

Safe Environment Code of Conduct and Ethical Standards for the Benedictine Order of Cleveland/Saint Andrew Abbey



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I Introduction

In the RULE (RB) of St. Benedict, the only reference to young men is found in Chapter 59 which addresses parents and the poor who wish to offer their young son to the monastery to become a monk. St. Benedict never envisioned the educational system which has developed since the 6th century. However, Benedict provides for the presence of “guests” in the monastery in RB, Chapter 5. St. Benedict sets forth a rather elaborate set of protocols of how the guest should be received. In a word, he states that they should be received as Christ.

This Policy for child protection is intended to insure a safe environment for children and vulnerable adults at Saint Andrew Abbey and to promote the moral values and attitudes of the Catholic Church among all who live and work in this Community. The Church and the Abbey must foster a safe environment for all, especially children and vulnerable adults.

This Policy is also adopted to affirm the obligation of all Members of Saint Andrew Abbey to assist in identifying suspected child abuse, sexual abuse or exploitation and to establish procedures for reporting such improper behavior in compliance with the laws of the OHIO REVISED CODE. It is also the purpose of this Policy to institute guidelines to be complied with when an allegation/report is made against any Member of the Benedictine Community of Saint Andrew Abbey who has allegedly engaged in sexual misconduct or abuse involving a child or a vulnerable adult.

This Policy is intended to complement and comply with the "Charter for the Protection of Children and Young People" as adopted by the Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops at its June 2002 General Meeting and with the subsequent revisions approved during the General Meetings of the USCCB, June 16-18, 2005 and June 15-17, 2011. Revisions to this Policy are also enacted to comply with the current Accreditation Standards for the *Praesidium* Accreditation process.

II Policy

It is the policy of Saint Andrew Abbey that sexual misconduct or abuse of any type involving a child or a vulnerable adult by any Member of the Benedictine Community shall not be tolerated under any circumstances. The Abbey is committed to responding promptly to allegations/reports of abuse, reaching out to victims and families for healing and reconciliation, cooperating fully with the appropriate civil authorities, educating the monastic community, and ensuring the accountability of the guidelines and procedures established to deal with allegations/reports of abuse.

III General Definitions

1. Member: may be any current or former, living or deceased professed religious monk of the Abbey, or a novice.
2. Minor Child: Anyone under the age of eighteen (18).
3. Vulnerable Adult: Any person, 18 years or older, who, by reason of some mental infirmity, has such diminished reasoning or cognitive capabilities that they may be considered the equivalent of a minor child.
4. Allegation: A first person accusation of sexual abuse of a minor brought against a current Member, former Member, or deceased Member which is reported to the Abbey through any form of communication, including any that are anonymous.
5. Report: A third party accusation of sexual abuse of a minor brought against a current Member, former Member, or deceased Member which is conveyed to the Abbey through any form of communication including any that are anonymous.
6. Mandated Reporter: A person who is required by the Ohio Revised Code to make a report of suspected child abuse, that is, any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in the Ohio Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child daycare center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with the Ohio Revised Code; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to the Ohio Revised Code; third party employed by a public children services

agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

7. False Allegation/Report: an allegation or report that was proven to be untruthful and fabricated.
8. Implausible: any allegation or report that could not possibly have occurred under the given circumstances (e.g., an accusation is made against a priest who was deceased at the time of the alleged offense). Erroneous information does not necessarily make an allegation/report implausible (e.g., a monk arrived at the monastery a year after the alleged abuse, but all of the other facts of the case are credible and the alleged victim might have mistaken the date).
9. Sexual Abuse or Exploitation: (Legal Definition: OHIO REVISED CODE (Chapter 2907) The employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, sexual abuse, statutory sexual assault, or other forms of sexual exploitation of children.
10. Child Abuse: (Legal Definition OHIO REVISED CODE, Title XXIX Section 2145.425 and Section 2907) Child abuse means doing something that hurts a child. Neglect means not giving or doing something that a child needs. Physical abuse includes hitting, kicking, shaking, pinching, and burning. It may leave bruises, cuts, or other marks and cause pain, broken bones, or internal injuries. Emotional abuse is saying or doing things that make a child feel unloved, unwanted, unsafe, or worthless. It can range from yelling and threatening to ignoring the child and not giving love and support. It may not leave scars you can see, but the damage to a child is just as real. Sexual abuse is any sexual contact between an adult and a child or between an older child and a younger child. Showing pornography to a child is a type of sexual abuse. Neglect happens when a child does not get the shelter, schooling, clothing, medical care, or protection he or she needs. Child neglect is just as serious as abuse and is more common.
11. Child Pornography: Any written, printed, electronic, photographic or other depiction or description of a minor in a sexually explicit context or any material of any kind that is

produced, created or displayed for the purpose of sexual gratification of adults through the exploitation of minors. Child pornography is considered sexual abuse of a minor. Abuse or neglect hurts children in many ways. Young children are at special risk. They may not grow properly. They may have learning problems. They may feel bad about themselves and not trust other people. They may be scared or angry. Sometimes they die.

12. Child Protection Compliance Officer: Appointed by the Abbot and reviews annually the requirements established by the Praesidium Program for the Abbey. Additionally, the Compliance Officer oversees the re-accreditation of the Abbey by Praesidium at the intervals established. The maintenance of all files related to the Praesidium Program for the protection of children are maintained in a locked file cabinet located in the Child Protection Office within the Abbey.
13. Abbot's Delegate: Appointed by the Abbot. Please see section VI. He is also known as the Victim Assistance Coordinator in providing a pastoral response, if requested, to the alleged victim.
14. Media Coordinator relative to child protection: Appointed by the Abbot. This individual is the SOLE spokesperson for the Abbey when an alleged issue of sexual misconduct by a monk arises.

IV Standards of Conduct

The following listed standards and guidelines are provided to assist Benedictine Community Members in making decisions involving interactions with children and vulnerable adults:

A. Prohibited Behaviors:

1. Using, possessing, or being under the influence of illegal drugs while in the presence of minors or vulnerable adults.
2. Using, possessing, or being under the influence of alcohol while supervising minors or vulnerable adults.

