



LEGIONARIES OF CHRIST

Code of Conduct

**And Other Directives Pertaining to
Safe Environment Issues
for the
Legionaries of Christ**

**July 2022
Territory of North America**

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Definitions

Adult: a person who is at least 18 years of age.

Age of consent: the age at which a person can legally consent to sexual relations. In most states of the U.S., this is 18; in some it is 16 or 17. While in civil law a sexual act may not be criminal because of the age of consent, it could be a canonical delict under Canon Law (cf. Canon 1395 § 2 on offenses against the Sixth Commandment of a cleric with a minor). Canon 97 sets the age of majority (adulthood) at 18 years of age.

Allegation: an accusation of sexual misconduct or boundary violations brought against a current member, former member, or deceased member which is reported to the congregation through any form of communication, whether by name or anonymously.

- “Credible” allegation is one that is not evidently false and so merits investigation (in canonical process, this is an allegation with the “semblance of truth,” also referred to as a “reasonable possibility”).
- An “established allegation” (also used: “substantiated,” “founded,” “reasonable probability”) is one in which there is moral certainty that the misconduct has occurred. When there is moral certainty, the possibility of the allegation being false, while possible, is highly unlikely.

Boundaries: parameters for interaction with others that preserve personal integrity, enable a clear sense of self, and show how to act in relationship with others. “Boundary” implies two sides or persons and clarity at least to either side of the boundary. Thus, they involve well-defined delimitation, but also relationality. Boundaries can be physical, emotional, behavioral, verbal, and spiritual. They apply to adults as well as to minors.

Boundary violation: contact or interaction between a minor and an adult, or between two adults which inappropriately crosses the limits of the relationship in a significant way but *does not include physical sexual contact*.

Canonical precept: a written document given by the religious superior to a religious imposing an obligation to do something or to refrain from doing something.

Child pornography: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes (cf. *Vos estis lux mundi*, Art. 1, §2, c).

Delict: the canonical equivalent of a crime.

Disciplinary norms: directives which guide the behavior of members, some of which are listed in the *Code of Conduct*. Frequent violations of disciplinary norms, while not boundary violations, could be an indication of more profound issues.

Emotional boundaries: deal with how close people feel together, how much time they spend together, what information they share with each other. Maintaining proper emotional boundaries entails appropriate levels of familiarity and reserve depending on the relationship (e.g., invasive questions can violate emotional boundaries).

Grooming: predatory act of maneuvering another individual, minor, or adult, into a position that makes them more isolated, dependent, and more vulnerable to abusive behavior. Grooming often includes a pattern of testing boundaries.

Grave misconduct: destructive behavior, manifestly against a Legionary's commitments as a religious and/or priest, which seriously harms or scandalizes others. Such misconduct may occur in areas such as those covered by the vows, this Code of Conduct, the financial realm, etc. In some instances, grave misconduct can rise to the level of civil or canonical crimes.

Member: refers to a person currently belonging to the Legion of Christ as a novice or professed religious (whether ordained or in formation). This may also refer to deceased members.

Former members: living persons no longer affiliated with the Legion.

Minor: a person who has not reached the age of 18. In this document, other terms for minors are "child," "children," "young person," "young people," and "youth."

Religious: members of the Legion who have professed vows. This refers to both ordained and those still in formation.

Safety plan: a formal, written supervision program for an individual for whom an allegation of sexual misconduct has been established or considered reasonably probable.

Sexual abuse of a minor: contact or interaction between a minor and an adult when the minor is being used for sexual stimulation of the adult. This occurs when an adult engages a minor in any sexual activity, including direct sexual contact (clothed or unclothed) or through communication media (e.g., cybersex, sexually explicit texting, webcam sexual encounters, etc.) as well as sexual non-contact, such as voyeurism, exhibitionism, and the distribution, downloading, and/or intentional viewing of child pornography.

Semblance of truth: a term used in Canon Law procedures indicating that an allegation is credible, that is, not evidently false and so merits investigation.

Sexual misconduct with another adult: contact or interaction between two adults when they engage in any sexual activity, including direct sexual contact (clothed or unclothed), touching under clothes, or through communication media (e.g., cybersex, sexually explicit texting, webcam sexual encounters, etc.) as well as sexual non-contact, such as voyeurism and exhibitionism.

Sexual harassment: a pattern of behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.

Underage: this refers to a person who is not of sufficient age to legally engage in some activity. For instance, a person who is 18 is legally an adult but is underage with respect to buying alcohol (the legal age is 21 in the United States).

Vulnerable adults: those who are in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, limits their ability to understand or to want or otherwise resist an offense (cf. Vos Estis Lux Mundi, Art. 1, §2b).

Introduction

The Legionaries of Christ are committed to building up the Kingdom of Christ in every person and in society. “They should allow Christ’s love for mankind to imbue their very selves” (CLC 11). Ensuring a safe environment for young people and adults in the Legion’s ministries is fundamental to this purpose.

The *Code of Conduct* was originally the result of a policy review carried out in light of the current need of the Church to fight against the sexual abuse of minors. However, this focus is not exclusive. “Safe environment,” for the Legion of Christ, refers to our ministry in general, with children, young people, and adults. This 2022 edition of the *Code* reflects this broader understanding.

Some Historical Background to the Legion’s *Code of Conduct*

Dallas Charter and the Essential Norms

Over the years, the bishops of the United States have addressed the issue of sexual abuse of minors. Meeting in Dallas in 2002, they issued the *Charter for the Protection of Children and Young People*, and based upon it, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, documents which were ratified by the Holy See in 2006 and reaffirmed by the bishops in 2011 and 2018.

