

# Ethics in Ministry Policies

The Maryland and USA Northeast Provinces  
of the Society of Jesus

1 December 2017



**JESUITS**  
Maryland Province



**JESUITS**  
USA Northeast Province



# **THE MARYLAND and USA NORTHEAST PROVINCES of the SOCIETY OF JESUS**

## **Ethics in Ministry Policies**

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## Overview

This document represents the response of the Maryland and USA Northeast Provinces of the Society of Jesus to the mandates and recommendations of the United States Conference of Catholic Bishops as set out in the *Charter for the Protection of Children and Young People* (Revised Edition) and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, and to the commitment of the Conference of Major Superiors of Men as expressed in *Improving Pastoral Care and Accountability in Response to the Tragedy of Sexual Abuse*. These policies are intended to guide all Jesuits of these provinces in their responsibility to safeguard the young and the vulnerable.

# **Chapter 1: Policies and Procedures for Ministry with Minors and Vulnerable Adults**

1 December 2017

The Maryland and USA Northeast Provinces of the Society of Jesus (hereafter known as the “Provinces”) recognize that sexual abuse of minors and vulnerable adults by members of religious communities constitutes a profound violation of trust and causes pain and damage for the abused and their families, the local community, and the Church at large. The Provinces are committed first and foremost to providing an environment where minors and vulnerable adults are protected from abuse. A Jesuit found to have sexually abused a minor or vulnerable adult is subject to disciplinary action.

The Provinces will strive to accompany with compassion those who have been sexually abused as a minor or as a vulnerable adult by a Jesuit. We will also respond pastorally to those accused of sexually abusive conduct towards minors or vulnerable adults. In all circumstances, we will strive toward healing and reconciliation.

To this end, the Provinces commit themselves to protect children and vulnerable adults by policies of prevention of at-risk behaviors by Jesuits, pastoral response to victims, diligent reporting and thorough investigation, and care and supervision of offending Jesuits.

Throughout this Policy the term “minor” refers to anyone under the age of 18, and where the context is otherwise appropriate, refers also to adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities.

## Code of Ethical Conduct in Ministry with Minors

The Provinces will conduct educational programs on understanding the causes, the signs and the responses to sexual abuse of a minor. Jesuits will be educated regarding prevention, recognition and reporting of sexual abuse of a minor. In what follows, the Provinces seek to provide a clear policy on sexual abuse by its members and to establish clear guidelines and positive orientations with respect to Jesuits' interactions with minors, including those who are part of a Jesuit's family.

### **A. Prohibited Behaviors**

1. Engaging in sexual contact with minors. Sexual contact is defined as any touching of the sexual or other intimate parts of a person whether directly or through clothing for the purpose of gratifying sexual desire of either party.
2. Using, possessing, or being under the influence of non-prescribed drugs while in the presence of minors.
3. Using or being under the influence of alcohol while supervising minors.
4. Providing or allowing minors to consume alcohol or illegal drugs.
5. Discussing one's own sexual activity or sexual history with minors in person or through any means of communication.
6. Discussing sexual activities or engaging in any sexually oriented conversations with minors outside the context of pastoral care. Pastoral care includes the Sacrament of Reconciliation, pastoral counseling and conversations that are part of a legitimate lesson and discussion regarding human sexuality. Discussing sexual activities and engaging in sexually oriented conversations with minors includes any means of e-mail, chat rooms, web logs, social networks, and other forms of social media or electronic communication.
7. Being nude in the presence of minors, changing or showering in the presence of minors, or being in the presence of minors while they are changing or showering.
8. Providing sexually oriented or morally inappropriate printed or electronic materials (magazines, cards, videos, films, emails, photographs, clothing, etc.) to minors, save for in an educational setting in which such materials are part of a legitimate lesson and discussion regarding human sexuality issues.

9. Sleeping in the same beds, sleeping bags or small tents with minors.
10. Sharing private overnight rooms with minors including, but not limited to, those in any Jesuit-owned facility, private residence or hotel.
11. Meeting privately with a minor in isolated environments or in other areas where there is no window in the door or where the door cannot remain open.
12. Causing or permitting a minor to participate in child pornography or intentionally possessing, distributing, downloading and/or viewing child pornography.
13. Having any personal or private electronic communication with minors, including the use of social networking platforms, as well as texting, emailing and blogging or leaving comments on blogs. All personal social networking of Jesuits must be inaccessible to minors. The only exception to private electronic communication with a minor is when it is necessary for the orderly function of a Jesuit's ministry and follows the policy of the ministry.
14. Transporting minors without permission of their parent or guardian.
15. Transporting minors without another adult present.
16. Having minors stay overnight at their residence.  
Requests for exceptions must be approved by the local superior.

**B. Physical Contact**

Physical Discipline: Jesuits are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.

Examples of Appropriate Affection: Appropriate affection between Jesuits and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for Jesuits in ministry roles with minors:

- Pats on the shoulder or back.
- Hand-shakes.
- "High-fives" and hand slapping.

