

Professional Boundaries:

Guidelines for Caring and Serving

The Society of Jesus
Malaysia-Singapore Region



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Introduction

In any institution, there is always a need to ensure that measures are in place to protect the lives of those for whom the church and religious orders have special care and responsibility. Hence, the *Professional Standards Protocol* (PSP) is drawn up to provide for ourselves a guideline and code of conduct for all those in the caring and serving ministries in the church.

Precisely because of the trust and confidence placed in us by the faithful in the church, it is incumbent upon us that we maintain our professionalism and practice with full dedication, diligence and competence as Christ would expect of us. In other words, we must cultivate a strong psycho-spiritual-sexual integration; observe professional boundaries and be men of integrity, honour and responsibility. Above all, we must be men of prayers, deeply connected in our spirituality based on a personal love of Jesus as the one Master and Lord whom we serve and obey with gratitude and fidelity. In other words, the vows of Poverty, Obedience and Chastity must ground us in our relationship with others so that others can trust us and that we can be a source of edification and bring glory and honour to God.

Where we fall short of the demands made on us because of psychological, emotional, social and personal weaknesses and neglect, we must with all humility seek help where it is available such as: in professional counselling and therapy; on-going spiritual direction; community support, personal reception of the sacrament of reconciliation and on-going formation for personal and professional growth. All these means are needed and must be a part of the formation process to ensure that those called to the religious life are able to become fully mature human persons with the capacity for healthy relationships without

anxieties and stress in dealing with both men and women in their daily ministries.

We entrust all that we are and do to the mercy and love of God so that as pilgrims on earth, we must also practice full accountability and transparency in our personal and professional lives. Indeed, we must be seen as responsible stewards who can say that we are servants doing our duties with the utmost love and devotion for Christ our Lord so that his Kingdom may reign among us. May His Spirit give us hope and healing to be His faithful people redeemed from our sinful and wounded nature so that we can be His true and faithful disciples and witnesses in the church and the world today.

Part One: Scope of the Protocol

Objectives

1. This professional standards protocol outlines the procedures to be undertaken in dealing with complaints involving allegations of:
 - a.* Sexual abuse by any Jesuits or other persons who are employed or who are volunteers involved in Jesuit-related Ministries; or
 - b.* Any conduct of a sexual nature that amounts to a criminal offence, in accordance with local laws.

Part Two: Principles in Dealing with Complaints of Sexual Abuse or Misconduct

Nature of Complaint

2. Clergy and religious are in a special position of trust and authority in relation to those who are in their pastoral care. Any attempt to sexualize a pastoral relationship is a

breach of trust, an abuse of authority and professional misconduct. To sexualize a pastoral relationship may take the form not only of sexual relations, but also harassment, molestation, and any other conduct of a sexual nature which is inconsistent with the integrity of a pastoral relationship. Compliance by the other person does not necessarily imply meaningful consent. Even when the other person concerned is the one who seeks to sexualize the relationship; it is the professional responsibility of the Jesuit to guard the boundary against sexual contact.

3. Sexual abuse by the clergy or religious in their pastoral care may be subject to the provisions of civil or criminal law. However, even when there are no grounds for legal action, serious harm can be caused, including damage to a persons faith and trust in God.

The Response of the Church

4. In dealing with the abovementioned complaints, the Jesuit community makes a firm commitment to strive for the following in particular: truth, humility, healing for the victims, assistance to other persons affected, a just and fair response to those who are accused.

Part Three: Procedures in Handling Such Complaints

Receiving a Complaint

5. The process is commenced when a written complaint, signed by the complainant, that includes his/her contact details, and the person making the complaint indicates that he/she wishes to invoke the procedures outlined in this document. There should be sufficient information about the nature of the complaint for the alleged accused person to know what has been alleged against him.

6. Anonymous complaints will not be acted upon under these procedures, *lice*, unless at some point the name of the complainant becomes known.
7. A complaint shall be received directly in writing to the Major Superior and thereafter the written complaint shall be recorded in the presence of the contact person, who shall be the Assistant to the Major Superior (or ‘socius’).
 - 7.1. The contact person shall listen fully and compassionately to the person laying the complaint, both concerning the facts of the situation and its emotional, psychological and spiritual effects. The contact person shall explain the procedures for addressing the complaint and ensure that the complainant gives his/her consent to proceeding on the basis laid down in this document.
 - 7.2. The contact person shall assist the complainant by writing the details of the complaint (which includes details like, time, place and nature of the complaint), to be confirmed by the complainant by appending his/ her signature at the bottom of the complaint (see Appendix 2 for the template of the Complaint Form). The written complaint shall be read back to the complainant before he/she appends his/her signature.
 - 7.3. Where the complainant is a child or young person (below the age of 16 years), the recording of the complaint shall be made in the presence of his/her parent(s) or legal guardian, who shall append his/her signature confirming that the complaint was recorded in his/her presence. Where the child is below the age of 12 years, the parent/legal guardian of the said child shall make the complaint on behalf of the child.
 - 7.4. The complainant shall also undertake to state the true facts to the best of his/her knowledge and that he/she understands that such information may be forwarded to the relevant authorities (like the police) for further investigations, where necessary.