This focus inspired the original edition (2009) of the Legion’s *Code of Conduct* for the North American Territory and its updates (2011, 2013, 2017, 2019, 2021). The Legion of Christ of the North American Territory supports the bishops’ efforts and subscribes to the principles that animate the *Dallas Charter* and the *Essential Norms*.

CMSM and Accreditation with Praesidium

The Conference of Major Superiors of Men (CMSM) led the response of Catholic male religious institutes. The major superiors adopted a comprehensive approach to the issue of safe environments for minors with an accreditation program under the direction of Praesidium Inc., a leading organization in the field of the protection of minors. The Legion of Christ of the North American Territory adopted this program in 2008, achieved its first accreditation in 2010, and renews it punctually.

2020 General Chapter of the Legion of Christ

In 2009 the Church instituted a process of reform and renewal for the Legion, in response to the scandals surrounding the congregation’s founder, Father Marcial Maciel. This challenging and yet fruitful time produced such landmark documents as the new *Constitutions* (2014, 2020), and the *Christus Vita Vestra: Ratio Institutionis of the Congregation of the Legionaries of Christ* (2017, 2020). These set the groundwork for the 2020 General Chapter which marked a watershed in the efforts of the Legion to deal with the issue of the sexual abuse of minors. The chapter documents *Conversion and Reparation* and *Protect and Heal*, together with the *1941-2019 Report*, published in 2019, were the result of a concerted effort to come to terms with history and to shoulder the reality of the harm done by the founder and other Legionaries. These documents made clear that the Legion seeks “to put the victims at the center

of our concerns” (*Conversion and Reparation*, 5) while maintaining respect for due process.

As stated in *Conversion and Reparation*, 10:

“Not everyone who says to me, ‘Lord, Lord,’ will enter the kingdom of heaven, but only the one who does the will of my Father in heaven” (Matthew 7:21). We realize that neither asking for forgiveness nor frankly acknowledging what has been said above has any value without sincerely taking concrete steps to make amends to each victim, to render justice, and to prevent this from happening again in the future. Our resolution of amendment seeks to foster a new mindset within our Congregation capable of promoting true conversion and above all a culture of acceptance and empathy with the victims.”

Renewal and Facing New Issues of Safe Environments for Adults

The road of renewal, initiated by Pope Benedict XVI and confirmed by Pope Francis, wrought much positive change in the Legion, with more emphasis on vibrant community life, more balanced relationships with laypeople, and greater accountability to brother Legionaries. Alongside this progress, in the wider secular and ecclesial culture more awareness was developing of the reality of the abuse of authority which could render environments less safe for adults. These considerations led to a broadening approach in the *Code of Conduct*, with appendices added in subsequent editions (2013, 2017, 2019). In this edition of the *Code*, those appendices and further material have been integrated into the text as additional sections. This direction was given further confirmation with Pope Francis’ recent modification of Canon Law, in which adult sexual misconduct of clerics was given deeper treatment. He writes in the second paragraph of the apostolic constitution *Pascite Gregem Dei*:

“In her earthly pilgrimage, the Church has established from apostolic times laws and rules of conduct that down the centuries took shape as a cohesive body of binding norms safeguarding the unity of God’s People.... Since those norms are meant to govern the life of the community in the course of time, they must take account of changes in society and new needs of the People of God, for which reason it is at times necessary to modify and adapt them to changed circumstances.”

Section One: Overall Conduct Directives

Legionaries of Christ have been called to give their lives to Christ with the ardent desire to be his instrument for the salvation of souls. They are committed by free assent to the vows of poverty, chastity, and obedience to live according to a higher standard, the imitation of Christ himself. Observing the *Code of Conduct* should be seen in the light of that overall commitment.

This *Code*, while not exhaustive, focuses on the effort to live Christ-like behavior in the realm of chastity and the need to promote environments safe for those whom we serve. By upholding the *Code of Conduct*, members protect themselves and others from the possibility of sexual abuse or misconduct. Failure to uphold the *Code*, even if no harm is intended, sends mixed signals and can tarnish a member’s reputation and may inflict irreparable damage to a person spiritually, mentally, emotionally, and physically.

1. Legionaries must always be aware of their state in life as priests and religious. They should seek to live up to their vocation to be an icon of Christ’s purity and love in their dealings with people,

especially children and young people. They should be open and trusting with their superiors and spiritual directors, who will strive to be supportive and understanding, as together they work to deal with the struggles that can arise in the effort to remain chaste.

2. Legionaries should have a welcoming and friendly demeanor. As religious who “voluntarily embrace the obligation of perfect continence in celibacy” (CLC 27.1), they forgo exclusive emotional relationships and assume responsibility for maintaining appropriate boundaries in all relationships.
3. They should be natural around others in a manner befitting their consecration. During personal interactions, physical touch with others should be culturally appropriate and show pastoral sensitivity. In the United States and Canada, typical expressions include handshakes, fist bumps, high fives, brief hugs, and culturally appropriate cheek-to-cheek greeting.
4. Ordinarily members should not initiate hugs or embraces to provide comfort, especially in the context of spiritual direction or confession.
5. Touching and interactions considered inappropriate for members include, but are not limited to:
 - a. Touching another person’s genitals, buttocks, or chest (except in a medical emergency)
 - b. Any type of massage or tickling
 - c. Prolonged hugging
 - d. Rubbing of the shoulders
 - e. Prolonged pats on the back or shoulder
 - f. Putting a hand on another’s knee or thigh
 - g. Playing footsie
 - h. Kissing on the lips
 - i. Any touch under clothing
6. Members should not change clothes in the presence of others, especially minors. As far as possible, they should do so in appropriate private places, such as a bathroom or changing room.
7. Members should not sleep in the same bed with another person.
8. They should not use foul language or tell risqué jokes to anyone.
9. They should not stare at or comment on others’ bodies. They should avoid flirtatious comments or behavior.
10. In using alcohol, they should be moderate, cognizant both of others’ safety and the importance of providing religious example. In apostolic and social situations outside of community, a Legionary should not have more than two drinks (or their equivalent, such as at a wine tasting). Individuals with a lower tolerance should adjust accordingly. Those regularly in such apostolic and social situations should be aware of the effects of more frequent consumption of alcohol.
11. The recreational use of marijuana or illegal drugs is strictly prohibited.