3. Known or suspected acquisition, possession, distribution, downloading and/or intentionally viewing of real or virtual pornographic images of minors under the age of eighteen (18) for the purposes of sexual gratification by whatever means using whatever technology.
4. Providing or allowing minors or vulnerable adults to consume alcohol or illegal drugs.
5. Using profanity in the presence of minors or vulnerable adults.
6. Speaking to minors or vulnerable adults in a manner that could be construed by any observer as being harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
7. Discussing sexual activities or topics with minors or vulnerable adults unless it is a specific assignment requirement and the Member is trained to discuss these matters.
8. Engaging in any sexually oriented conversation with minors or vulnerable adults unless the conversations are part of a legitimate religious lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these specific topics. If the minor or vulnerable adult have any further questions not answered or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling. All of the prohibited behaviors concerning communications with minors or vulnerable adults (Nos. 6-9) apply equally to communications through electronic means, including, but not limited to, social media, e-mail, blogs, etc.
9. Possessing or distributing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, books, clothing, etc.).
10. Accepting Facebook friend requests, LinkedIn connections, or any other similar social media connection request from minors or vulnerable adults.
11. Communicating with others on internet chat rooms.
12. Sleeping in the same beds, sleeping bags, or confined spaces with minors or vulnerable adults.

13. Engaging in sexual contact with minors or vulnerable adults. For the purpose of this Policy, sexual contact is defined as any touching of the person of a minor or vulnerable adult for the purpose of sexually arousing or gratifying either person.
14. Members are prohibited from transporting minors or vulnerable adults without the permission of their parent or guardian.
15. Members are prohibited from unnecessary and/or inappropriate physical contact with minors or vulnerable adults while in a vehicle.
16. Members are prohibited from having minors or vulnerable adults stay in their room or their residences.
17. Members are prohibited from using physical discipline in any way for behavior training of minors or vulnerable adults. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, and any other physical force as retaliation or correction for inappropriate behaviors by minors or vulnerable adults.
18. Holding minors over four years old on the lap.

B. Appropriate Behaviors:

The Church supports appropriate social interaction between Members, minors, and vulnerable adults. This is part of Church life and ministry. The following forms of affection are regarded as appropriate examples for Members in ministry roles with minors and vulnerable adults, including those who are part of a Member's family:

-Side Hugs.

-Pats on the shoulder or back.

-Hand shakes.

-“High Fives” and hand slapping.

-Verbal praise.

-Touching hands, faces, shoulders, and arms of minors.

- Arms around shoulders.
- Holding hands while walking with small children.
- Sitting beside small children.
- Kneeling or bending down for hugs with small children.
- Holding hands during prayer.
- Pats on the head when culturally appropriate.

C. Violations of Boundaries with Minors or Vulnerable Adults:

Monks must never engage in sexual contact, especially with the persons with whom they have a professional and/or pastoral relationship. Monks assume the full burden for setting and maintaining clear, appropriate boundaries in all their relationships.

Physical contact in professional and/or pastoral relationships should always be respectful and consistent with the intent to provide a safe and comfortable environment. Physical contact is always interpreted by the recipient, and not the monk. Due discretion must be taken into account regarding any physical contact. Ministry should be conducted in appropriate settings at appropriate times and should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled. Ministry is never conducted in the cloister or bedrooms.

Monks are responsible for recognizing the warning signs of boundary violations with other adults. Some of these warning signs include, but are not limited to, the following:

1. Wearing special clothes when one knows he is going to see a particular person.
2. Spending extra time grooming oneself when he knows he is going to see a particular person.
3. Finding ways or reasons to be alone with a particular person.
4. Keeping aspects of one's relationship with a person secret from others, including, but not limited to, how often one talks on the phone or sees the other alone.

5. Giving and receiving special gifts from a particular person.
6. Neglecting to spend time with others because one wants to spend more time with a particular person.
7. Sharing personal information about others with a particular person.
8. Sharing personal information or seeking help with personal problems from a particular person.
9. Excessively looking forward to seeing a particular person.
10. Fantasizing or daydreaming about a particular person.
11. Lying to superiors and/or confreres so that one can spend more time with a particular person.

D. Supervision of Programs or Activities that Involve Minors or Vulnerable Adults:

1. Members who work with minors or vulnerable adults on a regular basis must participate in training that addresses their role in protecting them.
2. Extracurricular Programs or activities outside of a classroom involving minors or vulnerable adults that include Members should be supervised by at least two adults.
3. Members serving in leadership roles shall be aware of all programs for minors and vulnerable adults that are sponsored by their parish, school, or other institution of assignment. There shall be adequate adult supervision of these programs and activities at all times.

V Screening and Selection Process:

Saint Andrew Abbey seeks to maintain a safe and secure environment where Members may minister appropriately to the spiritual needs of all persons. In order to preserve and maintain such an environment, it is critically necessary that thorough screening and selection procedures be conducted of all Members who would be in contact with minor children and/or vulnerable adults. The Abbey will ensure that the appropriate criminal background record checks and child

abuse history clearances are completed, as required by law, in order to carry out its obligation to create and maintain a safe environment for all persons.

As an integral part of the procedure for application for admission to the Novitiate of the Benedictine Community of Saint Andrew Abbey, candidates will be thoroughly screened during the selection- for-formation process by the Vocations Office and the Monastic Chapter. This screening process will include the candidate's completing: the Guidance Summary form, the Autobiographical Statement, a series of personal interviews, the submission of Letters of Recommendation, submission of academic transcripts, the completion of a physical examination and medical-history form, an interview with a psychologist and psychological evaluation that includes a psycho-sexual history, a criminal history record check and child abuse history clearance, and, if appropriate, the submission of Testimonial Letters and Questionnaires. The Candidate must submit a minimum of three documented personal references, including at least one from a family member, and two professional references, for a total of five references. The Candidate will be required to provide access for a review of publicly accessible content on all social media, personal blog sites, and web sites associated with their accounts. A Candidate, who has an established allegation/report of sexually abusing a minor in his past, or who has acquired or intentionally viewed child pornography, cannot be permitted to continue through the selection process.

Assessments of Candidates from different cultural backgrounds will include an evaluation of the individual's ability to adapt to cultural requirements of ministry in the United States.

To assure the Saint Andrew Abbey's ability to demonstrate that it has taken all reasonable actions to assure that appropriate persons conduct ministry, complete accounts must be recorded of all activities constituting criminal background record checks and clearances. The Abbey shall maintain such records indefinitely.

Background record checks and clearances shall be reviewed for each new assignment and updated in accordance with the Ohio Bureau of Criminal Investigation and Identification (BCI&I) Additionally, Members of the Benedictine Community will participate in annual safe-environment training programs for working with and teaching minor children and/ or vulnerable adults. A record of this annual training will be maintained by the Child Protection Compliance Officer All members of the Benedictine Order of Cleveland—clerical, religious, lay employees, and volunteers—have been screened to identify and report any act that suggests abuse.

