

JESUITS

THE NEW ENGLAND PROVINCE
of the
SOCIETY OF JESUS

ETHICS IN MINISTRY POLICIES

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New England Province
of the
Society of Jesus

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ACKNOWLEDGEMENT

The New England Province acknowledges with gratitude the kind permission of the New York Province to reproduce this document as its response to the mandates and recommendations of the United States Conference of Catholic Bishops as set out in the *Essential Norms for Diocesan/Eparchia Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* and the *Charter for the Protection of Children and Young People*¹ published by the United States Conference of Catholic Bishops 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*.² These policies are intended to guide all Members in their responsibility to safeguard the young and vulnerable.

¹ Approved by the Congregation of Bishops, December, 2002 and revised in June, 2005.

² Approved by the Conference of Major Superiors of Men Annual Assembly, August 10, 2002.

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STANDARDS OF CONDUCT FOR INTERACTION WITH MINORS AND VULNERABLE ADULTS

The New England Province of the Society of Jesus recognizes that abusive conduct towards minors and vulnerable adults by members of religious communities constitutes a profound violation of trust and can cause pain and damage for the abused and their families, the local community, and the Church at large. The Province is committed to providing an environment where minors and vulnerable adults are protected from abuse. A Member found to have sexually or physically abused a minor or vulnerable adult is subject to disciplinary action.

As provided in other accompanying Policy Statements, the Province will strive to treat with compassion those who have been victims of sexual abuse. We will also respond pastorally to those accused of sexually abusive conduct towards minors or vulnerable adults. Please see the policies *Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member* and *Supervision and Care of Members Who Have Abused Minors or Vulnerable Adults*.

In what follows, the Province seeks not only to provide a clear policy on sexual and physical abuse by its Members, but also to establish clear guidelines and positive orientations with respect to interactions with minors where Members are acting primarily as a representative of the Society or in their pastoral ministry. It is also intended to assist Members in making decisions about interactions with minors.

Whenever the term “minor(s)” is used below in this Policy it should, where the context is otherwise appropriate, be deemed to refer also to vulnerable adults.

A. *Prohibited Behaviors*

1. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
2. Using or being under the influence of alcohol while supervising minors.
3. Providing or allowing minors to consume alcohol or illegal drugs.
4. Discussing one's own sexual activity or sexual history with minors.
5. 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 issues. Discussing sexual activities and engaging in sexually oriented conversations with minors include by means of e-mail, chat rooms, web logs and other forms of electronic communication.
6. 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.
7. Providing sexually oriented or morally inappropriate printed or electronic materials (magazines, cards, videos, films, emails, photographs, clothing, etc.) to minors.
8. Sleeping in the same beds, sleeping bags or small tents with minors.
9. Sharing private overnight rooms with minors including, but not limited to, those in any Jesuit-owned facility, private residence or hotel.
10. Meeting privately with minors in isolated environments or in other areas where there is no window in the door or where the door cannot remain open.
11. Engaging in sexual contact with minors. For the purposes of this Policy, sexual contact is defined as any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.
12. Causing or permitting a minor to participate in a sexual performance or possessing or knowingly viewing a sexual performance involving a minor. For purposes of this Policy, sexual performance is defined as any photograph, motion picture, play, video game, computer program or other visual representation which includes actual or simulated sexual contact with a minor or nudity of a minor for the purpose of sexual stimulation or gratification.

B. Off-site events

1. Members are prohibited from transporting minors without another adult who is not a minor present.
2. Members are prohibited from transporting minors without written permission of their parent or guardian.
3. Members are prohibited from unnecessary and/or inappropriate physical contact with minors.
4. Members are generally prohibited from having minors stay at their residence.
Requests for exceptions must be submitted to the local superior.

C. Physical contact

1. Physical Discipline: Members 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.
2. Examples of Appropriate Affection: Appropriate affection between Members and minors constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for Members 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 small children.
 - Sitting beside small children.
 - Kneeling or bending down for hugs with small children.
 - Holding hands during prayer.
 - Pats on the head when culturally appropriate.

3. 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 examples of affection that are not to be used by Members while interacting with minors.

- Inappropriate or lengthy embraces.
- Kissing on the mouth.
- Holding minors over four years old on the lap.
- Touching buttocks, female 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 four 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.*

D. Training for Members

1. As part of ongoing formation and ministerial preparation, Members must participate in training that addresses their role in protecting minors as mandated by the Province and/or local diocese.
2. Members shall review this Policy and attest in writing that they understand their obligations under this Policy.

