

# Sisters of Life



## Sexual Misconduct Policy

The Sisters of Life is a religious institute of women who were founded to promote the inherent dignity of the human person. This belief is expressed in the Sisters' fourth vow – to protect and enhance the sacredness of all human life – and is lived tangibly through their robust lives of prayer and apostolic works. By virtue of her call to the charism of the Sisters of Life, each Sister is deeply committed to protecting the lives of every human person, particularly those most vulnerable in society, who deserve not only to be safe, but simply to be given life.

The missions of the Sisters of Life expose a troubling reality of the current culture: the widespread loss of reverence due to the human person and the grave misunderstanding and misuse of the gift of human sexuality. This depravity has deep consequences, which includes the tragic occurrence of sexual misconduct and abuse. Sexual misconduct against any human person is unacceptable, but it is especially grave as against those who are most vulnerable. Further still, when sexual misconduct is committed by one who acts in the name of the Church, it inflicts in souls a deep betrayal of trust towards the very body of Christ, of Whom, Jesus – the most trustworthy of all - is Himself the Head.

As such, the Sisters of Life seek to bring the truth and light of the Gospel of Life to pierce the darkness of sexual sin. In this pursuit, the Sisters endeavor to ensure the safety and protection of all children and vulnerable adults entrusted to their care in their apostolic missions. This safety includes the right for children and vulnerable adults to be protected from any sexual abuse or misconduct, and to be nurtured in a loving and life-giving environment. To this end, this policy is intended to guide each Sister and all the lay-faithful who work alongside the Sisters in their apostolic missions in prevention and timely reporting of all knowledge or accusations of sexual misconduct with minors.

In implementing this policy, the Sisters of Life are guided by the moral teachings and doctrines of the Catholic Church, and also rely on the relevant provisions of civil and criminal laws and the *Code of Canon Law*. Moreover, this policy is drafted in the spirit of the *Bishops' Charter for the Protection of Children and Young People*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, and relevant directives and decrees from the competent authorities of the Holy See.

The Sisters of Life entrust their efforts to the patronage and prayers of the Blessed Virgin Mary, under the title of Our Lady of Guadalupe, and to St. Joseph, Chaste Guardian of the Infant Christ, who protected their holy Child from all harm, nurturing Him with faithful and persevering love.

## Section One Definitions

The following definitions are for the purposes of this policy only:

1. **“Accused”** shall mean an individual charged with or alleged to have committed an act of Sexual Misconduct with a minor.
2. **“Minor”** shall mean any individual:
  - a. who is under the age of eighteen (18); or
  - b. an adult who habitually lacks the use of reason;
  - c. a person of any age who lacks the capacity to give consent due to a mental or developmental condition or disability; or
  - d. any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.
3. **“Child Sexual Abuse”** shall include, but not limited to:
  - a. any sexual act between an adult and a minor;
  - b. soliciting sexual acts or sexual materials from a minor;
  - c. possession of child pornography;
  - d. providing sexual materials to a minor;
  - e. performing a sexual act or the indecent exposure of the sexual or intimate parts of the body under circumstances where it is reasonably likely that the act may be witnessed by a minor;
  - f. watching minors when their sexual or intimate parts are unclothed or when they are engaged in a sexual act, in a manner that a reasonable person would consider to be for the purpose of gratifying sexual desire;
  - g. intentional contact with any part of the body of a minor, in a manner that a reasonable person would consider to be for the purpose of gratifying sexual desire; and
  - h. any other offense involving sexual conduct committed against a minor that is prohibited by the moral doctrine and teachings of the Catholic Church, or civil or Canon Law.
4. **“Sexual Misconduct”** shall mean any actions or words of a sexual nature, other than child sexual abuse as defined in this policy, contrary to the moral doctrine and teachings of the Catholic Church, including, but not limited to:
  - a. any sexual act with another person without consent;
  - b. any sexual conduct that is a violation of civil law;
  - c. intentional and non-consensual contact with any part of the body of another person, in a manner that a reasonable person would consider to be sexual in nature;
  - d. sexual harassment as defined by law and this policy;
  - e. the use of Sisters of Life owned computers or other equipment, including internet connections, to possess, obtain, or transmit sexual materials;
  - f. sexual conduct in violation of appropriate professional standards within a pastoral