12. Legionaries should use the Internet maturely. They should be conscientious in using it as a tool of apostolate and information, and moderate in their use of entertainment media. They should speak about their Internet use with their superior or spiritual director periodically.
13. Members, when posting and/or interacting with others on social media, should show safe environment awareness. Content and activity should always be appropriate and exemplary of Legionary religious. They should be open to the feedback of superiors, peers, and others in this regard.
14. Pornography is gravely immoral and should never be used. Moreover, the possession of child pornography is, for a religious or cleric, punishable in the same fashion as sexual abuse of a minor (cf. *Normae de gravioribus delictis*, Art. 6 §1). It is also a federal criminal offense and must be reported to the authorities.
15. Legionaries are not to attend events, patronize businesses, or visit establishments that promote sexually explicit themes or entertainment (e.g., strip clubs, gay bars, singles bars, etc.).
16. During camps and retreats for youth and adults under the auspices of the Legionaries or Regnum Christi, the confessor and organizers should make sure that confessions and the mentoring of minors are not taking place in isolated areas.
17. Members should ordinarily leave apostolic engagements by 10 p.m. Exceptions that are anticipated (such as visits to families where the culture is accustomed to dining at a later hour, attendance at banquets, and parish activities) must receive the prior authorization of the superior. When the necessity to stay longer arises unexpectedly, the superior should be informed.
18. When dealing with minors or adults, Legionaries should seek out environments that are open and transparent. Bedrooms must never be used for meeting with individuals. Confessions and individual spiritual direction or mentoring should be conducted in a well-trafficked area in the plain view of others or in a room with clear visibility inside.

Section Two: Interactions with Minors

19. If any diocesan norms go beyond what is indicated in this section, those norms are the ones to be followed while in the diocese.
20. Emotional boundaries:
 - a. The fundamental goal of ministry and apostolate is to bring people to Christ. Members must never seek to form their own “fan clubs” but always point youth to the Lord.
 - b. Minors must not be manipulated by threatening to withhold respect or affection, but rather should be motivated and challenged positively.
 - c. Members must not give special gifts to a minor without the permission of their superiors and the minor’s parents.

- d. They should not disclose to minors their own problems, difficulties, or sexual issues. They must not ask minors to keep secrets from their parents or superiors. Minors must be treated as the children or young people that they are and not invited into the adult's life as a type of confidant.
 - e. Members must be even-handed in their approach to minors. Even as they seek to form the leadership or vocation potential of individuals, they must avoid giving the impression of favoritism. If the minors themselves are too clingy, the members should encourage them to be more balanced.
 - f. Minors' emotional boundaries include the important role their parents play in setting rules. Members must never violate these behavioral boundaries by asking minors to do things their parents would find objectionable.
21. In group talks and in speaking individually with minors, the issues of purity and sexuality should be handled in an age-appropriate manner that focuses on general principles, avoiding invasive questions or comments. In instances where it seems appropriate to deal with more specifics, this must be done in a careful manner that is respectful of parental responsibility in this area.
22. In Legion-sponsored youth activities, the expectation must be that a safe environment will be maintained for all. To that end, members should encourage minors under their supervision to immediately report to those in charge problems that arise, such as bullying, inappropriate touching by other children or adults, or other behaviors that make them uncomfortable. Parents should be provided access to this *Code of Conduct* for their review and also be told how to report concerns.
23. When organizing events with minors (see the following section for apostolic schools and boarding schools, and groups that are visiting them):
- a. The event should be supervised by at least two adults who have had the required child-protection training and background checks.
 - b. In choosing recreational activities, prudence must be employed: if a substantial number of parents would presumably object to the proposed activity as too risky, it should not be allowed.
 - c. Additionally, it should be noted that activities listed "High Risk" found in the RC Activities camp/retreat process are not covered by insurance and must be completely avoided. A complete list of permitted and prohibited activities can be found at:
https://www.rcactivities.com/sites/default/files/RCA/General/High_Risk_Activities.docx
 - d. During events that include overnights, such as camps, retreats, and pilgrimages:
 - i. All events must be registered on the RC Activities Event Organizer Management site at: <https://rcactivities.com/node/add/local-event>. Members must comply with the administrative guidelines of RC Activities for volunteer background checks and certification; collection of permission forms and waivers; online insurance application and census reporting; accident and incident reporting, etc.; or of the appropriate sponsoring organization (such as parish or diocese).
 - ii. Late-night activities with minors, including all-night adoration, are to be discouraged. They may only take place if the entire group and supervising staff are participating.
 - iii. Members should have sleeping locations that are apart from minors.
 - iv. They should verify that at least two adults (who have had the required child-protection training and background checks) have sleeping locations separate from the minors, but in a place that allows them to monitor their activity. In venues that have dormitory sleeping

arrangements, if it is impossible to arrange this, then at least two adults should be in the dormitory to provide for the minors' security. Members may provide this nighttime supervision only in cases of unexpected necessity.

- v. Showers for the adults, or at least showering times, should always be separate from the minors.