*When one's parish or school has a specific policy, we comply with this policy in areas where more stringent norms are required.

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REPORTING SEXUAL ABUSE OF MINORS OR VULNERABLE ADULTS

Sexual abuse is contrary to Christian principles and inconsistent with the mission of the Society of Jesus. All Members must comply not only with applicable state and local laws regarding reporting incidents of sexual abuse, but also with procedures included in this Policy.

As religious, Jesuits work within different dioceses that have already developed regional practices and policies to achieve the goal of safe ministerial settings and programs for the protection of children. Each Member should be familiar with those local policies and practices and 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 Members to the Province

Members shall report directly to the Socius any suspected or known sexual abuse of minors or vulnerable adults that may have been perpetrated by Members or Resident Members or by any other Jesuit while within the Province. In addition, after consultation with the Socius, the Member shall make any report to civil authorities that may be required of him by local law. When necessary, the Socius will obtain the advice of legal counsel to ascertain the appropriate reporting procedures.

In lieu of the foregoing report to the Socius, reports of suspected or known sexual abuse may be made to the Provincial.

Please see the accompanying policy *Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member*.

B. Reports by the Province to Civil Authorities

1. When new allegations of sexual abuse of minors or vulnerable adults committed by a Member or Resident Member are reported to the Province, the Socius or the Provincial will promptly report those allegations to the civil authorities and comply with all applicable civil law.
2. Files of allegations will be created at the time the allegation is received and will contain information about how the allegation was handled. The Socius will have overall responsibility for the maintenance of these files. If the Socius is the subject of an allegation of sexual abuse of a minor or vulnerable adult, the Provincial will be responsible for these files.
3. The Province will cooperate fully with investigations by civil authorities.

C. Reports to the Local Diocese

Whenever allegations of a nature described above are made with respect to a Member or Resident Member, the Socius will review the policies of the diocese in which the alleged incident occurred and that in which the accused Member or Resident Member is currently residing and make such reports as the Province is canonically required to make by each such diocese.

D. How to respond when a member exhibits warning signs of unhealthy boundaries or unhealthy relationships with minors or vulnerable adults. (added May 2013)

To maintain the highest level of integrity and safety in ministry, Jesuits are called upon to support one another in respecting boundaries in our work and appropriate relationships with others, especially minors.

The *Standards for Conduct for Interaction with Minors and Vulnerable Adults* clearly outlines both prohibited and approved forms of interaction with minors. Ambiguous actions or very minor infractions of these guidelines could represent a lack of personal awareness of how others might perceive the behavior, or constitute warning signs of possibly more significant trespasses in the future.

If a Jesuit is witness to such an ambiguous behavior or slight variations in application of the *Standards for Conduct for Interaction with Minors and Vulnerable Adults* or perceives behavior of another member that causes concern, he is encouraged to bring that behavior to the attention of his brother, offered in a spirit of charity and fraternal correction.

If the Jesuit is not able to approach his brother, or sees a repetition of the behavior, he is expected to bring this to the attention of the local superior, who will then consult with the member in question. The local superior will also bring this information to the attention of the Socius or Provincial as soon as is reasonably possible.

In all instances, any Jesuit can contact the Socius or Provincial to represent a concern about ministerial boundary issues of another member. 8

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RESPONDING TO INCIDENTS AND ALLEGATIONS OF SEXUAL ABUSE OF MINORS OR VULNERABLE ADULTS BY A MEMBER

In every case, the Province commits itself to dealing pastorally with, and protecting the rights of, all those involved. In all circumstances the Province will strive toward healing and reconciliation.

So long as the Socius is the subject of an allegation of sexual abuse of a minor or vulnerable adult, the term Socius in this Policy should be deemed to refer to the Provincial.

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 Member 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 Socius shall recommend to the Provincial a possible course of action with respect to the accused Member, in keeping with the intention of these procedures and in the interests of justice.