VI Roles and Responsibilities:

A. Abbot:

Allegations/reports of sexual misconduct or abuse may come from a variety of sources, including alleged victims or their family members, diocesan officials, members of the community, a colleague in the work place, or from an alleged perpetrator. In a specific case where a member of the Benedictine Community is accused of sexually abusive behavior toward a minor child or a vulnerable adult, the Abbot will exercise the following responsibilities:

1. The Abbot will ensure that all reported allegations/reports are brought to the attention of the proper civil authorities.
2. If appropriate, the Abbot will also ensure that a written report is made within 48 hours of the telephone report and sent to the Child Protective Services Agency in the county in which the suspected abuse occurred.
3. The Abbot will begin to conduct or assign his Delegate to conduct a complete and thorough investigation of the allegation/report, to the extent possible, based upon the information provided.
4. Based upon the final outcome of the investigation, the Abbot will take appropriate action, which may include:
 - a. Pastoral care response to the person making the complaint.
 - b. Intervention with the accused Member, including complete removal from ministry/assignment or supervision of activities.
 - c. Further notification of the proper civil authority (e.g., District Attorney, the appropriate police agency or Child Protective Service Agency).
 - d. Notification to the leadership of any organization or ministry in which a Member has admitted to, or is suspected of, having sexually abused a minor, to the extent possible.
 - e. Issuance of a public statement concerning the allegation/report, when appropriate.

When a new abbot is elected or a new administrator is appointed, the previous abbot and *Praesidium* Coordinator are tasked with familiarizing him with where the abbey stands with its *Praesidium* Accreditation and where the individual members of the Order stand with regard to any issues of abuse. The new abbot must familiarize himself with any Safety Plans and their details to be sure that all is current. The abbot and *Praesidium* Coordinator are required to review all allegation files every five years. All Safety Plans in place are to be reviewed annually. The new abbot or administrator is to be familiarized with the status of the abbey in the *Praesidium* Accreditation and to work with a *Praesidium* Coordinator to make sure accreditation is kept up-to-date.

B. Abbot's Delegate for Child Protection:

The Delegate for Child Protection is appointed by the Abbot and oversees the investigation of alleged sexual misconduct and subsequent interventions. The Delegate will:

1. In the absence of the Abbot, ensure that all reported allegations/reports are brought to the attention of the proper civil authorities.
2. In the absence of the Abbot, if appropriate, also ensure that a written report is made within 48 hours of the telephone report and sent to the Child Protective Services Agency in the county in which the suspected abuse occurred.
3. Conduct a complete and thorough investigation of any and all allegations/reports of sexual abuse or misconduct by any Member of the Benedictine Community, to the extent possible, based upon the information provided.
4. prepare an investigative report and collect any pertinent materials or evidence relating to the allegation/report for presentation to the Abbot and to the Saint Andrew Abbey Abbey Review Board.
5. recommend to the Abbot the names(s) of anyone who could assist the Delegate in conducting the investigation.
6. provide the Abbot a post-investigation recommendation and the recommendation to the Abbey Abbey Review Board.

In addition, the Delegate will work in conjunction with:

- a. the appropriate civil authorities to satisfy the legal reporting requirements

for the benefit of the community and the public.

- b. diocesan or parish representatives if the accused monk is assigned through the diocese when an allegation/report is received.
- c. the Abbot to draft a public statement concerning the allegation/report, if appropriate.

C. Members

Mandated Reporter: A person who is required by the Ohio Revised Code to make a report of suspected child abuse, that is, any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in the Ohio Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child daycare center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with the Ohio Revised Code; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to the Ohio Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

D. Duty to Report

1. The reporting mandate applies to those children with whom the Member comes into contact through work or through the church or school with which the Member is associated. The mandate to report applies to all suspected child abuse, not just abuse that has been perpetrated by Church/School personnel. Possible abusers could include parents, relatives, other siblings, neighbors, youth group leaders, sports coaches, family friends, and other children. The reporting

mandate also applies to second-hand reports of abuse if the Member has ‘reasonable cause to suspect’ that child abuse has occurred.

2. The State of Ohio (Ohio Revised Code § 2151.421(G)(1)(a) & (2)(b) specifically grants legal immunity to any individual who, in good faith, makes a report of suspected child abuse.
3. Members of the clergy are not permitted by Church law and are not required by state law to report information received privately during sacramental confession.
4. Members in assignments away from the Abbey should follow the reporting mandates applicable to their assigned parish, school or diocese.
5. Members assigned at the Abbey are required to report all instances of suspected abuse to the Prior or the Abbot’s Delegate for Child Protection, who will subsequently document all incidents and inform the Abbot.

E. Procedures for Reporting

All monks are required by this policy to report known or suspected sexual misconduct, including sexual abuse of minors, the sexual exploitation of adults, and the sexual harassment of employees to the appropriate authorities, both internal (Abbey administration) and external (e.g. police). Separate files of cases will be created at the time the report or allegation is received and will be kept secure in the Compliance Officers office in a secured cabinet.

The Benedictine Order of Cleveland has stated its firm commitment to the protection and safety of children, and addresses allegations of sexual abuse of a minor with a multi-pronged approach. As a result, the Order has also adopted the following format for addressing and reporting allegations of sexual abuse of a minor with the following key elements of its response.

- a. All claims of sexual abuse of minors by members of the Order are first reported to the appropriate public legal authority where the abuse is alleged to have occurred.
- b. The Victim (Survivor) Assistance Coordinator receives all calls from the victim or the victim’s family.
- c. The VAC takes the information provided and prepares the official intake report supported by the appropriate civil authorities.
- d. Information on a confidential telephone line takes in and records the information from the caller.
- e. The VAC has the responsibility of assisting any victim or parent of a victim.

- f. The VAC has the ability and right to also work with the External Review Board to offer support and to offer reports should the victim/family request such support.
- g. Once the information has been given to the appropriate civil authorities, the External Review Board and the VAC offer support to the victim and make sure that the Abbot is informed.

