sup>92</sup>This parliamentary norm requires the Moderator to be not only attentive to time limits but also assertive in their regard. In order for this norm to be effective, the Moderator is required to interrupt the presenter and yield the floor to the capitular who wishes to call for the orders of the day.

<sup>93</sup>This reflects the *1970 Procedural Norms* (Art. III,2, k).



of personnel, places, and finances. This is followed by an open discussion of the administration and status of the Province. The Chapter must exercise its responsibility regarding the administration of the Province frankly and candidly, discussing the successes and failures of the triennium. The discussion should be charitable, honest, and thorough, with a view to better planning and future administration, and to the persons to be elected to the Offices of Provincial Minister and Councilor. The discussion properly concerns the vast range of provincial administration, spiritual as well as temporal.<sup>94</sup>

### **36. The Address of the General Minister or his Delegate**

Unless the Chapter has determined that another time is more suitable, the General Minister or his Delegate will address the Chapter Body. Sufficient time will be allotted for a dialogue.

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<sup>94</sup>In the *1970 Procedural Norms* (Art. III, g-k), the Report of the Provincial Minister preceded the question of the admission of experts and observers, the adoption of the *Procedures for Celebrating a Provincial Chapter*, the determination of the agenda and setting the time for elections. The current procedures propose that the Minister's Report be done after all the preliminary "housekeeping" business has been disposed of satisfactorily.

## PART SEVEN

### PLENARY SESSIONS AND PARLIAMENTARY PROCEDURE

#### 37. **Plenary Sessions (*aka* Sessions of Affairs or Business Sessions)**

It pertains to the Chapter itself to decide how to proceed in dealing with non-electoral business or deliberations.

#### 38. **Parliamentary Procedure**

Basic parliamentary procedure is to be used in conducting the plenary sessions. Besides what has been mentioned above (see 33.2.1-33.2.4), the following norms are to be observed:<sup>95</sup>

##### 38.1 **Making a motion**

When a motion has been made, seconded, and acknowledged by the Chair, the Chapter Body will need to dispose of it before considering any other business. In the discussion of a motion, remarks are to be addressed to the Chair, not directly toward other members. The Chair does not enter into the substance of a debate; to do so, he must be a capitular and must leave the Chair for the time of the discussion. The Chair may always ask questions to clarify what is being proposed to the Chapter for its consideration.

##### 38.2 **Amending a motion**

Amending a motion refers to a desire to change, add or omit words in the original motion. A substitute motion also ranks as an amendment to the main motion. It proposes to cancel the entire original motion and insert a more satisfactory motion on the same issue. The main motion can be amended repeatedly. The amendment of an amendment is considered a motion to change, add, or omit words in the pending amendment. An amendment to an amendment cannot be amended. An amendment is discussed and voted on before discussing and voting on the main motion. An amendment to the amendment is the very first thing discussed and voted on. Debate is allowed on amendments. An absolute majority decides the matter.

##### 38.3 **Closing debate**

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<sup>95</sup>These parliamentary norms are taken from the *1970 Procedural Norms*, Art. IV.

This motion is made when it is judged that sufficient debate has taken place. The Chair will see if there are any objections to ending the debate. If no objections are forthcoming, the pending motion is voted on immediately. If objections are made, then the motion to end the discussion is voted on. A two-thirds majority is required to carry the motion.

#### **38.4 Voting method**

The usual method for voting during Plenary Sessions is by hand-count. At any time a capitular may ask for a vote by ballot. The Chair will inquire if this is agreeable to all. If there is an objection, it is put to a vote by the Chapter Body. Debate is not allowed. An absolute majority decides the issue.

#### **38.5 Referring a motion to a committee**

When the discussion of a pending motion reveals that it needs further study, or that it needs considerable re-wording, it may be referred to a committee or the party sponsoring it. Debate is allowed. An absolute majority carries the motion.

#### **38.6 Tabling a motion**

This will set aside the subject under discussion in such a way that it can be taken up at any future time when agreeable to the Chapter Body. No debate is allowed. An absolute majority decides the matter.

#### **38.7 Postponing a motion**

Postponing a motion, either definitely or indefinitely, differs from tabling a motion. To postpone indefinitely amounts to removing a question for good. To postpone definitely means to reserve it for a later specified time. Debate is allowed. An absolute majority decides the matter.

#### **38.8 Withdrawing a motion**

After a motion has been made, seconded, and acknowledged by the Chair, it can be withdrawn as long as all agree. If there is an objection, a formal motion to withdraw is needed. There is no debate. An absolute majority decides the matter.

### 38.9 **Reconsidering a motion**

The motion to reconsider a motion that was carried or lost must be made by one who voted with the prevailing side. Two votes will be taken: first, on whether it should be reconsidered, and second, on the original motion brought back. Debate is allowed. An absolute majority decides the matter.

### 38.10 **Suspending the rules**

This motion would make it possible for informal discussions to take place, and also to allow non-capitulars to participate. No debate is allowed. A two-thirds majority is needed.

### 38.11 **Appealing from the Chair**

A capitular may object to a decision made by the Chair regarding appropriate parliamentary procedure. If the Chair still stands by his decision, the matter is put to the vote of the Chapter Body. Debate is allowed. An absolute majority decides the matter.

### 38.12 **To Recess or Adjourn**

This motion is always in order except when a speaker has the floor, a vote is being taken, or the Chapter Body is in the midst of business that cannot be abruptly stopped. There is no debate. An absolute majority decides the matter. If a time or place is stated, these details are debatable.

## 39. **Particular Norms**<sup>96</sup>

39.1 Any matter submitted to the Chapter must be drawn up in written form and be in the hands of the capitulars before the discussion begins. This, in general, applies also to amendments.<sup>97</sup>

39.2 A proposal should be broadly discussed before a motion on amendments is admitted to avoid premature amendments.

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<sup>96</sup>These were included in the *1970 Procedural Norms* at Art. IV, 2.

<sup>97</sup>It is clear that an amendment which seeks to change a single word or short phrase need not wait to be voted on, as long as the capitulars clearly understand the matter at hand.

- 39.3 Capitulars addressing themselves to a proposal or a motion are limited to five minutes; by way of exception, the Chair may extend this time.
- 39.4 To provide for more mature reflection, it may be opportune at times to postpone a vote until a later session.
- 39.5 At times, an open discussion may be held after which the capitulars are asked to submit their comments and suggestions in writing to the Secretary or respective committee.
- 39.6 When deemed advisable, an *ad hoc* committee may be appointed to prepare or revise the text of a proposal or amendments for later submission to the Chapter.

#### **40. Proposals from the Floor<sup>98</sup>**

If, during the Chapter, a capitular wishes to make a proposal or to introduce a new agenda item, the proposal requires the signatures of at least 5% of the capitulars. The proposal shall then be presented in writing to the Presidential Council through the Chapter Secretary. The Presidential Council will then present the proposal to the Chapter for its consideration.<sup>99</sup>

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<sup>98</sup>The *1970 Procedural Norms* (see note following Art. IV,1, l) only dealt with proposing new agenda items.

<sup>99</sup>This reflects our current practice which superseded the *1970 Procedural Norms* (Art. IV,1, note).

## PART EIGHT

### THE ELECTION OF THE PROVINCIAL MINISTER, COUNCILORS, AND PROVINCIAL VICAR

#### 41. Norms governing Elections

- 41.1 According to our Capuchin Constitutions:<sup>100</sup>
- 41.1.1 Offices in the Order are conferred either by election or appointment.
  - 41.1.2 In conferring Offices, the brothers should proceed with the right intention, simply and according to the norm of law.
  - 41.1.3 For the good of the Order, a preliminary consultation [e.g., a straw ballot] may be held concerning potential candidates for election; in the case of appointments, a preliminary consultation must be held.
  - 41.1.4 If an election requires confirmation, it must be requested within eight days of available time.<sup>101</sup>
  - 41.1.5 The brothers, as true minors, should not be ambitious for office; but if they are called to it by the confidence of the brothers, they should not obstinately refuse to serve as a Superior or in some other Office.
  - 41.1.6 Since we are an Order of brothers, according to the will of Saint Francis and the genuine Capuchin tradition, all the brothers in perpetual vows may assume any Office or position except those that flow from Sacred Orders. Concerning the Office of Provincial Minister and Provincial Vicar, however, a minimum of three years after perpetual profession is required for validity.
  - 41.1.7 When Offices are conferred by election, the practice of Postulation is accepted in our Order (see 63, below). Both the admissibility of Postulation and the dispensation from the impediment are within the competence of the authority having the right of confirmation.

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<sup>100</sup>The Constitutional provisions concerning elections were amended by the General Chapter of 2000 (see *AOFMCap* 116 [2000], 984).

<sup>101</sup>All provincial elections are subject to confirmation by the General Minister. If a brother who is not ordained is elected to the Office of Provincial Minister or Provincial Vicar, confirmation of the election is reserved to the Holy See.

- 41.2 Concerning provincial elections, our Constitutions prescribe the following:
- 41.2.1 During the Ordinary Chapter the Provincial Minister is to be elected according to the norms of the *Procedures for Celebrating a Provincial Chapter* approved by a Provincial Chapter (Const. 132,1 and Ord. 8/15).
- 41.2.2 A Provincial Minister is eligible for only two consecutive elected terms of office (Const. 132,2). He may be elected again in the future, but only after the interruption of a term.
- 41.2.3 Following the approved *Procedures*, after the election of the Provincial Minister, four Provincial Councilors are to be elected, unless the General Minister and his Council have judged it opportune to have a greater number of Councilors. Only half of the Provincial Councilors elected at the previous Chapter may be re-elected (Const. 132,3).
- 41.2.4 Then, from among those elected as Provincial Councilors, the Provincial Vicar is to be elected (see also 41.1.6, above). By his election as Vicar, he becomes the First Councilor (Const. 132,4).
- 41.2.5 In the election of Provincial Councilors, the Provincial Minister who is leaving office enjoys only active voice (Ord. 8/22).
- 41.2.6 Once elected, a Provincial Minister exercises his Office as Delegate of the General Minister until his election is confirmed (Const. 132,5).
- 41.2.7 Those who hold other provincial Offices or appointments remain in Office until the newly-elected Provincial Minister and Council determine otherwise (Const. 132,6).<sup>102</sup>
- 41.3 Elections are governed both by common law and by our particular law.
- 41.4 The *quorum* needed to hold an election or to take any action consists of the presence of a majority of the capitulars.<sup>103</sup>

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<sup>102</sup>It is a common misconception that all Offices and appointments cease with Chapter. On the contrary, they continue to be exercised until other provisions are made by the newly-elected leadership team.

<sup>103</sup>A *quorum* is required not only to effect an election, but also to carry out non-electoral capitular deliberations.

- 41.5 Unless otherwise stipulated, an election is effected by an absolute majority of the electors present for the balloting.
- 41.6 In the tallying of votes, whether regarding elections or deliberations, the number of capitulars present for a vote forms the basis on which to determine how many votes are needed to obtain the required majority.<sup>104</sup>
- 41.7 Concerning the election of a Provincial Minister, that action has the force of law which receives the approval of an absolute majority of the capitulars present. In our Province, after three indecisive ballots, in the fourth ballot, a relative majority (i.e., a simple plurality) suffices to effect an election. In the final ballot, the choice is between the two candidates who have obtained the greater number of votes, or, if there are several with an equal number of votes, the two who are senior by date of First Profession.<sup>105</sup> If a tie remains after the final ballot, the brother who is senior by the date of First Profession is considered elected. If both were professed on the same day, that one is elected who is senior in age.<sup>106</sup>
- 41.8 Concerning the election of Provincial Councilors and the Provincial Vicar, after two indecisive ballots, the choice is between the two candidates who have obtained the greater number of votes, or, if there are several with an equal number of votes, upon the two who are senior by First Profession. In the third ballot, a relative majority (i.e., a simple plurality) suffices to effect an election. If a tie remains, the brother who

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<sup>104</sup>This represents a change enacted by the 1984 Code of Canon Law (see CIC, c. 119, 1°). Formerly, the absolute majority referred only to valid votes cast (see *1970 Procedural Norms*, Art. V, 1, c). The current legislation establishes the number of capitulars present for a vote as the basis on which to determine how many votes are required for an absolute majority.

<sup>105</sup>The provision allowing for a fourth ballot in the election of a Provincial Minister is by way of the particular law of our Province, approved by the Provincial Chapter of 1984 (see *Messenger*, 47 [1984], p. 124).

<sup>106</sup>This norm was adopted by the Provincial Chapter of 1984 (see *Messenger*, 47 [1984], pp. 124-125).



is senior by date of First Profession is considered elected. If both were professed on the same day, that one is elected who is senior in age.<sup>107</sup>

## **42. The Resignation of Active or Passive Voice**

42.1 If any capitular, for a serious reason, intends to resign his active or passive voice, he shall present the request in writing to the President of the Chapter in a timely fashion. The resignation has no effect unless it is accepted by the President of the Chapter. The resignation is strictly bound by the limits for which it was presented and accepted, e.g., renouncing passive voice for a certain Office but not for others.<sup>108</sup>

42.2 If a brother elected to an Office renounces his election before the conclusion of the Chapter, the Chapter shall decide by an absolute majority vote whether or not to accept the resignation. If the resignation is accepted, the Chapter shall immediately proceed to elect another candidate to the Office.<sup>109</sup>

## **43. The Election of a non-Capitular**

A Provincial Minister or Councilor elected from outside the Chapter Body becomes a vocal of the Chapter because of his election.<sup>110</sup>

## **44. Opening of the Electoral Session**

Elections shall be held at a time determined by the Chapter. All the capitulars shall assemble in the Chapter Hall at the appointed time. Unless the Chapter has determined otherwise, non-capitulars may be admitted into the Chapter Hall but must be seated apart from the area

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<sup>107</sup>This norm was adopted by the Provincial Chapter of 1984 (see *Messenger*, 47 [1984], p. 125).

<sup>108</sup>The *1970 Procedural Norms* (Article V,1, e) determined that it was to the Chapter itself, rather than to the President of the Chapter, that the letter of renunciation was to be addressed, and by which the resignation had to be accepted by an absolute majority vote in order to take effect. The current norm reflects more recent provincial practice and better protects matters of conscience and confidentiality.

<sup>109</sup>This reflects the *1970 Procedural Norm* (Art. V,1, f).

<sup>110</sup>This reflects the *1970 Procedural Norm* (Art. V,1, d).

reserved for the electors. The session opens with a short prayer prepared by the Liturgical Commission. The President directs the proceedings.<sup>111</sup>

#### **45. The Seating Arrangement**

45.1 At the first electoral session, each elector will select one of the available seats. The elector will occupy a seat in the same section during all subsequent electoral sessions.

45.2 To facilitate the roll call before each electoral session, seats shall be arranged in groupings of an equal number.<sup>112</sup> The electors are to fill each section of seats so that only one section remains that might be occupied by a sum of electors less than the other sections. Two Assistant Tellers are assigned to each section.

#### **46. The Roll Call**

A roll call of the capitulars is to be taken before each balloting.<sup>113</sup> The Secretary announces the number of electors present for each balloting and the number needed to effect an election.

#### **47. Exhortation of the President**

If he has not yet done so, or if he judges it opportune to repeat himself, the President of the Chapter is to give the exhortation already mentioned (see 28.1 and 28.2, above).

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<sup>111</sup>This updates the *1970 Procedural Norms* (Art. V,2) which required that the elections be held in the morning, be opened by the President with a prayer, and forbade the presence of non-capitulars. It should be noted that the Moderator does not lead the electoral sessions.

<sup>112</sup>Recent practice has been to create groupings of 20.

<sup>113</sup>The first electoral roll call is generally a formal one with the Secretary reading the names of the electors and each one indicating his presence. Subsequent roll calls may be done in the following manner: one Assistant Teller from each group counts the number of electors present in his section. The President asks the Assistant Teller to report the number of electors in his section who are actually present. A tally is made and the total number of electors present for each electoral session is announced by the President.

#### **48. Instruction to the Electors**

The President explains the following points or directs the Secretary to do so:

- 48.1 the requirements for a valid vote;
- 48.2 the manner of filling out the ballot, especially that the full name (i.e., the first and family name) of the candidate be written on the ballot;
- 48.3 that if the number of ballots cast exceeds the number of electors the balloting is null and void and must be repeated;
- 48.4 the number of votes needed to effect an election;
- 48.5 that the Provincial Minister leaving office may not be elected to the Provincial Council; that no more than half of the Provincial Councilors may be re-elected; that the Provincial Vicar may be chosen only from among the elected Councilors;
- 48.6 that if a brother has renounced his passive voice for an Office and this has been accepted by the President of the Chapter, he cannot validly be elected for the Office in question.