B. *Initial Response*

1. The Socius shall receive allegations of sexual abuse of minors and vulnerable adults and coordinate assistance to anyone who brings an allegation of sexual abuse by a Member.
2. When an allegation of sexual abuse is first received, the Socius shall attempt to gather sufficient information. The initial information would include the following:
 - Name of the alleged victim;

- Present age of the alleged victim;
 - Age of the alleged victim at the time of the occurrence of the alleged abuse;
 - Address and phone number of 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.
3. Upon receipt of an allegation of sexual abuse of a minor or vulnerable adult, the Socius will promptly follow Province reporting procedures (see the policy *Reporting Sexual Abuse of Minors or Vulnerable Adults*).
 4. The Provincial and the Province will cooperate fully with any investigation by civil authorities.
 5. The Socius 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 Socius will maintain a compassionate and pastoral manner regardless of the demeanor of the alleged victim, recognizing that the experience of abuse and difficulty of coming forward may bring out strong emotions during the disclosure process.
 6. The Socius may assist with the immediate and ongoing needs of individuals who have experienced abuse as well as with the needs of their families.
 7. To the extent permitted by law, the Provincial will notify the accused Member of the allegation. He will take steps to ensure that the accused Member receives the support and assistance he needs while the allegation is being investigated.
 8. The Provincial will inform the accused Member of his right to seek canonical and civil counsel before any further conversation about the matter. The Province recognizes that the Member may need assistance to engage such counsel.

C. *Internal Investigation*

1. If the initial information that has been gathered indicates that a further investigation is warranted, the internal investigation will be initiated.
2. During an investigation by civil authorities or an internal investigation by the Province, the Member who is the subject of the investigation will be temporarily removed from ministry responsibilities and duties. It should be clearly understood that temporary removal from ministry while the matter is pending does not imply admission by or guilt on the part of the accused Member or the Province.

3. The Socius will be responsible for the investigation and will designate another Member as the Investigator. In the cases of a verified or undisputed allegation, an investigation will be conducted to identify any other potential victims and to obtain information to assist in the preparation of the on-going supervision plans for the Member who has abused.
4. The Investigator will review the allegation, question the parties involved as he deems appropriate, and act as the representative of the Province.
 - The Investigator will advise all parties that he represents the Province and that conversations with him may not be 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 may obtain statements from the parties and any witnesses.
 - If the Investigator is another Member, he will keep the Socius informed regarding the status of the investigation.
5. The Investigator will prepare a report of the results of his investigation and present it, together with any supporting documentation, to the Provincial and the Review Board.
6. When the Provincial has received the completed investigation report, he will present the results of the investigation to the Member for response.
7. The Provincial will consult with the Review Board during the process and will convene the Review Board promptly after receiving the final report from the Investigator, as applicable.
8. The Investigator's report and any other documentation of investigations are the property of the Province and shall be stored in the office of the Provincial. They shall 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 Member who is the subject of the investigation.
9. If an allegation of sexual abuse is made against a Member, the Province will provide for the pastoral care and treatment of the Member. Such care is to be coordinated by the Socius and the local superior.
10. The local superior will maintain contact with the accused Member during the investigation.

D. Decision Making

1. If an allegation of sexual abuse against a Member is judged substantiated by the Provincial or if the substance of the allegation is undisputed, the Province will respond pastorally to the victim and the victim's family.
2. If a Member has not disputed the substance of an allegation, the Provincial will consult with the Review Board as to its views on the Member's suitability for ministry and will then consult with his Consultors. The Provincial's response to a

Member who has not disputed the substance of an allegation could include any of the following:

- recommendation of psychological and medical assessment and intervention;
 - restrictions on community life and personal activities;
 - limitations imposed on ministerial activities, including total removal from public ministry and, when warranted, removal from the Society of Jesus following established canonical procedures.
3. Prior to making a decision with respect to an allegation which is disputed, the Provincial will consult with the Review Board as to its assessment of the allegation and, if appropriate, its views on the Member's suitability for ministry.

If, after receiving the Review Board's assessment, the Provincial judges that the allegation is without merit, he will reinstate the accused Member to ministry and will work toward the restitution of his good name and faculties.

If, after receiving the Review Board's assessment, the Provincial judges that the allegation has been substantiated or continues to be credible, he will then consult with his Consultors. After such consultation, he will respond to the accused Member. The Provincial's response to the Member could include any of those listed in number 2 above.