F. Reporting Boundary Violations

Monks must report when another monk violates the Abbey's policy regarding the following:

1. Boundaries with minors or when another monk exhibit warning signs of inappropriate behavior with minors. (Cf. above "Violations of Boundaries with Minors or Vulnerable Adults")
2. Boundaries with adults in professional and /or pastoral relationships or when another monk exhibits warning signs of inappropriate behavior with adults. (Cf. above "Violations of Boundaries with Minors or Vulnerable Adults")
3. Boundaries with employees or when another monk exhibit warning signs of inappropriate behavior with employees. (Cf. above "Violations of Boundaries with Minors or Vulnerable Adults")

This report may be made directly to the Abbot or to the following abbey officials, including but not limited to the Prior, Subprior, the Abbot's Delegate for Child Protection. The Abbot or his Delegate coordinates appropriate assistance for the at-risk monk with the Child Protection Compliance Officer and draws up a written plan to ensure the on-going cessation of problem behaviors.

G. Abbey Review Board

The Abbey Review Board serves as a reviewing body for the investigative report and recommendations of the Delegate in cases of alleged sexual misconduct or abuse. The Board will ratify or reject the findings of the investigation and recommendations it receives and/or offer its own judgments and recommendations to the Abbot, including the need for additional investigation or any additional action that needs to be taken concerning a particular allegation /report. Should the Board determine that the investigated and presented allegation/report appears

to be credible, the normal policy in regard to inappropriate behavior of Members of the Benedictine Community will be followed.

In particular cases, the Abbey Review Board will also make recommendations relative to the fitness for ministry or any other assignment of a monk. The Abbey Review Board will review each written individualized supervision plan for Members who are required to be on a plan. The Board will review the specific supervision plans at least annually and offer recommendations to the Abbot. The Board will also advise and present recommendations regarding the appropriate pastoral response to a person who made an allegation and a plan for the possibly affected parish or school. The Board's role and purpose are strictly advisory to the Abbot, and it has no independent power or authority. The Abbot will appoint five (5) – seven (7) members to the Board for a term of five (5) years with the option to extend the appointment. Membership on the Board will include clergy and lay men and women from the community who possess experience and professional expertise to properly review presented allegations, evaluate the investigative findings, and offer advice and recommendations to the Abbot.

The By-Laws and procedures of the Abbey Review Board are to comply with the *Charter for the Protection of Children and Young People* and *The Essential Norms* adopted by the United States Conference of Catholic Bishops (USCCB) on June 14, 2002. This document will be utilized as a guide and procedural instructions for appointed members of the Abbey Review Board. The By-Laws of the Independent Abbey Review Board are separate from this document.

H. Pastoral Response to the Alleged Victim

The appropriate pastoral response for any alleged victim of sexual abuse by a Member of the Benedictine Community will be coordinated by the Abbot on an “as needed basis.” The Abbot will contact a pre-arranged group of clerical or lay mental health professionals to offer their expertise and guidance to harmed individuals, families, parishes or other church related institutions affected by public allegations of sexual misconduct. The intention of the pastoral response is to provide appropriate spiritual and psychological help to anyone affected by the alleged misconduct. In those cases where the Abbey bears no legal liability for an offense, the Abbot, if appropriate, may offer alleged victims of abuse and their families counseling assistance.

I. Support and Assistance to Members

The Abbot will offer to provide support and assistance to any Member who discloses concerns about his own attraction to minors or potential boundary violations with minors or vulnerable adults. Every effort will be extended to offer compassionate support and appropriate resources to restore his health, including but not limited to evaluation and/or treatment. This includes

Members who are living outside the typical systems of support and accountability away from the monastery.

VII Responses to Allegations/Reports

The Abbot or his Delegate will review the specific policies and procedures for making an allegation/report against a member of the Benedictine Community on assignment or in residence in a given Diocese.

Level 1 Response

When an allegation or report of sexual misconduct is made against a Member of the Benedictine Community, the Prior and/or the Delegate must be notified immediately, and he/they will implement the steps presented in this policy. The Delegate will be assigned to interview, if possible, those person(s) making the allegation/report. The Delegate will also interview the accused.

In cases when the Abbot directly receives an allegation from an alleged victim, the Abbot will attempt to initiate an interview, not only to listen to the alleged victim's complaint, but also to evaluate the needs of the person. This may not always be appropriate due to the facts of the allegation/report or in instances where a young child is the alleged victim. The Abbot will ensure that the proper civil authority notification is made.

The Member will be advised of his civil and canonical rights, including the right to have an advisor or attorney present for the interview. If the Member is not represented by an advisor or attorney, the Abbot will request that the Member choose one other person, usually another Member of the Benedictine Community, to be his support person. The substance and source of the allegation/report will be shared with the accused Member. It should be especially noted that the steps presented in this policy should not be construed as a presumption of guilt of the accused Member. Every effort will be taken to safeguard the right to privacy and good reputation of all parties associated with the incident(s) under investigation, especially of the accuser and the accused.

The Delegate will conduct investigative interviews through appropriately trained investigators who will write a summary of the particular investigation. The Delegate, after receiving the initial interviews with the alleged victim and the accused Member, will discern the credibility of the allegation/report. The Delegate will present to the Abbey Review Board or the Abbot his recommendation to pursue or not to pursue the matter further. The Abbey Review

Board will review the recommendations of the Delegate and make an independent recommendation of whether or not to pursue the matter. The findings of both the Delegate and the Abbey Review Board are submitted to the Abbot for his decision on the disposition of the case. If the Abbot's decision is not to pursue the case, then all parties will be informed of the decision and the matter will not be pursued further. Appropriate steps will be taken to repair any damage to the Member's reputation.

Level 2 Response

If the Abbot decides there are reasonable warrants for the credibility of the allegation/report, the investigation will proceed. At this time of the investigation, the following steps will be taken:

The Abbot or the Delegate, after appropriate consultation, will initiate appropriate spiritual and psychological help to the alleged victim, the families and the accused.

The Abbot will recommend that the alleged victim contact an advocate for victims of sexual abuse and/or sexual exploitation to assist the victim in evaluating his or her individual needs.

The Abbot will offer the alleged victim the assistance of counseling. The Abbot will periodically review with the alleged victim the continued need for counseling.

The Delegate and the Abbot will meet to discuss the formulation of a statement or letter from the Abbot to the various constituencies of Saint Andrew. If the Member is or has served in a parish, a prepared statement may be read at the Sunday masses, with the approval of the Diocese in which the parish is located. At this level of the process the Member is placed on administrative leave of absence, being suspended from all of his ministerial duties. He is again further advised of his civil and canonical rights.

As soon as possible, the Member is required to undergo a complete psychological evaluation at a facility selected by the Abbot. The Member is to grant permission that the results of this evaluation be shared by the treatment facility with the Abbot. The Abbot will also confidentially provide the therapist with any pertinent information in his possession pertaining to the accused Member.

