

Taking Responsibility as an Apostolic Priority: Recommendations for Jesuit Institutional Leaders

IN WRITING THESE RECOMMENDATIONS, we want to first acknowledge the significant work that has been done by a diverse group of survivors, researchers, administrators, and many others (including many who are not Catholic) to respond compassionately and justly to the sexual abuse scandals within the Catholic Church. At the same time, sexual abuse and its legacy are clearly still very much live issues in Jesuit institutions, just as they are elsewhere in the Church and in society at large. During our research period, allegations against prominent administrators and faculty continued to come to light (for example at [Santa Clara University](#) and [Georgetown University](#)) and lawsuits continue to move forward, [in one recent high school case resulting in the disclosure of many relevant documents](#).

In the light of this reality, and out of our experience with this project over the last two years, we offer four recommendations here for Jesuit and historically Jesuit institutions in the United States. We particularly focus on universities, but because we believe many of these recommendations are relevant to high schools, parishes, and so on, we use the language of “institution” rather than “university.”

We also wish to note here that, while we employ language specific to Jesuit and Catholic institutions’ missions, we believe that these recommendations can be thought through and carried out by the many dedicated administrators, staff, faculty, students, and alumni affiliated with other religious traditions or no religious tradition but who are key players at most Jesuit institutions today. It continues to be essential for laypeople (of any faith or none) to be partners with Jesuits in addressing abuse by both clergy and laypeople at Jesuit institutions.

1) Jesuit institutions are called to an expansive “responsibility” to survivors of clergy sexual abuse, especially when committed by Jesuits or by lay staff and faculty at Jesuit institutions.

The identity of a Jesuit/Catholic institution (whether university, high school, parish, or otherwise) entails a broad responsibility to prioritize addressing the past of clergy sexual abuse and reforming institutions in the present. This responsibility is not, in the end, to any given institution, or to the church itself, but rather – in a theological sense – to finding and living with truth, a process which we believe sets people free (John 8:32). “Mission-driven” institutions do not solely have a fiduciary responsibility, but a responsibility to this mission. Even if our particular institutions have not faced a public scandal, we are part of a broader web that has co-responsibility for addressing the scandal. Furthermore, survivors of clergy sexual abuse, may work for and attend Jesuit institutions, even if the abuse they experienced did not take place at the institution itself. Jesuit institutions, [as part of the Jesuit mission to reconcile with God](#), humanity, and creation, and responding to the apostolic priority to [“walk with the excluded,”](#) should ask how these survivors can be supported, even when their individual identity is not disclosed, both during “ordinary” time and during moments of stress such as when public scandal re-erupts. Further, while immediate victims should come first, by extension institutions must also have a plan to support those who know victims and/or who feel personally betrayed because of their emotional and material attachment to Catholic institutions.

Jesuit institutions should ask how they can proactively communicate that they welcome reports of abuse, rather than leaving victims to wonder if their reports will be received and acted upon. They will need to dedicate significant resources to training faculty, staff, and institutional leaders to respond to the disclosure of abuse in ways that do not perpetuate harm, as well as to communicating with alumni and other related people about why it is important to be open rather than defensive about the history and present of sexual

abuse within the Church generally and perhaps within the institution specifically. For those who receive mandatory sexual harassment training, this training (with attention to specifically Catholic situations like spiritual counseling) might become an additional related module, but care should be taken that employees and students do not dismiss this training as secondary to the “real work” of the institution. Rather, indicating that the institution welcomes reports and supports survivors is a matter of creating just environments, and therefore central to institutional mission.

2) Jesuit institutions should go “beyond” and accept more corporate responsibility than any given institution might feel it deserves for cases of abuse committed elsewhere or in the past.

Over many decades, Jesuits and the institutions they have founded have established a valuable reputation for being on the forefront of support for those wounded by society or church. While the order and any given institution (which may well no longer be run by Jesuits) may sometimes see their interests as separate or even in conflict, they share the reputational benefit of this history and thus share its promise and danger. Over and over again, we have heard from survivors and employees at Jesuit universities and high schools who have been disappointed by a response to the abuse crisis, “they are supposed to be the good guys.” This does not mean that those attached to Jesuit institutions believe Jesuits or powerful laypeople at Jesuit institutions will never commit abuse. It does mean that expectations are high that Jesuits and lay administrators at Jesuit institutions will not behave defensively, dismiss victims’ experiences, and avoid acknowledging the order’s or the university’s responsibility for individual and systemic cases of abuse.

Jesuits and Jesuit institutions must be wary of any effort to claim a heroic Jesuit history stretching from Ignatius to Ellacuría while metaphorically expelling abusers, whether [in Alaska](#) or [in Chicago](#), from this history. And Jesuit institutions today have a responsibility to ask whether their structures and practices are putting younger or more emotionally vulnerable people (students seeking counseling through campus ministry, or in intense relationships like those with athletic coaches or [music teachers](#); seminarians; those of any age or position going through a spiritual crisis) in the way of potential harm when they seek out relationships with authoritative figures, ranging from professors to campus ministers to [those in charge of service learning far from campus](#). Safeguarding policies at Jesuit institutions must also take into account well-known human tendencies to want to excuse or explain away reports about those in structural positions of power or widely beloved. Further, when such an account does become public, Jesuit institutions and individuals have an obligation not only to express horror but to ask, in both private and public, what enabled the events to unfold as they did, and what role either the order, the institution’s administration, or both, had in these events.