4. In cases where the Provincial judges that the allegation has been substantiated or continues to be credible, the Socius will contact the appropriate diocesan offices to communicate the nature of the allegation and to inform the diocese(s) of the procedure followed and the response of the Provincial to the allegation.
5. In cases where the Provincial judges that an allegation of sexual abuse of a minor is substantiated or continues to be credible, the Member may not return to public ministry.
6. If an allegation is judged to be without merit, the Socius will coordinate communication with all appropriate parties so that reconciliation can take place where possible, and repair of damage to reputations can be undertaken.
7. 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 person who made the complaint, to the Member involved, and to other parties, including the Superior General, as necessary and appropriate.
 - It is our way of proceeding that all assignments derive from the Provincial, who determines the best way in which a particular Member can serve the Church and the Society of Jesus.
 - It is the Member's right to appeal to the Superior General.

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REVIEW BOARD

A. *Establishment and Purpose*

1. The Province Review Board is established for the purpose of providing advice to the Provincial on the implementation and administration of the Ethics in Ministry Policies 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 allegations of sexual abuse of minors and vulnerable adults and in his determination of suitability of Members for ministry;
 - 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 allegations and the process followed, and making recommendations for improvements; and
 - Reviewing each Safety Plan at least annually and offering recommendations to the Provincial regarding appropriate adjustments.
2. The Review Board shall consist of 5 to 7 members, including one Member and other individuals who are not Members.
3. The Review Board shall include representation from the following groups: religious, professionals from the social sciences (psychologists, counselors, victims' advocates and/or social workers), representatives from the legal or law enforcement profession or state protective services, and laity, preferably parents.

4. It is preferable that the Review Board members not be employees of the Province or a Jesuit sponsored institution. At no time may the majority of Review Board members be employed by the Province or a Jesuit sponsored institution.

B. *Appointment and Removal of Members*

1. The Provincial shall appoint members of the Review Board by signed letter of appointment. A member of the Review Board may be removed at the Provincial's discretion in consultation with the Chair of the Review Board. Members of the Review Board shall be removed by signed letter of the Provincial.
2. Review Board members shall serve a term of three years. Review Board members may be appointed for two additional three-year terms.
3. It is preferable for the Review Board to have no more than two new members in one year. When possible, terms should be staggered to provide continuity.
4. Vacancies created by the departure of Review Board members during their term shall be filled by appointment by the Provincial. Review Board members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term and may then be reappointed to a full term at the discretion of the Provincial.

C. *Officers*

1. The Review Board members shall elect a Chairperson who shall serve for a term of one year and may be re-elected at the will of the Review Board. The Chairperson shall call and chair meetings of the Review Board, ensure that the work of the Review Board is properly documented and communicated to the Provincial, and appoint other ad hoc officers and assistants from among the other Review Board members as may be required to accomplish the work of the Review Board.
2. At the beginning of each meeting of the Review Board, the Chairperson shall appoint a recording secretary to record the recommendations and other relevant actions of the Review Board during that meeting.

D. *Record Keeping*

1. The files of the Review Board are the property of the Province. The Provincial and all current Review Board members shall have access to the Review Board's files. The Review Board's files shall be stored at a place designated by the Provincial.
2. The Review Board shall create a file on each case or matter it considers. Each file shall contain a written description of the case or matter presented to the Review Board, a written summary of the advice given by the Review Board, a written summary of the action ultimately taken by the Provincial in light of the Review Board's advice and such other information as the Review Board determines to be relevant to any future consideration of the case or matter by the Review Board or the Province.

E. Confidentiality

The Review Board functions as a confidential consultative body. Subject to the requirements of law, the information received by the Review Board, as well as its proceedings, shall be held in confidence; however, the Provincial may, at his discretion, disclose the advice he has received to appropriate parties. Such disclosure should be made on a confidential basis.

F. General Operating Procedures

The Chairperson or the Provincial may convene meetings of the Review Board. Meetings may be in person, by telephone or other electronic means. A majority of the then-current members of the Review Board shall constitute a quorum, provided at least three persons are present.