The Delegate will present a full and complete report of the investigation, including the reported results of the psychological evaluation, and any further pertinent information to the Abbey Review Board. The Abbey Review Board will offer its own independent recommendation for the disposition of the case to the Abbot.

Level 3 Response

If the allegation/report has been substantiated, the following parties will be appropriately addressed to attempt to overcome the effects of the misconduct and to ensure there are no future incidents of such behavior.

1. Victim – Any person who has been affected by the misconduct of a Member will be offered appropriate support by the Abbot or the Delegate, including assistance for counseling and spiritual help. (This support will be in accordance with previously outlined Section VI Roles and Responsibilities, Subsection (H), Pastoral Response to the Alleged Victim; and Section VII Responses to Allegations/Reports, Level 2 Response).

2. The Affected Parish or Institution - If the Member is assigned to parish ministry, the Delegate will offer, in collaboration with the Diocese, an outreach program to the parish or community that is directly affected by the Member's misconduct through the help of the Pastoral Care group constituted for this purpose by the Abbot.

3. Member – If and after an allegation/report is substantiated, a decision will be made (with all considerations of Due Process under Canon Law) concerning the Member's future by the Abbot. The decision ordinarily would not permit the Member to return to public ministry. The Abbot's decision will include, but is not limited to:

- a. Suspension of all duties assigned to the Member.
- b. Further review of the Member's psychological evaluation. If the evaluation recommends treatment or other specific action, the Abbot will follow this recommendation unless circumstances warrant otherwise.
- c. If the member receives psychological treatment, the Abbot will take the following precautions:
 1. Have the Member live at the monastery.
 2. Find appropriate work or vocational retraining.
 3. Establish specific limitations on involvement with children, students or employees. The member will not be permitted to work in any assignment which allows access to minors, or in any ecclesiastical ministry.

4. After treatment, the Abbot and the Member, in consultation with the Member's treatment professional and other advocates, will establish an aftercare program.
5. If the Member completes the recommended treatment and the aftercare program and receives a positive evaluation, the Abbot, after the appropriate consultation, will consider giving the Member a permanent assignment with appropriate and specific safeguards, including the Member's cooperation and participation in a written individualized supervision plan.
6. If at any time the Abbot, with appropriate consultation, determines that Member cannot continue in monastic life, the Abbot will seek to have the Member leave the monastery voluntarily. If the Member does not leave voluntarily, the Abbot may initiate appropriate canonical actions.

A. Civil Authorities

Civil Authorities – All allegations/reports of sexual misconduct or abuse committed by a Member shall be reported in a timely manner to the civil authorities in the jurisdiction in which the alleged incident occurred. Saint Andrew Abbey will comply with the reporting requirements of Ohio Revised Code on Child Protective Services Law and recognizes the right of an individual to report to civil authorities any allegation/report of sexual misconduct unlawful according to State and Federal law. The allegation/report will be reported regardless of whether the person making the accusation is a minor or an adult at the time the allegation/report is received; regardless of whether the accused Member is living or dead, or whether he is a current or former member of the Abbey; regardless of whether the alleged victim's identity is known; and regardless of whether the allegation/report is believed to be credible at the time it is received.

1. If the alleged victim is a minor at the time the allegation/report is received, his or her identity will be provided to the civil authorities. If the alleged victim is an adult at the time the allegation/report is received and consents, his or her identity will be provided to the civil authorities. If the alleged victim is an adult at the time the allegation/report is received and does not consent to having his or her identity revealed, the alleged victim's identity will not be disclosed.

2. An allegation/report will be documented at the time it is received and will contain information about how the allegation/report was handled.
3. The Abbey will cooperate fully with all investigations by the civil authorities

VIII Supervision of Offenders

Important parts of this Policy are the elements of a pastoral care framework which will be developed for each monk of the Abbey for whom an allegation of sexual misconduct has been established. The purpose of this framework is to assure the Church and the public, especially victims, of all reasonable measures having been put in place to prevent any future occurrence; provide a structure within which the monk can continue his life as a member of the Abbey; provide appropriate care for the monk and the opportunity for such personal conversion and rehabilitation as may be needed; guide monastic superiors, the monk, and others in determining work, residence, and other activities; encourage the monastic community in welcoming and supporting the monk in his desire to continue the monastic life within this framework; and assure the monastic community of both proper care and appropriate limits with respect to their brothers in the Abbey.

A. Immediately After a Report or Allegation

A monk about whom a report or allegation of sexual misconduct against a minor or vulnerable adult has been made shall be placed immediately under strict supervision, preferably within the cloister of the monastery whenever possible, and will remain under strict supervision until assessment and evaluation procedures are completed and a written plan is developed and implemented.

Supervision will consist of greatly restricted movement on the campus of the Abbey where a vulnerable population exists, monitored computer/internet access, restricted use of communication, restricted leaves from campus, and assignment of a supervisor/monitor.

B. Risk Assessment

A monk about whom a report or allegation of sexual misconduct has been established will be asked to submit to a professional assessment of risk and evaluation of his psychological condition. If the monk agrees to undergo an evaluation, the Abbot (or his delegate) will arrange for the assessment. The monk is free not to undergo a psychological evaluation. If the monk offender declines a risk assessment, the Abbot nonetheless continues to impose strict supervision conditions under obedience. Subsequent to that evaluation, the monk may be asked to participate in such inpatient and/or out-patient treatment as recommended by the evaluating

professionals, as well as such other physical, psychological, and spiritual rehabilitation as may be recommended by such professionals or the Abbey Review Board.

In conducting a risk assessment with an outside professional agency, the monk will be asked to give permission for the sharing of his personal file and all relevant information with the agency. He will also be asked to give permission for sharing the risk assessment with the Abbot and with the Abbey Review Board.

C. Public Ministry of a Monk Offender

When the monk who has sexually abused a minor is a priest or deacon, he will not be allowed to function publicly as a priest or deacon, including public celebration of the sacraments, use of the title "Father / Brother" or "Reverend" in public communications, and the wearing of clerical attire or the monastic habit in public.

When the monk who has sexually abused a minor is not a priest, he will not be allowed to function publicly in external ministry associated with the Abbey (e.g., school teaching, coaching, parish staff work) or use of the title "Brother" in public communications, and the wearing of clerical attire or the monastic habit in public.

When the monk has sexually exploited an adult or sexually harassed an employee, the Abbot will consider the nature and circumstances of the allegation(s) and the advice of the Abbey Review Board in determining removal or suspension from, or restrictions of public ecclesiastical ministry, using ecclesiastical titles, and wearing clerical garb or the monastic habit.