24. Sports with minors:

- a. Participation in sports with minors is permitted only when other adults are present.
- b. Swimming with minors under members' supervision, wrestling, "extreme sports", martial arts and other sports that require intense physical contact are not permitted regardless of parental presence or participation. The superior may permit touch football on special occasions.
- c. Games (such as capture the flag, dodge ball, paintballing, laser tag) are governed by the same principle of adult presence as stated above.
- d. Members should not participate in outdoor games played at night. They should verify that the adults running the activity have organized it to minimize safety risks, keeping in mind what is stated in 23 b and 23 d ii.

25. When doing ministry or apostolate with minors, great care should be taken in the use of electronic and cell phone communication.

- a. Parental consent should be received in writing before engaging in the emailing, texting, or calling of minors.
- b. They may be called on their cell phones only if the parents have given prior written permission.
- c. Webcam platforms (e.g., Zoom, Skype, etc.) may only be used when there are multiple minors participating and another adult is present. When this is an official school activity (such as teaching a class), the school policy may be followed.
- d. Members may communicate over these platforms with an individual minor only if he or she is a relative. An individual non-relative can be communicated with if his parents have given permission for that specific instance.
- e. Members should not call or text minors after 9 p.m.
- f. The principle of transparency with parents must be upheld when communicating with minors through Internet social networks. Fully public institutional accounts (such as the school or Conquest Facebook page) or group messaging apps should be used. Members should not knowingly reply to minors' messages, nor should they accept their friend or follower requests.

26. Members must not take photos of minors without their parents' consent, and all content must be appropriate. They must obtain written parental permission before posting or sharing a minor's pictures electronically.

27. Members must not engage minors in any roughhousing activities such as wrestling, tickling, arm wrestling, piggyback rides, etc. He may do so, however, in the context of healthy relationships among his own family and relatives.

28. A member may hold a baby if requested or allowed by its parent.

29. A member must not invite children to sit on his lap. However, if a child should climb onto his lap, he should be tactful and engaging but, after a moment, he should remove the child in a manner that is natural and not abrupt.
30. A member must not play games with children that involve physical contact (e.g., swinging a child, throwing him in the air, etc.), even if encouraged by the parents. He may do so, however, in the context of healthy relationships among his own family and relatives.
31. Regarding driving:
 - a. During trips and pilgrimages, driving duties must be assigned to adults at least 25 years old.
 - b. A member may drive, provided there are at least two other people in the vehicle. It is preferable but not obligatory that one of the other persons be an adult. A member may drive a single minor alone in an emergency, especially when it involves the health or safety of the minor. In such case, the minor's parents and his superior should be informed as soon as possible.
 - c. A member may drive a single minor alone if he or she is a relative, with the consent of his or her parent.
32. Minors may stay overnight in Legionary formation centers only if they have the appropriate written consent from their parents.
33. Regarding Legionary residences other than formation centers: An individual minor may not stay overnight. Minors may stay overnight if they have their own two adult chaperones fully dedicated to the task of supervision.
34. Members must not allow minors to enter their bedroom or cloistered living areas.
35. When visiting homes, members may visit a minor's room only if a parent is accompanying them.
36. Members must never offer alcohol or tobacco products to underage drinkers and/or smokers. When on pilgrimage or mission trips in other countries that have a lower age, they should maintain the standard of their country of origin.
37. At times, it is necessary to help a young person understand that inappropriate behavior has consequences and to obtain his compliance with the rules. However, this effort should never inflict physical or psychological harm. Therefore, corporal punishment is never allowed. Nor should any minor be unreasonably denied food, water, shelter, or the opportunity to go to the bathroom. Instead, reasonable physical exercise, service work, or the withdrawal of recreation time is to be employed for this purpose.
38. Unless specifically appointed to do so, no member, without the proper signed parental and medical consent waiver, may prescribe the use of medication, administer medication, or provide medical attention to a minor, other than in an emergency. To the extent feasible, emergency medical attention should be administered in the presence of another adult.

39. No runaway minor may be given sanctuary without making a timely report concerning the minor's safety and whereabouts to the custodial parent (or to the authorities, if the parents are alleged to have abused the minor) as soon as possible.

Apostolic Schools and Boarding Schools

The Legion's apostolic school and boarding schools follow the norms listed above. The following norms are variations because of the particular circumstances of these schools.

40. At apostolic schools, in dormitory sleeping arrangements, preferably two Legionaries (or at least one) should have their rooms located off the dormitory to provide for the safety and well-being of the students.
41. At apostolic schools, when students are getting ready in the morning, after sports and when they are retiring for the night, the Legionary who is present should stand in a place that makes him plainly visible. Being there helps to guarantee the students' discipline and is necessary for their safety. He should avoid carrying on any unnecessary conversations with them and be fully dedicated to his task of supervision.
42. Minors doing housework and chores under the supervision of a member should not be allowed to do work that should be done by professionals or that is overtaxing or dangerous. When one adult is supervising an activity (hikes included), he must be positioned in such a way that he can see and be seen at all times by a majority of the participants.

Section Three: Obligation to Report the Abuse of Minors

Addressing American bishops and cardinals in 2002, Pope St. John Paul II referred to sexual abuse of minors as a crime: "The abuse which has caused this crisis is by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God. To the victims and their families, wherever they may be, I express my profound sense of solidarity and concern."

Dealing with crimes and bringing those responsible to justice are the obligation of civil authorities who need the support of citizens to carry out their vital function of protecting society. Pope Benedict told the Irish bishops in 2010, "Besides fully implementing the norms of canon law in addressing cases of child abuse, continue to cooperate with the civil authorities in their area of competence." Pope Francis, speaking to abuse victims, said, "Clergy and bishops will be held accountable when they abuse or fail to protect children" (St. Charles Borromeo Seminary, Philadelphia, 27 September 2015).