- Verbal praise.
- Touching hands, shoulders and arms of minors.
- Arms around shoulders.
- Holding hands while walking with children under the age of 3.
- Sitting beside children under the age of 3.
- Kneeling or bending down for hugs with children under the age of 3.
- Holding hands during prayer.
- Pats on the head when culturally appropriate.

Examples of Inappropriate Affection: Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are some examples of affection that are not to be used by Jesuits while interacting with minors:

- Inappropriate or lengthy embraces.
- Kissing on the mouth.
- Holding minors over 3 years old on the lap.
- Touching buttocks, chests, inner thighs or genital areas.
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms.
- Being in bed with a minor.
- Wrestling with minors.
- Tickling minors.
- Giving piggyback rides to minors over 3 years old.
- Any type of massage given by minor to adult.
- Any type of massage given by adult to minor.
- Any form of unwanted affection.
- Comments that relate to physique or body development.

### **C. Training for Jesuits**

- As part of ongoing formation and ministerial preparation, a Jesuit must participate in training that educates about the signs of abuse and about appropriate behavior boundaries and that addresses his role in protecting minors as mandated by his Province, the local diocese, and his place of employment.
- Jesuits shall review this Policy and attest in writing that they understand their obligations under this Policy.



## Reporting Sexual Abuse of Minors or Vulnerable Adults

All Jesuits must comply not only with applicable state and local laws regarding reporting incidents of sexual abuse, but also with the procedures listed below. Jesuits work within different dioceses that each have policies to achieve the goal of safe ministerial settings and programs for the protection of children. Each Jesuit should be familiar with those local policies and practices. Jesuits should work with diocesan bishops in achieving their successful implementation. The only exception to these reporting procedures is when reporting would violate the norms that govern the Sacrament of Reconciliation or the Account of Conscience.

### **A. Reports by Jesuits to the Province**

Jesuits must report directly to the Provincial's delegate any suspected or known sexual abuse of minors or vulnerable adults that may have been perpetrated at any time by a Jesuit. See "Section B" below regarding Jesuits reporting requirements concerning suspected or known sexual abuse of an individual who is currently a minor. When necessary, the Province will obtain the advice of legal counsel to ascertain the appropriate reporting procedures.

Jesuits may become aware of another Jesuit's violation of Province policy regarding interactions with minors or vulnerable adults that may not rise to the level of abuse. Such boundary violations must be reported to the man's local superior by the Jesuit who observes the violation(s). The local superior must document the inappropriate behavior and the steps taken for intervention and report the matter to the Provincial. The Provincial will inform the Review Board of instances of repeated boundary violations by a particular Jesuit, or instances in which a particular minor or vulnerable adult may be in jeopardy.

In all cases, a Jesuit may make a report directly to the Provincial.

The Province will create files of all allegations received and document how it handled them.

### **B. Reports by Jesuits to Civil Authorities**

Jesuits must report to appropriate civil authorities all known or suspected sexual abuse of an individual who is currently a minor, whether alleged to have been perpetrated by a Jesuit or by a non-Jesuit.

Jesuits must report to appropriate civil authorities known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography.

The reporting of actual or suspected sexual abuse of a minor is the responsibility of the one who has knowledge of the sexual abuse of a minor, or of the criminal activity in regard to the acquisition and/or use of real or virtual child pornography.

The above reports must be made by the Jesuit regardless of civil mandatory reporting laws of the jurisdiction in which the alleged abuse occurred.

The above reports must be made as soon as possible, within the time frame established by law, and in any case within 48 hours.

Jesuits must immediately inform the Provincial's delegate of all reports to civil authorities.

The Provincial's delegate is available to help a Jesuit make such reports.

The Province will cooperate fully with investigations by civil authorities.

**C. Reports by Jesuits when the Victim is now an Adult**

Jesuits must report directly to the Provincial's delegate any suspected or known sexual abuse of a minor when the alleged victim is no longer a minor that may have been perpetrated by a Jesuit. When necessary, the delegate will obtain the advice of legal counsel to ascertain the appropriate reporting procedures. After consultation with the delegate, the Jesuit must report all such allegations of sexual abuse to civil authorities to the extent he is required by civil law of the applicable jurisdiction.

The Province will create files of all allegations received and document how it handled them.

**D. Reports to the Local Diocese**

Whenever allegations of a nature described above are made with respect to a Jesuit, the Provincial's delegate will review the policies of the diocese in which the alleged incident occurred and that in which the accused Jesuit is currently residing, and make reports as canonically required.

## Responding to Reports and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Jesuit

Reports and allegations of sexual abuse may come from a variety of sources, including alleged victims, their family members, attorneys, diocesan offices, Jesuits of the community, a colleague in the workplace, the transgressor, or anonymously. Because each case is distinct, the following is a general outline of the response system for reports and allegations of sexual abuse of a minor or a vulnerable adult, but is not a procedure that is to be followed in the same way for each unique case. The process is to be modified according to the nature of the allegation, the needs of the alleged victim and the circumstances of the accused Jesuit.

In every case, the Provinces commit themselves to dealing pastorally with, and protecting the rights of, all involved. In all circumstances the Provinces will strive toward healing and reconciliation.