#### **49. Electoral Sequence**

In accord with the prescriptions of our Constitutions (132,2-4), the election of the Provincial Minister is held first, followed by the election of the Provincial Councilors, followed by the election of the Provincial Vicar.

#### **50. Distribution of the Ballots**

- 50.1 After the Secretary has recorded the total number of electors present, the Assistant Tellers from each group receive from the Secretary the ballots for that votation only. The President directs the Assistant Tellers to distribute the ballots to the electors of their respective groups. When the ballots have been distributed, the President announces: "We shall now proceed to the election of ... [the Provincial Minister, or the Provincial Councilor, or the Provincial Vicar]."
- 50.2 Each elector will write legibly on the ballot the first and family names of the brother for whom he wishes to cast his vote.

- 50.3 When all the electors have finished voting, the President directs the Assistant Tellers to collect the ballots from the electors of their respective groups and to bring the ballots to the designated place for counting.
- 50.4 Electors who are not present for the roll call preceding a particular balloting (votation) are excluded from that particular votation. However, if any elector is present in the place where the elections are held but because of infirmity cannot be present for the elections in the Chapter Hall, two additional Assistant Tellers shall be appointed to bring the infirmed elector a ballot. If he can write, the infirmed elector shall complete his own ballot, fold it, and hand it to the Assistant Tellers. If he is unable to write, one of the Assistant Tellers may fill out the ballot as directed by the elector and show it to the elector to verify his approval. The Assistant Tellers will deliver the ballot to the Chapter Hall and place it in the receptacle with the rest of the electors' ballots.<sup>114</sup>
- 50.5 At the designated place, the two Assistant Tellers from each group will count and verify the number of ballots from their respective group. When asked, they will report the number of ballots to the Secretary. If the number of ballots exceeds the number of Capitulars voting, the balloting is invalid, and a new votation must be held. The invalid ballots must be disposed of in such a way that they cannot get mixed up with other ballots.
- 50.6 The Secretary will verify that the total number of ballots cast does not exceed the number of electors in each group or the total number of electors.
- 51. Examination of the Ballots and Tabulation of the Results**
- 51.1 The Tellers then take their designated place, ready to record the balloting results.
- 51.2 The Assistant Tellers place the ballots from their respective groups into a large receptacle. The receptacle shall be stirred to mix the ballots. The ballots are then placed on a table in full view of the Chapter Body.

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<sup>114</sup>This follows the canonical procedures, and reflects the *1970 Procedural Norms* (Art. V,7, b).

- 51.3 Each Teller is responsible for recording the name and number of votes received and will be aided by two Assistant Tellers in the task of counting and verifying the ballots.
- 51.4 The first Assistant Teller is charged with opening each ballot one-by-one, reading each to the Teller and second Assistant Teller, and showing the written ballot to the Teller and second Assistant Teller to verify the ballot. The Teller records the name and the vote on a tally sheet. Illegible or dubious ballots are invalid.<sup>115</sup> If there is a problem, the President may be asked to assist in solving the problem or to decide the validity of the ballot.
- 51.5 When all the ballots have been recorded, the Tellers will consolidate the results on a single tally sheet, indicating the names of the persons receiving votes as well as the number of votes cast for each respective individual.
- 51.6 One of the Tellers will take the tally sheet to the Chapter Secretary. Starting with those who received the least number of votes, the Teller will read the names and number of votes received by each individual to the Secretary who will record the results. When complete, the Secretary shall present the final tally to the President, verifying once again that the total number of votes cast conforms to the number of electors present for the session.

## **52. Announcing the Results**

- 52.1 The President shall direct the Secretary to announce the final result of each votation in its entirety to the Chapter Body. The Secretary begins with those who received the least number of votes, leading up to the name of the person who received the largest number of votes (see 41.7, above).<sup>116</sup>

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<sup>115</sup>Invalid and blank ballots have no effect on the number of votes required to effect an election since the required number is based solely on the number of electors present for the balloting.

<sup>116</sup>The practice of the Province in this regard is to have the Chapter Secretary announce without naming the individuals, how many brothers received one vote. Then, without naming individuals, how many received two votes. Beginning with three votes, the individuals are named with the corresponding number of votes received, beginning

- 52.2 If an election has not taken place, the Secretary begins his announcement by saying: “No election has taken place,” and proceeds to announce the voting results, starting from the lowest number of votes received to the highest.
- 52.3 If an election has taken place, the Secretary begins by saying: “An election has taken place,” and proceeds to announce the voting results, starting from the lowest number of votes received to the person who received the second-highest number of votes, at which point the Secretary continues: “Brother N.N. received *x number of* votes, and is elected.”
- 52.4 If the balloting does not result in an election, the next balloting is to take place<sup>117</sup>. If the balloting has resulted in an election, the President of the Chapter asks the brother elected if he accepts the election. If the refuses his election to Office, the provisions of 42.2 come into play.
- 52.5 With his acceptance to Office, the newly-elected Provincial Minister assumes the role of President or Vice President of the Chapter (see 16.1 and 16.2, above).

### **53. The Election of Provincial Councilors**

- 53.1 When the Provincial Minister has been elected, the Chapter proceeds to the election of Provincial Councilors, electing one at a time in the same manner prescribed for the election of the Provincial Minister. However, on a *third* ballot, a relative majority (i.e., a simple plurality) suffices to effect an election (see 41.8, above).
- 53.2 If deemed advisable, the President reminds the capitulars that no more than half of the Councilors elected in the preceding Chapter may be re-elected and that the retiring Provincial Minister enjoys only active voice in the election of Councilors, i.e., he may not be elected to the Provincial Council.

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with the lowest number and finishing with the brother who received the highest number of votes.

<sup>117</sup>The Chapter of 2008 removed the word “immediately” after the phrase “take place”.

#### **54. The Election of a Provincial Vicar**

The capitulars then proceed to elect a Provincial Vicar from among the newly-elected Provincial Councilors. The same procedure is observed as above for the election of the Vicar (see 41.8, above). By his election, the Provincial Vicar becomes the First Councilor.<sup>118</sup>

#### **55. Close of the Electoral Session**

The President brings the electoral session to a close either with the formal announcement or proclamation (see 57, below), or with his closing address to the Chapter (see 58, below), or in some other appropriate fashion.

#### **56. The Official Record of the Election Results**

Immediately after the elections are concluded, an official record of the election results is drawn up and a copy is made by the Chapter Secretary, stamped with the seal of the Province, and signed by the President, the Chapter Secretary, and the Tellers. One copy is sent within eight days to the General Minister for confirmation of the election of the Provincial Minister and Provincial Vicar (see canon 179); the other copy is preserved in the Provincial Archives. Once the official record has been drawn up, the Tellers shall see to it that all the ballots are effectively (i.e., thoroughly) destroyed.<sup>119</sup>

#### **57. The Formal Proclamation of the Election<sup>120</sup>**

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<sup>118</sup>It has been the custom of the Province to take a pause before the election of the Provincial Vicar during which time the newly-elected leaders can meet for the purpose of proposing to the Chapter Body their suggestion for Vicar. The Chapter is not bound by the preference expressed by the newly-elected leaders.

<sup>119</sup>A sample copy of the official record of election results is attached to these norms (see below, Appendix I).

<sup>120</sup>See Appendix II.

The formal proclamation of the election takes place at a time and place judged most suitable by the Presidential Council.<sup>121</sup> The Secretary of the Chapter is charged with making the following proclamation:

“In the name of our Lord and Savior Jesus Christ. Amen.

“We, brothers of the Province of St. Joseph, gathered in Chapter at (*name of place*), from the (*e.g., 15<sup>th</sup> day of June*) to the (*e.g., 20<sup>th</sup> day of June*), in the year of our Lord (*e.g., two thousand and five*), with Brother N.N. presiding, hereby proclaim the canonical election of the Provincial Minister, Provincial Councilors and the Provincial Vicar of our beloved Calvary Province.

“In this Chapter, the following brothers were elected:

“As Provincial Minister: Brother N.N., who received (#) votes in the (#) ballot.

“As First Councilor: Brother N.N., who received (#) votes in the (#) ballot.

“As Second Councilor: Brother N.N., who received (#) votes in the (#) ballot.

“As Third Councilor: Brother N.N., who received (#) votes in the (#) ballot.

“As Fourth Councilor: Brother N.N., who received (#) votes in the (#) ballot.

“As Provincial Vicar: Brother N.N., who received (#) votes in the (#) ballot.”

## **58. The President’s Closing Address to the Chapter**

The President of the Chapter (or his Delegate) will make a final address to the Chapter Body at a time and place to be determined by the Presidential Council.

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<sup>121</sup>The *1970 Procedural Norms* called for the Proclamation to be made in the Chapter Hall following the elections. The current norms allow the Proclamation to take place at other times and places, e.g., as part of the Installation Liturgy.



## **59. The Installation of the newly-elected Leadership Team**

- 59.1 On the closing day of the Chapter, at a time determined by the Presidential Council in consultation with the Liturgical Commission, an appropriate liturgy (i.e., Mass, liturgical Hour, or prayer service)<sup>122</sup> will be celebrated by the Chapter Body during which the newly-elected Minister and Council shall be “installed.”<sup>123</sup>
- 59.2 If it has not already taken place, the formal Proclamation of the Election Results is to take place during the Installation Liturgy in the manner described above (58).
- 59.3 At an appropriate time during the Installation Liturgy, a formal motion for adjournment *sine die* is made by a pre-determined capitular (see 11.6.8, above).

## **60. The Profession of Faith and Oath of Fidelity<sup>124</sup>**

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<sup>122</sup>The Chapter of 2008 approved a change from the previous norm that stated that a final Eucharistic liturgy (i.e., Mass) would be celebrated during which the installation would take place.

<sup>123</sup>The *1970 Procedural Norms* stipulated that a concelebrated Mass be celebrated, indicated who was to be the main celebrant and concelebrants at the altar, who would give the homily, etc. The *1970 Procedural Norms* also called for a song of thanksgiving and Benediction of the Blessed Sacrament to close the Chapter. The 2004 Norms stipulated only a Mass. The Chapter of 2008 changed this to “an appropriate liturgy (i.e., Mass, liturgical Hour, or prayer service)”, the rationale being that the president of the 2008 Chapter was Mark Schenk, a lay brother and general councilor. The present norms indicate that there is to be an appropriate liturgy during which the formal proclamation of the election results may be made, and during which the Provincial Minister and Vicar may make the required Profession of Faith and Oath of Fidelity. In some recent Chapters, a distinct liturgical service sometime during the Chapter was also used as the setting in which to acknowledge and thank the Provincial Minister and Councilors who were completing their term of office.

<sup>124</sup>Canon Law (c. 833, 8<sup>o</sup>) and our Constitutions (184, 5) require Major Superiors, at the beginning of their term of Office, to make a Profession of Faith. In addition, since 1989, those same Superiors have been required to take an Oath of Fidelity (see AAS 90 [1998] 543-544). The newly-elected Provincial Minister and the Provincial Vicar are bound

60.1 In the presence of the Chapter President and Chapter Secretary, at a time and place deemed most appropriate, the newly-elected Provincial Minister and Provincial Vicar are to make the prescribed Profession of Faith and Oath of Fidelity.<sup>125</sup> A book of the Gospels is used for the Oath of Fidelity.

60.2 The following is the text of the Profession of Faith.<sup>126</sup>

“I, N., firmly believe and profess each and everything that is expressed in the Creed, namely:

“I believe in one God, the Father, the Almighty, Creator of heaven and earth, of all that is seen and unseen. I believe in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, Light from Light, true God from true God, begotten, not, made, one in being with the Father. Through him, all things were made. For us and for our salvation he came down from heaven: by the power of the Holy Spirit, he was born of the Virgin Mary and became a human being. For our sake he was crucified under Pontius Pilate: he suffered, died, and was buried. On the third day, he rose again in fulfillment of the Scriptures; he ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and his kingdom will have no end. I believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son. With the Father and the Son, he is worshiped and glorified. He has spoken through the prophets. I believe in one, holy, catholic, and apostolic Church. I acknowledge one baptism for the forgiveness of sins. I look for the resurrection of the dead, and the life of the world to come. Amen.

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to this requirement; the Provincial Councilors, however, not being major superiors, are not bound by it. See Appendix IV and V.

<sup>125</sup>The time and place for this is left to the judgment of the President of the Chapter, in consultation with others. It may take place after the elections in the Chapter Hall, or during the Installation Liturgy, or privately in the presence of the President and Secretary of the Chapter.

<sup>126</sup>The official translation approved for Canada on 30 September 1991 is taken from the *Newsletter of the Canadian Canon Law Society*, vol. 17, no. 2 (December 1991), 43-44.

“With firm faith, I also believe all that is contained in the Word of God, whether written or handed down in Tradition, which the Church, either in a solemn judgment or by its ordinary and universal teaching authority, sets forth for our belief as revealed by God.

“I also firmly accept and hold each and everything definitively proposed by the Church concerning its teachings on faith and morals.

“Moreover, I adhere with religious submission of intellect and will to the teachings which either the Roman Pontiff or the College of Bishops enunciate in the exercise of their authentic teaching authority, even if they do not intend to proclaim those teachings by a definitive act.”

60.3 The following is the text of the Oath of Fidelity.<sup>127</sup>

“I, N., on assuming the office of [...], promise that in my words and actions I shall always preserve communion with the Catholic Church.

“With great care and faithfulness, I shall carry out the duties which bind me to the Church, both universal and particular, in which I have been called to serve, according to the requirements of the law.

“In fulfilling the charge entrusted to me in the name of the Church, I shall hold fast to the deposit of faith in its entirety, I shall faithfully hand it on and expound it, and I shall avoid any teachings opposed to that faith.

“I shall follow and foster the discipline common to the whole Church, and I shall observe all ecclesiastical laws, especially those contained in the *Code of Canon Law*.

“I shall follow with Christian obedience what the pastors as authentic doctors and teachers of the faith declare, and what they as leaders of the Church prescribe. I shall also – with due regard for the character and purpose of the Capuchin Franciscan Order – faithfully assist the diocesan bishops so that the apostolic work to be exercised in the name and by the mandate of the Church be carried out in the communion of the same Church.

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<sup>127</sup>The official translation approved for Canada on 30 September 1991 is taken from the *Newsletter of the Canadian Canon Law Society*, vol. 17, no. 2 (December 1991) 45.

“So help me God and these his holy Gospels, which I touch with my hand.”

**61. The Acts (i.e., Official Minutes) of the Chapter**

The Acts or Official Minutes of the Chapter are to be drawn up by the Chapter Secretary and signed by the Secretary and the President. The complete Acts are to be preserved in the Provincial Archives.

**62. The Petition for Confirmation of the Election of the Provincial Minister and the Provincial Vicar**

Within eight days of the election, the Provincial Councilors (excluding the Minister and his Vicar), in the name of the Chapter, are required to send a petition to the General Minister to confirm the election of both the Provincial Minister and the Provincial Vicar.<sup>128</sup>

**63. Postulation**

Postulation refers to advancing a candidate for Office who would otherwise be disqualified. For example, a Provincial Minister at the end of his second consecutive elected term may not be elected Provincial Minister. However, a Chapter may postulate him for a third term, if one-third of the gathered electors present to the Chapter President a written request to proceed to postulation. The Postulation has no effect unless the candidate obtains two-thirds of the vote on the first ballot. Failing this, the election begins again with the first ballot, excluding the possibility of any further postulations. Acceptance of the postulation is the competence of whoever has the authority to confirm the election (see Const. 123,7 and Ordinance 8/5,1-2).

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<sup>128</sup>According to canon 625 §3, the elections of both the Minister *and the Vicar* must be confirmed by the competent authority (i.e., the General Minister), see Letter of General Minister Roberto Genuin, dated February 7, 2022. A sample petition is attached in Appendix III.

APPENDIX I

Sample Formula of the Official Record of Election Results

Province of Saint Joseph  
Official Record of Election Results  
June 9-16, 2005

Balloting for	Ballot			
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Minister Provincial				
John Doe 1	81	103	131	
John Doe 2	65	83	79	
John Doe 3	35	19	4	
John Doe 4	9	1		
John Doe 5	6	2		
John Doe 6	5	2		
John Doe 7	3	1		
John Doe 8	2	1		
John Doe 9	2	1		
John Doe 10	1			
John Doe 11	1			
John Doe 12	1			
John Doe 13	1			
John Doe 14	1			
John Doe 15	1			
Abstentions		1		
	214	214	214	

Balloting for	Ballot		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
x (1 <sup>st</sup> , etc.) Councilor			

John Doe 1	127
John Doe 2	15
John Doe 3	14
John Doe 4	13
John Doe 5	12
John Doe 6	11
John Doe 7	10
John Doe 8	8
Invalid Vote	1

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Balloting for	Ballot		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
Provincial Vicar			

John Doe 1	173
John Doe 2	4
John Doe 3	3
John Doe 4	1
Abstentions	1

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/s/

/s/

John Smith 1, President  
Secretary

John Smith 2,

/s/

John Smith 3, Teller

/s/

John Smith 4, Teller

/s/

John Smith 5, Teller

(Provincial Seal)

## APPENDIX II

### The formula for the Formal Proclamation of the Election Results

In the name of our Lord and Savior Jesus Christ. Amen.

