

A Guide for Survivors of Sexually-based Misconduct

by a Brother of the Christian Schools and/or Lay Employee of the District of Eastern North America

What are the signs of sexually-based misconduct (sexual harassment and sexual assault)?

Examples include, but are not limited to: pressure to engage in a romantic or intimate relationship; unwelcome touching, kissing, hugging; inappropriate remarks about a person's gender, gender expression, or sexual orientation; inappropriate sexual innuendo or humor; unnecessary or unwelcome references to parts of the body; and pressure for or forced sexual activities.

If I think I have been the victim of sexually-based misconduct, should I report it to the Brothers of the Christian Schools – District of Eastern North America (FSC DENA)?

Yes, FSC DENA can help stop the conduct, prevent it from happening again, and help you attain the services and support you need.

How do I report sexually-based misconduct to FSC DENA?

If you have been sexually harassed and/or assaulted by a Brother of the Christian Schools or an employee of FSC DENA, you are urged to:

1. Report the abuse:
 - a. Contact the appropriate civil authorities in the location where the sexual abuse took place, or
 - b. Call the **National Child Abuse Hotline at 800-422-4453**, or
 - c. Call the **National Sexual Assault Hotline at 800-656-4673**, then
2. Contact FSC DENA's **Survivors Assistance Coordinator hotline at 732-380-7926, ext. 128**. This will open the line of communication with the Brothers of the Christian Schools and present the opportunity for us to offer compassion, prayers, and support on the road to healing.
3. If an incident of sexual harassment and/or abuse involves a lay employee at a FSC DENA ministry, you are to immediately follow the reporting policies of that ministry.

What happens after I report this misconduct to FSC DENA?

If the accused is a Brother:

Upon receiving the complaint from the Survivors Assistance Coordinator, the Director of Administration will contact the appropriate civil authorities regarding all allegations of sexual misconduct of minors. He will notify the Brother Visitor (Provincial).

If it is a complaint against a Brother in ministry, that ministry's chief administrator will be notified immediately by the Brother Visitor.

The Director of Administration will designate a qualified, trained Investigator to gather information independently regarding the allegation. FSC DENA will strive to maintain the rights of all concerned in the process of an investigation of the sexual misconduct of a minor.

The accused Brother will be subject to a review of his current ministry and personal activities. Immediate short or long term modifications to his/her responsibilities and/or activities will be made, up to and including removal from public ministry if necessary, so as to maintain the highest degree of safety and ethical standards, given the facts and circumstances of the situation. Any change or modification in responsibilities is not an admission of guilt or wrong doing by any party. Rather, the action is taken for the protection of the alleged victim, Brother, reporter, ministry, and FSC DENA.

In order to fulfill his responsibilities, the Brother Visitor or Director of Administration will consult the independent Review Board at each juncture of the process, and will convene the Board as soon as possible after reviewing the final report from the Investigator.

The independent Review Board is composed of five persons (3 females and 2 males). Their expertise includes the following specialized fields: mental/behavioral health specialist, a licensed clinical social worker, a pastoral minister, a law enforcement officer, and a psychologist. The Review Board also provides oversight for four other male religious orders in the NJ/NY metropolitan area.

The Review Board's recommendations and the findings are forwarded to the Brother Visitor for his review and judgment.

If the accused is a FSC DENA employee:

Upon receiving the complaint from the Survivors Assistance Coordinator, the Director of Administration will contact the appropriate civil authorities regarding all allegations of sexual misconduct of minors. He will notify the Brother Visitor.

The Brother Visitor will notify the accused FSC DENA employee. The accused employee will be placed on immediate leave pending the outcome of the investigation.

The Director of Administration will designate a qualified, trained Investigator to gather information independently regarding the allegation. FSC DENA will strive to maintain the rights of all concerned in the process of an investigation of the sexual abuse of a minor.

Will my reports to FSC DENA be confidential?

FSC DENA appreciates the sensitive nature of these situations and the importance of respecting individuals' privacy and requests for confidentiality. Because FSC DENA may be obligated to fully investigate all complaints/reports of sexually-based misconduct, FSC DENA cannot guarantee absolute confidentiality in all cases. However, FSC DENA will only share information with appropriate individuals when absolutely necessary for the protection and well-being of those involved or to fully understand what happened.

What resources are available to me?

The Survivors Assistance Coordinator will provide you with recommendations for various resources.

If I do make a formal report, will I have to face the person I am accusing of misconduct?

No. FSC DENA will not require that you see or speak to the accused as part of the investigation process.

What if I am not sure the behavior was misconduct?

If you are not sure if misconduct occurred it is still okay to contact the Survivors Assistance Coordinator. He can help you figure out and understand what may have happened and give you advice moving forward.

However, anyone who knowingly makes a false, malicious, or frivolous report of discrimination, sexual harassment or sexual assault may be subject to legal action.

How long will FSC DENA's investigation and resolution take place?

FSC DENA will promptly and thoroughly investigate all reports of sexual assault and sexual harassment misconduct and will work diligently to reach a conclusion. Generally the process takes 60 to 90 days to complete. Because each case is different, and some cases take longer depending on the details of the case, it is difficult to give an exact timeline.

However, each party will be given an estimated timeline at the start of an investigation and will be updated throughout the process on the progress of an investigation and on any changes to the timeline.

Do I have to be able to prove that I have been the victim of sexually-based misconduct in order to get help?

No. FSC DENA does not place the burden of proving that misconduct did or did not occur on any one party. FSC DENA will investigate all claims and review evidence according to a “preponderance of evidence” standard. This means that after concluding an investigation, the Review Board will review all available information from each party to determine whether there is enough information and thereby make a recommendation to the Brother Visitor.

Who should I contact with questions about the policies and procedures in this FAQ?

The best source of information is the Director of Administration, Br. Joseph Juliano FSC. He may be reached at 732-380-7926, ext. 103 or juliano@fscdena.org

updated – September 2020