D. Appropriate Work for a Monk Offender

For Benedictines, the service of prayer in the Church and the world is a valuable contribution. Truly, as Saint Benedict noted, common prayer is the Work of God. Thus, full participation in the monastic horarium of prayer is a meaningful and significant contribution to the life of the monastic community.

We recognize that making a contribution for the good of the community or for the good of the Church and society is an important pathway to healing and wholeness. If physically and mentally able, the monk offender who has been removed from public ecclesiastical ministry should engage in appropriate work in support of the Abbey or in other service to people in need. Such work might include the following:

1. administrative work of the Abbey;
2. remunerative non-ecclesiastical work to support the ministries of the Abbey;
3. manual or clerical labor inside the monastery;

4. working at a food bank or soup kitchen, or some other form of supervised social service, with the informed consent of that agency;
5. or some other appropriate work for which the monk is able or qualified.

Monks removed from public ecclesiastical ministry may need vocational assessment and/or occupational counseling to assist in determining meaningful and useful new work. The Abbot should consult with the monk offender involved to determine his interests and capacities and to promote his initiative in developing work opportunities, where appropriate.

E. Place of Residence

A monk offender who has been assessed by professionals to be at low risk will be allowed to live in the monastery or in another appropriate supervised place of residence where there will be no unsupervised contact with his sexual target, as determined by the Abbot. No separate apartment, private home, or other domicile will be allowed as a permanent residence for such offenders.

A monk offender who has been assessed by professionals to be a high risk to reoffend may need to reside in a specialized facility where he can be properly cared for and where he will have no access to his sexual targets.

F. Safety/Supervision Plans

After sexual misconduct has been established, it is intended that all of the aforementioned elements be adapted in an individualized Safety Plan for a monk who has sexually abused a minor (or an individualized Supervision Plan for a monk who has sexually exploited an adult or sexually harassed an employee), depending on such factors as the severity of the accusation(s), age and health of the monk, and the recommendations of the risk assessment, and the recommendation of the Abbey Review Board. This framework, however, sets out the elements to be developed in writing for each monk, reviewed annually by the Abbey Review Board, and shared with the monk, his monastic superiors, his supervisor, and, as appropriate, other monks.

The Safety/Supervision Plan shall be implemented and signed by the monk, the Abbot, and at least one individual who is directly involved in the supervision of the monk.

Signing the plan indicates that the signatories have read and understood all aspects of the supervision/safety plan. The plans are issued under the vow of obedience. Compliance with each plan shall be documented and there shall also be an annual review of each plan by the Abbey

Review Board. Each plan will also be subject to review by a professional independent third-party accrediting agency, as often as required by the same agency.

Supervision of monks who have Safety/Supervision Plans can be conducted by qualified individuals, including monastic superiors, other monks, employees, or a competent third-party.

1. Individuals who supervise monks with Safety/Supervision Plans should be physically and emotionally capable and adequately trained to perform the duties involved with supervision.
2. Individuals who supervise will have adequate information of cases to fulfill their role, which may include all relevant history of sexual misconduct, history of compliance with Safety/Supervision Plans, current progress in treatment (if applicable), history of substance abuse (if applicable).
3. Individuals who supervise will receive written guidelines and adequate training regarding their role and procedures for supervision.
4. Individuals who supervise will have all the pertinent information about the monk that is not privileged, including relevant history of sexual abuse, all allegations of sexual misconduct, history of compliance with Safety/Supervision Plans, current progress in treatment, if applicable, history of substance use and/or abuse, if applicable.

G. Community Support

The monastic community plays an important role in helping a monk offender who has been restricted and who wishes to continue his life as a monk. After a monk has submitted to evaluation and appropriate treatment, his confreres should welcome him as a brother. It may also be appropriate for a mentor, either a confrere or an approved lay person, to be appointed for the monk offender who could assist and support him in his efforts to maintain his program of care and treatment.

A monk offender who is a priest may, at the Abbot's discretion, be permitted to celebrate and preach at the Conventual Mass, lead or read at community prayer, hear confessions of other monks; he always retains the right to celebrate Mass privately. A monk offender is not allowed to serve as a superior or as a member the Abbot's Council.

H. Contact with Others

Under no circumstances will a monk who has sexually abused minors be allowed to have contact with any minors without the ongoing and strictest supervision of other adults present at the time. This prohibition includes but is not limited to being alone with a minor for a meal in a

restaurant, going to the movies alone with a minor, riding alone in an automobile with a minor, or having a private conference with a minor in parish or monastery offices, community parlors, etc.

A monk who has sexually exploited an adult or sexually harassed an employee, may not have contact with the victim of his offense(s), or with anyone who may be part of his personal sexual target. Additional prohibitions may be necessary for such a monk depending on the nature and gravity of the sexual exploitation or sexual harassment.

Travel plans, vacations, and retreats are to be specified in the Safety/Supervision Plan and to be monitored by the supervisor. Typically, retreats in locations alone are not permitted, as our retreats are usually done within the monastic community. Other travel may be restricted, including but not limited to, that which is related to assigned work or family visits; if appropriate, a monk companion for travel also may be required.

Additional specific permissions for travel are required from the Abbot. Doubts about specific travel should be referred by the supervisor to the Abbot. Restrictions on driving may also be part of the Safety/Supervision Plan. Typically, restrictions are placed on driving alone. No one under supervision may have a vehicle for his own use. Monks under supervision may be required to request specific permission for use of house cars, or may be required to drive with a companion monk. A log is to be kept of any travel outside the Abbey by the Prior and forwarded to the Child Protection Compliance Officer.

Announcements for anniversaries regarding monk offenders should not appear in Abbey publications. No articles or photographs featuring a monk offender should appear in any publication, whether it is one of ours or a forum such as diocesan or secular newspapers.

A monk offender may, with the express permission of the Abbot, write an article under his name in a professional, peer-reviewed journal. In some cases a monk's use of email, internet, and phone may need to be regulated.

The Abbot, in consultation with the Abbey Review Board, will determine whether and/or how to inform the monastic community—in general terms—of those monks who are under supervision. The Abbot, in consultation with the Abbey Review Board, will determine whether and/or how to inform others who may have a need to know—in general terms—of those monks who have been restricted.

VIII Protocol for Visiting Religious Students

1. This Policy will also serve as a guide to Members of other religious institutes and Societies of Apostolic Life regarding visiting religious to Saint Andrew Abbey if they intend to reside at the Abbey for more than 60 days.

