

**JESUITS OF CANADA
POLICY & PROCEDURES
FOR CASES OF ALLEGED
ABUSE AND MISCONDUCT**

1. The Jesuits of Canada are committed to the protection of all who are within their spiritual and physical care, especially Minors and Vulnerable Persons. Abuse of another is contrary to the Gospel and the teachings of the Catholic Church and is always wrong. It is particularly abhorrent if the accused abuser is a member of the Society of Jesus.
2. Drawing inspiration from the Constitutions of the Society of Jesus, the Procedures reflect the seriousness with which the Jesuits of Canada will undertake their responsibility in this sensitive area of pastoral concern. The problem of Clergy abuse and misconduct within our culture demands a sober and serious response from everyone.
3. The Holy Father, Pope Francis has stated: “When a priest abuses, it is very grave because the vocation of the priest is to make that boy, that girl grow toward the love of God. For this reason, the Church is strong on this, and one must not cover these things up. Those who covered this up are guilty.”
4. The Conferences of Catholic Bishops in North America have recognized that the sexual abuse of children and young people by members of the Clergy and the way in which the Church has addressed these crimes and sins, have caused enormous pain, anger and confusion. Innocent Complainants and their families have suffered terribly through the betrayal of their trust in the institutions of the Church and a resulting loss of faith.
5. His Holiness has stated that Bishops, Superiors and Clergy must be held accountable when they abuse or fail to protect children. He has emphasized that the crimes and sins of the sexual abuse of children must no longer be held in secret.
6. It is the responsibility of every member of the Jesuits of Canada to abide by these Procedures and to make known to the Delegate appointed by the Provincial any allegations of sexual misconduct on the part of any Jesuit over whom the Provincial has authority.
7. The Jesuits recognize that the damage caused by sexual abuse of minors is devastating and long-lasting. The Church has committed to reaching out to those who suffer, but especially to the Complainants of sexual abuse and their families. It has apologized for the grave harm that has been inflicted upon them.
8. The Jesuits have committed themselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We join His Holiness Pope Francis and the Bishops in renewing our determination to provide safety and protection for children and young people in our ministries and institutions.

Commitment to Healing and Reconciliation

9. The Jesuits will intervene effectively to stop acts of abuse and misconduct by Clergy, Staff

or Volunteers and will take steps to prevent the occurrence of such abuse and misconduct. We will assist those who come forward with allegations of abuse and misconduct, ensuring that they are treated with respect and compassion.

10. Where it is requested, this outreach may include provision of counseling, spiritual assistance, support groups and other social services agreed upon by the Complainant and the Society of Jesus.
11. The Jesuits will also undertake pastoral outreach to Complainants and their families where requested or appropriate. This pastoral outreach may also be directed to the faith communities or congregation in which the sexual abuse occurred.
12. Our prime concern must always be for the care and welfare of the Complainant, and the prevention of future abuse and misconduct. The Jesuits of Canada recognize that coming forward with an allegation of abuse or misconduct is traumatic for the Complainant.
13. Accordingly, the person who first hears the complaint must treat the Complainant with great care and compassion, and encourage them, where appropriate, to talk directly with the Delegate or their Examiner. Jesuits must always respect the Complainant's right to privacy and confidentiality. The Delegate or Examiner appointed to investigate a report of abuse must always strive to ensure that information provided in confidence is kept strictly confidential.

Definitions

14. **Abuse** means any act or attempted act of emotional, physical, verbal or sexual contact or approaches, or threats of the same, which are known or ought reasonably to be known as unwelcome, whether or not apparent damage arises from that conduct. It includes "grooming" (engaging in conduct that is designed to select and prepare potential victims for abuse). It includes stalking and harassment in the form of obsessive or unwelcome communication or contact. The possession of pornographic materials depicting minors is Abuse and will be treated as such.
15. **Advisory Board** is a body that is convened to provide non-binding professional or pastoral advice to the Provincial of the Jesuits of Canada in complaints related to boundary issues, harassment or abuse.
16. **Clergy means** deacons, priests and bishops of the Roman Catholic Church, including most members of the Society of Jesus.
17. **Code of Canon Law** means the 1983 compendium of laws for the Western (Latin) Catholic Church, published by Pope John Paul II, and amended from time to time. Individual laws are referred to as **canons**.
18. **Complainant** means a person who alleges to have suffered physical, emotional, spiritual or sexual abuse as a result of misconduct by Jesuits, their Staff, or Volunteers.

