

Respecting the Boundaries

"Keeping the Ministerial Relationship Healthy and Holy"

Dear Friends,

The bond between the Church's ministers and the people they serve is inviolable. It is a relationship that is rooted in trust, a trust that must be the promise that no one will ever use a ministerial relationship to harm or take advantage of another person. This is true in every case, but it is no more true than in those cases involving the ordained (bishops, priests and deacons), vowed religious (sisters and brothers) and employees of the Diocese of San Jose.

Whenever people approach parish or school staff members, outreach ministers, deacons, priests or bishops, it is to Christ they look and it is Christ's compassion and care that they should encounter. This is especially true of the powerless. As Christ reached out with special concern for the vulnerable, so the Church today must protect children, young people and vulnerable adults. These people are at the heart of the Church; they are the defenseless, the at-risk people whom the Lord proclaimed blessed. They are the people that we, Christ's Church, should protect from every form of exploitation.

The gravest violation of trust occurs when the gift of human sexuality is exploited, the powerful against the weak. This cannot be tolerated. It is most reprehensible when it occurs in the Church, and it is our responsibility to insure that sexual abuse never happens again, especially within the ministerial relationship.

Through this brochure, we hope to describe the healthy boundaries that should exist between all people and anyone who ministers to them in the name of the Church. Please familiarize yourself with this brochure and, should any questions or concerns arise about these most sensitive and important issues, contact our Diocesan Office for the Protection of Children and Vulnerable Adults at 408 983-0113.

May the Lord Jesus, who is the Way, the Truth and the Life, lead us all in the ways of truth and justice. May we grow, more and more, to be one people, together in Christ.

With every best wish and kind regard, I remain,

Sincerely yours,
Patrick J. McGrath
Bishop of San Jose

"The Light shines in the darkness and the darkness has not overcome it." (John 1:5)

Response to Complaints of Sexual Misconduct

How are complaints or allegations of sexual misconduct handled by the Diocese of San Jose?

The Diocese of San Jose treats all complaints of sexual misconduct seriously and deals with each allegation in a prompt, confidential and thorough manner with compassion and care for all those involved.

- A complaint against a clergy, Catholic school personnel or other Diocesan employee may be initiated in writing to the Office for the Protection of Children and Vulnerable Adults, Diocese of San Jose, 900 Lafayette Street, Suite 301, San Jose CA 95050 or by calling 408-983-0141.
- The Director of the Office for Protection of Children and Vulnerable Adults will help in referring complaints to proper authorities if these complaints are made against religious order priests or other religious who are not under the jurisdiction of the Bishop.
- Complaints against parish employees or volunteers may be directed to the pastor or parochial vicar of the parish who will contact the Office for the Protection of Children and Vulnerable Adults. These complaints may also be made directly to the Office for the Protection of Children and Vulnerable Adults at 408 983-0141.

Upon receiving an allegation or complaint, the Director of the Office for Protection of Children and Vulnerable Adults will:

- Report immediately to civil authorities in all cases.
- Immediately notify the Bishop and the Chair of the Diocesan Review Board.
- Make every effort to act in a way that protects people from being harmed, including relieving an accused priest, deacon, parish or school staff member, etc., from ministerial duties or other responsibilities if there is sufficient evidence to support the allegation.
- Offer victims and their families assistance in obtaining psychological counseling and/or spiritual direction.
- Strive impartially to determine the facts and circumstances as accurately as possible.
- Deal as openly as possible with members of the parish and/or school communities while respecting the privacy of the individuals involved and in accordance with Church law governing such situations.

The Diocesan Review Board will convene to weigh all the evidence gathered and make a recommendation to the Bishop regarding the allegation.

The Nature of Sexual Misconduct

Sexual misconduct is a general term that includes sexual harassment, sexual exploitation and sexual abuse.

What is sexual misconduct within the ministerial relationship?

Ministry is never about sexual contact. If sexualized contact or sexualized behavior occurs within a ministerial relationship, it is wrong. This is never acceptable in a pastoral relationship with a parishioner, employee, student, spiritual directee, counseling client, or anyone who has sought the Church's ministry or guidance.