- a. The visiting religious must have written permission from their proper Major Superior. The permission must note that the visitor is in good standing in his own institute and has no allegations or reports of sexual abuse of minors, and include the duration of the residency.

- b. The visitor will be provided a copy of the Saint Andrew Abbey Policy: Creating a Safe Environment for the Protection of Children and Vulnerable Adults.

- c. The visitor will be provided with an orientation of the Abbey's Policy, as well as other pertinent information concerning criminal background checks, child abuse history clearances, and child abuse awareness education.

- d. The visitor will be asked to sign an acknowledgement and compliance statement verifying that he has read and understands the Abbey Policy. A copy of the statement will be maintained by the Abbot's Delegate.

- e. If the visitor resides at the Abbey for more than one year, he is required to fulfill the child abuse awareness educational training program expected of all Community Members.

IX Review Emendation

As Abbot, I will ensure this policy is periodically reviewed, evaluated, and revised to meet the needs of the Benedictine Community and all whom we serve. I will convene the Abbey Review Board, at least annually, to review the entire Policy and its implementation. The Abbey Review Board will then recommend any specific revisions to me for my review, approval and promulgation.

This policy supersedes all other policies established for the protection of minors at Saint Andrew Abbey at the time of promulgation; it is not intended to supersede canon law or civil law.

As Abbot of Saint Andrew Abbey, I retain the right at all times to address matters pertaining to this policy brought to my attention on a case-by-case basis in order to respond to specific situations and issues which may require an alternate response, with due respect for canon law and the criminal and civil statutes of the State of Ohio and the goals of this Policy for child protection.

On September 12, 2018, the Monastic Chapter of Saint Andrew Svorad Abbey approved these guidelines. Therefore, I, Gary A. Hoover, OSB, Abbot of Saint Andrew Svorad Abbey, approve and promulgate as policy for Saint Andrew Svorad Abbey, this 12th day of September, 2018, the feast of the Most Holy Name of the Blessed Virgin Mary.

+ Gary A. Hoover, OSB

Abbot

Revision 2026

The *Safe Environment Code of Conduct and Ethical Standards for the Benedictine Order of Cleveland/Saint Andrew Abbey* has been amended to include all *Praesidium* requirements for accreditation. The amendments have been approved by the Monastic Chapter and I promulgate this 2026 version as normative for policy.

21 January 2026

+Gary A. Hoover, OSB
Abbot

X Ohio Revised Code for the Protection of Children and Vulnerable Adults

Ohio Revised Code Section §2151.421 — Reporting child abuse or neglect

2151.421 §

(A)

(¹)

(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury; disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services

agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(2)

Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(³)

The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)

(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that

reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

- (b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section

2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

- (c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a mentally retarded, developmentally disabled, or physically impaired person under twentyone years of age without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

- (d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the

- same meanings as in section 2317.02 of the Revised Code.

(B)

Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a municipal or county peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C)

Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1)

The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2)

The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3)

Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D)

As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1)

When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2)

When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center. (E)

No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(F)

(1)

Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the

threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section. A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the

report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2)

The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention. (G)

(1)

(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.(b)Notwithstanding section 4731.22 of

the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2)

In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(1)

Except as provided in divisions (H)(4) and (N) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)

No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(3)

A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4)

If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality Abbey Review Board or the director of health pursuant to guidelines

established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the Abbey Review Board of the county in which the deceased child resided at the time of death or to the director. On the request of the Abbey Review Board or director, the agency or peace officer may, at its discretion, make the report available to the Abbey Review Board or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5)

A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual

abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(J)

(1)

Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

- (a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;
- (b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative; The county peace officer;
- (d) All chief municipal peace officers within the county;
- (e) Other law enforcement officers handling child abuse and neglect cases in the county;
- (f) The prosecuting attorney of the county;
- (g) If the public children services agency is not the county department of job and family services, the county department of job and family services;
- (h) The county humane society;
- (i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2)

A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of

all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of

a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(³)

A memorandum of understanding shall include all of the following:

- (a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;
- (b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(c) (4)

If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(⁵)

The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(K)

(1)

Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report; or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency

agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

- (a) Whether the agency or center has initiated an investigation of the report;
- (b) Whether the agency or center is continuing to investigate the report;
- (c) Whether the agency or center is otherwise involved with the child who is the subject of the report;
- (d) The general status of the health and safety of the child who is the subject of the report;
- (e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)

A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3)

A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4)

If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L)

The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect. (m)

Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated

division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)

(1)

As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2)

No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect,

that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(³)

No later than three days after the day on which a public children services agency that conducted the investigation as determined

pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(0)

As used in this section, "investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

History. Amended by 131st General

Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

OHIO REVISED CODE SECTIONS LISTED IN R.C. Sec. 109.572(A)(1)

The Ohio Revised Code imposes particular requirements upon religious and charitable organizations which use volunteers who have unsupervised access to children on a regular basis. Specifically, a requirement for parental notification exists in the event a volunteer has been convicted of one of the offenses listed in Ohio Revised Code sec. 109.572(A)(1). This Appendix 5 describes the offenses listed in that section as of December, 2015.

2903.01 — Aggravated Murder

2903.02 — Murder

2903.03 — Voluntary Manslaughter

2903.04 — Involuntary Manslaughter

2903.11 — Felonious Assault

2903.12 — Aggravated Assault

2903.13 — Assault

2903.16 — Failing to Provide for a Functionally Impaired Person

2903.21 — Aggravated Menacing

2903.34 — Patient Abuse; Neglect

2905.01 — Kidnapping

2905.02 — Abduction

2905.04 — (as it existed prior to July 1, 1996) Child Stealing

2905.05 — Criminal Child Enticement

No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice, or lure any child under the age of fourteen to accompany the person in any manner, including entering into a vehicle. Whether or not the person knows the age of the child.

2907.02 — Rape

Rape includes sexual conduct with a person less than 13 years of age, regardless of whether the offender is aware of the victim's age.

2907.03 — Sexual Battery

No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

- o Coercion
- o Person is impaired
- o Person does not know the act is being committed
- o Mistaken as the person's spouse
- o Other person's natural or adoptive parent, guardian, or custodian
- o Offender is the person's teacher, administrator, coach or person in authority in school setting
- o Offender is the person's mental health professional

2907.04 — Unlawful Sexual Conduct With Minor

No person 18 years or older shall engage in sexual conduct when the offender knows the person is 13 years of age or older but less than 16, or the person is reckless in that regard.