### **A. Civil/Criminal Proceedings**

If, at any time during the course of implementing the procedures outlined below, civil or criminal proceedings are initiated against the accused Jesuit or the Province, these procedures may be suspended immediately, to be resumed, if deemed necessary, only after the completion of the civil or criminal proceedings. In such a case, the Provincial's delegate will recommend to the Provincial a possible course of action with respect to the accused Jesuit, in keeping with the intention of these procedures and in the interests of justice.

### **B. Initial Response**

The Provincial's delegate will receive all reports and allegations of sexual abuse of minors and vulnerable adults and will coordinate assistance to anyone who brings an allegation of sexual abuse by a Jesuit.

Depending on how an allegation is received, the Provincial's delegate will involve the Province investigator or the Province attorney.

When a report or allegation of sexual abuse is first received, the Province investigator or the Province attorney will attempt to gather sufficient information. The initial information would include the following:

- Name of the alleged victim (and the person making the complaint, if not the alleged victim);
- Present age of the alleged victim;
- Age of the alleged victim at the time of the occurrence of the alleged abuse;

- Contact information of the alleged victim (and the person making the complaint, if not the alleged victim);
- Name, address and phone number of the alleged transgressor;
- Approximate dates of the alleged abuse;
- Nature, type and location of the alleged abuse;
- Any additional relevant details.

Based on the initial information, the Provincial will make an evaluation of the essential elements of the allegation (e.g., the reliability of the facts and circumstances). If the Provincial determines that an allegation has at least the semblance of truth, he initiates an internal investigation.

The Province will provide complainants with a written guide of how the Province investigates allegations made against Jesuits.

Upon receipt of a report or allegation of sexual abuse of a minor or vulnerable adult, the Province will promptly follow its reporting procedures (see section on *Reporting Sexual Abuse of Minors or Vulnerable Adults*).

The Provincial and the Province will cooperate fully with any investigation by civil authorities.

The Provincial or his delegate will offer to meet in person with the alleged victim if he or she so desires. If the alleged victim is still a minor, the meeting will occur in the presence of the minor's parent or guardian. The Provincial or his delegate will maintain a compassionate and pastoral manner regardless of the demeanor of the alleged victim, recognizing that the experience of abuse and the difficulty of coming forward may bring out strong emotions during the disclosure process.

It is recognized that some unusual circumstances may cause a meeting or even an offer of a meeting with an individual who has alleged being sexually abused to be not feasible. The Province will document these circumstances and any alternative form of pastoral assistance that has been offered.

The Province Victim Assistance Coordinator (VAC) may assist with the immediate and ongoing needs of individuals who have experienced abuse, as well as with the needs of their families. Alleged victims and/or complainants must be informed that the substance of their conversations with the VAC may be disclosed to the Province, the Review Board, and possibly, the civil authorities.

To the extent permitted by law, the Provincial's delegate will notify the accused Jesuit of the allegation.

The Provincial's delegate will take steps to ensure that the accused Jesuit receives the support and assistance he needs while the allegation is being investigated.

The Provincial's delegate will inform the accused Jesuit of his right to seek canonical and civil counsel. The Province recognizes that the Jesuit will need financial assistance to engage such counsel.

### **C. Internal Investigation**

If after the evaluation based on the initial information the Provincial determines an allegation has the semblance of truth, he initiates an internal investigation (also referred to as the Canonical Preliminary Investigation). The purpose of the internal investigation to ascertain the probability that the abuse did or did not occur.

The Provincial or his delegate will inform the Review Board (RB) of all reports and allegations of abuse of a minor received by the Province and of repeated boundary violation with minors as determined by the Provincial.

During an investigation by civil authorities or an internal investigation by the Province, the Jesuit who is the subject of the investigation will be temporarily removed from ministerial responsibilities and duties. Temporary removal from ministry while the matter is pending does not imply an admission of guilt on the part of the accused Jesuit or the Province.

The Provincial's delegate will designate a third party as the Province investigator.

In cases of an undisputed allegation, an investigation will be conducted to obtain information to assist in the preparation of the on-going safety plan for the Jesuit who has abused. Additionally, in an effort to help others who are now adults, but may have been similarly abused as minors by the man in question, the Province may make public statements to appropriate audiences with the purpose of encouraging such persons to come forward.

The investigator will review the allegation and question the parties to the extent possible. The investigator will advise any parties that he/she represents the Province, that he/she is not working with civil authorities and that conversations with him/her are not subject to any privilege.

The investigator will advise the parties that, although pastoral care may be available, the investigator will not be the one to provide that care.

The investigator will attempt to obtain statements from the parties and any witnesses.

The investigator will keep the Provincial's delegate informed regarding the status of the investigation.

Prior to the RB's meeting to discuss its final recommendation to the Provincial, an accused Jesuit will be given an opportunity to review the initial information collected by the investigator and any appropriate information the investigator has compiled. He may then submit a written statement to the RB regarding the allegation against him.