- g. or counseling relationship; and grooming behavior, which means conduct by an adult intended to build trust with a child and the adults around the child (family, community, etc.) in order to create opportunities to be alone with and sexually abuse the child.
5. **“Sexual Act”** shall mean the touching or attempted touching of the sexual or intimate parts of a person’s body in a manner that a reasonable person would consider to be for the purpose of gratifying sexual desire or for the purpose of degrading or abusing a person.
  6. **“Sexual Materials”** shall include, but not be limited to any kind of image, text, writing, or audio in any medium, including images that are simulated, computer-generated, altered, or animated that:
    - a. depict nudity, actual or simulated sexual acts, or an explicit description of sexual subjects, and
    - b. when considered as a whole by a reasonable person, is for the purpose of sexual gratification.
  7. **“Child Pornography”** shall include, but not be limited to any image or verbal description in any medium, including images that are simulated, computer-generated, altered, or animated that depict or purport to depict a minor for purposes of sexual gratification, including, but not limited to:
    - a. images of actual or simulated sexual acts in which a minor is a participant or an observer; or
    - b. the lascivious display of the sexual or intimate parts of a minor, even if clothed.
  8. **“Sexual Harassment”** is defined in accordance with applicable federal and state law, and shall include, but not be limited to, any unwelcome sexual advance or request for sexual acts or any unwelcome or unacceptable conduct of a sexual nature when:
    - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education, or membership in the Institute;
    - b. submission to or rejection of such conduct by an individual is used as the basis for employment, educational, or membership-related decisions affecting such individual; or
    - c. such conduct has the purpose or effect of interfering with an individual’s work or educational performance or creating an intimidating, hostile, or offensive work or educational environment.
  9. **“Reasonable Cause”** means that a prudent person, in the totality of the circumstances, would conclude that there is sufficient semblance of truth that the allegation is credible and that it is not manifestly false or frivolous.
  10. **“Substantiated”** means that, in the totality of the circumstances, there is a preponderance of evidence such that a reasonable person would conclude that it is more likely than not that the offense occurred.
  11. **“Sister”** includes:

- a. any woman who has pronounced public vows in the Institute of the Sisters of Life;  
or
  - b. any novice or postulant in the Institute of the Sisters of Life.
12. **“Superior General”** is a Sister elected by the General Chapter pursuant to the Constitutions of the Sisters of Life, and vested with authority to govern the Institute and provide spiritual and temporal direction of the Institute.
  13. **“General Council”** is elected by the General Chapter pursuant to the Constitutions of the Sisters of Life, and consists of the Superior General and five Councilors, who assist the Superior General in the administration and guidance of the Institute.
  14. **“Local Superior”** is the Sister appointed by the Superior General and vested with authority to govern a local community of Sisters in a particular convent.
  15. **“Mission Coordinator”** is the Sister tasked with direct oversight of any employees working within the Sisters of Life or the lay faithful volunteers who desire to serve in some capacity in the apostolic missions of the Sisters of Life.
  16. **“Apostolic Mission”** is a particular work of the Sisters of Life serving a certain population in crisis or in need in connection with life issues, *e.g.*, pregnant women in crisis, those who have suffered the effects of an abortion.
  17. **“Employee”** is a lay person who is hired by the Sisters of Life, whether contractual or non-contractual, to fulfill a particular need within the community.
  18. **“Co-Workers of Life”** are lay volunteers who supports the Sisters of Life by serving alongside the Sisters in their apostolic missions.
  19. **“Safe Environment Office”** means the Roman Catholic diocesan office which oversees the training, policies, and procedures on child sexual abuse and sexual misconduct with minors.
  20. **“Safe Environment Training / Policies”** means the certified training on sexual misconduct of minors offered through the relevant diocesan Safe Environment Office, or its equivalent, and any policies promulgated by the Safe Environment Office, or its equivalent.
  21. **“Code of Conduct”** means rules of behavior for all serving within the apostolic missions of the Sisters of Life.
  22. **“Canon Law”** shall mean the *Code of Canon Law*, the *Bishops' Charter for the Protection of Children and Young People*, *The Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, particular canon law of the United States and the dioceses wherein the Sisters of Life have a permanent presence, and directives and decrees from the competent authorities of the Holy See. If there is any inconsistency between this policy and any provision of Canon Law, the Canon Law shall

control.

23. **“Civil Law”** shall mean the laws, statutes, and regulations of the civil authorities of the United States, the states where the Sisters of Life have a permanent presence, and any other political jurisdiction.