19. **Delegate** means the person appointed by the Provincial to oversee the application of these Procedures.
20. **Diocese** is an administrative district of the Catholic Church covering a territorial circumscription and led by a Bishop.
21. **Examiner** means the person appointed by the Delegate to investigate and report back to the Provincial on allegations of abuse.
22. **Faculties** mean the grants by a higher ecclesiastical authority enabling a Catholic Priest to act in ways that the recipient would not otherwise be authorized to act (e.g., hearing sacramental confessions or presiding at weddings).
23. **Jesuits of Canada** is a self-governing religious community consisting of members of the Society of Jesus, recognized by the Catholic Church and governed by her laws.
24. **Minor** means a person under the age of 18 years, as defined in the Code of Canon law.
25. **Misconduct** means misbehavior contrary to the norms of civil statutes, the Code of Canon law, the Criminal Code, RSC 1985, c C-46, the Constitution of the Society of Jesus and the teachings of the Catholic Church.
26. **Provincial** is the Major Superior in charge of a Jesuit ecclesiastical province, appointed by the Superior General of the Society of Jesus. For the purposes of these Procedures and the Code of Canon Law, the Provincial has the ordinary and immediate jurisdiction in ecclesiastical matters pertaining to the affairs of the Society of Jesus in Canada.
27. **Respondent** means a Jesuit priest, scholastic or brother under vows in the Society of Jesus, or a member of their Staff or a Volunteer alleged to have committed an act of misconduct.
28. **Sexual Harassment** means unwelcome and offensive conduct including remarks or gestures with sexual connotations, inappropriate sexual advances, sexually offensive material, unwelcome questions or comments about a person's sex life or sexual orientation, unwelcome flirtations, or solicitation of sexual activity.
29. **Staff** means persons employed by the Jesuits of Canada but does *not* include independent contractors or others who are not employees of the Society of Jesus. The Delegate may apply the Procedures to others under the control or direction of the Province, in all cases with the goal of ensuring that the responsible agency addresses complaints and complainants in the appropriate manner.
30. **Superior** means the local head of the Society of Jesus.
31. **Volunteers** means persons who undertake assignments of charity or service with the

sanction and direction of the Jesuits of Canada or its fundraising affiliates. Volunteers do not include self-appointed persons who operate without the sanction or direction of the Province.

32. **Vulnerable Person** means a person over 18 years of age who has or may need help with their everyday living tasks and who is, for any reason, unable to protect themselves against harm or exploitation. This can include disabled people who have physical or sensory impairments, people who have learning difficulties, people in emotional or spiritual crisis, people experiencing mental health issues and seniors.

The Investigation of Complaints

33. The Delegate may act personally or through an appointed Examiner.
34. If the allegation is made against a member of the Society of Jesus, the Delegate or their Examiner will report the matter immediately to the Provincial to initiate further investigation.
35. The Delegate or their Examiner will immediately enquire into the allegation as a matter of urgent priority. He will inquire carefully about the facts and the circumstances. Care is to be taken that this does not violate the privacy of the Complainant or unnecessarily call into question the reputation of a Jesuit (canon 1717 and canon 220).
36. If the Respondent is deceased, the investigation will proceed as far as possible, with all reasonable efforts made to seek confirmation of the facts from any sources who might reasonably be expected to have information about the matter.
37. The Delegate or their Examiner will have unfettered access to all employment files, disciplinary records and archives of the Provincial that pertain to the Respondent.
38. The Delegate or their Examiner will interview the person or persons making the complaint or allegation, and then meet individually with such other persons as may be witnesses or have knowledge of the facts.
39. The Delegate or their Examiner will meet with the Respondent to outline the allegations and listen to his response. Witnesses named by the Respondent will also be contacted.
40. If the allegation is determined by the Delegate to be well founded, after consultation with the Provincial, both the Complainant and the Respondent will be informed of the next steps. If the allegation is determined to be vexatious or unfounded, then the inquiry will be closed and the Complainant and Respondent so advised.
41. Records of the complaint will be maintained by the Provincial in the file of the Respondent, together with a summary of the Delegate's assessment.
42. To protect the interests of the Complainant and their community, the Delegate or the

Examiner acting on behalf of the Provincial, may do one or more of the following at any time:

- a) After being advised of the allegation, the Respondent may be placed on an immediate administrative leave (canon 1722). Volunteers will be suspended from ministry or their duties without further discussion until an investigation is completed.
 - b) In the case of a Jesuit religious, an appropriate residence may be assigned pending the outcome of the investigation. The assignment of residence will be considered with the safety and wellbeing of the complainant and the public as the foremost consideration, without exception.
 - c) In the case of a Jesuit Cleric, his faculties to preach may be removed (canon 764), and if he is a Priest, his faculties to hear confessions may also be removed (canon 974). He may be forbidden to exercise any public ministry, including the public celebration of the Eucharist, and he may be instructed to cease wearing clerical garb. The removal of faculties will be assessed with the safety and wellbeing of the Complainant and public as the foremost consideration, without exception.
 - d) The Respondent may be instructed to have no further contact, direct or indirect, with the Complainants or other possibly affected persons. In the case of a complaint involving a Minor, necessary steps may be taken to ensure compliance.
43. If the Respondent admits to any aspect of the allegations against him, the Delegate must give the most serious consideration to implementing all of these restrictions. The safety and well-being of the Complainant and public will be the foremost consideration, without exception
 44. Any interview with the Complainant will be carried out compassionately by the Delegate or their Examiner, recognizing that recounting the story of what happened will almost certainly renew the hurt and trauma experienced at the time of the abuse or misconduct. A support or health worker will be encouraged to attend if requested or required.
 45. The Delegate or their Examiner will explain the next steps in the process and how confidentiality and the Complainant's privacy will be preserved. The Complainant is invited to have someone present to provide support or health care services as requested.
 46. If the allegations involve the abuse of a Minor or a Vulnerable Person and the Complainant has not reported the matter to the civil authorities, the Delegate or their Examiner will remind the person of the right to do so and will assist in making the contact should the Complainant so desire.

47. Where the Delegate or their Examiner determines that there may be substance to the allegation of abuse, they will immediately offer the Complainant assistance in obtaining qualified professional counseling services. This assistance will be outlined in a separate document indicating the length, frequency, costs, and plan of treatment (without violating patient privacy). The Delegate or their Examiner will provide advice to the Provincial in this regard.
48. The Provincial may at any time retain such additional professional consultants as may be considered necessary, including licensed counselors, medical doctors, psychiatrists, psychologists, mental health professionals, canonists, Children's Aid workers, investigators, lawyers, or other professionals.
49. The Delegate or their Examiner will ensure that any counselling services provided are subject to the strictest confidence. Under no circumstances will the professional counsellor retained report directly or indirectly to the Delegate or the Examiner on the particulars of their treatment of the Complainant or their conclusions. Any person retained to provide psychotherapy or treatment must be of the highest professional qualification, with recognized clinical or equivalent accreditation.
50. The Delegate or their Examiner will advise the Complainant that they will provide updates on the progress of the investigation on a regular basis and ensure that these steps are properly undertaken. If the allegations are deemed to be well-founded, the Provincial will offer an apology to the Complainant on behalf of the Society of Jesus.

Allegations Involving Minors and Vulnerable Persons

51. The Jesuits of Canada maintain a zero-tolerance policy towards misconduct or abuse of Minors and Vulnerable Persons. The provincial statutes across Canada governing Child and Family Services place urgent reporting obligations on individuals who, in the course of their professional or official duties, have "reasonable grounds to suspect" that a minor is or may be suffering, or may have suffered abuse.
52. The obligation to report relates to children who have not reached their sixteenth birthday at the time the allegation is made. The law sets out that abuse may be physical, emotional, mental or sexual in nature and includes sexual exploitation through child pornography. The obligation to report arises whether or not the abuse is alleged to have been committed by Clergy, Staff or Volunteers.
53. This obligation is **compulsory** for all Jesuits and not subject to personal discretion or discernment.
54. Where a Jesuit religious has reasonable grounds to suspect that a person currently under the age of sixteen is or may be suffering or may have suffered abuse, that person shall:
 - a) report the suspicion and the information on which it is based to the appropriate Children's Aid Society in the jurisdiction where the abuse

is alleged to have occurred, immediately or as soon thereafter as circumstances will reasonably permit;

- b) report the allegations to the appropriate Civil Authorities, including the Provincial Police or RCMP, as appropriate;
- c) advise the Delegate that such reports have been made. They in turn will notify the Provincial and the local Bishop, if the Respondent is a Cleric with faculties in the Diocese.