We, brothers of the Province of St. Joseph, gathered in Chapter at (*e.g.*, *St. Lawrence Friary at Mount Calvary, Wisconsin*), from the (*e.g.*, *15<sup>th</sup> day of June*) to the (*e.g.*, *20<sup>th</sup> day of June*), in the year of our Lord (*e.g.*, *two thousand and five*), with Brother N.N. presiding, hereby proclaim the canonical election of the Provincial Minister, Provincial Councilors, and the Provincial Vicar of our beloved Calvary Province.

In this Chapter the following brothers were elected:

As Provincial Minister: Brother N.N., who received (#) votes in the (#) ballot.

As First Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Second Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Third Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Fourth Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Provincial Vicar: Brother N.N., who received (#) votes in the (#) ballot.

/s/

Br. John Smith, Chapter Secretary



**APPENDIX III**

**Sample Formula for the Petition for Confirmation  
of the Provincial Minister and the Provincial Vicar**

(Preferably on letterhead stationery)

June 9, 2023

Br. Roberto Genuin, OFM Cap.

General Minister

Capuchin General Curia

via Piemonte, 70

00187 Rome, Italy

Dear Brother Roberto,

The Lord give you peace!

In accord with the prescriptions of our Constitutions (132,5), we, the members of the Provincial Council of the Province of St. Joseph, recently elected by the 42<sup>nd</sup> Provincial Chapter, request the confirmation of the election of our brother, N.N., to serve as Provincial Minister, and our brother, N.N., to serve as Provincial Vicar, of our beloved Calvary Province.

With this request, we are enclosing a copy of the formal Proclamation of the Election Results, as well as the Official Record of the Election Results.

Your brothers,

/s/

Br. John Doe 2, 2<sup>nd</sup> Councilor

/s/

Br. John Doe 3, 3<sup>rd</sup> Councilor

/s/

Br. John Doe 3, 4<sup>th</sup> Councilor

## APPENDIX IV

### The Profession of Faith

I, N., firmly believe and profess each and everything that is expressed in the Creed, namely:

I believe in one God, the Father, the Almighty, Creator of heaven and earth, of all that is seen and unseen. I believe in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, Light from Light, true God from true God, begotten, not, made, one in being with the Father. Through him, all things were made. For us and our salvation he came down from heaven: by the power of the Holy Spirit, he was born of the Virgin Mary and became a human being. For our sake he was crucified under Pontius Pilate: he suffered, died, and was buried. On the third day, he rose again in fulfillment of the Scriptures; he ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and his kingdom will have no end. I believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son. With the Father and the Son, he is worshiped and glorified. He has spoken through the prophets. I believe in one, holy, catholic, and apostolic Church. I acknowledge one baptism for the forgiveness of sins. I look for the resurrection of the dead, and the life of the world to come. Amen.

With firm faith, I also believe all that is contained in the Word of God, whether written or handed down in Tradition, which the Church, either in a solemn judgment or by its ordinary and universal teaching authority, sets forth for our belief as revealed by God.

I also firmly accept and hold each and everything definitively proposed by the Church concerning its teachings on faith and morals.

Moreover, I adhere with religious submission of intellect and will to the teachings which either the Roman Pontiff or the College of Bishops enunciate in the exercise of their authentic teaching authority, even if they do not intend to proclaim those teachings by a definitive act.

## APPENDIX V

### The Oath of Fidelity

I, N., on assuming the office of [...], promise that in my words and actions I shall always preserve communion with the Catholic Church.

With great care and faithfulness, I shall carry out the duties which bind me to the Church, both universal and particular, in which I have been called to serve, according to the requirements of the law.

In fulfilling the charge entrusted to me in the name of the Church, I shall hold fast to the deposit of faith in its entirety, I shall faithfully hand it on and expound it, and I shall avoid any teachings opposed to that faith.

I shall follow and foster the discipline common to the whole Church, and I shall observe all ecclesiastical laws, especially those contained in the *Code of Canon Law*.

I shall follow with Christian obedience what the pastors as authentic doctors and teachers of the faith declare, and what they as leaders of the Church prescribe. I shall also – with due regard for the character and purpose of the Capuchin Franciscan Order – faithfully assist the diocesan bishops so that the apostolic work to be exercised in the name and by the mandate of the Church be carried out in the communion of the same Church.

So help me God and these his holy Gospels, which I touch with my hand.

## APPENDIX VI

### Provincial Norms for Electing a Delegate to the General Chapter

Provincial Ministers are *ex officio* capitulars at the General Chapters (Const. 124,4). In addition, every Province with 100 professed brothers is to elect a Delegate to the General Chapter [Provinces with 400 professed brothers may elect and send a second Delegate] (see Ordinance 8/9,1) Delegates must be perpetually professed brothers of the Order. The manner of election is determined by each Province (Ord. 8/9,2). The election of Delegates and substitutes must be held and the results of the election published at least three (3) months before the General Chapter (Ord. 8/9,2). The Delegates and their substitutes are elected by all the perpetually professed brothers of the Province unless otherwise impeded.

Once the General Chapter has been convoked, the Provincial Minister and his Council will set into motion the election of a Delegate and substitute, mindful always that the results of the election must be had and published at least three months before the start of the General Chapter.

The election of a Delegate and substitute Delegate to the General Chapter shall take place in the following manner:

1. The names of all the eligible brothers shall be gathered into a single list.
2. In the first ballot an absolute majority shall be required for the election of the Delegate. If this ballot results in an election, a second ballot shall be held to elect a substitute Delegate in which a simple plurality determines the results. If the first ballot does not result in the election of a Delegate, a second ballot shall be taken in which the brother with the highest number of votes is declared elected as Delegate, and the brother with the next highest number is declared elected as substitute Delegate.
3. If in the last ballot, there is a tie vote, he shall be declared elected who is senior by date of First Profession, and if they made Profession on the same day, the one who is senior by age.
4. If the Provincial Minister, for a serious reason, is unable to attend the General Chapter, or if the Office of Provincial Minister is vacant, the Provincial Vicar goes to the General Chapter in his stead (see Const. 124,5). If the Vicar had been elected as Delegate, the substitute shall go to the Chapter in the capacity of Delegate.<sup>129</sup>

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<sup>129</sup>See *Messenger*, 38 (1975), pp. 222-223.

# Capuchin Code of Professional Responsibility

(Revised: 04/25/23)

## I. Preamble

- A. We, friars who are members of the Capuchin Province of St. Joseph (province) and those associated with us in our ministries, have created this Code of Professional Responsibility to define the 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.
- B. In addition to following the Gospel and its mandates and desiring to reflect the mission and values of the Province of St. Joseph, 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.
- C. 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.

## II. General Principles

- A. Responsibility—The public and private conduct of friars can inspire and motivate people and draw them into deeper relationship with God. It can also scandalize and undermine their faith. Friars 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 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 friars in understanding and living these standards, when such programs are deemed useful and necessary.

- B. Integrity—As friars, 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.
- C. 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.
- D. 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.

- E. 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.
- F. 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 teachings of the Catholic Church.
- Friars will not exploit another person for the purpose of sexual gratification.
  - Friars will familiarize themselves with the province’s policies on sexual misconduct and abide by its directives.

### III. 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 shall be conducted in appropriate settings at appropriate times.
  - 1.8.1. No sessions shall be conducted in private living quarters.
  - 1.8.2. Sessions shall 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 shall:
- Disclose only the information necessary to protect the health and well-being of the minor.
  - 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, per the mandated reporter guidelines in the policy for minors and vulnerable adults.
- 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 (see CIC, cc. 983-984).

### **Standard 3—Conduct with youth**

Friars 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 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 shall 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 any private accommodations or residence.
- 3.5. Friars shall 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, a friar must 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 must consult with other responsible parties to manage emergency situations.
- 3.6. Friars shall not engage in sexually inappropriate vocabulary, recordings, films or games with minors.
- 3.7. Friars shall not take photographs of minors while they are unclothed or dressing.
- 3.8. Friars shall not take an overnight trip alone with a minor.
- 3.9. When counseling a minor, friars 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 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 shall not speak to minors in a way that could be construed by an observer as harsh, threatening, shaming, or humiliating.
- 3.12. Friars 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 and minors. The following forms of affection are regarded as appropriate:
- 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 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 misconduct**

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

- 4.2. No friar 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 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 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 shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
  - I. 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 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—Records Management**

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 Provincial Ministries and 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 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 shall disclose all relevant factors that potentially could create a conflict of interest.

7.2. Friars 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 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 have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1. Friars 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 Director of Provincial Ministries and Human Resources;

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 Provincial Ministries and 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**

- 9.1. Friars who are in supervisory positions will treat employees and volunteers justly in the day- to day operations of the ministry.
- 9.2. Personnel and other administrative decisions made by friars shall meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Professional Responsibility.
- 9.3. No friar shall use his or her position to exercise unreasonable or inappropriate power and authority.

### **Standard 10—Friar well-being**

Friars have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

- 10.1. Friars shall be aware of warning signs that indicate potential problems with one's spiritual, physical, mental, and/or emotional health.
- 10.2. Friars 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 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

(Revised 04/25/2023)

## I. Definitions

### A. Sexual misconduct:

Sexual misconduct with adults 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, postulant, or resident candidate of or in the province who is providing pastoral care or having power or influence over such an adult. (Henceforward, “friar” includes postulants and resident candidates.) It includes any practice that constitutes a breach of professional trust having as its intent sexual activity that could adversely affect the spiritual and psychological health of the adult, or the reputation of the province. When adults are involved, sexual misconduct includes sexual abuse, sexual exploitation, sexual harassment, and sexual assault.

### B. 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 meets the state statute of a vulnerable adult.

### C. Sexual Exploitation:

Sexual exploitation is defined as any kind of sexual interaction between a friar and an adult when the adult is receiving pastoral care or counseling from a friar 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.

### D. 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.

E. 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.

II. Reporting to law enforcement

- A. The primary responsibility for reporting to law enforcement and to the ministry director of any allegation of sexual misconduct by a friar of the province rests with the adult making the complaint. 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 adult sexual misconduct when the complainant is an adult, unless the adult meets the statutory definition of "vulnerable adult." In such cases, the mandatory reporting laws of the state will typically apply. Law enforcement ordinarily will act upon such complaints only if the adult person who reports them is the complainant. Notwithstanding the previous sentence, these guidelines strongly encourage any party aware of a sexual assault 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 complainant 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.

III. 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 of the Office of Pastoral Care and Conciliation (OPCC).
- 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 of the OPCC and or the provincial minister.

#### IV. Follow-up

- A. The director of OPCC 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 minister 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 minister may request that the accused friar submit to any appropriate professional testing, evaluation and/or assessment. These 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 Provincial Review Board for their consideration and recommendations. Such recommendations shall be submitted in writing to the provincial to assist him 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.

#### V. Records and Communication of Allegations of Friar Sexual Misconduct with Adults

- A. The Province will maintain adequate records of all reports of friar

sexual misconduct involving adults and their disposition.

- B. The outgoing provincial will thoroughly brief the incoming provincial minister and council about reports of friars' sexual misconduct involving adults and their disposition to ensure continuity of monitoring, intervention, and care.

###

# Sexual Misconduct with Minors and Vulnerable Adults

(Revised: 04/25/2023)

## I. Introduction

- A. 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 to help prevent and respond to sexual misconduct with justice and compassion.
- B. 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.
- C. The policies and their implementation are described here are to assist the provincial minister (hereinafter “provincial”) in dealing with allegations of misconduct by any member. The province intends that these policies 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.
- D. These policies 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.

## II. 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 policies and programs 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. It is important to note that SST and the Code have adopted this lower standard of evidence for the initial (investigatory) stage of the penal process and a higher standard to establish 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):** an advisory 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 and assist the provincial minister and OPCC Director in the implementation of these policies.

**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

### III. 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, 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.

**IV. 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 province and OPCC director will also engage and consult with outside persons and groups to help ensure the integrity of the province's policies and practices in preventing sexual and other forms of abuse, and in responding promptly, effectively, and pastorally to reports of abuse.

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 supporting the healing process for victims of sexual misconduct. The province may take any number of actions, including — but not limited to — the following:

1. The director of the OPCC shall provide pastoral care and support as 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 a meeting.
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.

V. **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 civil 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 CIC cc. 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 any 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 (prosecuting) 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.

VI. 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.

VII. **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 makes a finding indicating 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 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.

### Implementation

## VIII. 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. 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 the 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.
3. The Office of Fraternal Collaboration shall conduct international/national background checks for friars participating in this program.

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 regarding implementation of these policies and review and recommend revisions of the guidelines in this document. This document shall also be submitted to the provincial review board to review and make recommendations every three years, or more often when needed.

### IX. 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 to those who report sexual abuse.

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

1. The director shall respond, with compassion and care, to any person(s) affected by 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.

X. 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 also 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 (prosecuting) 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. If the accused friar is a cleric, the general minister is also 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.

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.

## XI. 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 he has not been previously notified, 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.

## XII. Review Process

### A. Convening the Review Board

1. The director shall present all allegations of sexual misconduct by a friar of the province in a timely manner. This may mean convening a special meeting of the board if one is not already scheduled.
2. The OPCC Director shall convene the review 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.
3. 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.
4. The complainant(s) and the accused are invited by the director to make written statements directly to the board.
5. 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.

6. The independent investigator must be available to the board when it meets in person to answer any questions that may arise.
7. 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 is supported by a preponderance of the evidence. 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:
  - a. Wherever a board's determination of the facts clearly demonstrates that the complaint/allegation is not supported by a preponderance of the evidence, 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:
    - i. The preferences of the accused friar;

- ii. The best interests of the ministry;
- iii. The spiritual wellbeing of the people served in the ministry;
- iv. The recommendations of the board;
- v. 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 the accused friar’s fitness for ministry.

5. Finding of allegation sustained by at least the preponderance of evidence (all such findings will be forwarded to the General Minister and then to the Congregation for the Doctrine of the Faith, if applicable.)

a. For a Non-Ordained Friar

- i. If admitted by the friar or a finding by a secular court that the allegations are supported by a preponderance of evidence (in civil proceedings) or beyond a reasonable doubt (in criminal proceedings):

- The friar shall be prohibited from all public ministry.
- The friar shall be given a supervision



plan outlining restrictions that will be put in place.

- The friar will be restricted to a specific house with specific supervision.
- If warranted, canonical action will be taken to dismiss the friar from the Capuchin Order.

ii. If a behavior is not admitted by the friar:

- 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.

b. For an Ordained Friar

i. If admitted by the friar or a finding by a secular court that the allegations are supported by a preponderance of evidence (in civil proceedings) or beyond a reasonable doubt (in criminal proceedings):

- The case will be submitted to the General Minister and the Congregation for the Doctrine of the Faith.
- The friar shall be prohibited from all public ministry.
- The friar shall be given a supervision plan outlining restrictions that will be put in place.

- The friar will be restricted to a specific house with specific supervision.
- If warranted, canonical action will be taken to dismiss the friar from the clerical state and/or the Capuchin Order.

ii. If a behavior is not admitted by the friar:

- 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.
- A judicial or administrative penal process will be conducted as outlined in the Code of Canon Law and may result in a canonical penalty; not excluding dismissal from the clerical state and/or the Capuchin Order.
- If the friar is found not guilty following a canonical process, the provincial will follow the actions outlined above.
- The friar shall be prohibited from all public ministry.
- The friar shall be given a supervision plan outlining restrictions that will be put in place.
- The friar will be restricted to a specific house with specific supervision.
- If warranted, canonical action will be taken to dismiss the friar from the clerical state and/or the

## Capuchin Order.

### XIII. 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.
- F. (1) Friars under supervision may celebrate their jubilees in their community and may invite family and friends to the community for that purpose.  
(2) Friars under supervision should not be included in any published jubilee materials.

### XIV. 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 moves 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 and council about reports of friars' sexual abuse or other misconduct involving minors and their disposition to ensure continuity of supervision and monitoring.

###

# Social Media

(Revised 4/25/23)

## I. Introduction

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 is committed to creating and maintaining safe environments that protect the people to whom we minister, both children and adults, from abuse and harm. To that end, this social media policy has been drafted, reviewed, adopted, and periodically updated in an effort to foster safe environments.