The investigator will prepare a written report of the results of his/her investigation, also detailing his/her impression of the veracity of those interviewed, and the Provincial will present these, together with any supporting documentation, to the RB. The Board will consider this information together with the original report or allegation made against the Jesuit, all other allegations of sexual abuse by that Jesuit, and any relevant disciplinary actions taken in the past in regard to the accused and the reasons for those actions.

The Chair of the Review Board will inform the Provincial in writing of the Board's findings and recommendations in the case.

The investigator's report and any other documentation of investigations are the property of the Province and will be stored in the office of the Provincial. They will remain with the office of the Provincial following the appointment of future Provincials. A notation of the investigation will be made in the personnel file of the Jesuit who is the subject of the investigation.

Care of the accused Jesuit is to be coordinated by the Provincial's delegate and the local superior. The local superior (or his delegate) will maintain contact with the Jesuit during the investigation.

#### **D. Decision-Making**

At the conclusion of the internal investigation, the Provincial evaluates the information, the report of the investigator, and the observations of the RB, and makes a judgment on the probability that the alleged act(s) did or did not take place.

If the Provincial judges that the evidence is clear and convincing (or better), the allegation is deemed established. If the Provincial judges that there is a preponderance of evidence that the allegation is more likely to be true than not, the allegation is deemed credible.

1. If the Provincial judges that the allegation is neither established nor credible and further judges he can present the Jesuit for priestly faculties, he will reinstate the accused Jesuit to ministry and will work toward the restitution of his good name and priestly faculties. The Provincial's delegate will coordinate communication with all appropriate parties so that reconciliation can take place where possible and repair of damage to reputations can be undertaken.

2. If a Jesuit has not disputed the substance of an allegation, or if the Provincial judges that the allegation has been established or continues to be credible, the Provincial will consult with his consultants and with the RB regarding the Jesuit's future assignment. In such cases, the Provincial's response to the Jesuit will be to remove him from access to minors and public ministry, and could include any of the following:

- recommendation of psychological and medical assessment and intervention;
- restrictions on community life and personal activities;
- limitations on ministerial activities, including total removal from public ministries, and, when warranted, removal from the Society of Jesus following established canonical procedures.

In such cases, the Provincial's delegate will contact the leadership of any organization or ministry in which the Jesuit has admitted to, or is suspected of, having sexually abused a minor, and appropriate ecclesial offices to communicate the nature of the allegation and to inform the diocese(s) of the procedure followed and the response of the Provincial.

3. In all instances, the final disposition of the matter rests with the Provincial, always recognizing:

- It is the Provincial's responsibility to communicate his decision to the alleged victim, to the Jesuit involved, and to other parties, including the Superior General, as necessary and appropriate.
- Our way of proceeding is that all assignments derive from the Provincial, who determines the best way in which a particular Jesuit can serve the Church and the Society of Jesus.
- It is the Jesuit's right to mount a defense and to appeal through canonical channels or to the Superior General. The Province will provide an accused Jesuit with access to a canonist.

## Supervision and Care of Jesuits Who Have Sexually Abused Minors or Vulnerable Adults

These procedures describe the elements of a pastoral care framework that will be developed for each restricted Jesuit of the Provinces.

The purpose of this framework is to:

- assure the Church and the public, especially minors and vulnerable adults, of all reasonable measures to prevent any future abuse;
- provide a structure within which the restricted Jesuit can continue his life in the Society as a vowed member of a religious community;
- provide appropriate care for the restricted Jesuit and the opportunity for such personal conversion and rehabilitation as may be needed;
- guide superiors, the restricted Jesuit, and others in determining work, place of residence, and other activities;
- encourage our communities in welcoming and supporting the restricted Jesuit in his desire to continue his life as a Jesuit within this framework; and
- assure our own communities of both proper care and appropriate limits with respect to their brothers in the Society.

It is intended that all of the elements below be adapted in a written Safety Plan for each restricted Jesuit, depending on such factors as severity of the allegation(s), notoriety, age and health of the restricted Jesuit, and the recommendations of the Review Board.

The Provincial will designate a Jesuit (other than the restricted Jesuit), health care professional or other qualified person to prepare the Safety Plan for a restricted Jesuit. In writing the Safety Plan, this person will consult with the Provincial or his delegate and such other persons as he/she deems necessary. The Safety Plan will be reviewed by the Review Board.

The Safety Plan will be signed by the restricted Jesuit, the Provincial, the local superior, and the person appointed to supervise the restricted Jesuit. The Safety Plan will be reviewed at least annually with the restricted Jesuit, the Provincial and the Review Board. The Safety Plan will be updated as needed.

### **A. Evaluation and Therapy**

The restricted Jesuit may be asked to submit to a professional evaluation as to his psychological condition and will be assessed for his proclivity to harmful behavior in the



future. The restricted Jesuit may be asked to participate in such in-patient 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 or provided for under the terms of his Safety Plan.

The restricted Jesuit is required to report to the person appointed to supervise him, describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters according to the requirements stipulated in his Safety Plan.

Information resulting from such evaluation, assessment, treatment and correspondence will be kept confidential by those receiving it, unless law requires that the information be revealed.