43. Thus, the Legionaries of Christ are committed to upholding Standard 12 of the CMSM-approved accreditation standards: "The institute will require its members to report to civil authorities known or suspected sexual abuse of a victim who is currently a minor, regardless of the state's mandatory reporting laws."
44. Standard 12 recognizes the seal of confession; thus, in accord with canon law, information revealed during the sacrament of reconciliation will be held in absolute confidence. Outside of confession,

however, there are limits of confidentiality. As stated in *Protect and Heal*, No. 18: “Without prejudice to the sacramental forum, [institutions and entities of the Legion of Christ] commit to report the probable commission of crimes to civil authorities and to cooperate with them.” Since members must report all known or suspected sexual abuse of a current minor, they should explain the limits of confidentiality to people receiving pastoral care.

45. When reporting these cases to civil authorities, the member who has direct knowledge or suspicion of the alleged abuse must make the report himself within the time frame required by state law, typically within 24 hours. The member may request assistance from his superior or safe environment director to make the report, but he must do it himself.

Outline of Reporting Steps:

When a member has knowledge or suspicion of the sexual abuse of a current minor:

46. He may seek the counsel of his superior, the Legion’s safe environment director, or school director.
47. The member must make the report to the police or Child Protective Services in the time frame required by state law, typically within 24 hours of becoming aware of the alleged abuse.
48. He must retain any acknowledgment sent to him later by the agency or document this himself with a file memo if no acknowledgment is forthcoming.
49. Having made this report, he should inform his superior and the safe environment director.
50. Compliance with the Legion’s reporting policy is the personal responsibility of the member. However, failure to report known or suspected abuse is a serious violation of the Legion’s expectations and may have grave consequences for the safety of children, the individual member, and the Territory.
51. **Note on allegations involving current or former members:** It is the policy of the Legion of Christ in North America to report to civil authorities all allegations of abuse of minors involving current or former members, even when the alleged victim is now an adult. When abuse is alleged to have occurred in the North American territory, but the accused is assigned to another territory, the North American territory is responsible for the investigation, findings, and decisions regarding communication about allegations (see Section Seven). The final decision regarding sanctions, however, falls under the jurisdiction of his current territorial director. Conversely if a Legionary currently assigned to the North American territory is accused of abuse in another territory, that territory is responsible for the investigation and reporting, while the North American territorial director retains jurisdiction over sanctions. Such situations call for dialogue between the territorial directors and, when necessary, the general director, to achieve the best outcome possible.

Section Four: Emotional Relationships and Boundaries with Adults

52. A Legionary, like any human person, has emotional needs that are met through various kinds of relationships. Peer relationships provide friendship, sharing, relaxation. Relationships with superiors provide support, accountability, feedback. Different kinds of friendships permit varying levels of intimacy and openness. All relationships entail emotional boundaries: the amount of closeness, time spent together, kinds of information that is shared, the level of familiarity and reserve. A Legionary needs prudence and maturity to discern what is appropriate to the different relationships he has.
53. His vow of chastity precludes any relationship that is emotionally or physically romantic.
54. He should be aware that his status as a priest and/or religious carries an inherent authority and prestige. A mature and virtuous Legionary realizes this and avoids overriding a person's boundaries or using this status for improper ends. He assumes his responsibility to keep proper emotional and physical boundaries. If he suspects weakening boundaries, either in himself or the person he is dealing with, he should act appropriately to set and maintain them.
55. Some signs of weakening boundaries in adult relationships include having favorites, asking overly personal questions, oversharing personal information, excessive compliments, making comments about another's body, separating someone from their support system of family and friends, flirtatious remarks or behavior, showing emotional neediness in pastoral relationships, and being overly tolerant of other's insufficient boundaries.
56. Maintaining proper boundaries in electronic communications is very important. Legionaries should take care to be pastoral and professional. They should never use dating or hookup apps.
57. Dealings with women--whether single, married, or consecrated--should be pastoral, courteous, and professional. Friendships which arise should be marked with the moderation of a celibate religious committed to Jesus Christ.
58. When meeting with a woman alone, he should exercise prudence, being mindful of time, place, and possible perceptions. In more complex situations, he should seek the advice of his superior or other Legionaries. If he cannot avoid a less-than-ideal venue, he should try to mitigate risk through greater transparency with his superior.
59. Legionaries are encouraged to seek guidance on any struggles they are having to maintain emotionally and physically chaste relationships. Addressing issues with their superiors, spiritual directors, and prudent peers at an early stage will greatly enhance their ability to successfully overcome difficulties.

Adult Sexual Misconduct

60. “Adult sexual misconduct” covers any contact or interaction between two adults when they engage in any sexual activity, including direct sexual contact (clothed or unclothed), touching under their clothes, or through communication media (e.g., cybersex, sexually explicit texting, webcam sexual encounters, etc.) as well as sexual non-contact, such as voyeurism and exhibitionism.
61. Adult sexual misconduct that occurs in the context of a pastoral obligation (such as with a spiritual directee, a parishioner, a religious subject, an employee) takes on added gravity because of the abuse of a sacred trust. Such acts may be canonical delicts (cf. Canon 1395).
62. Criminal sexual misconduct is non-consensual and includes acts such as rape, sexual assault, voyeurism, and abuse of a vulnerable adult.