3) Jesuit institutions at all levels should play to a significant Jesuit strength and support and sponsor research on the abuse crisis to the fullest extent possible.

Collectively, Jesuit institutions are some of the best positioned in the world to research the sexual abuse crisis. Since the late 1960s, Jesuits and Jesuit institutions have developed a complex and not well understood governance structure whereby Jesuits sponsor the institution but may well not own or have administrative control over it. Yet the order also may maintain ownership of certain buildings on campus, and continue to have responsibility for Jesuits who work as faculty, campus ministers, administrators, etc. This complex structure has often created perverse incentives, as happened, for example, at [Gonzaga University](#) and [Fordham University](#) where university administrators were allegedly not made aware by the order that known Jesuit abusers were living on or near campus. And one entity (the order or the university) may feel compelled to protect certain knowledge while the other wants disclosure, creating conflict.

Despite these very real issues, if university and provincial administrators work together with local faculty, they could initiate studies that have access to a wide range of data encompassing parishes, universities, high schools, middle schools, missionary efforts, and beyond. As Sam Sawyer, SJ, wrote several years ago, [we should begin by praying to be delivered from the hope that the scandal will be “over.”](#) If institutions (provinces, individual universities, high schools, etc) receive the grace of this conversion, they will be well positioned to contribute to the church overall. This is also work that can contribute to the moral and reputational repair of specific Jesuit institutions: as institutions work together to discern truth and address real wounds, they will build trust among themselves and, hopefully, with many others. This, however, should not be understood as a quick fix or as a primary goal. We state it only to remind institutions that a good reputation does not come from concealment, but from honesty and faithful dealing over long periods of time.

Specifically, we believe institutions should lean towards support rather than suspicion for practices such as:

- releasing records, including those often deemed “private” in the past;
- requesting that Jesuits in residence, faculty, parishioners, and students participate in research by filling out surveys or doing interviews;
- dedicating internal resources to examining the institution’s past, either by calling on faculty members or hiring an outside researcher or consultant, as the Jesuits have recently done regarding their provincial records and regarding their records of Native American boarding schools.
- Institutions of all kinds should be clear with their review boards (whether the IRBs that approve research at universities, or review boards set up to go over potential cases of abuse at the provincial and other levels) that they are not to put the reputation of the institution first when research projects begin. Regarding access to records and archival data, [we note the concept of “data sovereignty,” posited by Native communities](#), and suggest that Jesuits and Jesuit institutions should regard archival resources related to sexual abuse as more the property of victims than of either abusive priests, or of the order. That said, there are many ways to appropriately anonymize data, and community advisory boards might be called into service along with IRBs to discern whether a particular use of either archival records or of research instruments/surveys might be harmful to victims. Recognizing that the release of records can be sensitive with regards to personal and institutional confidentiality, we suggest that Jesuit institutions at all levels convene committees of Jesuits, institutional administrators, scholars with recognized research reputations, and victim advocates to discuss institutional policies around archival disclosure.

4) Jesuit institutions should know the relevant law, but find ways to focus on justice rather than on strict adherence to the letter of law.

In the United States, as is well known, the legal profession has played a significant role in the sexual abuse crisis. Lawyers have both worked to find and report evidence of sexual abuse, as well as to suppress that evidence in defense of institutional reputation and financial health. However, Jesuit institutions have not necessarily taken a step back from immediate crisis and examined the role of lawyers in their own institutions. We recommend that institutions of significant size (such as universities or provinces) establish a committee of representative members of the province and educational institutions to address legal issues pertaining to clergy sexual abuse. While such committees should obviously include those trained as lawyers, they might also include ethicists, victim-survivor representatives, trustees, and other relevant colleagues. These committees might examine some of the following legal issues often raised as meriting further discussion and clarification pertaining to clergy sexual abuse (many of which are shared with other Catholic and non-Catholic institutions):

- Which cases of clergy sexual abuse fall under sexual misconduct cases treated through Title IX requirements? Are there cases of spiritual abuse perpetrated by clerical or laypeople that might not fall under Title IX? If so, what process should be used to address them?
- Should the same processes be used as in Title IX cases, or should standards be different in cases of clergy abuse?
- What are the legal differences and possible complications arising from and pertaining to cases where victim-survivors are not minors, including the majority of cases of clergy abuse of students or perhaps faculty/staff at the college and university level?
- Has the institution emphasized to all stakeholders its policy regarding harassing behavior towards those of legal age, whether students, staff, or others?
- Is the institution working to settle old claims or is it actively fighting them (including fighting state statutes seeking to open new windows in the statute of limitations)?
- Are practices of confidentiality around employee or student records exposing others to harm? Are they preventing care for those violated?
- What are the requirements for care for those who have been accused of violating others?
- Has the institution developed a clear agreement with local Jesuit communities regarding the treatment of and disclosure around accused Jesuit abusers?
- Do institutions and individuals understand that situations of spiritual care and counseling may be sites where people are especially vulnerable to abuse, and does Campus Ministry and all other applicable bodies have a plan for training in this matter?
- Are there any legal protections for whistleblowers, be they university, college, or high school administrators, or other employees?
- Are clergy accused of abuse treated differently than laypeople, and if so, how?
- Finally, how can attorneys representing Jesuit institutions help the institution take rather than evade responsibility for abuse cases? For example, perhaps Jesuit institutions might instruct their attorneys that responsibility to the university mission takes a higher priority than financial or reputational defense, or actively support legislation sought by survivors, such as “window” periods when survivors of abuse in the past (outside the current statute of limitations) can bring forward complaints.