The Safety Plan should include, among other things, a summary of the restricted Jesuit's risk assessment, a summary of the problem behaviors detailing at a minimum the number of victims and their age and gender, information on how the restricted Jesuit spends a majority of his time, consequences of non-compliance, and persons responsible for implementation of risk reduction strategies.

The Province will determine the level of risk for each of its restricted Jesuits and will take reasonable action to identify high-risk Jesuits.

## **B. Public Ministry as a Jesuit**

For restricted Jesuits, the Provincial will consider the nature and circumstances of the allegation and the advice of the Review Board in determining removal from, suspension from, or restrictions on public ministry.

As presently provided for by particular Church law applicable to the United States, an ordained restricted Jesuit who is the subject of an established allegation of sexual abuse of a minor or vulnerable adult (or an allegation that continues to be credible) would not, according to canonical procedures, be allowed to function publicly in external ministry, including public celebration of the sacraments. In addition, he would not be allowed to use the title "Father" or "Reverend" in public communications or wear clerical or distinctive religious attire.

In the case of a Brother who is a restricted Jesuit and the subject of an established allegation of sexual abuse of a minor or vulnerable adult (or an allegation that continues to be credible), he would not be allowed to function publicly in external ministry. In addition, he would

not be allowed to use the title "Brother" in public communications or wear clerical or distinctive religious attire.

### **C. Appropriate Work**

If physically and mentally able, the restricted Jesuit who has been removed from public ministry should engage in appropriate work in support of the ministries of the Province or in other service to people in need. Such employment might include internal work for the Province or in a community of the Province, such as a place of retirement; remunerative non-ministerial work to support the ministries of the Province; service to people in need, such as writing to prisoners, taping books for the sight-impaired, or some other form of supervised social services that does not permit proximity to minors.

The Provincial (or his delegate) should consult with the restricted Jesuit involved to determine his interests and capacities and to promote his initiative in developing work opportunities, where appropriate. In all cases, the service of prayer for the Society and the Church would be a valuable contribution.

### **D. Place of Residence**

A restricted Jesuit is allowed to live only in a Jesuit community or other appropriate supervised place of residence, as determined by the Provincial.

No separate apartment, private home, or other domicile is allowed as a residence for a restricted Jesuit.

### **E. Jesuit Community Support and Jesuit Community Roles**

The local Jesuit community will play an important part in helping a restricted Jesuit who wishes to continue his life as a Jesuit. Jesuit communities should welcome a restricted Jesuit as a brother and "friend in the Lord."

In addition to his local superior, it is appropriate for a restricted Jesuit to have a mentor and/or support group who would assist and support him in his efforts to maintain his program of care and treatment.

Within the Jesuit community, as allowed by Canon Law, the restricted Jesuit would be permitted to preside at community Eucharist, to lead community prayer, to hear confessions of Jesuits, and to perform community jobs and other responsibilities.

A restricted Jesuit may not serve as a superior. He may serve as a minister or house consultant with the specific permission of the Provincial.

Upon the recommendation of the Provincial, the local superior will, as appropriate, inform all or part of the Jesuit community in which a restricted Jesuit lives of the fact that he is restricted and the appropriate specific terms of his Safety Plan so that the Jesuit community can assist him in achieving its goals. Any disclosure will be consistent with pertinent confidentiality requirements.

A Jesuit community may need the advice and consultation of appropriate professionals to assist the community in readying itself to receive the restricted Jesuit and to provide him the care and support he needs.

#### **F. Contact with Others**

Restricted Jesuits are not allowed to have contact with minors or vulnerable adults without the ongoing supervision of other adults present at the time.

This prohibition includes but is not limited to meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices, community parlors, bedrooms of restricted Jesuits, etc.

#### **G. Travel, Vacation, Retreat**

Restricted Jesuits are not allowed to take vacations alone or with minors or vulnerable adults. Vacations may be restricted to time spent at Jesuit communities or travel with other Jesuits.

Retreats may be restricted to Jesuit or other Catholic retreat facilities or Jesuit communities.

Other travel may be restricted to that related to assigned work or family visits. Additional specific permissions for travel may be required from the Provincial or his delegate.

A prudent companion (i.e., a person who fully understands the Jesuit's restrictions) may be required for travel, and the restricted Jesuit may be required to keep a travel log.

Questions about specific travel should be referred by the local superior to the Provincial or his delegate.

## **H. Publications and Publicity**

In accordance with other restrictions on public ministry:

- For restricted Jesuits, restrictions on publications, letters to the editor, web pages, radio and television appearances, and email may be appropriate.
- Sensitivity for victims dictates caution with regard to being the recipient of honors or recognition for accomplishments or displaying or publishing photographs of restricted Jesuits in apostolic publications and institutions, especially those in service to minors.
- In some cases a restricted Jesuit's use of social networks, phone, internet, computers and other means of communication may be regulated.

## **I. Information for Jesuits and Others**

The Provincial will determine whether and/or how to inform the Jesuits of the Province—in general terms—of those Jesuits who are restricted from ministry.