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

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

1. Ministries may elect to maintain institutional social media accounts to serve as the official home of the ministry on social networks such as Facebook, YouTube, LinkedIn or Instagram. However, the responsibility to launch, maintain and post text, photographs, videos, links and other material on behalf of a ministry rests with the ministry director and the Provincial Director of Public Relations or their delegates. The Ministry Director and PR Director must approve the launch of any new social media accounts intended for institutional use. In addition, all institutional social media accounts must grant top-level administrator privileges to a member of the Provincial PR Office to ensure continuity and that POSJ and its ministries do not lose access in the event of a staff or volunteer departure. 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. Institutional Use promoting the Capuchin Franciscan Province of St. Joseph, its ministries and mission.

## 2. Copyright and Intellectual Property

- a. Content posted on an institutional social media channel must fall into one of three categories:
  - i. Original content generated internally by friars or POSJ staff, or as work-for-hire for the Province or its ministries by outside parties.
  - ii. Licensed content created by third parties, for which we have paid a royalty for its use and have permission to post. For example, a stock photograph.
  - iii. Public domain materials for example a photograph of Leonardo da Vinci's Last Supper (provided that the photographer has released the photo into the public domain).
- b. Note that it is permissible to share content for which we do not own the copyright via a social media share, link or retweet
- c. Friars that are part of a province-sponsored ministry are instructed to communicate on ministry-related activities through institutional accounts rather than personal accounts. When interacting on an institutional account, friars and staff should interact as the account administrator, rather than from a personal account. So, for example, when posting about the Capuchin Soup Kitchen, post as the Capuchin Soup Kitchen. 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. So, this would mean post from the Capuchin Soup Kitchen and then share that post to your personal account. This approach ensures that the official institutional account remains the official source of information, news and updates, drives traffic through institutional accounts and allows the ministry

and PR staff to monitor and track social media statistics such as followers and engagement.

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

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

1. 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.
2. 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 be transparent about their identity and affiliation with the order, regardless of whether it's public or private account. This reflects their seamless private and public presence as a member of the order.
3. There are risks with social networking, especially with blurred boundaries of personal and professional relationships. Friars should employ common sense in using social media as a communication and networking tool. Friars are strongly encouraged to avoid debates and polemics on social media, as these communications present a risk to the friar plus the province.
4. Friars may not speak negatively about their ministry, another friar, the province, the order or church prelates at any time on social media.
5. 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 POSJ staff. You may wish to accept friend requests from adult POSJ staff who report to you or whom you work with, but do not initiate these connections. Connecting on social media with minors that a friar ministers to or with is to be avoided. However, as many social media platforms include messaging services, such as Facebook Messenger and Instagram, where individuals, including minors, can initiate contact with POSJ, its ministries or even individual friars, again common sense comes into play here. If a minor contacts a ministry such as the Vocations Office, it is perfectly OK to respond. However, it is important to tread carefully in these situations. 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. These guidelines concerning social media connections with minors do not prohibit connecting and communicating with minor family members on social media.

6. Electronic communication should always reflect the Capuchin Franciscan charism as well as the Provincial mission and values. 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.
7. Friars may not create, request 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, TikTok, WhatsApp and similar platforms. Should a friar receive such images, or learn of a situation of a friar in possession or requesting such materials, it should be immediately reported to the appropriate civil authorities and the Director of the Office of Pastoral Care and Conciliation.
8. 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.



9. 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.
10. 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.
11. 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.
12. 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.
13. 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, with the exception of family members such as nephews, nieces, etc.
14. We recommend friars avoid using social media sites that are primarily used by minors or with lax sexual content filters and/or regulations. Examples of such sites include TikTok and Tumblr.
15. 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.
16. 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.
17. 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.

18. Maintain control of security, privacy and access to personal social media accounts and information.
19. Because each friar takes a vow of chastity, dating apps should never be installed or used by any member of the Capuchin community.
20. 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 Bitwarden are recommended for this purpose.

### III. Confidentiality

- A. 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.
- B. 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

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

**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.)

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

**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.

**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.

**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).

**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.

**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.

**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)

**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.

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

**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.

**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.

###

# Driver Policy and Safety Procedures

*(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

*(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 exlaustration 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

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

Province of St. Joseph of the Capuchin Order

Approved August 22, 2017

## II. 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>130</sup>

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<sup>130</sup> Canon 671—A religious is not to accept duties and offices outside the institute without the permission of the legitimate superior.

# Copyright Use Policy

Approved October 10, 2023

## I. Purpose

The purpose of this Copyright Use Policy is to provide guidance to the Province of St. Joseph of the Capuchin Order (hereinafter, “the Province”)—including friars, employees, ministries, and offices—regarding the appropriate use of copyrighted materials in compliance with applicable copyright laws and to foster a culture of respect for intellectual property rights.

## II. Definitions

### A. Copyrighted Materials

Any materials protected by copyright law, including but not limited to text, images, music, videos, software, and other creative works.

### B. Fair Use

A doctrine under copyright law that allows the limited use of copyrighted material without permission from or payment to the copyright owner under certain conditions, such as for purposes of criticism, comment, news reporting, teaching, scholarship, or research.

### C. Public Domain

Materials that are not protected by copyright and may be freely used by the public.

## III. Compliance with Copyright Law

Friars, employees, ministries, and offices of the Province are expected to adhere to all applicable copyright laws, including but not limited to the U.S. Copyright Act and international copyright treaties.

## IV. Fair Use

The Province recognizes that fair use may apply in some circumstances, allowing the use of copyrighted materials without obtaining permission from or payment to the copyright owner. Under 17 USC § 107, examples of fair use include criticism, comment, news reporting, teaching (including making multiple copies for classroom use), scholarship, or research. These are typically not considered an infringement of copyright.

Factors used to determine fair use include: (1) the purpose and character of the use (e.g., commercial vs. nonprofit); (2) the nature of the copyrighted work; (3)

the substance and proportion of the work used relative to the whole; and (4) the effects the use has on the value or potential market of the copyrighted work.

However, fair use is a complex and fact-specific area of law. When there is uncertainty regarding whether a particular use qualifies as fair use, legal counsel should be consulted.

#### V. Permission and Licensing

Friars, employees, ministries, and offices of the Province must obtain proper permissions or licenses for the use of copyrighted materials when necessary. This includes obtaining written consent from the copyright holder, purchasing licenses, or using materials with open licenses (e.g., Creative Commons licenses) that permit the intended use.

#### VI. Attribution

When using copyrighted materials under a license or permission, any friar, employee, ministry, or office of the Province using those materials must provide appropriate attribution as specified by the copyright owner or license terms.

#### VII. Public Domain and Creative Commons

Friars, employees, ministries, and offices of the Province are encouraged to use materials that are in the public domain or released under Creative Commons licenses whenever possible, provided they comply with the terms of those licenses.

#### VIII. Reporting Copyright Concerns

Suspected copyright violations or concerns should be promptly reported to the appropriate responsible party, i.e., the Office Director, Ministry Director, Guardian, Provincial Minister, or Director of Provincial Ministries and Human Resources.

#### IX. Consequences of Copyright Infringement

The Province takes copyright infringement seriously. Those who engage in copyright infringement may face disciplinary action.

#### X. Review and Updates

This Copyright Use Policy will be reviewed periodically and updated as needed to ensure its effectiveness and compliance with changes in applicable laws and regulations.

#### XI. Contact Information

For questions or concerns related to this policy, please contact the Director of Provincial Ministries and Human Resources.



# Continuing Formation Program

*(Re-approved July 2003)*

- I. Requests for permission and funding for programs of study leading to major academic or professional degrees or certification:
  - A. Enrollment in a graduate degree or professional certification program must have the prior approval of the provincial minister.
  - B. Any friar contemplating such a program shall, after consulting with the continuing formation director, submit to the provincial council, a written proposal which includes:
    - the program of studies or certification,
    - the institution where the program is offered,
    - the projected cost of the program,
    - the projected length of the program,
    - the friar's reasons and goals for taking the program.
  - C. The continuing formation director may investigate this program, if necessary, and make a recommendation to the Provincial Council.
  - D. The Provincial Council may require more information from the friar, suggest alternative programs, or deny permission to pursue the degree or certification.
  - E. If Provincial Council approval is given for the program, the continuing formation director and the friar will work out the necessary details regarding time lines and funding.
- II. Requests for funds for non-degree and non-certification educational activities and materials:
  - A. Each year, the provincial council, in consultation with the continuing formation director, will determine a maximum amount allocated to each friar for non-degree and non-certification expenses. This amount will appear in the annual budgeting questionnaire which each friar receives from the continuing formation director.
  - B. The friar must request funds for non-degree and non-certification educational activities and materials on the budget form sent to him by the Continuing Formation Director. His request will be included in the annual continuing formation budget which is submitted to the provincial council.
  - C. Non-degree and non-certification educational activities and materials include such items as workshops, conferences, lectures, seminars, as

well as books, audio or visual materials, or other supplies which assist in the further development of the skills and/or talents of the friar.

D. All expenses 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

*(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.

###

# Initial Formation Council

## 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.

###

# Initial Formation Program

*(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.

### XII. Cross-cultural formation

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

### XIII. 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.

#### XIV. Evaluation guidelines

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

#### XV. Program description

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

#### XVI. 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.

#### XVII. 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.

#### XVIII. Recourse

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

#### XIX. 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.

#### XX. 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.)

#### XXI. 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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XXII.

## 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.)

XXIII. 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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XXIV.

Candidate living arrangements

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

XXV. 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.

XXVI. 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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XXVII.

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.

## XXVIII. 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.

## XXIX. Record of admission

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

## XXX. 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.

## XXXI. 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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XXXII.

### 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.)

XXXIII. 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

XXXIV. 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.

XXXV. 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.

XXXVI. 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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XXXVII.

### 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

XXXVIII. 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.

## XXXIX. 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.

## XL. 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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## XLI.

### 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.

## XLII. 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.

#### XLIII. Permanent diaconate

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

#### XLIV. 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.

#### XLV. Degree and certificate requirements

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

#### XLVI. 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.



XLVII. Criteria for admission to presbyteral formation

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

###

# Mentoring Program for Newly Perpetually Professed Friars

*(Approved July 2011)*

## XLVIII. 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

XLIX. Meeting Frequency:

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

L. Requirements:

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

LI. Mentors:

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

LII. 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*

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.

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.

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.

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

### *Access to material in the archives*

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.

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

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.

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.

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.

Academic transcripts will be released when requested in writing by an individual or institution.

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*

Researchers will fill out an application form before permission is granted to use the material in the archives.

Researchers will also agree to abide by the current rules for researchers before using the material in the archives.

The researcher will abide by current copyright and libel laws in the use of archival material.

Researchers who are not members of the province will be charged a reasonable fee for services.

Only authorized persons may enter the stack area of the archives.

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.

###

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

*Revised (April 2022)*

## LIII. 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 polices 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.



#### LIV. 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.

#### LV. 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

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

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

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

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.

###

# Preaching and Evangelization Commission

*Approved November 2023*

The members of the Preaching and Evangelization Commission are appointed by the Provincial Minister with the advice of the Provincial Council.

The purpose of the commission is to promote and strengthen the Franciscan charism of preaching and our baptismal call to share the life and richness of the gospel of Jesus with others through:

- Spiritual, pastoral, and practical initial and continuing formation;
- Collaboration between provincial ministries and communities;
- Providing well-trained and willing friars to respond to requests for preachers at retreats, parish missions, novenas, days of recollection, Advent and Lenten talks, and other events;
- Planning and scheduling provincial retreats (for the friars); and
- Supporting the ministry councils of Capuchin Retreat and the Solanus Casey Center.

###



# Office of Pastoral Care and Conciliation (OPCC)

## MISSION

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

## VALUES

- Competence
- Pastoral sensitivity
- Accountability
- Integrity
- Justice

## DIRECTOR'S JOB DESCRIPTION

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

- Reports to: provincial minister and Provincial Council and, where appropriate, to the director of human resources.
- This is a part-time position, preferably filled by a friar.

###

# Office of Capuchin Communications - Policies

## I. Introduction

In the spirit of St. Francis, the Capuchin Franciscan Province of St. Joseph is committed to bolstering the fraternal life of the province. To this end, the Office of Capuchin Communications endeavors to promote reciprocal care and attention to the different aspects of fraternal life throughout the province.

“Out of sight, is out of mind,” says the proverb. As to our lives in ministry, we are often unable to visit our brothers or each other's communities as freely as we would like. In some cases, this would cause us to lose touch with our brothers.

To this effect, the Office of Capuchin Communications has various tools to strengthen our reciprocal fraternal relations.

## II. Definitions

We make a distinction between Internal and External Communications.

- A. The Office of Capuchin Communications is an office under the seal of the Provincial Minister, the office is to support the life and interaction towards, between, and from of the members of the province; friars, and affiliates alike. This is an internal ministry, and this office facilitates internal life to benefit the province.
- B. The Public Relations Office is an office under the seal of the Provincial Minister. The Public Relations Office takes care of all external communication. The PR team, with stations in Detroit and Milwaukee, promotes, informs, and communicates to the world at large. In essence, this is an external ministry, and this office is to promote our ministries and religious life to the world at large to benefit the province, using print, digital and social media.

### III. Please Pray For

In the past, requests for prayers have been sent out to many undefined recipients.

This has caused some distress to those unaware of the scope of the distribution list.

Moving forward, the following guidelines will be implemented in processing prayer requests:

- A. All friars, affiliates, employees, family, friends, benefactors, ... can make a 'Please Pray For' request through [communications@thecapuchins.org](mailto:communications@thecapuchins.org) via a member of the province (friar or affiliate) or an employee of the Capuchin Franciscan Province of St. Joseph.
- B. The communication office will request of those sending in a request to which bandwidth the prayer request will be sent out.
  1. Friars only
  2. Friars and affiliates
  3. Friars, affiliates, and employees.
  4. Friars, affiliates, employees, and former friars in good standing.
- C. In the Capuchin Communications weekly newsletter, the item 'Please pray for' will be added only mentioning the name of whom the prayer is for, not mentioning the reason for prayers, e.g.,  
*"Please keep the following people in your prayers; the Lord knows their needs: x,y,z, ... our brothers, affiliates, and employees, and their prayer intentions."*

### IV. Inforum

- A. "Inforum" is a confidential online publication designed specifically for the friars of the St. Joseph Province. Accordingly, it should only be disseminated to the friars of the province.
- B. Inforum has the following purpose:
  1. Facilitating open communication between the members of the province.
  2. Fostering dialogue among the friars.
  3. Providing a platform to share concerns confidentially.

4. Addressing overarching provincial needs.
  5. Encouraging provincial ownership and involvement of the members in discussions and decision-making processes.
- C. These purposes highlight " Inforum " 's importance in promoting internal communication and collaboration within the St. Joseph Province friars. It serves as a platform for them to engage with each other, exchange ideas, and collectively address issues relevant to our province.
- D. Every letter sent to "Inforum" undergoes a review by the Director of Capuchin Communications. In line with maintaining authenticity and respect for the writers, letters are printed in their entirety, unedited, save for some stylistic modifications. If any content is deemed sensitive, it is forwarded to the Provincial for scrutiny before publishing.
- E. We note that personal attacks and inappropriate language are strictly unacceptable.
- F. This process ensures all content aligns with the purpose and publication standards, promoting open communication yet a respectful community environment.
- G. Letters for publication should be sent to: The Office of Capuchin Communications Email: [communications@thecapuchins.org](mailto:communications@thecapuchins.org)

## V. **Newsletter**

The weekly newsletter is an internal publication for friars, affiliates and employees of the province of St. Joseph.

Those previously subscribed to *re:Cap* will as non-members of the province will be enrolled to receive *Sandel prints*<sup>i</sup>, the new Provincial newsletter from the Office of Public Relations.

###

# Provincial Offices

## 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.

###

# Records Management

(Approved Oct 2013)

## I. Introduction and Scope

- A. This Policy governs the retention and destruction of documents and other records, both in hard copy and electronic media (referred to as “documents” or “records” in this Policy).
- B. Purposes of the Policy is to ensure:
  - 1. Creation and maintenance of documents necessary for the proper functioning of the Province and the furthering of our mission.
  - 2. Compliance with applicable legal requirements.
  - 3. Destruction of documents which no longer need to be retained.
  - 4. Guidance for the Provincial Minister and Council, officers, staff and other constituencies with respect to their responsibilities concerning document retention and destruction.
- C. This Policy shall cover records created and maintained by the Province Offices, Vocation/Formation Office, Office of Pastoral Care and Conciliation, Finance Office, Human Resources Office and Provincial Archives (which does not create, but does maintain documents).