Additional Provisions

- 55. Where the Respondent admits or acknowledges the validity of part or all of the allegations made against him or indicates that the allegation will not be contested:
 - a) The Delegate or their Examiner will, in the company of a witness if possible, confirm the admission, preferably in writing.
 - b) The Respondent will be referred immediately to a selected treatment facility for appropriate evaluation.
 - c) The Respondent will sign a release in the appropriate form so that a report given by the treatment centre will be delivered to the Provincial.
- 56. All appropriate actions set out above will be duly considered and put into immediate effect, if appropriate. At all times, the safety and well-being of the Complainant is to be considered the highest priority in any decision to be made, without exception.
- 57. Where the Respondent denies the allegation and the Provincial in consultation with the Delegate has determined that further action is warranted in order to clarify the facts, the Provincial may appoint an Examiner (canon 1717) and a designated Jesuit assessor to assist the investigation (canon 1718).

Allegations of Abuse or Misconduct Requiring a Report to the Holy See

- 58. According to the norms issued by Pope John Paul II on April 30, 2001, and modified by Pope Benedict XVI on May 21, 2010, once evidence has been collected that a more grave delict may have been committed, the Provincial must report the possible offense to the Congregation for the Doctrine of the Faith for its decision regarding the next pastoral and canonical steps to be taken.
- 59. This requirement applies to more grave delicts against the Sacraments, and to certain cases of immoral behavior set out in these Procedures. The cases which must be referred to the Congregation for Doctrine of the Faith include, but are not limited to, the following:
 - a) The sacramental absolution of an accomplice in a sin against the sixth

commandment (canon 1378 §1). [The sixth commandment refers to sins which are sexual in nature.];

- b) Solicitation to sin against the sixth commandment during, on the occasion, or under the pretext of confession (canon 1387), if it is directed to sinning with the confessor himself;
 - c) Any sin against the sixth commandment committed by a cleric with a minor below the age of eighteen. A person who is developmentally disabled is equated to a minor in this case;
 - d) The acquisition, possession or distribution by whatever means or technology by a cleric of pornographic images of minors under the age of fourteen.
60. If appropriate, the Delegate or their Examiner may recommend that cases of historical abuse be reported to the Congregation for the Doctrine of the Faith of the Holy See for further investigation.

Procedure for Investigation of a Contested Allegation (canons 1717)

61. In circumstances where allegations of inappropriate conduct with, or the abuse of a Minor or Vulnerable Person are contested by the Respondent, further investigation beyond the policy may be required. Upon appointment, the Delegate or their Examiner may make arrangements for a formal investigatory hearing.
62. Following the investigatory hearing, the Delegate or their Examiner will prepare a written report for the Provincial including reasons recommending that one or more of the following courses of action be implemented:
- a) no further action be taken in respect of the allegation;
 - b) a strictly pastoral approach be adopted (canons 1718 and 1341);
 - c) where the Respondent is a pastor, the process for removal be initiated (canon 682 §2);
 - d) a canonical warning be given (canon 1720);
 - e) a canonical penal trial be initiated which may lead to dismissal from the clerical state, or, in the case of voluntary departure, dispensation from clerical obligations; (canon 1718);
 - f) an administrative process be initiated (canon 1718);

g) a temporary or permanent restriction as set out in this Procedure be applied;
and;

h) such further action as the Delegate may recommend.

63. While undertaking their investigation and preparing the report to the Provincial, the Delegate or their Examiner may use both canonical and civil terminology in order to provide maximum clarity to their report. This may include describing whether the allegation is true or untrue using concepts such as: a serious suspicion (canon 1339), moral certainty (canon 1608), beyond a reasonable doubt, and the balance of probabilities.
64. The Delegate or their Examiner are also to report on whether or not the presence or absence of remorse on the Respondent's part has been discerned, where appropriate.
65. While undertaking their investigation and preparing the report to the Provincial, under no circumstances are the Provincial, the Delegate or their Examiner to hear the confession of the Respondent.
66. The Delegate or their Examiner will deliver their report(s) to the Provincial within 60 days of the date of their appointment. When circumstances warrant, the Provincial may extend the time required for the Investigation.
67. The Provincial will consider the report of the Delegate or their Examiner in deciding the matters entrusted to him (canon 1718).
68. No Jesuit who is found to have abused a minor or vulnerable adult will ever be readmitted to public ministry. Canon 695 requires that all religious who have abused minors must be dismissed from their institute unless "the superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way."
69. In cases where it is determined that a Jesuit has behaved inappropriately and his dismissal from the Society of Jesus is not deemed necessary, the Provincial will take the advice of an Advisory Board before determining the particulars of his living circumstances ("Safety Plan"). If a Jesuit shows himself unable or unwilling to live according to his Safety Plan, he will be dismissed from the Society of Jesus in accordance with canon 695.
70. In cases where an allegation of abuse against a Jesuit is not proven, but questions remain about his behavior, an Advisory Board will be convened and review the facts of the case before the Provincial reassigns him to ministry.
71. At any time during or after these Procedures, should the circumstances warrant it, the Provincial may take appropriate steps, in accordance with the Constitutions of the Society of Jesus and the Code of Canon Law, to dismiss the Respondent from the Society of Jesus.