Reporting Adult Sexual Misconduct

63. Legionaries should report to the appropriate superior and safe environment director when they know, outside of confession or the internal forum of spiritual direction, of another Legionary’s adult sexual misconduct. If the misconduct involves their own superior, they should make their report to the territorial director. If it involves the territorial director, they should make their report to the general director. If it involves the general director, they should make their report to the Holy See.
64. If a Legionary knows of another Legionary’s criminal sexual misconduct (such as the sexual abuse of a vulnerable adult or any type of assault), he should report it to the police as well as to the appropriate superior and safe environment director.
65. Legionary superiors, local or territorial, will report to the local bishop(s) sexual misconduct of a Legionary that occurs in the context of a pastoral obligation (such as with a spiritual directee, a parishioner, a religious subject, an employee) or is criminal in nature.

Legion’s Support for Those Involved

66. The Legion will provide pastoral care and, when appropriate, therapeutic support to those who became sexually involved with or victimized by a Legionary.
67. Legionaries who engage in sexual misconduct and who therefore may face legal, canonical or disciplinary consequences (see Section Six: Potential Outcomes) will be invited to participate in therapy and other treatment programs to address underlying causes of their behavior. Spiritual renewal will be encouraged through special retreats and spiritual exercises.

Sexual Harassment

68. Sexual harassment in this *Code of Conduct* does not include sexual contact but refers to unwelcome, inappropriate sexual remarks, or physical advances. When complaints of this nature are made

against a Legionary in a workplace setting, it should be handled by that institution in accord with its policies. If the complaint is verified, the Legionary's local superior should follow the procedures for boundary violations (see Section Five).

Sexual Misconduct within the Legion

69. If a Legionary is sexually victimized by another Legionary (e.g., sexual assault or abuse of authority for immoral ends), he will be supported and helped in every manner possible. The perpetrator will be held accountable in accord with canon law, civil law, and this *Code of Conduct*.
70. If a Legionary (a) self-reports sexual activity with another Legionary; (b) admits to an accusation made by another, or (c) an accusation made by another is determined to be substantiated, then disciplinary action may take place, depending on the egregiousness of the conduct and the level of imputability of the concerned parties. In the most serious of cases, the Legionary may be encouraged to seek a voluntary dispensation from his religious vows and from the obligations of the clerical state. Should the Legionary choose not to do so, the Legion may seek to have the Legionary dismissed from both the Legion and the clerical state (cf., Canon 696, 1395).

Section Five: Addressing Boundary Violations with Minors or Adults

To help prevent sexual abuse of minors, sexual misconduct with adults, and false allegations, early intervention is critical. Boundary violations must be addressed before they lead to more serious misconduct or even irreparable harm. This section will provide guidance on how the Legion will handle boundary violations.

For the purpose of this *Code*, "boundary violation" refers to contact or interaction between a minor and an adult, or between two adults which inappropriately crosses the limits of the relationship in a significant way *but does not include physical sexual contact*.

71. **Fraternal correction.** Maintaining safe environments is the responsibility of every member. When a member sees another member engaging in boundary violations, he should intervene to question and challenge the behavior and later inform the appropriate superior. The territorial director and superior will work to ensure that the member bringing forward a report of a boundary violation does not suffer unfair treatment for having done so.
72. The superior who receives this report may find it useful to first discuss the matter with the safe environment director to ensure a proper approach.
73. The superior should meet in person with the member concerned. Another person, such as a community council member, should be present to help maintain objectivity and accountability.
74. If the member denies the boundary violations, the superior should consult the safe environment director about conducting an initial assessment for a possible investigation (see Section Six).
75. If the boundary violations continue, the superior, with the assistance of the safe environment director, should prepare a written memo, possibly in the form of a canonical precept, that

concretely documents the boundary violations, gives directives for eliminating the inappropriate behaviors, and names the consequences for continued faults. Then he should meet with the member, along with another individual present as a witness, and give him the memo, which the member should sign as received. A copy will be retained in the member's personnel file.

76. Cases of boundary violations may involve greater complexity and gravity that require canonical assistance both for the Legion and the accused member as well as pastoral care for the parties involved. See Section Six: Handling Allegations.

Section Six: Handling Allegations—The Process and People Involved

Since the Legion of Christ is strongly committed to safe environments, it is very important to have effective processes to handle allegations. Every allegation needs to be addressed. Complainants deserve to have answers. Victims need pastoral care and resolution. Those who are accused deserve the presumption of innocence and access to proper representation. A detailed description of all these processes goes beyond the scope of this *Code*. The goal of this section is to highlight important elements and describe the roles involved.

- Pastoral care for alleged victims
- Support for the accused
- Types of process: initial assessment, criminal investigation, canonical investigation, internal investigation
- Roles
 - Territorial director
 - Safe environment director
 - Pastoral care advocate (for the complainant)
 - Fraternal support priest (for the accused)
 - Canonist
 - Review board
- Potential outcomes

Pastoral Care for Alleged Victims

77. The experience of sexual abuse is devastating, leaving emotional scars that can last a lifetime. It is particularly jarring when the perpetrator is a cleric or holds any form of Church authority — this can seriously affect one's relationship with God and the Church. Pope Francis, in August 2013, spoke about the wounds of victims, "The Church, which is mother, must go and heal those wounds." If someone brings forward an allegation of sexual abuse, he or she should be treated with utmost respect and compassion. Very importantly, ***when a crime is involved, anyone bringing forward a complaint should be encouraged to report it as well to the civil authorities.***

78. The Legion is committed to helping victims overcome the great burden that having been abused imposed upon their lives. The Legion's pastoral care advocate will seek to provide appropriate assistance throughout the process. The pastoral care advocate will work with the victims to determine how to best support their road forward, including support for needed therapy or other forms of assistance, as recommended in *Protect and Heal*, No. 6.