## **Section Two**

### **Implementation and Distribution of Policy**

1. A copy of this policy shall be made available to all members of the Sisters of Life, Employees of the Sisters of Life and Co-Workers of Life as they are engaged to assist the Sisters serving in the apostolic missions. Each person should read and be familiar with this policy so as to understand its importance, both for the individual and for the Institute.
2. This policy shall be binding upon all Sisters and Employees of the Institute of the Sisters of Life and all Co-Workers of Life who participate in an event of the Institute or under the direction of the Institute. This policy, and any subsequent amendment(s), shall be in effect as of the date of adoption by the General Council. All persons covered by this policy shall be deemed to have constructive notice of any subsequent amendment, which shall be binding on them.
3. This policy shall be implemented by way of Codes of Conduct, safe environment procedures, and other rules and procedures. The provisions of these codes, policies, etc. shall be binding upon all Sisters, Employees, and Co-Workers of Life.
4. An acknowledgment of receipt and understanding is attached to this policy as Appendix A. Signed acknowledgments of receipt and understanding of these guidelines should be returned to the relevant Local Superior or Mission Coordinator and filed in the appropriate personnel file.
5. Failure to execute the acknowledgement shall not affect the obligation to comply with this policy by any Sister, Employee or Co-Worker of Life.
6. This policy does not and is not intended to create any contractual obligation, expressed or implied, on the part of the Institute of the Sisters of Life.

## **Section Three**

### **Prevention**

#### **1. Formation Programs for the Sisters of Life**

Sexual misconduct with minors will be addressed as a part of the initial and on-going formation programs of the Sisters of Life. All Sisters, regardless if a Sister is actively in an apostolic mission with exposure to minors, will receive education related to sexual misconduct with minors through completion of the Safe Environment Training of the Safe Environment Office through the Archdiocese of New York or the relevant diocese in which they serve.

#### **3.2 Formation Program for Employees or Co-Workers of Life**

All Employees of the Sisters of Life and Co-Workers of Life who may be in contact with minors in the Apostolic Missions of the Sisters of Life must receive training in the policies of the Institute regarding sexual misconduct of minors by completing Safe Environment Training or a certified equivalent in their local diocese, and submitting to screening and a background check.

#### **3.3 Background Checks**

In order to determine if there may be a risk to minors, results of background checks will be evaluated by the Safe Environment Office or a background screening vendor, and may be evaluated by the Institute, when necessary. The information provided and the results will be handled with the highest degree of discretion in order to protect the privacy of all persons and to ensure that negative information is not improperly revealed. The results of background checks shall be handled according to the policies and procedures established by the Safe Environment Office and in full conformity with all applicable provisions of state and federal civil law. The Sisters of Life may periodically conduct a new background check for Sisters, Employees, or Co-Workers of Life, or may do so if information is received relevant to a person's suitability to serve with minors.

#### **3.4 Guided by the Teachings of the Catholic Church**

Due to the religious nature of the Institute, the Sisters of Life shall evaluate the suitability of persons applying for employment or volunteer service, and those who have already entered into such service, based on the moral teachings of the Catholic Church. The Sisters of Life reserves the right to make decisions about employment or volunteer service that will promote the religious principles of the Catholic Church.

## **Section Four**

### **Handling Complaints of Sexual Abuse or Misconduct**

1. Any incident of child sexual abuse or sexual misconduct must be reported immediately to the Local Superior and Mission Coordinator of the relevant apostolic mission, or to the Superior General when it concerns a Sister who is accused. All reports of alleged child sexual abuse or sexual misconduct shall be handled in accordance with the appropriate provisions of civil and Canon Law, this policy, and any policies or procedures established by the Safe Environment Office or the Sisters of Life.
2. Each reported incident will be investigated promptly, with a high level of Christian care, concern and confidentiality for all involved. Reports will be evaluated by competent, objective

persons exercising due diligence to ensure that all relevant information is obtained and considered.

3. If a Sister, Employee or Co-Worker of Life receives a report of a current minor that has been victim to alleged child sexual abuse, regardless of where or when it occurred or who the perpetrator is, they shall:
  - a. Advise the person (or their parent guardian) to immediately report the incident to the appropriate law enforcement agency;
  - b. If the child is in imminent danger, call 911 immediately;
  - c. Report the incident to the state agency for child abuse and maltreatment (e.g., state abuse hotline); and
  - d. Notify the Local Superior or Mission Coordinator of the apostolic mission.