2907.05 — Gross Sexual Imposition

Cause another to have sexual contact with the offender or cause two or more persons to have sexual contact when any of the following applies

- o Force or threat of force
- o For the purpose of preventing resistance, the offender substantially impairs the victim's judgment.
- o The offender knows the judgment or control is substantially impaired from drug or alcohol with the person's consent for medical or dental treatment. Less than 13 years old regardless of whether the offender knows the age. Person's ability to resist is impaired due to mental, physical, condition or advanced age.

2907.06 — Sexual Imposition

Cause another to have sexual contact with another or cause two or more persons to have sexual contact when any of the following applies

Knows contact is offensive to the other person

Ability of victim to appraise the nature of or control the touching offender's conduct is substantially impaired.

- o The offender knows the other person is unaware of sexual contact.
- o Less than 13 years old regardless of whether the offender knows the age.
- o Person's ability to resist is impaired due to mental, physical, or advanced age.

2907.07 — Importuning

No person shall solicit a person who is less than 13 years of age to engage in sexual activity whether or not the person knows the age of such person. No person shall solicit a person when the offender is 18 years of age or older and four or more years older than the other person, and the other person is 13 years of age or older but less than age 16.

2907.08 — Voyeurism

No person, for the purpose of sexually gratifying or arousing the person's self, shall commit trespass or otherwise invade the surreptitiously invade the privacy of another, to spy or eavesdrop, or to photograph the other person in a state of nudity.

2907.09 — Public Indecency

No person shall expose private parts, engage in masturbation, engage in sexual conduct, or engage in an activity that would appear to be sexual conduct or masturbation, when likely to be viewed by others

2907.21 — Compelling Prostitution

No person shall compel another to engage in a sexual activity for hire; induce, encourage, solicit, request, or facilitate a minor to engage in sexual activity for hire; pay or agree to pay a minor whether or not the age of the minor is known;

2907.22 — Promoting Prostitution

No person shall knowingly establish, maintain, operate, manage, control, or have an interest in a brothel.

Supervise, manage, or control the activities of a prostitute in engaging in sexual activity for hire.

Transport another across state boundary in order to facilitate the other person engaging in sexual activity for hire.

Induce or procure another to engage in sexual activity for hire.

2907.23 — Procuring

Entice or solicit another to patronize a prostitute or brothel. 2907.25

— Prostitution After Positive HIV Test

2907.31 — Disseminating Matter Harmful to Juveniles

Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present a juvenile, a group of juveniles, a law enforcement officer posing as juveniles any material or performance that is obscene or harmful to juveniles.

2907.32 — Pandering. Obscenity

Create, reproduce, or publish any obscene material, when the offender knows that the material is to be used in commercial exploitation or will be publicly disseminated or displayed, or when the offender is reckless in that regard.

2907.321 — Pandering Obscenity Involving a Minor

Create, reproduce, or publish any obscene material that has a minor as one of its participants or one of its portrayed observers.

2907.322 — Pandering Sexually Oriented Matter Involving a Minor

Create, record, photograph, advertise, sell distribute, disseminate, exhibit, or display any material that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. 2907.323 — Illegal Use of Minor in Nudity-Oriented Material or Performance Photograph any minor, who is not the person's child or ward in the state of nudity, or create, direct, produce, or transfer any material or performance that shows the minor in a state of nudity.

2911.01 — Aggravated Robbery

2911.02 — Robbery

2911.11 — Aggravated Burglary

2911.12 — Burglary

Former 2907.12 — Defined Felonious Sexual Penetration

2919.12 — Unlawful Abortion

2919.22 — Endangering Children

A parent or person in loco parentis may not create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support

2919.24 — Contributing to Unruliness or Delinquency of a Child

2919.23 — Interference with Custody

2919.25 — Domestic Violence

2923.12 — Carrying Concealed Weapons

2923.13 — Having Weapons While Under Disability

2923.161 — Improperly Discharging Firearm at or into Habitation; School-Related Offenses

2925.02 — Corrupting Another with Drugs

2925.03 — Trafficking in Drugs

2925.04 — Illegal Manufacture of Drugs or Cultivation of Marijuana

2925.05 — Funding of Drug or Marijuana Trafficking

2925.06 — Illegal Administration or Distribution of Anabolic Steroids

2925.11 — Possession of Drugs

3716.11 — Placing Harmful Objects in food or confection

Safe Environment Code of Conduct and Ethical Standards for the Benedictine Order of Cleveland/Saint Andrew Abbey

As a Benedictine monk of St. Andrew Svorad Abbey...

- I will conduct myself in a manner that is consistent with the discipline and teachings of the Church within the course of my duties and responsibilities.
- I will do my utmost to prevent the abuse and neglect of minors involved in abbey activities and services.
- I will do my utmost to prevent sexual exploitation of vulnerable adults who participate in abbey activities or services.
- I will do my utmost to prevent sexual or verbal harassment of our employees.
- I will not physically, sexually or emotionally abuse or neglect a minor; will not exploit vulnerable adults; and will not harass employees.
- I will report concerns about inappropriate behavior or policy violations to a member of Abbey administration.
- I will report any suspected abuse or neglect of a minor whether on or off campus, whether perpetrated by monastic personnel or others, to the appropriate internal authorities (e.g. Abbey administration).
- I will similarly report any suspected misconduct or exploitation of vulnerable adults whether on or off campus, whether perpetrated by monastic personnel or others, to appropriate internal authorities (e.g. Abbey administration).
- I will similarly report any suspected harassment of employees whether on or off campus, whether perpetrated by monastic personnel or others, to appropriate internal authorities, (e.g. Abbey administration).
- I understand that the Abbey will not tolerate sexual misconduct in any form and agree to comply in spirit and in action with the Safe Environment Code of Conduct and Ethical Standards for St. Andrew Abbey Policy.
- I accept personal responsibility to protect minors from all forms of abuse.
- I accept personal responsibility to protect vulnerable adults from all forms of exploitation and harassment.
- I will do my utmost to use all opportunities to be a source of help to families in which abuse of a minor has occurred.
- I will do my utmost to use all opportunities to be a source of help to families in which exploitation or harassment of vulnerable adults has become a problem.

- I have read and understand and will comply with any and all policies and procedures in the Safe Environment Code of Conduct and Ethical Standards for St. Andrew Abbey Policy

Please Print Name: _____

Signed and dated:

An updated signature sheet will be provided for each member to verify community workshops on at least an annual basis according to Praesidium requirements.

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