Support for the Accused

79. When a member is accused of serious boundary violations, sexual abuse, or sexual misconduct, it must be kept in mind that he is a spiritual brother who must be given support. Whatever the nature of the allegation, his superiors will walk with him every step of the way, seeking to live the fraternal charity that is at the heart of life in the Legion. He will have a fraternal support priest to accompany him (see below No. 90).

80. At the outset of an investigation, the territorial director may request that the accused Legionary abstain from public ministry until the resolution of the case. This does not represent a determination of the member's guilt or innocence as it pertains to the allegation. The territorial director and superior will strive to offer the accused appropriate support during this time. They will also stay closely informed about the investigation to continually insist on its timely resolution.

81. **Legal counsel.** When a criminal investigation by civil authorities has been initiated, the Legion will assist the accused to secure legal counsel independent of the Legion of Christ's own counsel. When the process is also canonical or when there is the potential for sanctions or ministerial restrictions, he will have a canon law advocate, whose mandate must be recognized by the territorial director. Both civil and canonical representation will be at the Legion's expense.

82. **The right to a good name and transparency**

- a. During the investigation, the Legion will seek to protect the accused Legionary, who enjoys the presumption of innocence, from unjust harm to his reputation (cf. Catechism of the Catholic Church, 2477). The territorial director will share information with others regarding the allegation and its investigation on a need-to-know basis.
- b. This imperative is also balanced with the need for appropriate transparency. See Section Seven: Communication of Allegations and Investigations.

Types of Processes

83. **Initial assessment:** When an allegation is received three points need to be determined.

- a. **Credibility:** Is it possible the alleged behavior occurred, and so should the allegation be further investigated?
- b. **Type of process needed:** Will it be reported to civil authorities, follow the procedures of a canonical investigation, or should an internal investigation be initiated? Or does it require a more pastoral intervention?

- c. **Third-party Investigator Support:** Is the case of such complexity that it requires the assistance of an investigative firm?

The safe environment director, in consultation with a canonist, carries out this initial assessment and gives recommendations to the territorial director.

- 84. **Criminal investigation:** This is carried out by civil authorities and may result in charges and trial. The Legion will cooperate with any criminal investigation of its members. The Legion will also cover the expenses for an accused Legionary's legal representation.
- 85. **Canonical investigation:** Sexual abuse of a minor is a canonical delict, and sexual misconduct with an adult is also frequently a canonical delict. This process, termed a preliminary investigation, is carried out by a canonical investigator, often with the assistance of a third-party investigative firm once an allegation is determined to have "a semblance of truth." It should be conducted in no more than 90 days (cf. *Protect and Heal*, no. 42). Review board consultation by the territorial director is required in cases involving minors. In cases involving minors, the Dicastery for the Doctrine of the Faith (DDF) must be consulted to complete the canonical process.

The final decision for canonical cases is made by the territorial director (appeals to his decision, which must be made within ten days, would be filed with the DDF for cases involving minors; appeals of adult cases are made with the Dicastery for Clergy).

- 86. **Internal investigation:** When the initial assessment determines that the allegation is credible but does not involve canonical delicts, the procedures followed are for an internal investigation, carried out by the safe environment director, or some other person designated by the territorial director, or when the case's complexity or gravity require it, a third-party investigative firm. The report issued by this investigation will be given to the territorial director for his assessment and decision.

Roles for Handling Allegations

- 87. **Territorial director:** He is responsible for the overall process of handling allegations, with the support of the safe environment director, and makes the final decision in cases under review. He meets with complainants or victims at their request, approves compensation for victims of established allegations, provides for the pastoral support of the accused, and imposes sanctions on and oversight of perpetrators with established allegations.
- 88. **Safe environment director:** This person provides the overall organization of the entire process of responding to allegations, on behalf of the territorial director. The safe environment director consults with the canonist, coordinates with investigators, provides updates to all stakeholders, confirms that the ordinary of the diocese has been notified, and ensures the delicate balance of meeting the needs of the victims while also ensuring proper due process for the accused. Additionally, he or she presents the case to the review board (when necessary) and may be

delegated by the territorial director to provide notice to complainants or victims as to the results of an investigation.

89. **Pastoral care advocate:** This person is the direct contact with the complainants or alleged victims. Often, he or she receives the first report of an allegation and conducts the first formal collection of data from the complainant. The pastoral care advocate accompanies alleged victims in explaining the process, providing updates and ensuring that they are provided with effective support. When allegations are established, the pastoral care advocate helps victims to articulate how the Legion can best support their healing.
90. **Fraternal support priest:** This is an assigned Legionary who provides pastoral support to the accused. His role is to accompany the accused through the process of investigation with pastoral counsel. Their conversations will be treated as confidential. He may, at the accused's request, be present in meetings with superiors or others involved in handling the accusations. The accused is at full liberty to determine the extent to which he avails himself of the fraternal support companion.
91. **Canonists:** Early in the assessment of the allegation, a canonist helps determine whether it involves canonical delicts, which then entail that the process must follow very specific canonical procedures. Canonists are also involved to represent the accused Legionary.
92. **Third-party investigator:** When allegations are complex, the Legion contracts investigative firms to assist the investigation. This is to ensure the professionalism, neutrality, and credibility of the report that will be used by decision-makers.
93. **Review board:** This is a consultative body to provide advice to the territorial director regarding allegations against Legionaries for sexual abuse of minors and sexual misconduct with adults. It is comprised of a select group of distinguished individuals, most of whom are lay and not in the employ of the Legion, chosen because of the relevance of their knowledge, skill, and experience in their varied professions. The territorial director is required by the Praesidium safety standards and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* to consult the review board in abuse cases involving minors. While not required to do so in adult cases, the territorial director may decide that it is opportune to consult them for specific cases involving adults. Neither the complainant nor the accused Legionary nor their counsel will appear before the review board. However, the accused will be given the opportunity to provide a written statement in response to the accusation for consideration by the board.