What is sexual harassment?

Sexual harassment is unwanted sexualized conduct or language. Although difficult to define precisely, sexual harassment may include, but is not limited to, the following:

- Making unsolicited sexual advances and propositions.
- Using sexually degrading words to describe an individual or an individual's body.
- Telling inappropriate or sexually related jokes.
- Retaliating against a co-worker who refuses sexual advances.
- Offering favors or employment benefits such as promotions, favorable

performance evaluations, favorable assigned duties or shifts, recommendations, etc. in exchange for sexual favors.

What is sexual exploitation?

Sexual exploitation is the sexual contact between a Church minister and anyone who is receiving pastoral care or ministerial leadership of any kind from that person.

What is sexual abuse?

Sexual abuse is sexual contact between a Church minister and a minor or a "vulnerable adult" as defined by civil and Church law. "Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Abuse need not be a complete act of intercourse. Nor does an act need to involve force, physical contact, or a discernible harmful outcome." (Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2002).

Such abuse may involve:

- Sexual touch or other intrusive touching (i.e. tickling, wrestling or other physical contact) that causes uneasiness or discomfort in the one touched.
- An inappropriate gift (such as lingerie)
- A prolonged hug when a brief hug is customary behavior
- Kissing on the lips when a kiss on the cheek would be appropriate
- Showing sexually suggestive objects or pornography
- Sexual intercourse, anal or oral sex.
- Sexual exploitation or sexual abuse can also include verbal behavior such as:
 - Innuendo or sexual talk
 - Suggestive comments
 - Tales of sexual exploits, experiences or conflict
 - Making sexual propositions

What factors might lead to sexual misconduct in a ministerial setting?

Clergy and all other ministers who engage in any form of sexual misconduct violate the ministerial relationship when they misuse their authority and power and take advantage of the vulnerability of those who are seeking spiritual guidance.

By its very nature, there is an imbalance or inequity of power in the ministerial relationship. This inequity of power may result in vulnerability on the part of the person who seeks guidance, direction or any other kind of ministry from the Church. It is for this reason that the Church's minister must maintain professional boundaries with the person who is receiving ministry. In these circumstances, there is never a place for a sexual relationship. A sexual relationship in these situations is a violation of the trust that must underlie the ministerial relationship.

What impact could ministerial sexual misconduct have on its victims?

Victims of ministerial sexual misconduct frequently feel deep shame or self-condemnation. They may fear not being believed or fear being blamed by Church officials or members. Many times they may not even realize that the way they were treated was abusive. Sadly, victims can experience a crisis of faith and even leave the Church altogether.

Preventing Sexual Misconduct

What is being done to prevent sexual misconduct in the Church?

The Diocese of San Jose makes every effort to assure that all persons who minister in the Diocese are aware of -- and will abide by -- the policies prohibiting sexual harassment, exploitation or abuse, and of the procedures for dealing with incidents of sexual misconduct.

Every person is respected and treated with the dignity befitting a child of God. Appropriate boundaries govern every ministerial relationship. Every person has the right to challenge any behavior or comment that is offensive or inappropriate. It is the responsibility of everyone to protect the safety of all - children, adults and families - and to promote healing where there is injury with firm justice and mercy towards all.

School personnel are screened for their ability to work safely with children, are provided information to help recognize and deal with issues of child sexual abuse and are offered guidance and instruction on appropriate professional conduct with students. All persons employed or volunteering in positions dealing with minors are fingerprinted to insure measures of safety. The Diocese utilizes the resources of law enforcement and other community agencies and employs adequate screening and evaluative techniques.

What is a "ministerial relationship"?

When a person is receiving pastoral care from a Church leader or representative, a ministerial relationship is established. This applies to:

- Clergy (bishops, priests and deacons)
- Members of religious communities (priests, brothers, sisters)
- Lay ministers, lay pastoral associates, youth ministers, liturgical ministers, etc.
- Spiritual directors and pastoral counselors
- School personnel
- Seminarians, seminary faculty, staff and administrators
- Religious education teachers, retreat counselors and chaperones, choir directors, etc.

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