G. Operating Procedures for Allegations of Sexual Abuse

1. As outlined in the policy *Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member*, the Provincial shall convene the Review Board during the investigation and processing of an allegation of sexual abuse. The Provincial or the Chairperson of the Review Board may choose to convene the Review Board at other times he/she deems advisable.
2. The Provincial shall convene the Review Board by notifying the Chairperson. The Chairperson shall promptly contact the Members of the Review Board and schedule a meeting as soon as is practical.
3. The Provincial or such person(s) as he shall delegate, including the Investigator, shall provide the Review Board with information relevant to the matter under consideration, subject to the requirements of civil or canon law, which may prohibit disclosure of such information. Where possible, the Provincial shall obtain the necessary consents to release all such information.
4. Prior to commencing its deliberations, the Review Board shall be satisfied that it has received sufficient information to make an informed assessment. The Review Board does not function as an investigative body; however, it may suggest further investigative steps.
5. The Review Board shall decide whether to include the Provincial or his delegate in any of its deliberations.
6. The Review Board shall provide advice to the Provincial to assist him in his assessment of the allegations and in his determination of suitability for ministry. The Board may also review and assess the process followed and make recommendations for improvement.
7. A written summary of the advice and recommendations of the Review Board, signed by the Chairperson on behalf of the full Review Board, shall be presented to

the Provincial. A copy of the written summary shall be maintained in the files of the Review Board.

8. The Provincial shall share the advice and recommendations of the Review Board with his Consultors as needed.

H. Conflicts of Interest

1. Any Review Board member should inform the Chairperson of a conflict if he/she:
 - is related by blood or marriage to the alleged victim or the accused Member,
 - is in any kind of employment, financial or business relationship with either or both of them,
 - is in any kind of professional or spiritual counseling relationship with either or both of them, or
 - has any other reason to believe a prior or existing relationship with either or both of them creates a conflict of interest or the appearance of a conflict of interest.

Such a Review Board member shall recuse himself or herself from all deliberations concerning the particular matter in question.

2. Any Review Board member who determines that he/she has a conflict of interest or the appearance of a conflict of interest with the Province itself or with the work of the Review Board, shall inform the Provincial and the Chairperson of the conflict and shall resign from the Review Board.

I. Indemnification

To the fullest extent permitted by law, the Province indemnifies and holds harmless all Review Board members from any and all claims, lawsuits, damages or other actions, including but not limited to reasonable costs of defense, which may arise from their service on the Review Board. The extent of this indemnity is limited to the coverage available under the insurance coverage of the Society which does provide coverage to the Review Board members.

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SUPERVISION AND CARE OF MEMBERS 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 Member of the Province.

The purpose of this framework is to:

- assure the Church and the public, especially children and minors, of all reasonable measures to prevent any future occurrence;
- provide a structure within which the Restricted Member can continue his life in the Society as a vowed member of a religious community;
- provide appropriate care for the Restricted Member and the opportunity for such personal conversion and rehabilitation as may be needed;
- guide superiors, the Restricted Member, and others in determining work, place of residence, and other activities;
- encourage our communities in welcoming and supporting the Restricted Member 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 Member, depending on such factors as severity of the allegation(s), notoriety, age and health of the Restricted Member, and the recommendations of the Province's Review Board.

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

The Safety Plan shall be signed by the Restricted Member, the Provincial, the Province Health Care Coordinator, the Restricted Member's therapist or other psychological advisor, spiritual director, and local superior and another Member of the Province designated by the Restricted Member. Those persons signing the Safety Plan are referred to in this Policy as the Safety Plan Team. The Safety Plan should be reviewed at least annually with the Restricted Member, the Provincial and the Review Board, as well as the Safety Plan Team. The Safety Plan should be updated as needed.

A. *Evaluation and Therapy*

1. The Restricted Member may be asked to submit to a professional evaluation as to his psychological condition and proclivity to harmful behavior in the future.
2. Subsequent to that evaluation, the Restricted Member 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 by such professionals, or provided for under the terms of his Safety Plan.
3. The Restricted Member is required to report to the Safety Plan Team periodically, describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.
4. Information resulting from such evaluation, treatment and correspondence shall be kept confidential by those receiving it, unless law requires that the information be revealed.

B. *Public Ministry as a Member*

1. For Restricted Members, 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.
2. As presently provided for by particular Church law applicable to the United States, an ordained Restricted Member who is the subject of an allegation of sexual abuse of a minor would not, according to canonical procedures, be allowed to function publicly in external ministry, including public celebration of the sacraments, if the substance of such allegation remains undisputed or the Provincial judges that such allegation has been substantiated or continues to be credible. In addition, he would not be allowed to use the title "Father" or "Reverend" in public communications or wear clerical or distinctive religious attire.
3. In the case of a Brother who is a Restricted Member and the subject of an allegation of sexual abuse of a minor, he would not be allowed to function publicly in external ministry if the substance of such allegation remains undisputed or the Provincial

judges that such allegation has been substantiated or continues to be credible. In addition, he would not be allowed to use the title "Brother" in public communications or wear clerical or distinctive religious attire.