If, in the course of ministry, an adult reveals that he or she was victim to past child sexual abuse, advise the person to report the incident to the appropriate law enforcement agency.

4. Any allegation of child sexual abuse or sexual misconduct should contain the following:
  - a. The name and signature of the complainant;
  - b. The name of the person who is accused, or sufficient information so that the person who is accused can be identified with accuracy;
  - c. A detailed description of the facts and circumstances of the incident; and
  - d. Whenever possible, the names and contact information of other persons who may have relevant information regarding the incident.
5. Anonymous reports are given due consideration and the allegations are promptly evaluated. All reasonable efforts shall be made to encourage an anonymous complainant to identify himself/herself and to cooperate with the investigation of the report.
6. All reports made to the Sisters of Life of child sexual abuse by a member of the clergy shall be promptly reported pursuant to the relevant diocesan policies and procedures governing the reporting of sexual misconduct and child abuse by clergy.
7. After receiving a report of child sexual abuse, the Sisters of Life will immediately conduct a preliminary evaluation to determine if there is reasonable cause to support the allegation. This initial evaluation shall not delay the reporting of an incident of child sexual abuse to the civil authorities, if required by law or this policy.
- 4.8 Whenever there is reasonable cause to suspect that a current minor has been the victim of child sexual abuse, the Local Superior, Mission Coordinator, or other relevant Sister with information will make an immediate report to the appropriate civil authorities.
- 4.9 Full cooperation shall be given by the Sisters of Life to any investigation conducted by civil authorities. The Sisters of Life will suspend any internal investigation of an allegation of child sexual abuse until civil authorities either conclude their investigation or authorize the Sisters of Life to proceed with its own investigation. The Sisters of Life will not interfere in any way with any investigation being conducted by civil authorities.
10. If this initial evaluation concludes that there is reasonable cause to believe the allegation, the

person who is accused shall be relieved from the exercise of any function or responsibility or ministry, volunteer service, and/or employment in the Sisters of Life, pending the outcome of an internal or outside investigation, with such leave without pay and/or benefits as applicable. However, in the case of an allegation of child sexual abuse or criminal sexual misconduct, the Sisters of Life will refrain from taking any action against an alleged perpetrator until such time as the legal authorities have indicated that it has closed its investigation, or has otherwise agreed that such action will not interfere with any ongoing investigation, or where immediate action is warranted to ensure the safety of minors.

11. Nothing in this policy shall require or permit a Sister to violate the privilege of confidential communication made to a Sister in her role “as a spiritual advisor” to those whom she serves and towards members of the Institute (New York State Civil Practice Law and Rules section 4505).
12. Persons who report alleged incidents pursuant to this policy, and those who cooperate with investigations of such reports, shall be prohibited from any form of retaliation as a “whistleblower,” including harassment, intimidation, or other adverse actions against persons who raise suspected violations of law, cooperate in inquiries or investigations, or identify potential violations of this or other governing diocesan policies.
- 4.13 The Sisters will comply with the appropriate mandated reporting laws in the jurisdiction where they are located. Regardless of the applicable law, whenever there is reasonable cause to believe that a child has been abused or maltreated, the Sisters of Life shall make a report to the appropriate state agency for child abuse and maltreatment.

## **Section Five**

### **Internal Investigation of Allegations**

- 5.1 An internal investigation into allegations covered by this policy shall be conducted by persons designated by the Superior General, assisted if necessary by independent outside personnel. This investigation shall be conducted as expeditiously as is reasonable under the circumstances.
- 5.2 In conducting the internal investigation, any findings and recommendations of civil authorities shall be considered.
- 5.3 During the internal investigation, full protection will be given to the due process rights of those who have reported incidents and those persons who are accused.
- 5.4 Both the complainant and the person who is accused have the following rights and duties:
  - a. the right to have one’s good name, rights, and privacy protected;
  - b. the right to offer information that is relevant to the investigation and to propose witnesses to be interviewed;
  - c. the right to have assistance of counsel, both civil and canonical; and
  - d. the right to know the status and results of the investigation.
- 5.5 Persons who are accused have the following additional rights and duties:



- a. the right to notice that a report has been made, provided that such notice does not interfere with any investigation being conducted by civil authorities;
- b. the right to notice of the nature of the allegation, provided that such notice does not interfere with any investigation being conducted by civil authorities;
- c. the right to be presumed innocent until the allegation is resolved;
- d. the duty not to interfere with the investigation;
- e. the duty not to contact the complainant while the investigation is pending;
- f. the duty not to encourage, request, aid, or approve of any other person making contact with the complainant or any other person who is providing information to the investigation with the intent to influence their cooperation with the investigation; and
- g. the duty not to engage in, encourage, request, aid or approve of any action that is intended to have a detrimental effect on the reputation of the complainant, or any other person who is providing information to or cooperating with the investigation.

Violation of these duties by a person who is accused may result in the imposition of appropriate sanctions, including adverse employment action or dismissal from volunteer service.

- 5.6 When accusations are made of child sexual abuse involving a Sister of Life or an Employee or Co-Worker of Life acting in the course of a Sister of Life function, the Sisters may connect the alleged victim and family to a victims' assistance coordinator within the relevant diocese, or otherwise offer appropriate assistance to the victim and family in the spirit of Christian justice and charity, but shall not constitute an admission of legal liability by the Institute.
- 5.7 Any media contact or inquiries regarding a report of child sexual abuse involving the Sisters of Life, its employees, Co-Workers or volunteers, must be directed to the Office of the Superior General. Sisters, Employees, and Co-Workers may not make any public comment about a report without explicit permission from the Superior General.

## **Section Six**

### **Resolution of Allegations**

- 6.1 A person shall be deemed to have committed an act of child sexual abuse or sexual misconduct if:
  - a. the allegation is substantiated by sufficient evidence;
  - b. the person who is accused admits to, is found responsible for, or declines to contest an allegation of child sexual abuse brought in any civil, criminal, or administrative court, tribunal, or agency;
  - c. the person who is accused admits to having committed the alleged act; or
  - d. the person who is accused does not contest the allegation.
- 6.2 Any person who is found to have committed an act of child sexual abuse shall be permanently barred from exercising any employment, volunteer service, or ministry with the Sisters of Life.
- 6.3 If any Sister is found to have committed an act of child sexual abuse, the offending Sister will be subject to penalties prescribed in Canon Law, including permanent removal from

apostolic ministry and dismissal from the Institute, if the case so warrants.

- 6.4** Any person who is found to have committed any other act of sexual misconduct shall be sanctioned with a just penalty, which may include termination of employment, volunteer service, or ministry with the Sisters of Life.
- 6.5** Any person who is found to have violated a code of conduct or any of the safe environment policies shall be sanctioned with a just penalty, which may include being permanently barred from exercising any employment, volunteer services as a Co-Worker of Life, or ministry with the Sisters of Life.
- 6.6** The Sisters of Life will report to the relevant Safe Environment Office, any persons found to have committed any act of sexual misconduct. Such report may result in the individual being barred from exercising any employment, volunteer services, or ministry with any institution or program of the governing diocese pursuant to its own sexual misconduct policies.
- 6.7** A person who knowingly makes a false accusation of child sexual abuse or sexual misconduct may be subject to appropriate disciplinary action or canonical penalties.
- 6.8** If an allegation is found to have been false or unsubstantiated, the person who is accused shall be eligible to return to employment or service, subject to any reasonable conditions that are appropriate.
- 6.9** If a false or unsubstantiated allegation has become a matter of public knowledge, the Institute shall take appropriate corrective action to address any harm to the reputation of the person who is accused.
- 6.10** Any disciplinary action to be taken against an Employee of the Sisters of Life pursuant to this policy shall be the sole responsibility of the person's legal employer. Nothing in this policy shall create a joint employer relationship of any kind with regard to any Employee of the Sisters of Life.

**APPENDIX A**  
**Acknowledgment of Receipt and Understanding**

On \_\_\_\_\_,  
(Date)

I \_\_\_\_\_, received a copy of the Sisters of Life's Policy on Sexual Misconduct and Code of Conduct. I have read the policy, and code of conduct, including the reporting requirements for allegations of child abuse; understand its meaning; and agree to conduct myself in accordance with its terms.

I acknowledge that the policy and code of conduct is not intended to create any contractual obligations, express or implied, on the part of the Archdiocese of New York or its affiliated entities.

\_\_\_\_\_  
Signature