Potential Outcomes

94. **Unsubstantiated allegations:** After the investigation, these have been determined to lack sufficient evidence and are thus deemed unsubstantiated. Every effort should be made for effective communication with the initial complainant, a clearing of the public record as much as possible, the

restoration of the member's reputation, and professional documentation of the case's evidence and processes followed to arrive at that determination.

95. **Established allegation for the abuse of a minor:** The territorial director, assisted with the recommendation of the review board, will make his final judgment. If he judges the allegation to be established, he will then apply what is stated in the *Essential Norms*: "When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state if the case so warrants. ... If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to live a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb or to present himself publicly as a priest" (No. 8). This decision may be appealed to the Dicastery for the Doctrine of the Faith.

Any religious in formation, not yet a cleric, who is judged to have committed sexual abuse will have his request to leave the Legion accepted, if he submits it, or the process of dismissal from the congregation will be initiated, in accordance with Canon 695 (*Protect and Heal*, No. 54).

96. **Established allegation of sexual misconduct with an adult:** The territorial director's response may include but is not limited to the following:
- a. Psychological and medical assessment and intervention;
 - b. Requiring that the member submit to a "safety plan" (i.e., detailed directives and oversight to avoid further misconduct);
 - c. Reassignment;
 - d. Canonical restrictions;
 - e. Dismissal from the clerical state (in the severest cases, cf. *Code of Canon Law*, 1395).
97. **Pastoral assistance:** The pastoral care advocate will work with the victims/survivors/complainants to find the right support that the Legion could provide to aid their healing and finding closure. The Legion of Christ will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victims/survivors/complainants and noted in the text of this agreement.

Section Seven: Communication of Allegations and Investigations

98. Responding to concerns about a Legionary is an important responsibility of the congregation's leadership. Correcting behavior and assisting those negatively impacted requires respect for privacy. As stated in the Code of Canon Law, 220: "No one is permitted to harm illegitimately the good reputation that a person possesses." Furthermore, the Catechism of the Catholic Church adds in No. 2477: "Respect for the reputation of persons forbids every attitude and word likely to cause them

unjust injury.” Thus, public statements are inappropriate for most cases.

99. However, when the allegations are of grave misconduct that likely involve multiple victims or significant scandal, the territorial director will make an announcement of them on appropriate channels of communication. It will be made after it has been established, unless the territorial director judges that an earlier publication is warranted by the needs of the investigation itself or by other compelling reasons. This policy is based on the principles of *Protect and Heal*, No. 29, but has been extended for the North American Territory to include other issues of grave misconduct, whether or not covered in this *Code of Conduct*.
100. The purpose of such an announcement is to provide an opportunity for those who might have been affected to come forward for the sake of justice and healing, to encourage prudent transparency in the Church, and to protect the public.
101. Reviewed by canonical and civil counsel and approved by the territorial council, the announcement will be clear, succinct, and avoid unnecessary detail.¹ It will ask for prayers for all those impacted. In those instances when the announcement is made before the investigation is carried out, it will remind readers that, until there is admitted or proven misconduct, the accused is afforded the presumption of innocence. If the accused Legionary requests it, a personal statement of his denial of the allegation will be included in this announcement.
102. The territorial director will also ensure that all other necessary stakeholders are informed, preferably in advance of the announcement: known alleged victims, the accused, the local bishop, the local Legionary community, relevant heads of institutions, the Legion’s general director, etc.
103. At the conclusion of the investigative and/or canonical process, when appropriate, the territorial director will provide an updated announcement.

Section Eight: Permission to Exercise Ministry in the Territory

104. To maintain trust with dioceses in the North American Territory (cf. CLC 14), as a policy, the territorial director seeks permission from bishops for ministerial activities that include and go beyond the ordinary administration of the sacraments (e.g., the celebration of Masses with lay faithful present, preaching, giving spiritual direction, accompanying groups of minors).
105. Any Legionary from another territory who plans to come into the North American Territory is expected to adhere to the same policy. Therefore:
 - a. He will submit his plan through the current territorial director of his territory of residence to the North American territorial director.
 - b. The North American territorial director will consider the proposal and will inform the other territorial director if he is in agreement.

¹ cfr: Dicastery for the Doctrine of the Faith. *Vademecum, On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics*, 45.

- i. After the territorial director of the visiting Legionary has issued a protocol, the visiting Legionary must fill out the standard request form to do ministry in dioceses of the North American Territory and submit the form to the North American territorial secretariat at buzrelna@legionaries.org.
 - c. The North American territorial director will request from the visitor's territorial director a letter of good standing or an explanation of the visitor's personal situation, as well as a *certificado de aptitud*. The North American territorial director will take care of presenting the necessary requests for permissions to each diocese. The visiting Legionary must also complete the VIRTUS online safe environment training. Any questions related to how to proceed can be directed to the North American territorial secretariat at buzrelna@legionaries.org.
 - d. He must read this *Code of Conduct* and sign a form acknowledging that he has done so.
 - e. During his stay, he is accountable to the local superior if he is staying with a Legionary community.
 - f. If he resides outside a Legionary community, he should check in with the territorial director through his secretary upon arrival in the territory, at the midpoint of the stay, if it is longer than two weeks, and upon departure.
106. Any Legionary who seeks to come to the North American Territory without plans to do ministry must still adhere to the guidelines listed above.