Sexual Harassment

72. The Jesuits of Canada confirm that everyone is entitled to live or work as part of a Catholic school or community, participate in Church activities and functions and enjoy a workplace free of harassment, including Sexual Harassment.

“Sexual Harassment” may involve:

- a) Vexatious conduct of a sexual nature that is directed at another (e.g., a member of the lay faithful, co-worker, or fellow Jesuit) that is known or reasonably ought to be known to be unwelcome by that member, or
 - b) Conduct which is known or reasonably ought to be known to be offensive to another because of their sex or sexual orientation.
73. Where there is reason to believe there has been an incident of Sexual Harassment, an investigation will be conducted by the Delegate to determine whether there is a valid complaint or not. When such an investigation finds that there has been an incident of Sexual Harassment, the Provincial will take corrective action.
74. In cases of alleged Sexual Harassment, the Respondent will be given the opportunity to reply to any complaint made against him or her under this Policy before any decision adverse to the individual’s interest is reached on the complaint. The rights of privacy and confidentiality of both parties will be ensured and protected during the investigation.
75. Where the Delegate determines that there is substance to the allegation of Sexual Harassment, he will immediately advise the Provincial, who will consult with regard to the appropriate actions, including any sanctions that may be appropriate.
76. The Jesuits respect the right of all persons affected by this Policy to seek remedies such as grievances, human rights complaints and criminal charges whether the remedies provided by this policy are sought or not.

Conclusion

77. It is the responsibility of every Jesuit to abide by these Procedures and to make known to the Provincial Delegate any allegations of sexual misconduct on the part of any Jesuit over whom the Provincial has authority.
78. To ensure continued awareness and commitment to the principles of these Procedures, the Jesuits of Canada will organize and arrange an annual in-service for all Jesuits regarding boundaries, identifying abuse, and reporting obligations.
79. All persons carrying out responsibilities under these Procedures, including the Delegate will cooperate with civil authorities carrying out statutory responsibilities, including police officers and Children’s Aid Societies.

80. A written record will be kept of all steps taken from the moment the allegation is first received. The record is not to be destroyed at any time, even after the death of the Respondent. The record will be used to verify that the Procedures were followed, that the Complainant was treated fairly, and that the Respondent's rights were respected. Care is to be taken to protect the confidentiality of such documentation.
81. The Provincial will decide how best to assist the Catholic school or community affected by an allegation of misconduct against a Cleric, Staff or Volunteer, up to and including a public statement, taking care, however, not to interfere with any civil investigation that is in progress.
82. If required, the Province will order a professional and independent third-party audit of its personnel and delegates files to provide Superiors and the Provincial of Jesuits with an unabridged and complete accounting of individuals who have been credibly accused of misconduct, abuse or serious boundary issues.
83. When it has been determined that a Jesuit who is not a member of the Province of Canada has been guilty of abuse or misconduct involving a Minor or Vulnerable Person, the Delegate will immediately inform the Cleric's own Superior or Province. No Cleric will be nominated for ministry or residence in a parish in any Diocese without full disclosure by his Superior of any allegation of misconduct in the Cleric's past.
84. These Procedures are designed to deal with allegations brought against a living person. Allegations brought against a deceased person will require appropriate modifications of the Procedures designed to facilitate a reasonable determination of the validity of the allegation and an appropriate response on the part of the Jesuits of Canada.
85. If, at any time civil or criminal proceedings are initiated against the Respondent or the Jesuits of Canada or any of its related corporate affiliates, these Procedures shall be suspended immediately, to be resumed, if deemed necessary, only after the completion of the civil or criminal proceedings.
86. In such a case, the Delegate will recommend to the Provincial a possible course of action with respect to the Respondent, in keeping with the intention of these Procedures and in the interests of justice.
87. The Jesuits will ensure that Complainants or their families are made aware that they can make a confidential allegation of abuse or misconduct directly to the Jesuit Provincial Curia, 25, rue Jarry ouest, Montreal, Quebec, H2P 1S6, Telephone: 514-387-2541, Fax: 514-387-5637. E-mail: CANprovince@jesuits.org, or through any Jesuit, Staff or Volunteer.