## II. Goals

- A. The Province maintains records to ensure the ongoing and responsible carrying out of the life and mission of the Province. To this end, every effort will be made to ensure that:
  - 1. Records are accurate and complete.
  - 2. Records are organized and available to Province leadership to assist in their ministry.
  - 3. Confidential records are maintained with adequate safeguards.
  - 4. The Province is open and transparent with regard to its ministry and reporting responsibilities.
- B. As the Province establishes this Policy for Records Management, it is anticipated that each department and office will need to bring its



current records into compliance with the Policy and procedures contained within it. They will describe a process by which this will be accomplished.

### III. Administration

- A. The Provincial Minister or his delegate shall be the Administrator, responsible for the administration of this Policy. This responsibility shall include supervising and coordinating the retention and destruction of documents pursuant to this Policy and particularly the Document Retention Schedule included in the Appendices. The Administrator shall also be responsible for documenting the actions taken to maintain and/or destroy Province documents and retaining such documentation. The Administrator may also modify the Document Retention Schedule from time to time as necessary to comply with Civil and Canon Law and/or to include additional or revised document categories as may be appropriate to reflect Provincial policies and procedures. The Administrator is also authorized to periodically review this Policy. The Administrator may also appoint one or more assistants to assist in carrying out the Administrator's responsibilities, with the Administrator, however, retaining ultimate responsibility for the administration of this Policy.
- B. The staff of all Province offices and departments shall be familiar with this Policy, shall act in accordance with it, and shall assist the Administrator, as requested, in implementing it.

### IV. Suspension of Document - Destruction Compliance

- A. The Province becomes subject to a duty to preserve (or halt the destruction of) documents once litigation, an audit or a government investigation is reasonably anticipated. If the Administrator becomes aware that litigation, or a governmental audit or investigation has been instituted, or is reasonably anticipated or contemplated, the Administrator shall immediately order a halt to all document destruction under this Policy, communicating the order to all affected constituencies in writing. The Administrator may thereafter amend or rescind the order only after conferring with legal counsel. Any staff member who becomes aware that litigation, a governmental audit or investigation has been instituted, or is reasonably anticipated or contemplated, with respect to the Province shall make the Administrator aware of these potential actions.

- B. Failure to comply with this Policy, including, particularly, disobeying any destruction halt order, could result in civil or criminal sanctions. In addition, for staff, it could lead to disciplinary action including termination.

#### V. Electronic Documents - Document Integrity

Documents in electronic format shall be maintained just as hard copy or paper documents are, in accordance with the Document Retention Schedule. Due to the fact that the integrity of electronic documents, whether with respect to the ease of alteration or deletion, or otherwise, may come into question, the Administrator shall establish standards for document integrity, including guidelines for passwords, handling electronic files, backup procedures, archiving of documents, and regular checkups of the reliability of the system; provided, that such standards shall only be implemented to the extent that they are reasonably attainable considering the resources and other priorities of the Province.

#### VI. Privacy

Confidentiality of documents will be maintained, especially with regard to the personal information of members or of employees of the Province.

#### VII. Emergency Planning and Documents

Documents which are necessary for the continued operation of the Province shall be stored in a safe and accessible manner. The Administrator shall develop reasonable procedures for document retention in the case of an emergency.

#### VIII. Document Creation and Generation

Documents created in the ordinary course of the business of the Province will be identified as to their usefulness, timeliness, confidentiality and retention term. Ideally each document will be so identified so that it flows into the stream of Provincial documents marked with its useful-life and recommended destruction date.

#### IX. Document Retention Schedule in the Appendices:

Appendix A: Province Office Records

Appendix B: Initial Formation Documentation

Appendix C: Office of Pastoral Care and Conciliation (OPCC)

Appendix D: Finance Office

Appendix E: Human Resources Records Appendix F: Other Documents

# Appendix A: Province Office Records

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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 _Psychological reports -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>Safe Environment Program</b>	<b>Access (other than OPCC)</b>	<b>Use</b>	<b>Retention</b>
Background Checks	Provincialate Office Member File for Reference	Audit purposes	Permanent
Misconduct Policies and Procedures (past and current)	Available on current province website	Audit purposes	Keep any historical documents for life in Archives and current ones in the OPCC Office
Safe Environment Training Information	Province Office Member File	Audit purposes	Keep materials and summary of attendance for life
Accreditation/Audit Documents	Provincial Office	Audit purposes	Permanent
<b>Review Board</b>	<b>Access(other than OPCC)</b>	<b>Use</b>	<b>Retention</b>
Review Board Minutes	Provincialate Office	For Audit	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

- 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

## 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

*(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>131</sup>, means to the ends<sup>132</sup>, ministry council-rector/president relationships, and the process of governance<sup>133</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.

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<sup>131</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>132</sup> Means are to be understood as the activities in which the school engages in order to accomplish the results (ends). The ministry council's only interest in staff means is that they be effective, prudent and ethical.

<sup>133</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.

5. Normally, Ministry Council members must be off the Ministry Council for at least 12 months before being reappointed to a subsequent term. A Ministry Council member may begin serving her or his own complete term immediately following the conclusion of another member's term that she or he is completing.

6. Ministry Council terms begin with the first regular meeting after the first day of summer.

7. The terms of Ministry Council members shall be staggered as evenly as mathematically possible. If the number of ministry council members does not equal the number of years in a term, they shall determine by majority vote the rotation of terms. To begin this rotation, sitting ministry council members may draw lots to establish a rotation in which the conclusion of the first term occurs no less than one year and no more than two years after the approval of this by-law. Those same sitting Ministry Council members are not eligible for another term until after 12 months.

8. The following are excluded from Ministry Council membership: 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>134</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.

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<sup>134</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.

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.

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

*(Approved March 2018)*

*(Reformatted July 2022)*

## I. Position Summary

The Province Archivist is responsible for organizing, preserving and protecting the records which pertain to the origin, history, spirit, life and growth of the Province of St. Joseph. The Archivist is responsible for the acquisition, assessment, processing and reference, preservation, records management, planning, budget preparation and management, security, and retrieval systems, as well as related community outreach.

## II. Essential Duties and Responsibilities

- A. Demonstrates, exemplifies and supports the Capuchin Charism throughout all professional responsibilities and activities. All this is done in accord with the provincial policy for the archives.
- B. Establishes and maintains policies and procedures for professional administration of the Archives
- C. Plans and implements the annual goals, objectives and budget for Archives
- D. Digitizes archival collections for easier access
- E. Applies professional archival and records management practices for the use and management of the archival collections
- F. Works with province staff and friars to create and maintain an archives component of the Provincial website
- G. Ensures that the archives' finding tool, technology and software are up to date

- H. Responds to requests from provincial leadership and others
  - I. Applies best-practice standards for receiving, accessioning, cataloguing, storing and displaying items of historical value pertaining to the life and mission of the Province of St. Joseph
  - J. Oversees environmental protection of archival materials, including storage systems, temperature and humidity levels, security and conservation procedures
  - K. Recruits, trains and oversees volunteers and other staff as applicable
  - L. Complies with Province and ministry policies, procedures, guidelines and standards.
- III. Direct Reports: none
- IV. Knowledge, Skills, and Abilities
- A. effective interpersonal skills with ability to function in a collaborative environment
  - B. Ability to think strategically, problem-solve, make independent judgements and successfully manage several tasks simultaneously
  - C. Ability to protect confidential information
  - D. Knowledge, skills and experience in software and other computer applications appropriate for strengthening and expanding computerized data retrieval and archival services; knowledge of best practices for digital preservation and digitization
  - E. to join the organizations and attend conventions and workshops that will help to keep him abreast of current practice in the archival profession;

- F. Ability to learn, understand and support the Province of St. Joseph
- G. Demonstrated verbal and written communication skills required to perform the essential duties and responsibilities of this position.
- H. Professional demeanor and appearance

V. Education, Training and Experience

- A. Minimum of 5 years experience working in a public relations position.
- B. Minimum of 2 years experience in a non-profit environment
- C. Bachelor's degree in Public Affairs, Journalism, Media or related field
- D. Experience with Graphics Design software preferred

VI. Working Conditions

- A. Maintain a clean safe work environment
- B. Work a flexible schedule
- C. Ability to sit, stand, stoop, bend, and reach throughout the day
- D. May be required to use computer for extended periods of time throughout the workday
- E. Periodic domestic travel will be required

Standard office environment and office equipment

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# Capuchin Communications Director

## - Job Description

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(Revised December 2022)

### I. Position summary

- A. On behalf of the provincial administration, this position communicates to provincial membership, announcements and notices that originate in the provincial offices.
- B. The office works cooperatively with the provincial administration, the Office of Public Relations, The Office of Provincial Care & Conciliation (OPCC), and the Office of IT on various levels in order to communicate effectively with the membership.

### II. Essential Duties and Responsibilities

- A. Demonstrate, exemplify and support the Capuchin charism and provincial mission, vision and values throughout all professional responsibilities and activities;
- B. Edit, publish, and update the following documents, on behalf of the Provincial Council:
  - i. Directory of Friars and Friaries
  - ii. The Provincial Policy Handbook
  - iii. The Table Necrology Book
  - iv. Minutes of the Provincial Council meetings, as well as minutes of the various provincial commissions and other groups within the Province
  - v. Death notices and information of friars, including the obituary. Works with guardians to collect family information and to contact funeral homes. Provides memorial cards to the Province
  - vi. Photo portraits of friars taken at each provincial chapter
  - vii. Announcements, letters, and official communications which originate from provincial offices or from provincial commissions, studies and

reports significant to the life of the friars.

- viii. Annually update the necrologies and directories for publication with the Capuchin Liturgical Calendar (Ordo) and for provincial use (Oremus). Birthdates of friars in fraternal collaboration should be consistent with what is recorded in their passports. Receives requests, fulfills orders, and distributes ordos to friars and friaries.

- C. Regularly maintain the Capuchin Communications' website (sjpcommunications.org), and post all published documents on that site, including:
  - i. Record and update information for the personnel database(s), including updated contact information for friars, family addresses of friars.
  - ii. Announcements and 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, according to the discretion of the provincial minister.
  - iii. Publish other materials which serve the friars, e.g., *Inforum*, Newsletter, Extended Necrologies, etc.
- D. Coordinate and facilitate the distribution of invitations, prayer cards, memorial cards, Chapter preparatory materials, etc.
- E. Notify the membership of prayer requests or death notices of current and former friars, their relatives, affiliates, and employees.
- F. 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).
- G. Publish notice of customary/traditional suffrages prescribed by provincial policy.
- H. Comply with provincial and ministry policies, procedures, guidelines and standards, including the standards of publications in accordance with the standards of the Office of Pastoral Care & Conciliation.
- I. Other duties as directed by the Provincial Minister.

III. Knowledge, Skills, and Abilities:

- A. Advanced electronic media knowledge and skills, including high proficiency in Microsoft Office; low-medium proficiency with web development tools, e.g., HTML, WordPress, email clients, etc.; low to medium proficiency in database design & management; experience with graphic design.
- B. Ability to protect confidential information.
- C. Demonstrated proficiency in writing and editing skills.
- D. Ability to provide support and assistance to friars to access information provided by the Communications Office.

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# Corporate Secretary/Treasurer: Job Description

(Approved January 2003)  
(Reformatted October 2022)

## I. 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.

## II. Essential Duties and Responsibilities

- A. Demonstrate, exemplify and support the Capuchin Charism throughout all professional responsibilities and activities.
- B. Plan, organize, prepare and present an annual provincial operating budget to Provincial Council for approval.
- C. Analyze, interpret, and communicate financial operating results to provide information and guidance to the Provincial Council and the Finance Commission.
- D. Continually improve the budget process through education of local ministers, business managers and department managers on financial issues impacting their budgets.
- E. Coordinate annual audits including distribution of final audits and provide appropriate bishops with fund-raising reports.
- F. Manage provincial investments (including missionary funds) generate monthly reports of fund performance.

- G. Manage alternative investments using board designated funds by authorizing low interest loans to financial lenders serving the borrowing needs of the poor and marginalized.
  - H. Provide advice from a financial perspective on contracts into which the province may enter.
  - I. Provide support for friars on sabbatical, leave of absence, and in missions with budgeting and credit establishment.
  - J. Represent provincial interests in legal, financial, tax, investment, lease, and property issues.
  - K. Maintain all official accounting records, articles of incorporation and by-laws in conformance with generally accepted accounting and business principles.
  - L. Secure legal consultation for the provincial offices and communities.
  - M. Coordinate all legal and financial transactions necessary for the sale or purchase of real property and vehicles.
  - N. Approve annual insurance proposal for real property and vehicles.
  - O. Manage the capital campaign budget and report financial results.
  - P. Develop and maintain a knowledge of current trends and regulations to ensure effectiveness and compliance for the finance functions.
  - Q. Comply with provincial and ministry policies, procedures, guidelines and standards.
- III. Direct reports: support staff
- IV. Knowledge, Skills and Abilities
- A. Ability to work independently and in collaboration with others

- B. Effective leadership and mentoring skills
  - C. Ability to successfully manage several tasks simultaneously
  - D. Excellent time management, problem solving, organizational, interpersonal and verbal and written communication skills
  - E. Professional demeanor and appearance
- V. Education, Training, Experience
- A. BS degree in accounting or related field
  - B. Minimum of ten years progressively responsible experience in positions of finance and accounting responsibility
  - C. Demonstrated experience with and knowledge of spreadsheet and accounting software
  - D. Computer skills: Microsoft Word, Excel, Access, WordPerfect, QuickBooks
- VI. Working conditions
- A. Maintain a clean, safe work environment
  - B. Work a flexible schedule
  - C. Ability to sit, stand, stoop, bend and reach throughout the day
  - D. May be required to use computer for extended periods of time throughout workday
  - E. Travel will be required
  - F. Standard office environment and office equipment

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# Corporate Responsibility Agent: Job Description

(Amended and approved by the Provincial Minister and Council October 2022)

- I. Nature and scope:
  - A. The ministry of the Corporate Responsibility Agent participates in fulfilling the goals of our province's Investment Policy Statement, the ideals envisioned by the Fifth Plenary Council of the Order, and the principles of our Capuchin Constitutions (70-71). The Corporate Responsibility Agent is a provincial staff person.
  - B. The Corporate Responsibility Agent facilitates, coordinates, and helps direct the monitoring of the investments of the province in accord with the principles of social responsibility and, where appropriate, recommends actions in accord with these principles.
- II. Principal accountability and duties:
  - A. to assist the Investment Commission and Provincial Minister and Council in discerning options for action in accord with the socially responsible investment principles specified in the province's Investment Policy Statement. These actions may include, but are not limited to, investment, divestment, boycott, corporate dialogs, shareholder resolutions, and voting on shareholder and company proposals;
  - B. to serve as a member of the province's Investment Commission;
  - C. to represent the province at the Interfaith Center on Corporate Responsibility (ICCR), Seventh Generation Interfaith Coalition on Responsible Investment (SGI) member meetings and engagements, and other entities dealing with corporate responsibility;
  - D. in coordination with the Province's investment advisors, to vote the proxies of those shares maintained in and by the province's designated activist investment fund
  - E. where appropriate, to procure verification of stock ownership, date of purchase, and current amount;

- F. to advise the Provincial Treasurer to retain and maintain sufficient stock for shareholder actions as indicated by SEC Rules;
- G. to coordinate provincial activities at and around shareholder meetings;
- H. to collaborate with ICCR, SGI and other groups on corporate responsibility issues and corporations;
- I. to file necessary legal documents with the corporation, ICCR, and the Securities and Exchange Commission;
- J. with the approval of the Provincial Minister and upon consultation with the Director of Public Relations, to communicate publicly (i.e., press conferences) on corporate responsibility issues/decisions of the province (i.e., divestment, boycotts, shareholder meetings);
- K. to attend regularly scheduled meetings of ICCR as a representative of the province. Become actively involved in ICCR issue groups.
- L. to read and maintain a working knowledge of corporate responsibility, its theoretical dimensions and practices;
- M. to prepare for the Provincial Chapter a report on the office's activities during the course of the triennium, as well as other reports requested by the provincial minister and council.

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# Continuing Formation: Director's Job Description

*(Re-approved: July 2003)*  
*(Revised/Approved July 2022)*

## I. Nature and Scope:

- A. Continued formation is the right and obligation of every friar. It is holistic, adapted to times and cultures, and facilitates his ongoing conversion, professional renewal, greater fidelity to our Capuchin vocation (See *Capuchin Constitutions* 41-42)
- B. 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.
- C. The continuing formation director is a friar who will ordinarily join this duty with other assignment he may have.
- D. Programs that deal with the psychological rehabilitation or specific mental health concerns of the friars are not normally considered part of continuing formation.