8. In responding to the complaint, every effort should be made to minimize the number of times the complainant has to tell his/her story.
9. In the interim, the contact person shall also discuss with the complainant (and his/her parents or legal guardian where applicable) how best to ensure that the complainant can be supported emotionally and spiritually.

Where an Alleged Criminal Offence is Disclosed in the Complaint

Where an alleged criminal offence is disclosed in the complaint

10. When the complaint concerns an alleged crime, the contact person shall explain to the complainant that the Church has a strong preference that the allegation be referred to the police so that the case can be dealt with appropriately through the justice system.
11. If the complainant takes the matter to the police, the contact person may make recommendations to the Jesuit Community concerning counselling or other such assistance for the complainant pending the outcome of the criminal justice process.
12. If the complainant indicates an intention not to take the matter to the police, despite the advice given by the Church to do so, this shall be recorded and confirmed by the signature of the complainant . Unless and until the complainant signs this document, the matter cannot proceed to an assessment.[†]

[†]When a complainant does not wish to go to the police or other appropriate authority and asks the Church to investigate an alleged crime, the complainant is required to sign the following statement before the Church takes any action: *“The Major Superior of the Jesuits of Malaysia and Singapore, has strongly urged me to take my complaint to the police or other relevant authority. It has been carefully explained to me that any process the Society of Jesus (of Malaysia and Singapore) establishes will not have the same powers to investigate the matter and to test the evidence as the*

13. In the case of an alleged criminal offence, if the complainant does not want to take the matter to the police, the Major Superior may initiate the procedures as outlined under this document.

Initial Assessment of the Allegations

14. The contact person shall forward the written complaint to the Major Superior with his recommendations, who in turn, would in his discretion, decide whether to convene an *Investigating Committee* (IC) to further investigate into the allegation(s) made by the complainant.

Recommendations

15. Depending on the seriousness of the allegation, the contact person may make any one or more of the following recommendations to the Major Superior:
 - a. Apology (verbal or written) be made to the complainant;
 - b. Referring the alleged accused for counselling;
 - c. Voluntary mediation with the person against whom the complaint is made;
 - d. Referring the complainant for counselling or other such assistance pending the outcome of further investigations;
 - e. Refer the matter to the IC.

courts have. Any process of investigation initiated by the Society of Jesus (of Malaysia and Singapore) cannot impose the same penalties as a criminal court. Aware of these limitations, I still state that I do not wish to take my complaint to the police or other appropriate authority at this time and I ask that a process be established by the Society of Jesus (of Malaysia and Singapore)."

Responding to a Complaint

16. The following procedures apply only if one of the following criteria is satisfied:
 - a. a complainant has chosen not to report the matter to the police and wishes to proceed with the Inquiry; or
 - b. the relevant authorities have decided not to take further action (for e.g. criminal prosecution).
17. After receiving notice of the complaint and the Major Superior decides that the matter shall proceed to the IC, the alleged accused shall be informed of the nature of the complaint as soon as practicable. A copy of the written complaint shall be given to the accused anytime prior to the interview by the IC.
18. The accused shall also be entitled to information about his rights and about the process for dealing with the complaint. The accused is encouraged to identify a support person of his choice or be assigned one.
19. The accused shall be advised that he has the right to obtain independent legal advice but his legal representative shall not be permitted to be present during the interview of the accused by the IC. The legal advice shall normally be at the accuseds expense although the Major Superior may exercise his discretion to make loans or to reimburse an accused for reasonable legal expenses if he is unable to afford legal assistance.
20. The Major Superior shall seek a response from the accused in writing in order to determine whether the facts of the case are significantly in dispute. If the accused admits to the inappropriate behaviour, and the complainant does not wish to proceed with any legal action, then the Major Superior shall proceed to implement the internal disciplinary proceedings according to the norms and the Constitution of the Society of Jesus.