4. In the case of a non-ordained seminarian (scholastic) against whom an allegation is substantiated, he will be dismissed from the Society.

C. *Appropriate Work*

1. If physically and mentally able, the Restricted Member 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 the following:

- internal work in a community of the Province, such as a place of retirement;
 - internal work for the Province;
 - 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, telephone reassurance programs for shut-ins, working in a food bank or soup kitchen, or some other form of supervised social services.
2. Where appropriate, Restricted Members restricted or removed from public ministry may need vocational assessment and/or occupational counseling to assist in determining meaningful and useful work. The Provincial should consult with the Restricted Member involved to determine his interests and capacities and to promote his initiative in developing work opportunities, where appropriate.
 3. In all cases, the service of prayer for the Society and the Church would be a valuable contribution.

D. *Place of Residence*

1. A Restricted Member would be allowed to live only in a Jesuit community or other appropriate supervised place of residence as determined by the Provincial.
2. No separate apartment, private home, or other domicile would be allowed as a permanent residence for a Restricted Member.

E. *Jesuit Community Support and Jesuit Community Roles*

1. The local Jesuit community can and should play an important part in helping a Restricted Member who wishes to continue his life as a Member.
2. After a Restricted Member has submitted to evaluation and appropriate treatment, Member communities should welcome the Restricted Member.

3. In addition to his Safety Plan Team, it is appropriate for a Restricted Member 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. If appropriate, members of the Restricted Member's Safety Plan Team may fill those roles.
4. Within the Jesuit community, as allowed by Canon Law, the Restricted Member would be permitted to preside at community Eucharist, to lead community prayer, to hear confessions of Members, and to perform community jobs and other responsibilities.
5. A Restricted Member would not be allowed to serve as superior. A Restricted Member would need the specific permission of the Provincial to serve as minister of the community or as community consultor.
6. Upon the recommendation of the Provincial, the local superior shall, as appropriate, inform all or part of the Jesuit community in which a Restricted Member shall live of the fact that a Restricted Member is so restricted and the appropriate specific terms of his Safety Plan so that the Jesuit community can assist him in achieving its goals. Any disclosure shall be consistent with the confidentiality requirements of A.4 above.
7. A Jesuit community may need the advice and consultation of appropriate professionals to assist the Jesuit community in readying itself to receive the Restricted Member and to provide him the care and support he needs.

F. Contact with Others

1. Restricted Members may not be allowed to have contact with minors or vulnerable adults without the ongoing supervision of other adults present at the time.
2. This prohibition may include meals in restaurants, going to the movies, riding in automobiles, or private conferences in parish or community offices or community parlors.

G. Travel, Vacation, Retreat

1. Restricted Members may not be allowed to have vacations alone or with minors. Vacations may be restricted to time spent at Jesuit communities or travel with other Members.
2. Retreats may be restricted to Jesuit or other Catholic retreat facilities or Jesuit communities.
3. Other travel may be restricted to that related to assigned work or family visits. Another Member may be required as a companion for travel.
4. Additional specific permissions for travel may be required from the Provincial.
5. Questions about specific travel should be referred by the local superior to the Provincial.

H. Driving

1. Restricted Members may have restrictions placed on their ability to drive alone or have the use of a personal vehicle.
2. Restricted Members may be required to request specific permissions for use of house cars from the local superior, to keep a driving log or to drive only with other Members.

I. Publications and Publicity

In accordance with other restrictions on public ministry:

1. For Restricted Members, restrictions on publications, letters to the editor, web-pages, radio and television appearances, and email may be appropriate.
2. Sensitivity for victims dictates caution with regard to displaying or publishing photographs of Restricted Members in Member publications and institutions, especially those in service to minors.
3. In some cases a Restricted Member's use of mail, phone, computers, text messaging, or any other form of communication may need to be regulated.

J. Information for Members and Others

1. The Provincial, in consultation with the Review Board, will determine whether and/or how to inform the Members, in general terms, of those Members who are Restricted Members.
2. The Provincial, in consultation with the Review Board, will determine whether and/or how to inform others who may have a need to know, in general terms, of those Members who are Restricted Members.