## II. Principal Accountabilities and Duties:

- A. to provide an annual budget to the provincial treasurer for inclusion in the provincial budget;
- B. to collaborate with the provincial treasurer in the management of the continuing education and formation expenditures of the province and to maintain accurate records;
- C. to annually request continuing formation plans, reports, and budget information from individual friars;
- D. upon request, to assist friars in developing their continuing formation programs and budgets;

- E. to assist friars and offer recommendations on advanced degree, certificate, and sabbatical programs, subject to the review and written approval of the provincial minister and council;
- F. to maintain contact with those friars engaged in longer continuing programs, especially those living outside the province;
- G. upon the request of the provincial minister and council, to 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;
- H. to stay informed about continuing formation programs and participate in appropriate national professional organizations dedicated to religious and clerical continuing formation;
- I. to suggest specific goals and/or norms for continuing formation to the provincial and the council;
- J. 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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# Initial Formation: Director's Job Description

*(Reformatted October 30, 2022)*

## I. Nature and Scope

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:

## II. Principle accountabilities and Duties

- A. 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.
- B. He reports to the Formation Council questions, concerns, directives and other instructions from the provincial minister and council.
- C. He is the chair of the Formation Council which oversees the implementation and development of the initial formation program.
- D. 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.
- E. He performs tasks assigned him by the Formation Council.
- F. 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.
- G. He is the province's contact person with the other provinces of the North America & Pacific Capuchin Conference (NAPCC) in matters concerning initial formation.

- H. He represents the Province of St. Joseph at and attends meetings of the directors of formation of the NAPCC.
- I. He performs tasks assigned him by the directors of formation of the NAPCC.
- J. He informs the provincial minister and council and the Formation Council regarding matters of importance coming from the directors of formation of the NAPCC.
- K. He does *ad hoc* tasks assigned to him by the provincial minister.
- L. 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.

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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# Provincial Ministries and Human Resources: Director's Job Description

*(Approved July 20, 2023)*

- I. Position Summary:  
The Director of Provincial Ministries and Human Resources (DPMHR) is the Chief Mission Officer and Human Resources Officer of the Province. The DPMHR ensures the understanding and implementation of the Mission, Vision, and Values (MVV) of the Province in the ministries and offices of the Province and manages and provides oversight of all Human Resource (HR) staff. The DPMHR is also involved in the daily functions of the HR Department and helps to develop and implement policies, procedures and best practices in the areas of employee relations, recruitment and onboarding, performance management, payroll, compensation benefits, and safe work environment.
  
- II. Essential duties and Responsibilities
  - A. Demonstrate, exemplify and support the Capuchin charism throughout all professional responsibilities and activities.
  - B. Manage the development and administration of: payroll, benefit programs for employees and friars, compensation structures, compliance and reporting functions, job descriptions, performance evaluation program, employment practices, employee recruitment, orientation, retention, training and professional development, employee relations and organizational structure and development.
  - C. Provide leadership, consultation and work collaboratively with ministry and office directors to successfully integrate HR functions throughout the Province of St. Joseph
  - D. Develop and manage the human resources budget
  - E. Develop and implement policies that promote a culture of diversity, equity, and inclusion.
  - F. Develop and administer employee training programs to foster a workplace environment that integrates the Province's Mission, Vision and Values as well as its Safe Environment policies, procedures, and practices.
  - G. In collaboration with the Provincial Minister and Council and Provincial Treasurer, assist in strategic pastoral planning for the Province and its individual ministries.

- H. Consult with legal counsel on human resource matters.
- I. Oversee and possibly negotiate contracts related to HR functions including benefits, payroll, compensation and recruitment.
- J. Maintain a current employee handbook.
- K. Manage and evaluate the human resources information system to ensure that it meets Province employee information needs.
- L. Maintain accurate and legal human resources records.
- M. Remain current and knowledgeable of understanding of federal, state and local regulations, industry trends, current practices, new and applicable laws regarding human resources applying appropriate measures to ensure compliance while anticipating and minimizing litigation risks.
- N. Comply with provincial and ministry policies, procedures, guidelines and standards.
- O. Provide consultation to the Provincial Minister and Council regarding friar placement in ministries and offices.
- P. Mentor new ministry and office directors.
- Q. Assist ministry and office directors with transitions and succession planning.

III. Direct reports: HR Manager, HR Generalist, HR Specialist

IV. Knowledge, Skills and Abilities

- A. Effective problem solving, project management, process orientation, communication, interpersonal and leadership skills in a non-profit environment
- B. Knowledge of government and private insurance such as worker compensation, disability, medical
- C. Ability to provide a strategic focus as well as an operational, implementation and detail-oriented perspective
- D. Ability to work with employees in a variety of situations
- E. Professional demeanor and appearance

V. Education, Training, and Experience

- A. Minimum five years progressively responsible human resources management experience
- B. Experience in a non-profit or religious environment
- C. Strong Generalist background in all HR disciplines

- D. Undergraduate or graduate degree in Business Administration, Social Work, Law or related field of study
- E. Computer skills: Microsoft Word, WordPerfect, Excel, Access, Quick Books
- F. Commitment to continuing education/formation through professional memberships (e.g., ASE, NACPA, RCRI, SHRM, etc.)

VI.

Working Conditions

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

###

# Healthcare: Director's Job Description

*(Approved October 2021)*  
*(Reformatted October 2022)*

## I. Position Summary

The Director of Health Care ensures that the physical and mental health needs of the friars are met. This position assumes full responsibility for the coordination and management of health services and assists in planning and implementing objectives for friar health care.

## II. Essential Duties and Responsibilities

- A. Demonstrate, exemplify and support the Capuchin Charism and Provincial Mission, Vision and Values throughout all professional responsibilities and activities.
- B. Demonstrate and foster an environment of health care support to friars with sensitivity, focusing on the spiritual and fraternal aspects of health care, aging, and retirement.
- C. Act as a resource person to the Provincial Minister, Council, Guardians and Vicars regarding friar health care, aging, and retirement.
- D. Work with Guardians and Vicars to address daily healthcare needs including scheduling agency staff, planning friar transportation to medical appointments and consulting on friar health status.
- E. Maintains current knowledge of health care trends and matters related to insurance issues.
- F. In collaboration with others, assist friars in completing SSI, Medicare, Medicaid and related applications and claims.
- G. Develop and maintain a province-wide system for friar medical history and general health care records and information.
- H. Develop and maintain a relationship with local hospital discharge planners, social workers and nursing staff of clinics and long-term care



facilities.

- I. Participate in problem solving with health care interdisciplinary team in finding alternatives or solutions to frail medical, behavioral health and social needs.
  - J. Research and maintain information regarding various types of living arrangements (assisted living, nursing homes, etc.) in locations throughout the Province.
  - K. Foster a consistent, interdisciplinary approach to ensure a smooth transition to a retirement or assisted living facility.
  - L. Consultation and review of cases with other healthcare providers in the Province.
  - M. Ensures guidelines are in place to meet state statutes for nursing standards and codes of conduct.
  - N. Comply with Province and ministry policies, procedures, guidelines and standards.
- III. Direct Reports:
- A. Healthcare Nurse Case Manager
  - B. Wellness Office Assistant
- IV. Knowledge, Skills and Abilities
- A. Ability to be welcoming and professional
  - B. Ability to lift and move up to 20 pounds
  - C. Ability to maintain necessary state professional licenses and certifications
  - D. Effective communication, problem solving, interpersonal and organizational skills

- E. Ability to work a flexible schedule including weekends and holidays
  - F. Ability to maintain confidentiality
  - G. Ability to transport and accompany friars to medical appointments
  - H. Ability to travel between states
  - I. Effective Microsoft Office skills
  - J. Knowledge of Franciscan Spirituality
- V. Education, Training, and Experience
- A. Bachelor's degree in nursing or related field
  - B. Current license as Registered Nurse in state where position is primarily performed
  - C. 2 years of supervisory experience
  - D. 4 years of experience in home care nursing, healthcare case management or hospital social worker/discharge planning
- VI. Working Conditions
- A. May be required to use computer for long periods of time
  - B. May be required to stand and or sit for long periods of time, walk, use hands and fingers, reach, climb, balance, stoop, bend, kneel, crouch and crawl
  - C. Exposure to and use of cleaning chemicals
  - D. Standard office and home care setting
  - E. Must be on site to perform job duties

###

# Pastoral Care and Conciliation: Director's Job Description

*(Approved November 2022)*

## I. Position Summary

The OPCC Director will serve the province and the church by facilitating and promoting a safe environment for children and other vulnerable people, and will provide services and access to resources that help to further our ministry of healing and reconciliation.

## II. Essential Duties and Responsibilities

- A. Demonstrate, exemplify and support the Capuchin charism throughout all professional responsibilities and activities.
- B. Oversee the Implementation of the Safe Environment Program for friars.
  - 1. Receive intake reports from victims and provide support and recommends resources for victims/survivors of sexual misconduct, where requested.
  - 2. Maintain current knowledge of resources to support victims and friars in their location.
  - 3. Develop and implement Supervision and Support plans for friars, subject to the USCCB Charter.
  - 4. Communicate with therapists and other professionals caring for friars on Safety Plans.
  - 5. Coordinate & facilitate the Provincial Review Board (PRB). Facilitate PRB meetings and maintain accurate and current files on the meetings and minutes of the PRB.

6. Facilitate and lead the province in obtaining & maintaining compliance with its Safe Environment Program.
  7. Maintain familiarity with and propose updates/revisions to the provincial Misconduct Policies.
- C. Maintain accurate and current files in the OPCC Office.
  - D. Have familiarity and remain current with changes to the Charter for the Protection of Children and Young People and Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons promulgated by the United States Conference of Catholic Bishops (USCCB).
  - E. Work as a member of an interdisciplinary team and coordinate information in some instances, with Public Relation Director and Director of Capuchin Communications.
  - F. Assist Human Resource Director regarding and complaints of sexual misconduct by employees and volunteers.
  - G. Comply with province and ministry policies, procedures, guidelines and standards.

### III. Direct Reports: Provincial Minister

### IV. Knowledge, Skills, and Abilities

- A. Ability to write and monitor compliance with Safety/Support Plans.
- B. Ability to empathize with and support friars on Safety/Support Plans.
- C. Ability to empathize with and support victims/survivors of sexual abuse and other misconduct by friars.
- D. Ability to work independently and as part of a team
- E. Detail oriented

- F. Ability to handle multiple projects simultaneously
  - G. Professional demeanor and appearance
  - H. Effective time management, interpersonal, organizational and verbal and written communication skills
  - I. Ability to challenge others orally and in writing.
  - J. Ability to maintain confidentiality.
  - K. Computer Skills: Microsoft Word, Outlook, Excel
- V. Education, Training and Experience
- A. Bachelor's Degree in human services field or 5 years related experience required.
  - B. Previous work experience in the area of sexual misconduct with victims, survivors and perpetrators, required.
- VI. Working Conditions
- A. Maintain a clean safe work environment
  - B. Ability to sit, stand, stoop, bend, walk, and reach throughout the day.
  - C. May be required to use computer for extended periods of time throughout the workday
  - D. Travel is required
  - E. Standard office environment and office equipment

###

# Religious Secretary of the Province: Job Description

*(Revised/approved July 2022)*

## I. Nature and Scope

- A. 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.
- B. Most other official religious acts of the province are handled by the provincial minister or his other staff.
- C. Acts of the corporation are handled by the corporation secretary.

## II. Principal Accountability and Duties:

- A. To record minutes of Provincial Council meetings, the proceedings of local minister meetings, and the proceedings of provincial chapters and assemblies.
- B. To distribute copies of Provincial Council minutes to the council members for review and correction before publication.
- C. To deliver after each Provincial Council meeting a final copy of its minutes to the provincial assistant. The provincial assistant will transmit copies of these minutes to the provincial archivist at the end of each triennium.
- D. To execute his signature on the few religious documents that require it.

###

# Solanus Mission Association: Director's Job Description

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*(Approved: August 2022)*

## I. Nature and Scope

- A. Under the direction of the provincial minister and council, the director of the Solanus Mission Association, with the assistance of the provincial development office, cares for and directs the fundraising activity for the missions.
- B. The goals of the mission fund-raising and distribution are:
  - 1. to meet the needs of the Provincial missions and missionaries (foreign and domestic);
  - 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 Capuchin Provinces who are in fraternal collaboration with the Capuchin province of St. Joseph.
  - 4. Therefore, fund-raising efforts will not be limited to narrower provincial needs but will be expanded to consider the broader missions of the church and the order.

## II. Provincial Accountabilities and Duties:

The director of the Solanus Mission Association relates to three entities while accomplishing his principal Accountabilities and duties: 1) to the province; 2) to the provincial development office; and 3) networking.

### A. Province:

- 1. to be an animator of the missions, especially by keeping the missionary activity of the church before the province;

2. to consult with the provincial council as needed and appropriate;
3. to assist in the preparation of an annual budget, and in the distribution of provincial mission funds according to stated guidelines and policies, often in cooperation with the Director of Collaboration of Personnel.

B. Provincial Development Office [PDO]:

1. to assist in the development of direct mail appeals;
2. to manage enrollment card and folder certificate inventory, and to oversee changes as needed;
3. to work with provincial communications to ensure online card and folder catalog is properly managed;
4. to ensure enrolled names are collected and distributed throughout the province for prayer purposes;
5. to assist in the oversight of card and folder requests received through the provincial development office.

C. Networking:

1. to participate in the meetings of the Mission and Development Directors of NAPCC.

###



# Vocation Director: Job Description

*(Revised and Re-approved: May 2004)  
(Reformatted July 6, 2022)*

- I. The following skills, abilities, and experiences are desirable in the composite vocation office staff:
  - A. Skills (learned capacities in terms of training programs both professional and academic):
    1. vocational discernment,
    2. recruitment techniques
  - B. Abilities (native talents/natural endowments of an individual):
    1. public relations
    2. willingness to travel
  - C. Experience (personal/community/ministerial experience):

effective working with young people
- II. The co-director is a member of the Formation Council and is to participate in its meetings and work with the other members of the council in implementing the initial formation program of the province.
- III. The director is responsible to the provincial minister and the Provincial Council through the provincial director of formation and with the other members of the Formation Council.
- IV. The director shall consult with and inform provincial leadership as situations require.
- V. The director is to facilitate the process of ongoing discernment and deepening commitment to Christ and his church for the candidates and inquirers.
- VI. The director shall maintain files on all inquirers and candidates.
- VII. The director shall implement all policies and procedures that affect inquirers and candidates, especially regarding the

candidacy program.

- VIII. The director ensures the proper execution of civil and ecclesiastical documents affecting candidates, especially those required for an application to postulancy.
- IX. The director promotes membership in the Province of St. Joseph.
- X. The director conducts the processing and initial screening of applicants.
- XI. The director maintains applicants' interest in the province.
- XII. The director assists in the discernment process of inquirers and candidates.
- XIII. The director prepares applicants to succeed in postulancy.
- XIV. The director elicits the cooperation of others for this task.
- XV. 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

(revised and approved 11/09/2022)

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.

###

# Car Purchase and Replacement

(revised and approved 11/09/2022)

- 1) The provincial minister, after consulting with the Provincial Council, decides about the advisability of having vehicles useful for a ministry or office or the service of the fraternity, as also about their use (Const. 91:6). Our provincial minister delegates the provincial treasurer to deal with car purchase and replacement, unless this policy specifically mentions otherwise.
- 2) 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.
- 3) In purchasing cars, the amount to be expended will be determined annually by the Provincial Council and communicated to the province. The guardian normally makes a request to the provincial treasurer for a car purchase or replacement. Friars on individual budgets make such requests directly to the provincial treasurer.
- 4) Mileage is not the sole reason for replacing a car. The province will keep a car as long as it is performing well. Cars are to be replaced if imminent maintenance costs are in excess of 80% of the book value. In the case of accidents, a car is replaced if the damages exceed 80% of the book value of the car. The provincial treasurer may vary from these norms as seems prudent to her or him.

###

# Donations of Real Property

(revised and approved 11/09/22)

1. 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.
2. In accord with the religious and charitable mission of the Province, gifts of real property or in-kind gifts 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.
3. The Province does not normally accept gifts of real estate such as houses, buildings, or land. Such gifts may be accepted only in exceptional circumstances

###

# Extraordinary Expenses

(revised and approved 11/09/2022)

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 \$10,000.00.
3. Such requests are presented to the provincial treasurer. His or her recommendation for approval or non-approval is given to the provincial minister or his delegate. The final decision is communicated to the ministry director, guardian, office or individual by the provincial treasurer.