The Provincial will determine whether and/or how to inform others who may have a need to know—in general terms—of those Jesuits who are restricted from ministry.

## **Chapter 2: Policy on Ethical Pastoral Conduct of a Jesuit**

1 December 2017

### **Expectations**

The Maryland and USA Northeast Provinces of the Society of Jesus (hereafter the "Provinces") expect their members to maintain the highest ethical standards of behavior at all times.

A Jesuit, working in any ministerial setting, will be mindful of the trust bestowed upon him by the person he serves and the power and authority implicit in that trust.

Jesuits will respect the dignity of all people. No Jesuit will exclude, segregate, or demean anyone because of ethnic origin, race, sex, creed, age, socioeconomic status, or sexual orientation.

It is the duty of every Jesuit to cooperate fully in any investigation of unethical pastoral conduct.

### **Orientations**

Unethical pastoral behavior may be overt or subtle. It may take the form of a boundary violation, or in the extreme, physical or sexual abuse of another individual. In all of its forms, unethical pastoral behavior by a Jesuit is unacceptable.

A Jesuit will not exploit a person whom he serves in order to gratify his own emotional, physical/sexual, financial or other needs.

A Jesuit should not enter into financial partnerships or ventures with a person he serves, or assume any management responsibilities for a person's personal finances or business.

A Jesuit should not engage in any sexual exploitation of a person. Sexual activity by a Jesuit with anyone is a grave violation of the vows and is unethical.

A Jesuit should restrict his contacts with a person he serves to appropriate settings, at appropriate times of day, with appropriate frequency so as not to cause confusion about the nature of the relationship.

A Jesuit in a position of authority (e.g., superior, pastor, confessor, counselor, teacher, editor, and administrator) should be particularly attentive to maintaining appropriate boundaries in his relationship with persons whom he serves.

Examples of unethical emotional, physical and sexual behaviors by a Jesuit include:

- verbal misconduct (such as inappropriate epithets, making derogatory comments, slurs and jokes, verbal propositions or advances, either addressed directly to a person or addressed to someone about a third person);
- verbal abuse (such as graphic commentaries about an individual's body, sexually degrading words used to describe an individual, or sexually suggestive or obscene letters, notes or invitations, either addressed directly to a person or addressed to someone about a third person);
- visual misconduct (such as leering, making sexual gestures, displaying derogatory graphics, either printed or electronic);
- physical misconduct (such as inappropriate touching, inappropriate hugging, assaulting, impeding or blocking movements); and
- sexual advances or threatening reprisals.

Each Jesuit should be aware of his own competency and training. Pastoral care outside a Jesuit's area of professional competence is considered unethical. A Jesuit should take care to identify when a person he serves might require specialized psychiatric, psychological, financial, or family therapy or treatment. Such a person should be directed to a properly trained professional. A Jesuit should not offer advice in fields outside his area of competence. A Jesuit should consider halting pastoral care if the person he serves does not act upon advice to seek specialized care and the Jesuit has reason to believe the person is using the pastoral care as a substitute for the specialized care.

If a Jesuit suspects that a fellow Jesuit suffers from a mental or physical illness which might jeopardize the welfare of a person served by the Jesuit, such illness ought to be reported to his local Superior.

### **Confidentiality**

Confidentiality is essential to effective pastoral ministry. A Jesuit must respect the confidentiality of the information shared with him by the person he serves. Such confidentiality, including even the identity of the person served, deserves to be protected to the extent permitted by law.

A Jesuit should discuss the nature of confidentiality and its limitations with every person he serves.

A Jesuit at times may find it necessary, in order to protect the person he serves or the community from imminent danger or to comply with the law, to reveal confidential information disclosed by the person he serves even without consent of, or notice to, that same person. Whenever feasible, the Jesuit should inform the person he serves about the disclosure and the potential consequences. This should be done at the earliest moment when the Jesuit recognizes that disclosure might be necessary.

Materials drawn from the Jesuit's experience and used in teaching and writing must be adequately disguised in order to preserve the anonymity of the individuals involved.

### **Training of Members**

The Provinces will develop educational programs on ethical pastoral conduct, especially in the areas of prudential boundaries and confidentiality in pastoral relationships. A major component of these programs will be prevention, recognition and reporting of unethical pastoral conduct. These educational programs will be provided to those in formation, to rectors and superiors, and to all Jesuits in their local communities. In addition, special care will be taken in the assessment of candidates in order to screen out those who might engage in unethical pastoral conduct.

### **Reporting**

A Jesuit who becomes aware of an instance of unethical pastoral conduct by a Jesuit should promptly report it to the Jesuit's Superior or the Provincial's delegate. The Provincial's delegate will inform the Provincial of a report of unethical pastoral conduct. The Provincial will decide upon a course of action. Should the Provincial desire additional information, an investigation will be conducted as confidentially as possible, and its results will be appropriately communicated to those who need to know its outcome.

Reports of unethical conduct and the corresponding action taken by the Provincial will be made part of a Jesuit's personnel file maintained in the Office of the Provincial.

# Compliance Form

(Revised: 1 December 2017)

Please see your superior to sign your official compliance form.