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APPLICABILITY OF ETHICS IN MINISTRY POLICIES TO JESUITS RESIDENT IN THE NEW ENGLAND PROVINCE

The Province has adopted Ethics in Ministry Policies for its Members to further its commitment to provide an environment where minors and vulnerable adults are protected from physical and sexual abuse. This Policy seeks to establish clear guidelines on how the Ethics in Ministry Policies of the Province apply to Resident Members.

A. *Standards of Conduct for Interaction with Minors and Vulnerable Adults*

Each Resident Member shall review the policy *Standards of Conduct for Interaction with Minors and Vulnerable Adults* and attest in writing that he understands his obligations under that Policy.

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

Each Resident Member shall review the policy *Reporting Sexual Abuse of Minors or Vulnerable Adults* and shall comply with the reporting requirements set forth therein as if he were a Member.

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

The Socius will also promptly report these allegations of sexual abuse of minors or vulnerable adults by a Resident Member to the provincial of the province to which such Resident

Member is either ascribed or applied. That province to which the Resident Member is either ascribed or applied is referred to in this Policy as the Resident Member's Home Province. The Socius 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 Member who is accused of sexual abuse of a minor or vulnerable adult is subject to all or part of the policy *Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member*. Each case is distinct. The location of the alleged sexual abuse of a minor or vulnerable adult by a Resident Member 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 concern of the Province will be to deal pastorally with, and protect the rights of, all involved.

Furthermore, any decision on whether the Resident Member 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 Socius 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 Member should return to his Home Province and that the Home Province will be responding to and investigating the allegation, the policy *Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member* will not apply to the Resident Member. For all other Resident Members, the Socius will coordinate with the provincial of the Home Province as to who should have primary responsibility for complying with the initial response requirements in Section B of the policy *Responding to Incidents and Allegations of Sexual Abuse of Minors and Vulnerable Adults by a Member*. 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 Socius will promptly coordinate with the provincial of the Home Province to ascertain who should have primary responsibility for complying with the internal investigation requirements in Section C of the policy *Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member*.

At the time a decision is made with respect to the conduct of the internal investigation, it should also be agreed as to which provincial will be responsible for judging whether the allegation has been substantiated or continues to be credible. 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.

If the substance of an allegation of sexual abuse against a Resident Member remains undisputed, or if the provincial delegated to make the judgment decides such allegation has been substantiated or continues to be credible, the Resident Member's permission to reside in the Province may be

revoked. In such case, he shall return to his Home Province, subject to the requirements of civil law and our overriding policy to provide an environment where minors and vulnerable adults are protected from sexual abuse. In instances where such a Resident Member continues to reside in the Province, Section D of the policy *Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member* shall be applicable to the Resident Member.

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

If the substance of an allegation of sexual abuse against a Resident Member remains undisputed, or if the provincial delegated to make the judgment decides such allegation has been substantiated or continues to be credible and the Resident Member remains in the Province, he will be subject to the policy *Supervision and Care of Members Who Have Sexually Abused Minors or Vulnerable Adults* to the same extent as a Restricted Member.

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GLOSSARY

Allegation. An accusation against someone asserting a violation of a law or policy.

Consultor. A Member currently appointed by the Superior General to be a Consultor to the Provincial.

Ethics in Ministry Policies. Policies adopted by the Province from time to time to govern the conduct of its Members and operations in order to prevent sexual abuse of minors and vulnerable adults by Members and to provide appropriate response whenever such abuse may occur.

Investigator. The Socius or another Member designated by the Socius or the Provincial to gather information regarding allegations of sexual abuse of a minor or vulnerable adult by a Member.

Member. A Jesuit who is either ascribed or applied to the Province, as those terms are commonly understood within the Society of Jesus.

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

Province. New England Province of the Society of Jesus.

Provincial. The Member currently appointed by the Superior General as Provincial of the Province.

Resident Member. 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 Member. A Member who is the subject of an allegation of sexual abuse of a minor or vulnerable adult and either the substance of such allegation remains undisputed or the Provincial in accordance with Section D.3 of the policy *Responding to Incidents and*

Allegations of Sexual Abuse of Minors or Vulnerable Adults by a Member judges that such allegation has been substantiated or continues to be credible.

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

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

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

Socius. The Member currently appointed by the Superior General as Socius (Executive Assistant) to the Provincial.

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.



With You Always