###

# Financial Planning

(Approved December 2022)

## I. Background

Long-term planning for the Province allows it to better coordinate its investments and projected capital outlays. It allows the Provincial Council, the Finance Commission, the Investment Commission, the Development Office, the Provincial Treasurer, and the Director of Provincial Ministries and Human Resources to be actively involved in the plans of individual ministries, offices and friaries.

## II. Annual Steps

- A. Annually, each director of a provincial ministry, director of a provincial office, and guardian shall deliver to the Provincial Treasurer a 5-year financial plan no later than October 1 of each year. Earlier plans shall be updated by subsequent plans.
- B. All ministry, office, and friary plans shall be reviewed at the subsequent Finance Commission and Provincial Council meetings typically occurring in October. The Provincial Council will indicate approval and/or modification of the plans, or request clarifications leading to a future decision.
- C. Plans should be comprehensive enough to be helpful without being unnecessarily detailed for the purposes of review.
- D. Plans should address the following areas when applicable:
  1. Projected capital projects and expenses
  2. Projected new or changed employee positions
  3. Projected new or changed programs
  
  4. Projected changes in operating expenses beyond normal cost of living increases
  5. Projected use of funds on deposit

6. Projected changes needed in fundraising

- E. Before submitting the plan, directors and guardians should consult with the Development Director, the Director of Provincial Ministries and Human Resources, and the Provincial Treasurer as is appropriate. It often is helpful to receive advice from the Ministry Council when composing a plan for a ministry.
  - F. The plan should clearly indicate the years in which the measures of the plan are to be executed, including funds needed during each of the upcoming five years. Charts illustrating such progressions are useful.
  - G. The Provincial Treasurer shall send a reminder to all ministry and office directors and guardians on September 1 to submit their 5 - year financial plans to the treasurer.
  - H. When the Provincial Minister and Council approve the 5-year financial plans, the Provincial Treasurer shall share them with the appropriate guardians, directors of development, ministry and office directors.
- III. Each year, the Provincial Minister and Council shall compose a 5-year financial plan for provincial issues that are not expected to be covered in the plans of provincial ministries, offices and friaries. The plan shall be delivered to the Provincial Treasurer before October 1.
- IV. Before the meetings of the Finance Commission and Provincial Council typically held in October, the Provincial Treasure shall compose and distribute a 5-year Master Plan incorporating all of the plans described above.



# Financial Policy

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

## BACKGROUND:

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

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

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

As a result, the following is suggested as a means for assisting the friars in pastoral ministry in determining which benefits to accept,

which to send into the province and which to retain for their local needs.

###

# Financial Policy Specification: Regarding Friars in Pastoral Ministry

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

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

## TO BE SENT TO THE PROVINCIALATE:

Base salary

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

*(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

*(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.

###

# Gifts and Grants

*(Revised: July 2023)*

Early in the Judeo-Christian tradition, praising and giving thanks to God by sharing and returning his gifts was an established practice. In the Hebrew Scriptures, the gift of First Fruits, thought to be the best fruits, was a required gift to God (Exodus 23:19a; Deuteronomy 26:1-10; Leviticus 23:10-14; Proverbs 3:9-10; Nehemiah 10:35, et al.). In the Christian Scriptures, Jesus himself is considered the first fruits in whose pattern his disciples will follow (1 Corinthians 15:20-23).

Citations abound in the Hebrew Scriptures about tithing, a word meaning a tenth, and a practice closely linked to the gift of the first agricultural fruits. The practice is already linked with Abraham and continues through Israelite history (Genesis 14:19-20, et al. Perform a Google search on “tithe.”).

It has been an established practice of the province to budget 10% of the income of the friars to be given to institutions that share its values on an annual basis. This practice is our way to praise and thank God for the many gifts first shared with us. It also allows us to support our own mission and values through the work of like-minded people and organizations. The following provisions guide the provincial practice of tithing.

- I. The province shall budget 10% of the projected salaries earned by individual friars in the “Gifts and Grants” line of its annual budget. This budgeted amount shall not be based on gifts or income through communities, estates, investments, or development.
- II. Budgeted monies may be disbursed by the Provincial Minister alone only when the total sum is no more than \$2,000.00. The approval of the majority of the Provincial Council (i.e., three councilors) and the Provincial Minister himself are required to make disbursements above \$2,000.00.
- III. Educational expenses for friars from collaborating provinces who are given scholarships in lieu of a capital gift to Catholic Theological Union should be expensed from Gifts and Grants as the expenses come due.
- IV. The Provincial Council and Minister may award money from Gifts and Grants when the purpose of the gift is consonant with the

mission and values of the Province of St. Joseph. However, the Council and Minister should consider other commitments from Gifts and Grants before doing so, especially the annual commitment to Economic Solidarity at the Capuchin General Curia and scholarships awarded in lieu of a capital gift to Catholic Theological Union.

- V. About \$10,000 can annually be used to support annual development activities benefiting Catholic Theological Union of which the Province is a member. This sum can rise per inflation according to the judgement of the Provincial Council and Minister.
- VI. No more than 10% of the budgeted total may be given to organizations having friars as board members or employees, when those positions have been approved by the Provincial Council and Minister. When friars have been historic board members, the attendant organizations or ministries should be weaned off of distributions from Gifts and Grants. The connected friar must make the request for funds.
- VII. About 10% of the budgeted funds can be used for provincial memberships to various organizations that support the mission and values of the Province.
- VIII. At the end of each fiscal year, the Province shall donate \$150,000 from Gifts and Grants to Economic Solidarity at the Capuchin General Curia. If there are not sufficient budgeted funds for this gift, the remainder should be taken from the Mission Fund of the Province. Toward the end of each fiscal year, the Provincial Council shall review the balance of the Mission Fund to determine if a more generous gift to Economic Solidarity is possible.
- IX. No funds from Gifts and Grants shall be given to individuals.
- X. Gifts and/or scholarships to collaborating Capuchin Provinces shall come from the Mission Fund and not from Gifts and Grants, except when a scholarship is awarded in lieu of a capital gift to Catholic Theological Union. Educational costs for collaborators in initial formation and intending to serve in the Calvary Province are expensed to the Initial Formation budget.
- XI. Any remainder of available Gifts-and-Grants funds at the end of the fiscal year shall be given to Economic Solidarity at the Capuchin General Curia.

###

# Lawsuits

*(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

- 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

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

(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

*(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

*(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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# Fraternal Collaboration of personnel

*Approved by the Provincial Minister and Council July 2022,  
amended July 20, 2023, amended December 2023*

## I. History

- A. The Province of St. Joseph initiated plans to begin collaboration of personnel in the fall of 2014 and received Biju Parakkalayil, the first collaborator, in spring of 2015. Since then, the Province has received over twenty collaborators, some of whom have returned to their home provinces. The majority continue to service in the Province of St. Joseph.
- B. Collaborators have participated in the Province's general safeguarding program from the beginning. However, at its March 2022 meeting, the Provincial Council resolved to strengthen their training and orientation program in light of the higher percentage of international priests in the USA receiving allegations of misconduct. It is the hope of the Provincial Council that these additional measures will build on the considerable general progress of the Province in safeguarding over the past three decades.
- C. Despite this specific goal of the Provincial Council, this document remains comprehensive in laying out policies for collaboration of personnel.

## II. General Capuchin Foundations

- A. Capuchin Constitutions (121)  
Each brother, incorporated into the order by profession, becomes a member of the circumscription to which the minister admitted him to profession. 2 The date of temporary profession also determines seniority in the brotherhood. 3It pertains to the General Minister, with the consent of his council and having consulted the respective major superiors and their councils, to assign brothers to another circumscription, taking into account the good of the whole order and the needs of the circumscriptions or individual brothers. 4Let the Provincial Ministers, in a spirit of fraternal collaboration, be willing to meet such needs by sending brothers temporarily to another province. 5When sending brothers to serve in another circumscription, the prescriptions of the Ordinances of the General Chapters are to be observed. 6 Each brother exercises the right to vote in only one circumscription of the order, unless he is also able to vote elsewhere because of his office or for other reasons.



Those who are invited to another circumscription to offer their services have the right to vote in that circumscription according to the norms in the Ordinances of the 910 General Chapters, not in their own. On the other hand, brothers who live in another circumscription for other reasons exercise this right only in their own circumscription (Const. 121).

B. PCO VII on Our Fraternal Life in Minority

The Order is a global brotherhood to which we belong through the Provinces and other circumscriptions. In order to overcome all forms of provincialism and to ensure that we are able to move effectively in our globalized world, it is important for us to be open to the international horizon of our fraternity. In a special manner let us open ourselves to every kind of inter-provincial collaboration, not only in the area of initial formation, but also in the area of ongoing formation and ministry. The establishment of interprovincial fraternities and the exchange of personnel among the circumscriptions are effective means of such collaboration (PCO VII, 13).

C. General Handbook for Fraternal Collaboration of Personnel (version 2018)

1. While various forms of collaboration exist among the jurisdictions in the Order, by Fraternal Collaboration [of Personnel] between Circumscriptions is meant a long-term sharing of friars between two or more circumscriptions of the Order, regulated by the General Minister and his council (1.1).
2. The commitment necessary for those who are sent in Fraternal Collaboration [of Personnel] between Circumscriptions, as well as for those who receive, is only possible if it is based on an spirit of fraternity which extends to the entire Order and is open to evangelization in a Capuchin Franciscan way (1.3).
3. Just as Francis who was moved by the Spirit of God to make the world his cloister, so are we called to bring our way of life and gospel witness to today's world, transcending the boundaries of circumscription and countries. Concretely, this means overcoming all forms of provincialism by becoming open to one another and becoming interested not only in the concerns of the local

community or the local Circumscription, but also in the concerns of the entire Order, of the Church and of the world today (2.1).

4. In this way Fraternal Collaboration [of Personnel] between Circumscriptions becomes an expression of fraternity, interdependence and redeemed relationships, which are essential elements of our Franciscan lifestyle (2.2).
5. The Goals of Fraternal Collaboration [of Personnel] between Circumscriptions [are] to strengthen the Capuchin charism in places where the Order has lost its vitality or is in danger of disappearing by instilling greater dynamism and community spirit into our fraternities, in this way providing a more effective and witnessing presence, by bridging the age-gap between the friars of the province and possible new candidates, [and] by helping a project that holds promise for a region, but cannot be sustained by local resources; [and] to witness to Franciscan brotherhood in the increasingly intercultural society of our time by forming international or intercultural communities, involved in social and pastoral services to migrants (3.1-3).

### III. Introduction

#### A. Goals

1. Strengthen Capuchin charism and our ministries.
2. Witness to Franciscan brotherhood in an increasingly global and intercultural society
3. Support the New Evangelization, esp. through the witness of a revitalized fraternal life.
4. Promote vocations by providing a larger group of younger role models.
5. The success of the collaborator coming to our province through relevant cross-cultural training.

#### B. Requirements of guests and hosts

1. Humility
2. Flexibility
3. Diligence

4. Honesty
5. Sensitivity
6. Patience
7. Openness to conversion
8. Openness to evangelization (of self and others)
9. A spirit of fraternity
10. Administrative skills, attention to details, and willingness to comply with applicable rules and regulations.

#### IV. Selection of the Collaborator

- A. Engaging a collaborator begins with the SJP discerning a need in a specific community and ministry. The Director of Collaboration, under the direction of the Provincial Minister, writes a description of the position assigned to the potential collaborator, and the skills, abilities, and attitudes needed for success. Particular attention is paid to language and accent skills, and the non-clerical nature of many SJP ministries.
- B. The Director of Collaboration sends the description to the sending provincial and answers his questions.
- C. The sending Provincial Minister selects a friar in his jurisdiction for this collaboration. The SJP relies on the minister's awareness of the general guidelines on collaboration of personnel and the situation and needs of the SJP.
- D. The SJP Director of Collaboration reaches out to the nominated collaborator through email and/or video conferencing to welcome him, inform him about our province, and his destination fraternity and ministry. Web addresses of the SJP and its ministries are shared. While doing the needful, the Director should be careful not to over burden the collaborator.

#### V. Petition for the initial R-1 visa 1.

- A. Typically working with an immigration attorney, the Director of Collaboration works with the nominated collaborator and agents of his province (usually the secretary) to gather the necessary documents for a successful R-1 visa. These include personal,

educational, civil, Catholic, Capuchin, and diocesan documents. The Director collects financial and civil documents about the SJP, and the relevant friary and ministries. The Director guides the collaborator through this process from start to finish, working with the attorney.

- B. Safeguarding measures while preparing the R-1 visa petition
1. The Director of Collaboration receives three references about the nominated collaborator. One of these must come from his current Provincial Minister. A second typically comes from a diocesan bishop who knows the collaborator. The third may come from a former provincial minister or bishop, an auxiliary bishop, a former formator, or a current or former ministry director. Lay friars nominated as collaborators typically do not receive a reference from a bishop.
  2. The Director of Collaboration receives from the sending Provincial Minister a letter of good standing about the nominated collaborator.
  3. The Director of Collaboration sends to the nominated collaborator four documents concerning safeguarding in SJP. The collaborator is asked to read the documents, clarify his questions, and sign a document verifying he has read and understands the documents. They are:
    - a. Policies and Procedures Regarding Sexual Misconduct with Minors and Vulnerable Adults
    - b. Code of Professional Responsibility
    - c. Policies and Procedures Regarding Sexual Misconduct with Adults
    - d. Social Media Policy
  4. The Director of Collaboration shall complete an international background check on the collaborator before he arrives in the USA. This check should cover any country where the collaborator has lived, excluding short trips for vacations and the like.

- VI. Arrival and orientation, both initial and ongoing
  - A. The Director of Fraternal Collaboration of Personnel
    - 1. The Director of Fraternal Collaboration of Personnel is the general facilitator of things involving collaboration. He is always available to help and/or coordinate others in their responsibilities regarding collaboration but is not responsible to accomplish the responsibilities of others that are listed here within.
    - 2. In the days before the collaborator's arrival in the USA, the Director shall inform the provincial treasurer, insurance generalist, director of ministries, and the Provincial Minister's assistant of his arrival. The Director shall be sure the collaborator is enrolled in provincial health insurance upon arrival. He shall have a provincial credit card addressed to his friary of residence.
    - 3. The Director shall coordinate an orientation program for all new collaborators, including students, to assist their cultural adjustment to life and ministry in the SJP. He shall work with guardians, ministry directors, formators, office directors and other friars and laity to accomplish this. Collaborators will participate in this orientation at their assigned friary, but may be asked to travel to accomplish specific tasks. The following topics should be covered during the first few months in the USA. Some topics are required before engaging in public ministry. Names listed behind each element are not part of the policy but help implement the program at the present time.
      - a. Time to settle in
      - b. Visits to area friaries and ministries
      - c. Meals at area friaries
      - d. Review of "Policies and Procedures Regarding Sexual Misconduct with Minors and Vulnerable Adults" (Required before engaging in Ministry) (Office of Pastoral Care & Conciliation (OPCC))
      - e. Review of "Policies and Procedures Regarding Sexual Misconduct with Adults" (Required before engaging in Ministry) (OPCC)

- f. Review of "Code of Professional Responsibility" (Required before engaging in Ministry) (OPCC)
  - g. Review of "Social Media Policy" (Required before engaging in Ministry) (OPCC)
  - h. History of SJP's experience involving abuse (Required before engaging in Ministry) (OPCC)
  - i. Presentation and discussion about gender roles in the USA (Required before engaging in Ministry) (OPCC)
  - j. Clericalism in the USA and vis-a-vis other cultures (John Celichowski)
  - k. Racism in the USA (TBD)
  - l. History of the SJP (TBD)
  - m. The theology and practice of Church in the USA RCC (TBD)
  - n. Preaching in the USA setting (TBD)
  - o. Evangelical poverty and the use of money in the SJP (TBD)
  - p. HR issues affecting collaborators (Director of Ministries)
  - q. The Mission, Vision, and Values Statement (TBD or Director of Ministries)
4. The Director shall organize an airport welcoming committee for the arrival of the collaborator. It ideally would include representatives from the friary where the collaborator will ultimately live and the ministry where he will work.
  5. The Director shall arrange for in-person or online classes in accent modification for the collaborator. The typical course meets one hour a week for fourteen weeks and typically begun within six weeks of arrival. As time passes, the Director with the Guardian and Ministry Directory can suggest that the collaborator does additional classes on accent modification and/or spoken English grammar.
  6. The Director shall arrange for the newly arrived collaborator to tour the Capuchin communities and ministries in the Mid-west. This can be done piecemeal

and over a few months. The Director can delegate this orientation to others. Collaborators are free to look for opportunities to visit the Capuchin community and ministries in Montana as they are able.

7. About a year after the collaborator has arrive in the Province, the Director of Collaboration shall conduct an evaluation of the collaborator and Province's experience of their collaborative venture. The Director should send a copy of the final evaluation report to the Provincial Minister. Upon the completion of this first year evaluation, the collaborator becomes fully integrated into the normal process and structures of community life, ministry placement and evaluation, visitation, etc. The Director of Collaboration is always available for consultation about ministry and fraternal issues. However, the normal officials of the province should exercise their responsibilities for collaborators as for any member of the province.
8. Two times a year, the Director of Collaboration shall host a video conference for collaborators who have been in the SJP fewer than six years, during which they can discuss a variety of topics arising from their experiences in provincial life and ministry. Each session should last about one hour. It should be recorded for viewing by those who cannot be present.

#### B. The Guardian

1. The Guardian is the typical overseer of collaboration on the local level. The Provincial Minister and Council may appoint a community contact to handle most local responsibilities under the Guardian. When this document uses "Guardian" it assumes the same can apply to an appointed contact.
2. The Guardian is of the greatest importance in orienting the collaborator to Capuchin, Catholic, and social life in the USA. No list of responsibilities can exhaust the ways in which they help the collaborator to adjust and feel welcomed.
3. As soon as feasible, the Guardian shall help the collaborator obtain a Social Security number and card. It is best to keep the smaller card attached to the larger card stock as this helps to prove residence for a variety

of later reason. The address on the SS card should be the friary of residence. The name on the SS Card should appear exactly as it does on the collaborator's passport.

4. As soon as feasible, the Guardian shall help the collaborator complete the safeguarding training required by the diocese of residence. A certificate of completion should be sent to the Director of Fraternal Collaboration and to the Provincial Minister's executive assistant.
5. The Guardian shall assist the collaborator to activate his provincial credit card. He should orient the collaborator about how to use the card and about the use of money in the Province. The Guardian shall explain to the collaborator the Province's practice of personal and continuing formation budgeting. It is useful to repeat orientation to those budgets later when friars are asked to construct budgets. The Guardian shall teach the collaborator how to use SmartData to record how he spent money with his credit card. The provincial treasurer can authorize the collaborator to create a SmartData account.
6. The Guardian shall orient the collaborator to life in his friary of residence. It is important that the Guardian check in with a newly arrived collaborator frequently in the first month or more. Assistance with food, medical issues, clothing, transportation, etc., is critical in the early months. The Guardian should be alert for culture shock in the collaborator or problems adjusting and be solicitous in responding with care.
7. The Guardian and Ministry Director of the collaborator shall discern with the collaborator when and how the collaborator might begin engaging in ministry. Every collaborator is unique, desiring different paces of ministry integration.
8. The Guardian shall evaluate whether or not the collaborator should be required to take driving classes before applying for a driver's license. The Guardian can consult with the Director of Collaboration about this. The Guardian guides the collaborator through the process of acquiring a state driving license. Upon its reception, the Guardian assures that the collaborator sends a scanned copy of the license to the Director of Collaboration. NB: A



Social Security Card is required to apply for a driving license.

9. The Guardian shall help the collaborator learn the history of the Capuchins in the Province and his area, especially of their ministries per the interests and available time of the collaborator.
10. The Collaborator may not begin ministry until he has completed the safeguarding training required by the local diocese and the initial safeguarding training required by the Province.

C. The Ministry Director

1. The Guardian and Ministry Director of the collaborator shall discern with the collaborator when and how the collaborator might begin engaging in ministry. Every collaborator is unique, desiring different paces of ministry integration.
2. The Ministry Director shall orient the collaborator to his ministry. This likely will be more intensive at first, and gradual and incremental in the long run. It is advisable that new collaborators be given easy ministry tasks in the beginning of their collaboration. The Ministry Director should be alert to the desires of the collaborator to proceed slowly or quickly toward more responsible and permanent tasks. The Ministry Director shall provide the collaborator with a description of his ministry responsibilities after a couple of weeks of ministry, even if the collaborator is not yet ready to assume them. A copy of this description should be forwarded to the Director of Collaboration. It is not uncommon for the job description to change with time, even quickly, as the collaborator learns more about the ministry and the Ministry Director learns more about the collaborator. Updated job descriptions should be forwarded to the Director of Collaboration.

D. The Director of the Office of Pastoral Care & Conciliation (OPCC)

1. The Director of the OPCC shall participate in a collaborator's initial safeguarding training within the first three weeks of his arrival and typically during the initial orientation of new collaborators in Detroit or upon arrival in the Post-Novitiate Friary. This training should

comprise approximately 10 hours of training and can be spread out over multiple days and weeks. This personalized program should be similar to that offered new postulants of the Province. It should go through the four essential texts that the collaborators were given to read before arrival in the USA. It should include a discussion of gender roles in the USA. It is important for the Director of OPCC to ensure that the collaborator understands the seriousness of policies in each document. They are:

- a. Policies and Procedures Regarding Sexual Misconduct with Minors and Vulnerable Adults
- b. Code of Professional Responsibility
- c. Sexual Misconduct with Adults
- d. Social Media Policy

2. In addition, the Director of the OPCC shall present a history of the Province's experiences of misconduct, especially with minors, the moral, legal, and financial consequences of this history, and the Province's incremental response.
3. The Director of OPCC may involve other people in the completion of these tasks.

#### VII. Agreements with Sending Provinces

- A. The General Ordinances on Collaboration of Personnel require collaborating jurisdictions to execute a written agreement between them with the approval of the Minister General after three years of the first collaborator being received. No written agreement is needed in the first three years.
- B. The terms of the agreement are considered provincial policies for collaboration of personnel.

#### VIII. Vacations

Per the vacation policy of the Province, collaborators who are not members of the Province are allowed a one-month long vacation once a year. The cost of air transportation is paid by the Office of Collaboration. The local Capuchin community provides \$1,000.00 as pocket money for this vacation.

## IX. Coverage

The Province shall execute these measures to further safeguarding among Collaborating Friars from other countries coming to the Province of St. Joseph to share in its life and ministry. These measures also apply to international students and international friars in formation unless explicitly exempted or having alternative measures. (General Provincial Policies)

###

# Friar Publications

*(Approved: August 2010)*

The Capuchin Province of St. Joseph encourages scholarship by its members, including writing and publishing, particularly that which advances the mission of the Church, the Order, and the Province. The Province recognizes that the means of social communication have the "power to influence and move the masses and the entire human society and as instruments for evangelizing peoples of our time" (Capuchin Constitutions 153:2).

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

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

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

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

###

# Chronicles

*(Approved: February 28, 2024)*

1. Each guardian shall appoint a chronicler for his community. If no appointment is made, the house vicar is the chronicler by default.
2. Chroniclers shall make at least weekly entries. Entries should be composed on a word processor and may include photographs. Photographs should be accompanied by identification of all pictured people and an explanation of the event.
3. At the end of each calendar year, hard and digital copies of the previous year's entries should be delivered to the Provincial Archives.
4. The provincial archivist shall assure that each house submits its chronicles yearly.
5. Guardians shall sign the hard copy of the house chronicles annually, before they are delivered to the provincial archives, ensuring that they have been written.

###

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

*(Revised: January 2015)*

As a rule, only Capuchin friars and resident candidates live in Capuchin communities. By way of exception non-provincial members may be invited to live in a Capuchin community. The local minister shall consult the members of the community and receive consent of the provincial minister before inviting a non-member of the Province of St. Joseph to live in a provincial community.

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

Agreement Parties:

[Guest] and

[Name] Capuchin Community

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

The community shall provide the following to [Guest]:

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

[Guest] shall provide to the community:

- Participation in community prayer and social life, as much as possible in light of work, school and other commitments.
- Help in cleaning and maintaining the building.
- Participation in community meetings and planning as the local minister deems prudent.
- Where applicable a monthly payment of \$\_\_\_ to help defray the costs of non-members room and board may be negotiated. This payment shall be made in the form of a check payable to the Province of St. Joseph of the Capuchin Order.

By signing this agreement, [Guest] further consents to participating to a criminal background check. The check shall be paid for and executed by the provincialate and must be successfully completed before [Guest] is permitted to move into the community. The [Guest] also agrees to complete the required (arch)diocesan program for the protection of children and vulnerable adults. A certificate of completion of this program will be forwarded by the local minister to the provincialate.

Neither the Province of St. Joseph nor the community assumes any financial responsibility for [Guest] other than room and board. [Guest] is responsible for all other personal and living expenses, including but not limited to: education, transportation, health care, insurance, and recreation. [Guest] will receive no payment for any work he does at the community.

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



This agreement shall commence on [Date] and will end on [Date]. However, each party reserves the right to terminate this agreement for any reason and at any time.

/s/ [Guest], date

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

###

# Provincial Celebrations

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

###

# Serving on Nonprofit Boards

*(Approved: December 2011)*

## INTRODUCTION

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

## SOME THINGS TO CONSIDER

### I. Organizational Considerations

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

H. Is the organization well-established or just getting off the ground? New, struggling, or restructuring organizations can require significantly more support and work from board members than those that are firmly established and stable.

## PERSONAL CONSIDERATIONS

### I. Time

A. How much time will be required to serve on the board? Is this time commitment expected as part of or outside of one's current ministry?

B. How much work will be required as a board member, officer, committee member, etc.?

C. What is the length of a board member's term? Can it be renewed? If so, how many times?

### II. Talent

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

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

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

### III. Treasure

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

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

### IV. Training

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

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

### V. Trust

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

B. Is there a clear understanding of the roles and responsibilities of the board and those of the organization's management,

particularly the executive director? Is the board advisory to the director or does it also have responsibilities of governance, including that of evaluating and hiring and firing the executive director?

VI. Travel

A. Will board membership require substantial travel? 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.

###

# Suffrages

*(Re-approved: July 2003)*

## 1. Customary Suffrages:

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

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

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

members before 1952. —Traditional suffrage" is defined as the offering of a mass by each ordained friar who was also professed before 1952.

###

# Travel

*(Re-approved: July 2003)*

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

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

## 1. For Traveling

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



period of time even beyond three months.) In all other cases letters of obedience are issued by the general minister.

## 2. For Studies and Formation

2.1. Letters of obedience are issued by the *major superior* when they pertain to:

- a. The brothers in initial formation and their formation personnel for interprovincial formation houses or programs;
- b. Periods of study and programs of special formation (except for what is mentioned below at 2.2.b);
- c. Those participating in conventions and formation meetings.

2.2. Letters of obedience are issued by the general minister when they pertain to:

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

## 3. For Ministry (Service)

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

3.1. Letters of obedience are issued by the major superior when they pertain to:

- a. Service being given in a vice province, custody, delegation or house of presence dependent upon the same major superior;
- b. Service being given in another circumscription for up to three years (see Constitutions 113, 4 and General Ordinance 14).

3.2. Letters of obedience are issued by the general **minister** when they pertain to:

- a. Any type of service or ministry given in another circumscription (with the exception of what is mentioned above at 3.1.a) for a period beyond three years or for

- which, upon the completion of three years, a continuation is desired;
- b. Service to be rendered at the international friaries of the Order;
  - c. Returning to own's home circumscription at the termination of the services mentioned in 3.2.a and b.

## PLEASE KEEP IN MIND THE FOLLOWING:

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

*Nota bene:* In accord with Constitutions 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.

###

# Vacations and Jubilees

(Amended: July 2023)

- I. We recognize the importance of rest. It too helps us to live “the grace of work.” Each day let the brothers enjoy appropriate recreation in common to foster life as brothers and renew their energies. Let everyone have a period of time for himself. According to regional customs and possibilities, time for vacation should be provided and spent in a way consistent with our state as lesser brothers (Const. 86: 1-2).
- II. Each friar is entitled to take an annual vacation of two weeks (14 days). A friar needs the permission of his guardian to exceed the normal two-week vacation for a special reason. Per contractual agreements with collaborating jurisdictions, collaborating friars are entitled to take an annual vacation of one-month duration to their home province and/or country of origin. A collaborating friar needs the permission of the Calvary Provincial Minister upon the advice of the Director of Collaboration to exceed the normal one-month vacation for a special reason. Should a collaborating friar not take his vacation in his home province and/or country of origin, he shall abide by the typical two-week vacation observed by members of the Calvary Province.

Members of the Province whose parents live outside the United States may take a 3-week vacation with them every other year, and when special circumstances demand it. Examples of such circumstances include the sickness or death of a parent. More frequent or longer overseas vacations by these friars require the approval of the Provincial Minister.

- III. All friars need the approval of their ministry directors and guardians for the proposed dates of their vacations. Guardians shall confirm the approval of ministry directors.
- IV. 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. 2021, the Provincial Council established \$10,000.00 as the ceiling for jubilee trips. Amounts that exceed the \$10,000.00 ceiling require the approval of the Provincial Minister.

- V. The fact that a jubilee trip is paid for by means other than the Province does not justify exceeding the \$10,000.00 ceiling for the total expenses of the trip. Travel for the friars should reflect our identification with a simple lifestyle.
- VI. Any overseas trip is a vacation unless taken for the purposes of ministry, education, or the funeral of an immediate family member (parent, sibling, grandparent). (Approved by PC 2/29/2024)
- VII. A home visit is considered a vacation for all friars. (Approved by PC 2/29/2024)

###

# Cottages

*(Revised and approved: July 20, 2023)*

## I. Pickerel Retreat

- A. Pickerel Retreat (Pickerel, WI) is reserved for the use of the Capuchin community, i.e., members of or friars living in the province. Pickerel may be used by the friars and their families.
- B. 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.
- C. The Provincial Council and provincial formation programs will be given priority in scheduling the use of the facilities.
- D. From June through August, reservations are limited to one week only.
  1. Reservations are made from **Thursday to Wednesday** each week, allowing one full weekend of use.
  2. Arrival shall be no earlier than 1 pm and departure shall be no later than Noon.
  3. Reservation requests shall include exact dates requested, particularly if the entire week will not be used.
  4. Lawn maintenance will require groups to provide access each week for the mowers.
- E. Reservation requests for Pickerel for 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.

- F. In accepting requests for reservations, the following norms will be used:
  - 1. 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.
  - 2. Reservations will be made on a first-come-first-serve basis.
- G. All reservations for scheduling must be made through the current property manager.

II. Harrison (Harrison, MI)

- A. Harrison is reserved for the use of the friars and their immediate family: parents, brothers and sisters, their spouses and offspring.
- B. Time limitations: from June through August, reservations are limited to one week only. At other times, reservation times are negotiable.
- C. All reservations for scheduling must be made through the current property manager.

###

# Retirement from Ministry

*(Re-approved: July 2003)*

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

###

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

*(Approved: February 2012)*

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

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

of the material goods that a brother had in his possession in a manner that is both pastorally sensitive and consistent with our vows.

## OUR VOWS

All friars in the province accept and vow to live the evangelical counsel of poverty. To this end, at the time a friar makes perpetual vows he signs a Disposition of Property form in which he:

- (1) affirms that he has freely and voluntarily disposed of all of his “worldly possessions, money and property;” and
- (2) assigns, conveys, transfers and gives to the Province “any and all interest in and to property (both real and personal)” which he may acquire in the future. The friar may provide a list of items that he has retained for his use with the permission of the provincial minister and under the direction of his local minister.

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

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



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

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

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

persist in their claims please refer them to the provincial minister or, where appropriate, to the ministry director.

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

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

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

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

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

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

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

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

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

Some items found in a deceased friar's possession may actually be part of the province's patrimony (e.g., a statue, artwork or similar item that may have once been at another friary). Other items (e.g., historical documents and those related to a friar's life and ministries) may have archival value.

These often require evaluation by a member of the Patrimony Commission and/or the provincial archivist. If these or other items are found in a deceased friar's possession and raise particular questions or concerns please notify the provincial minister as soon as possible.

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

*###*

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

(Approved: June 2012)

## INTRODUCTION

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

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

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

## OUR VOWS

All friars in the province accept and vow to live the evangelical counsel of poverty. To this end, at the time a friar makes perpetual vows he signs a *Disposition of Property* form in which he: (1) affirms that he has freely and voluntarily disposed of all of his “worldly possessions, money and property;”

and (2) assigns, conveys, transfers and gives to the province “any and all interest in and to property (both real and personal)” which he may acquire in the future. [The friar may provide a list of items that he has retained for his use with the permission of the provincial minister and under the direction of his local minister.]

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

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

A friar may have items of a professional or academic nature (e.g. specialized collections of books) that may be more useful to groups other than the local fraternity or the province. These may be donated to a particular institution (e.g., school of theology, Capuchin library, college or university). When the friar lives in a 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

*(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

*(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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<sup>i</sup> <https://www.sandalprints.online/>