## ***Compliance with Policies and Procedures for Ministry with Minors and Vulnerable Adults and Policy on Ethical Pastoral Conduct of a Jesuit***

Jesuits are expected to comply with these policies as well as the policies and procedures in place at their respective apostolic assignment.

Should a Jesuit be accused of violating the policies on ministry with minors or vulnerable adults, or of unethical pastoral conduct he and the Province will cooperate with that investigation.

### **Reception of Policies**

In signing below, I acknowledge that I have received a copy of these policies and understand their contents:

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Print Name

Signature

Date



# Appendix: Applicability of Ethics in Ministry Policies to Jesuits Resident in the Maryland and USA Northeast Provinces

1 December 2017

The Provinces have adopted ethics in ministry policies for Jesuits to further their commitment to provide an environment where minors and vulnerable adults are protected from abuse. This Policy seeks to establish clear guidelines on how the ethics in ministry policies of the Provinces apply to “Resident Members.”

## **A. Standards of Conduct**

Each Resident Jesuit shall review the *Policies and Procedures for Ministry with Minors and Vulnerable Adults* and the *Policy on Ethical Pastoral Conduct of a Jesuit* and attest in writing that he understands his obligations under these policies.

## **B. Reporting Sexual Abuse of Minors or Vulnerable Adults**

Each Resident Jesuit shall review the subsection *Reporting Sexual Abuse of Minors or Vulnerable Adults* of these policies and shall comply with the reporting requirements set forth therein as if he were a member of either Province.

When new allegations of sexual abuse of minors or vulnerable adults committed by a Resident Jesuit are reported to the Province, the subsection *Reporting Sexual Abuse of Minors or Vulnerable Adults* of these policies shall be followed by the Province as if the Resident Jesuit were a member of the Province. Reporting procedures shall apply to allegations received at the time the Jesuit is a Resident Member. Reporting procedures also apply to allegations about a Jesuit who was a Resident Member at the time of the alleged abuse even if he is not a Resident Member at the time the allegation is received.

The Provincial’s delegate will also promptly report these allegations of sexual abuse of minors or vulnerable adults by a Resident Jesuit to the Provincial of the province to which such Resident Jesuit is either ascribed or applied. That province to which the Resident Jesuit is either ascribed or applied is referred to in this Policy as the Resident Jesuit’s Home Province. The delegate and the Provincial of the Home Province shall coordinate all reporting to civil authorities and local dioceses.

**C. Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member**

A number of factors must be considered in determining whether a Resident Jesuit who is accused of sexual abuse of a minor or vulnerable adult is subject to all or part of the subsection *Responding to Reports and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Jesuit* of these policies. Each case is distinct. The location of the alleged sexual abuse of a minor or vulnerable adult by a Resident Jesuit could be the Province, the Home Province or some other area. In some instances, the location and resources of the Home Province may not be appropriate for responding to the allegation. In all cases the primary concerns of the Province will be to stop any abuse, report as required, and deal pastorally with, and protect the rights of, all involved.

Furthermore, any decision on whether the Resident Jesuit is to return to his Home Province will be made subject to the requirements of civil law, and our overriding policy to provide a safe environment where minors and vulnerable adults are protected from sexual abuse. The Provincial of the Home Province shall be informed of the allegation and the results of any investigations by the Province. The delegate will promptly coordinate with the Provincial of the Home Province to ascertain an appropriate course of action.

If, at any time, it is determined that the Resident Jesuit should return to his Home Province and that the Home Province will be responding to and investigating the allegation, the subsection *Responding to Reports and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Jesuit* of these policies will not apply to the Resident Jesuit. For all other Resident Jesuits, the delegate will coordinate with the Provincial of the Home Province as to whom should have primary responsibility for complying with the initial response requirements in Section B of the subsection *Responding to Reports and Allegations of Sexual Abuse of Minors and Vulnerable Adults by a Jesuit*. There may be a sharing of responsibilities, or one province can have sole responsibility.

Once the initial information has been gathered, the Provincial, in consultation with the Provincial of the Home Province, shall determine whether a further investigation is warranted. If such an investigation is warranted, the delegate will promptly coordinate with the Provincial of the Home Province to ascertain who should have primary responsibility for complying with the internal investigation requirements.

At the time a decision is made with respect to the conducting of the internal investigation, it should also be agreed as to which Provincial will be responsible for judging whether the allegations have been substantiated. Reports of the results of the internal investigation shall be presented to the Provincial and the Review Board as

well as the Provincial of the Home Province.

**D. Supervision and Care of Jesuits Who Have Sexually Abused Minors or Vulnerable Adults**

If the substance of an allegation of sexual abuse against a Resident Jesuit is admitted or remains undisputed, or if the Provincial delegated to make the judgment decides such allegation has been established or continues to be credible and the Resident Jesuit remains in the Province, he will be subject to the subsection *Supervision and Care of Jesuits Who Have Sexually Abused Minors or Vulnerable Adults* of these policies to the same extent as a restricted Jesuit.

**E. Reporting Violations of Ethical Pastoral Conduct**

The reporting requirements of the *Policy on Ethical Pastoral Conduct of a Jesuit* apply to Resident Jesuits of the Maryland and USA Northeast Provinces.

# Appendix: Province Review Board

1 December 2017

## A. Establishment and Purpose

The Review Board is established for the purpose of providing advice to the Provincial on the implementation and administration of the *Policies and Procedures for Ministry with Minors and Vulnerable Adults* of the Province. The Review Board exists solely to provide such advice and has no independent power or authority. The functions of the Review Board include:

- Advising the Provincial in his assessment of reports and allegations of sexual abuse of minors and vulnerable adults and in his determination of suitability of Jesuits for ministry.
- Advising the Provincial about the elements and implementation of a Safety Plan.
- Advising the Provincial about appropriate work for restricted Jesuits.
- Periodically reviewing Province policies for dealing with sexual abuse of minors and vulnerable adults.
- Offering advice on all aspects of cases of sexual abuse of minors and vulnerable adults, whether retrospectively or prospectively.
- Reviewing and assessing the Province response to reports and allegations, the process followed, and making recommendations for improvements.
- Reviewing each Safety Plan at least annually and offering recommendations to the Provincial regarding appropriate adjustments.

## Maryland Province

The Maryland Province retains the CMSM Region III Review Board, whose established by-laws, policies, and procedures are on file in the Province office.

## USA Northeast Province

The USA Northeast Province retains its own review board, whose policies and procedures are on file in its Province office.

# Glossary

1 December 2017

**Allegation:** An accusation or report of sexual abuse brought against a current Jesuit, former Jesuit, or deceased Jesuit reported to the Province through any form of communication, including any that are anonymous.

**Boundary Violation:** Any violation by a Jesuit of any of the provisions the *Policies and Procedures for Ministry with Minors and Vulnerable Adults* and the *Policy on Ethical Pastoral Conduct of a Jesuit* that does not immediately constitute sexual abuse of a minor or vulnerable adult.

**Child Pornography:** Any activity which involves a visual depiction of a minor, real or virtual, that is sexually explicit conduct.

**Complainant:** An individual who makes a report or allegation of abuse to the Province.

**Consultor:** A Jesuit currently appointed by the Superior General to be a Consultor to the Provincial.

**Credible Allegation:** Based upon the facts and the circumstances, there is a preponderance of evidence that the allegation is more likely to be true than not.

**Established Allegation:** Based upon the facts and the circumstances, there is clear and convincing evidence or better that the allegation is true.

**Initial Evaluation:** The first phase of the initial response, the purpose of which is to evaluate the essential elements concerning the reliability of the facts and circumstances of the allegation, the person alleged to have committed the abuse, and the possible victim of the abuse. On the basis of this initial information the Provincial makes a determination as to whether or not the complaint has the semblance of truth.

**Internal Investigation:** If in the evaluation based on the initial information gathering the Provincial determines an allegation has the semblance of truth, he initiates an internal investigation (also called the “Canonical Preliminary Investigation”). The purpose of the internal investigation is to ascertain the probability that the abuse did or did not occur. At the conclusion of the internal investigation the Provincial will judge if an allegation is credible, established, or neither.

**Investigator:** An independent third party designated by the Provincial's delegate to gather information regarding allegations of sexual abuse of a minor or vulnerable adult by a Jesuit.

**Jesuit:** A member of the Society of Jesus who is ascribed to the Maryland or USA Northeast Provinces and not applied to another province, and all members of other provinces, applied or *degens*, living in the territory of the Maryland or USA Northeast Provinces.

**Minor:** Any person under the age of eighteen (18).

**Provincial:** The Jesuit currently appointed by the Superior General as leader of the Province.

**Provincial's Delegate:** The individual appointed by the Provincial to oversee the management of reports and allegations of abuse against Jesuits.

**Resident Jesuit:** A Jesuit who resides in the Province for purposes such as study, sabbatical or ministry, but who is ascribed or applied to another Province of the Society of Jesus.

**Restricted Jesuit:** A Jesuit who is the subject of an allegation of sexual abuse of a minor or vulnerable adult for which either the substance of such allegation remains undisputed or the Provincial in accordance with the subsection *Responding to Reports and Allegations of Sexual Abuse of Minors or Vulnerable Adults* of these policies judges that such allegation has been established or continues to be credible.

**Review Board:** An advisory group of individuals appointed by the Provincial to advise the Provincial as provided in the Review Board policies.

**Safety Plan:** A formal, written, individualized plan to guide the supervision of any restricted Jesuit as provided in the policy *Supervision and Care of Jesuits Who Have Sexually Abused Minors or Vulnerable Adults*.

**Semblance of Truth:** Based upon the facts and the circumstances, an accusation is judged not manifestly false or frivolous.

**Sexual Abuse:** Any act involving sexual molestation or sexual exploitation including sex offenses under applicable state and federal criminal codes.

**Vulnerable Adult:** Any person over the age of seventeen (17) who would be considered uniquely vulnerable to physical or sexual abuse because of physical or mental disabilities.



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