21. Where there is a significant dispute or uncertainty about the facts, the Major Superior shall have the matter investigated by the IC.

Part Four: The Investigating Committee

Composition of the Investigating Committee

22. The Major Superior shall appoint the IC from a list of Panel of Assessors. The appointment shall occur as soon as practicable. The IC shall consist of four members who are the following:
 - a.* A legally trained person;
 - b.* A woman;
 - c.* A Jesuit;
 - d.* A mental health professional (psychiatrist or clinical psychologist)

The Major Superior shall determine the list of Panel of Assessors.

Assessment of the Complaint

23. The purpose of an assessment is to investigate the facts of the case to the extent that it is possible to do so where there is a significant dispute or uncertainty as to the facts, or where there is a need for further information concerning the complaint.
24. The IC shall be convened and thereafter the complainant, the accused and any such persons who will be able to assist in the assessment process, shall be interviewed by the IC separately. The IC should, at some stage of the process, put to the complainant the accuseds version of the events and vice versa.

Interview with the Complainant or any Such Relevant Persons to Assist in the Assessment Process

- 24.1. The complainant shall be invited to have a support person (namely, a social worker or counselor) present at the interview.
- 24.2. No interview shall be conducted with a child or young person, without the express written consent of his/her parent or guardian. An interview with a child or young person shall only be conducted by personnel who are professionally recognized as skilled practitioners in interviewing children (for example, a child psychiatrist/psychologist, social worker or counselor).
- 24.3. Special care shall also be taken in interviewing a person with an intellectual or psychiatric disability, and any such interview shall be conducted only by an appropriately qualified and experienced person.
- 24.4. Where necessary, the complainant may be subjected to a psychiatric and/or psychological assessment to ascertain the complainants mental state at the time of the inquiry as well as the time of the alleged incident(s)/offence(s), provided the complainant consents to the same. The IC shall refer the complainant to the appropriate health professional, which shall be appointed by the Major Superior, the costs of which shall be borne by the Society of Jesus of Malaysia and Singapore.

Interview with the Accused

- 25. The IC shall arrange an interview with the accused, if he is willing to speak to them. If the accused declines an interview, he should be given an opportunity to provide a written response to the complaint, which would be forwarded to the IC for their assessment.
- 25.1. If the accused does not wish to co-operate with the assessment, the assessment shall still proceed and the

- IC shall endeavor to reach a conclusion concerning the truth of the matter.
- 25.2. Where an interview with the accused takes place, the IC shall inform the accused that he is presumed innocent until proven guilty.
 - 25.3. An accused may be invited to admit to an offence but is not bound to do so, nor may an oath be administered.
 - 25.4. Where necessary, the accused may be subjected to a psychiatric and/or psychological assessment to ascertain the accuseds mental state at the time of the inquiry provided the accused consents to the same. The IC shall refer the accused to the appropriate health professional, which shall be appointed by the Major Superior, the costs of which shall be borne by the Society of Jesus of Malaysia and Singapore.
26. A written and taped record shall be made of all interviews.

Report and Evaluation

27. After the assessment is completed, the assessors shall provide a written report to the Major Superior or higher authority (as the case may be). The IC shall review the evidence of the complainant, examine the areas of dispute and make findings about whether they consider the complaint to be true on the balance of probabilities, based upon the evidence at that time.

Findings

- 27.1. The IC must provide reasons for their findings.
- 27.2. If the IC is unable to decide on the truth of the matter with a sufficient degree of certainty, it may nonetheless make recommendations to the Major Superior concerning its response to the complainant and this may include any matter that may be relevant to a risk

assessment concerning the continuation of the Jesuit in his vocation.

- 27.3. Where the behaviour about which the complaint has been made, was not a criminal offence, the IC may also comment on how serious the violation of the integrity of the pastoral care was.
 - 27.4. The complainant and accused are both entitled to know promptly within one month the findings of the assessment and the reasons for them.
 - 27.5. The Major Superior or contact person shall communicate the relevant findings to the complainant and the accused.
28. The records of the interview and all other documents or material associated with the assessment are to be treated as confidential. The Major Superior shall maintain a confidential record of all findings and any documents relevant to the suitability of the person for future ministry. All members of the IC shall maintain confidentiality.

Recommendations

29. After the assessment by the IC, where it is satisfied of the truth of the complaint or where the accused admits to the allegations during the course of the assessment, the following recommendations may be made by the IC to the Major Superior:
- a.* An apology on behalf of the Jesuit community;
 - b.* Provision of counseling services to the complainant;
 - c.* Payment of counselling costs;
 - d.* Compensation to the complainant of a criminal offence;
 - e.* Mediation between the complainant and the Jesuit community where apologies can be offered and unresolved problems addressed through this process;

- f.* Reparation to be made to the complainant and to the Church community;
- g.* Further disciplinary measures to be undertaken by Rome; or
- h.* For the matter to be referred to the police for investigations, with a view of criminal prosecution.

Review of Assessment Process and Findings

- 30. A review of the assessment process outlined above, and/or the findings of the assessment, is available to the complainant and the accused.
 - 30.1. A person requesting a review should make the request in writing to the Major Superior and should provide reasons for his dissatisfaction with the process or findings.
 - 30.2. A review is available for alleged accused persons only if they co-operated with the assessment process.
 - 30.3. The request for review shall be forwarded to the contact person (*i.e.* ‘socius’) who shall arrange for a review to take place before a Review Panel.
 - 30.4. Parties may seek a review within 3 months from the date that the report of the assessment was furnished by the IC to the Regional Superior.
- 31. The review is an independent evaluation, not only of whether there is substance in any of the grounds for complaint, but also whether the principles established in the second part of the document have been adhered to.
 - 31.1. The Review Panel will be formed by the Regional Superior
 - 31.2. Composition of the Review Panel

The Review Panel shall consist of 3 persons including the following:

- a. A psychiatrist or clinical psychologist;
 - b. A member of another religious order; and
 - c. A legally trained person
- 31.3. A chairperson will be chosen after the Panel has convened
- 32. The Chairperson of the Review Panel may allow a review to be conducted outside the 3 months time limit if there are compelling reasons to accept a request for review.
- 33. The Review Panel shall determine the procedures for the conduct of the review. Where it is necessary to do so, this may involve speaking to the complainant, the accused or any other person concerned with the case. The complainant or accused, as the case may be, who is not the applicant for the review, should be made aware of the grounds for the review that concern factual matters about which they may be able to provide further information.
 - 33.1. The Review Panel shall have access to all relevant information.
 - 33.2. The Review Panel shall conduct the review expeditiously within 3 months from the time that that the Review Panel is convened.
 - 33.3. A written report with recommendations shall be forwarded to the Major Superior
- 34. The Review Panel shall also consider if that there has been a failure to observe the required processes, or identifies deficiency in the findings.
- 35. The Review Panel may substitute its own findings for those of the IC, provided that it has all the information available to do so. The Review Panel may direct that a further assessment be undertaken. The Review Panel shall also make such recommendations as it sees fit to the Major Superior in relation to the complaint.
- 36. A copy of the report and the Review Panels recommendations shall be given to each party.

Conclusion

As a Province, we stand united in faith, understanding and compassion in adhering to any protocol in any event of sexual misconduct. The vows that we all solemnly profess should be at all times be in our hearts and minds as we continue to work for Gods greater glory. We continue to encourage and pray for the grace to be supportive of one another in community life.

Promulgated on the 5th of November of 2012

Fr Colin Tan, S.J.
Regional Superior

Appendix 1

Definitions

‘Sexual abuse’ includes:

- Sexual assault, sexual harassment or any conduct of a sexual nature against a child or young person that is inconsistent with the integrity of the relationship between church personnel and those who are in their pastoral care.

‘Sexual harassment’ includes:

- The making of unwanted sexual advances or obscene remarks.

‘Pastoral care’ means:

- The work involved or the situation which exists when one person has responsibility for the wellbeing of another or for a faith community of which the complainant is, or was, a part. It includes the provision of spiritual advice and support, education, counselling and assistance in times of need.

Appendix 2

Complaint Form Pursuant to the Professional Standards Protocol

Name of Complainant: _____

NRIC/FIN/Passport No.: _____

Address:

Sex: _____

Occupation: _____

Nature of the Complaint

(to include details like date, time, nature of the allegation(s))

“I state that the above facts are true to the best of my knowledge and I understand that such information may be forwarded to the relevant authorities (like the police) for further investigations, where necessary.”

Complainant's signature: _____

Date of complaint made: _____

Recorder's (*i.e.* the contact person) signature and name:

*Where the complainant is below 16 years old, his/her parent/guardian shall append his signature below to state as follows:

“I, parent of the above complainant, state that the above facts are true to the best of my knowledge and I understand that such information may be forwarded to the relevant authorities (like the police) for further investigations, where necessary.”

Complainant’s parent/guardian’s signature:

Complainant’s parent/guardian’s name:

Relationship to complainant:
