

# **WORKING TOGETHER FOR A SAFE AND RESPECTFUL CHURCH ENVIRONMENT**

## **CHAPTER I**

### **The Diocesan Policy for Protection of Children, Youth and Vulnerable Adults**

#### **INTRODUCTION**

This policy is our Church's response to the need to protect those most vulnerable in our church and society. In our society and indeed in the church itself, sad experience has shown the need for vigilance and awareness to provide safe space and practices in order that all, especially the most vulnerable, may feel and be at peace in a safe environment.

This policy strives in a pro-active way to promote protection for:

- children, youth and vulnerable adults;
- the ministries provided and those who minister: clergy, religious, seminarians, lay staff and lay church volunteers.

The Archdiocese of St. Boniface expects those who minister in the name of the church or under church auspices will exhibit a profound respect for all. First respecting the law of the Gospel, this Archdiocese also respects and abides by the laws of our civil society. Misconduct is a sin, a scandal and in some cases can be criminal.

While trusting in the good will of all, we shall apply this policy to all persons involved in service to children, youth and other vulnerable persons. It will be the responsibility of the pastors, parish life directors and heads of diocesan offices to inform all employees and volunteers of this policy. They are to ensure that this policy is put into effect in their particular ministries or services. Its goal is the prevention of actual abuse or falling into compromising circumstances and false accusations.

#### **I Definitions**

##### **Sexual Harassment**

Sexual Harassment is any unwanted or inappropriate sexual conduct or

language with others. This conduct entails unwelcome sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's status such as employment, or when it interferes with an individual's performance or when it creates intimidation, and a hostile or offensive environment. Harassment may be interpreted as the behaviour the victim perceives as offensive.

Harassment is contrary to basic respect due to all persons. In this case the victims may be employees or others who feel obliged to continue in their present circumstance. Perpetrators are often the ones in power and may or may not be aware of their abuse of power and the discomfort it causes the victim.

The Archdiocese of St. Boniface will not tolerate sexual harassment in the workplace, among its employees, volunteers or parishioners. People should feel secure and respected at all church activities. In a spirit of common mission all who work together in the church must be alert to even the beginnings of harassment, and eliminate it. (Please refer to appendix A "Sexual Harassment" from the Manitoba Human Rights Commission.) .

## **Sexual Abuse**

Sexual abuse is comprised of contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is instituted by the child, and whether or not there is discernible harmful outcome. In the context of this policy, we would apply the term equally when the victim is any vulnerable person.

## **Vulnerable Persons**

A "vulnerable person" is anyone of any age who might easily be exploited by another. This would include children, youth and some adults. These people are at a disadvantage and are unable to fully protect themselves. This vulnerability may be caused by anything that limits mature judgement and free activity.

Vulnerable persons may be of any age or gender. They may have personal handicaps and could be:

- mentally challenged,
- emotionally susceptible,
- physically challenged.

Others may be socially isolated, and

- desperately in need, socially or materially, or
- unable to communicate adequately because of speech or hearing difficulties, or
- unable to understand, speak and read the language of the area, or
- living in fear, real or imagined, or
- in fear or awe of certain roles or authority figures, or
- at a disadvantage as immigrants and refugees.

While not an exhaustive description, a “vulnerable person” is one who has difficulty protecting him/herself from harm temporarily or permanently, and is at risk because of age, disability, handicap or circumstances such as emotional distress due to extreme crisis or trauma.

## **Grooming**

Vulnerable persons may be particularly susceptible to what is called “grooming”.

Grooming includes a wide variety of behaviours, such as spending large amounts of time with a particular person, affording special privileges or providing gifts, trips and other expressions of special attention. These behaviours are often designed to establish a special bond of trust and affectionate understanding between the groomer and the person who is the object of his/her attention. The behaviours can also lead the person to feel indebted to the groomer for all these kindnesses. Once this bond of trust and indebtedness is established, the stage may be set for sexual advances.

Because the pattern of a groomer is made up of observable behaviours, these behaviours need to be challenged or reported. Grooming, whether unintentional or not, is by its very nature seductive behaviour. As well as

being a signal of possible future sexual activity or other abusive behaviour, grooming is in itself inappropriate. Everyone should be alert to signs of grooming, either among church personnel or others in caring for the vulnerable.

## **II Policy For All Who Minister To Vulnerable Persons**

### **All Vulnerable Persons**

1. All volunteers and church employees eighteen years and older involved with vulnerable persons (children, youth, vulnerable adults) are obliged to have a criminal record check and child abuse registry check and submit this to the pastor, parish life director or head of the appropriate diocesan office. A copy of this is to be kept in the parish or diocesan office.
2. All staff and volunteers are to be informed of the diocesan policy and receive adequate information and orientation of this policy as it applies to them and their particular circumstances.
3. Only roadworthy passenger vehicles may be used for church related transportation. People may not be transported in truck beds, campers, trailers etc.
4. In the event of any concerns of misconduct or abuse the diocesan protocol applies, which may include obligation to report to appropriate civil authority. In cases of doubt, the concern should be referred to the pastor, parish life director or department head immediately.

### **Vulnerable Adults**

1. Scrupulous attention should be given to the confidentiality of personal information given by or about persons being ministered to.
2. Priests, church staff and volunteers are not to act as financial advisors or to take on responsibility for power of attorney for a person they care for. Also, church staff and volunteers are not to be involved in the drawing of a will nor serve as a witness for a will.

3. Recognizing limits to their own competencies, staff and volunteers should not delay in making referrals to proper suitable professionals as required for spiritual, financial, or health issues (physical or psychological).

## **Children and Youth**

1. Each parish or diocesan office must ensure that adults engaged in work with children or youth have met current diocesan training/orientation standards presently set by the program “Commit to Kids”, by the Canadian Centre for Child Protection. [www.protectchildren.ca](http://www.protectchildren.ca)
2. Adult leadership is essential to safe and effective ministry. ”Qualified adult” is defined as a person who has been approved to work with children and youth by heads of a diocesan office, pastors or parish life directors. Junior catechists and youth peer leaders should receive appropriate formation and mentoring. Qualified adults must monitor and guide the leadership techniques used by junior catechists and youth peer leaders to ensure that diocesan policies are followed.
3. Each parish or diocesan office must provide adequate adult supervision at all church sponsored youth activities. These activities could be as diverse as:
  - catechetical,
  - recreational,
  - devotional or
  - service projects
4. Alcoholic beverages and illegal drugs are strictly prohibited at all youth/child events or activities.
5. Appropriate child – adult physical boundaries are to be respected at all times. Flirtatious behaviour is strictly forbidden.
6. There are to be no “off site” activities with a child or group of children without the written permission of the parent, guardian and the appropriate minister.

7. Since catechists and youth ministers are generally not qualified to professionally counsel persons, counselling relationships are not permitted. In serious matters, referral to professional assistance is recommended. This should be done with consultation with the pastor, parish life director or supervisor.
8. Hazing or harassment is prohibited in any church activity.
9. In all church sponsored events every effort must be taken to respect the privacy of children, youth and adults.
10. During overnight events no child is permitted to sleep in the same room as a teen or adult, other than with his/her own parent or guardian. Adults and minors may share a large sleeping space (for example: a dormitory, classroom, or gym) if at least two qualified adults are present.
11. Discipline of children and youth will be done constructively reflecting Christian values. Ridicule, shame, corporal punishment and abusive language are prohibited.

### **Allegations of Abuse or Misconduct**

In any case of suspected abuse of a child or of a child at risk the diocesan protocol is to be followed. It is an obligation to report to the appropriate authority any child at risk. A full explanation is given in the Diocesan Protocol and Policy for Dealing With Allegations of Sexual Abuse. A brief summary is given in the Appendix B.

### **Victim's Care Committee**

Having received an allegation of abuse, it is the responsibility of the Victims' Care Committee of the diocese to ensure that appropriate care is made available to the victim and others affected by the misbehaviour.

## **CONCLUSION**

The Roman Catholic Archdiocese of St. Boniface wishes to provide a safe, secure and respectful environment for all persons partaking in church activities. It is with this expectation that all providing service whether they be clergy, religious, seminarians, laity, employees or volunteers are expected to adhere to this policy.

## **CHAPTER II**

### **The Diocesan Protocol and Policy for Dealing with Allegations of Sexual Abuse**

One of the most painful situations to confront the Church in North America in the last decade has been the scandal of sexual misconduct by clergy, religious and church personnel. The issue has taken on particular dimensions because of a number of factors; these include a greater awareness on the part of society of the pernicious effects of child abuse, criminal prosecution and civil litigation, and in some instances, the lack of experience on the part of Church authorities in handling such cases.

At the request of Archbishop Albert LeGatt, an Advisory Committee was formed in 2010 to revise diocesan procedures to deal with allegations of sexual abuse of children by priests, religious, seminarians, lay staff and lay volunteers.

These are presented in the spirit of the Lord Jesus who came, not to condemn, but to save. Whether one is a victim of abuse, a person accused of abusing, or a concerned family member or parishioner, abuse especially of a child, reaps a devastating bounty that requires skilled and caring assistance and the healing touch of the Divine Physician. In a limited way, this policy and protocol express the concern of the Archdiocese of St. Boniface for all who have been touched by the evil of sexual abuse.

The immediate purposes of the policies and the protocol expressed in these procedures are:

- a) to protect any vulnerable person and provide a quick response to any allegation of abuse;
- b) to protect the reputation of an accused cleric, religious, lay employee or lay volunteer employed by the Church and ensure that their rights are not impaired, remembering that innocence is presumed until proven otherwise;
- c) to protect the integrity of the Church in showing that allegations are taken seriously and the church is taking credible appropriate action to care for both victim and the accused.

As a means to help clerics, religious and laity in the Archdiocese of St. Boniface the following is presented in order that all may know the



expectations of the Archdiocese in this matter as well as the procedures that must and will be followed should any allegation of sexual abuse of a child, youth or vulnerable adult be received.

The policy and protocol are intended to deal with all cases of sexual abuse in the Archdiocese. In some respects, they reflect the state of existing law, and in others, they reflect the moral or legal duty of the person who receives the complaint. The policies are in all respects subject to Canon Law of the Catholic Church including the inviolability of the sacramental seal.

The first two sections discuss complaints of sexual misconduct against adults and children respectively. The third section outlines some special procedures that must be followed when the complaint is made against a priest, deacon or religious, by a child or an adult for concerns while that person was a child. The fourth section deals with complaints against employees or volunteers in a parish or diocesan ministry.

Once these procedures are established, they shall be provided to the priests, employees and volunteers throughout the diocese so all are aware of their responsibilities and implications.

These policies recognize that there is to be accountability by all for their actions. This accountability will include financial, legal and moral responsibility for consequences relating to their actions.

In these policies, the following terms when used will have the following meaning:

- a) “allegation”, the statement of the facts intended to be relied on in support of a denunciation;
- b) “child”, a person who is actually or apparently under 16 years of age. Since the various applicable canonical and civil statutes mention different ages, attention should be given to the applicability of such laws in a particular case. The term also includes vulnerable adults whose mental age does not exceed 16;
- c) “cleric”, a person who is ordained (ie: priest or deacon);
- d) “religious”, a member of a religious institute or of a society of apostolic life recognized by the Catholic Church;

- e) “sexual” abuse” or “sexual misconduct”, the subjection of an adult or child to a sexual act which is in violation of the applicable statutes or law.

## **I. COMPLAINTS OF SEXUAL ABUSE OF ADULTS**

1. The appropriate response in the case of complaints of sexual misconduct against adults will depend on whether the complaint is made by the victim or by a third party.
2. Since an adult victim is able to report the matter to the civil authorities if he or she wishes, there is no legal obligation on the recipient of the information to do so. The person receiving the report may however wish to discuss the option of reporting the matter with the victim, or the party making the complaint. In some cases the person receiving the report will feel morally obliged to report the matter, especially if that seems to be the only way of preventing reoccurrence.
3. Where the complaint is made by a third party, the person receiving the report can discreetly invite the alleged victim to discuss the matter. Care must be taken not to make allegations of misconduct unless there is reasonable proof that it actually occurred.
4. In all cases it is open to the person receiving the report of abuse to take the following action:
  - a) to assist the victim in withdrawing from a situation that invites further abuse;
  - b) to refer the victim to Child and Family Services or another professional social agency;
  - c) to refer the victim to a professional, such as a psychiatrist, psychologist, lawyer or doctor.

## **II. COMPLAINTS OF SEXUAL ABUSE OF CHILDREN**

5. Because children are generally not in a position to protect themselves from abuse, the law provides special protection for them. Essentially, where a person has information that leads the person reasonably to believe that a child is or might be in need of protection as provided in section 17 under the

The Child and Family Services, the person shall forthwith report the information to an agency or to a parent or guardian of the child.

6. Section 17 of The Child and Family Services Act states the following:

Child in need of protection

17(1) For purposes of this Act, a child is in need of protection where the life, health or emotional well-being of the child is endangered by the act or omission of a person.

Illustrations of a child in need

17(2) Without restricting the generality of subsection (1), a child “is in need of protection” where the child

- a) is without adequate care, supervision or control;
- b) is in the care, custody, control or charge of a person
  - (i) who is unable or unwilling to provide adequate care, supervision or control of the child, or
  - (ii) whose conduct endangers or might endanger the life, health or emotional well-being of the child, or
  - (iii) who neglects or refuses to provide or obtain proper medical or other remedial care or treatment necessary for the health or well-being of the child or who refuses to permit such care or treatment to be provided to the child when the care or treatment is recommended by a duly qualified medical practitioner;
- c) is abused or is in danger of being abused, including where the child is likely to suffer harm or injury due to child pornography;
- d) is beyond the control of a person who has the care, custody, control or charge of the child;
- e) is likely to suffer harm or injury due to the behavior, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child;
- f) is subjected to aggression or sexual harassment that endangers the life, health or emotional well-being of the child;

- g) being under the age of 12 years, is left unattended and without reasonable provision being made for the supervision and safety of the child; or
- h) is the subject, or is about to become the subject, of an unlawful adoption under The Adoption Act or of a sale under section 84.

The Act defines a “child” to be a person under the age of majority; (“enfant”).

Whenever someone becomes aware that a child is in need of protective services as a result of sexual abuse, the obligation to report arises.

7. Fresh or Recurring Complaints. If it is evident from the information received that the abuse is recent or may reoccur, the duty to report is obligatory. However, if you are told by a child victim, you should start from the premise that the information is true.
8. Past Abuse. If the abuse occurred in the past, there is a reporting requirement in certain instances, even where the abuse is not continuing or likely to occur in the future. A child in need of protection is often described as one who “has suffered or is likely to suffer”. This seems to include past abuse without any new act of abuse. The Act states that the reporting requirement for these incidents of abuse arise in circumstances where the abuse is the result of an act or omission by the child’s parent or where there is not an adult person who is able and willing to provide for the child’s needs.
9. Adults Abused as Children. When an adult reports that he or she was abused as a child, there is no duty to report the matter under The Child and Family Services Act, since there is not longer a “child in need of protection”. Adult victims can of course report the incident themselves if they choose. However, you may wish to attempt to discuss the matter in the same manner as in the case of adults who report abuse to you.
10. Reports by the Offender. In some cases the offender himself or herself will report the child abuse to a person other than a child welfare official. In these cases the duty to report the matter arises as discussed above, so care must be taken in giving unqualified undertakings of confidentiality to persons who want to discuss undefined “problems”. If no child is in immediate danger, it is permissible to give the offender a chance to turn himself or herself in to the appropriate authorities. The person receiving

the information should advise the offender of the recipient's obligation to report, and should give the offender a reasonable time (usually three business days) to consult a lawyer and report to the authorities. At the expiration of the time given, the person who received the report from the offender must make an independent report to the civil authorities; unless the information was received in a sacramental forum (see para. 12 below).

11. Ongoing Involvement. Once the instance of child abuse has been reported, the person who received the information will have discharged his or her legal duties.
12. Information Received in the Confessional. The confessional seal is inviolable despite the requirements of the civil and criminal law, including The Child and Family Services Act, although the penitent should be encouraged to make disclosure outside the confessional.

### **III.COMPLAINTS OF SEXUAL ABUSE AGAINST A CLERIC**

13. Special procedures are required when the allegation of sexual abuse is made against a priest or religious by a child or while the person was a child. The general policies as outlined above will apply, but in addition, in all cases where children are involved, whether the abuse is past or ongoing, or the complaint is made by an adult for conduct when that person was a child, the matter must immediately be reported as outlined below. Generally the report to the delegate under 15 (a) should be made before or contemporaneously with the report to the authorities, in those cases where the latter is required.

In accusations against a cleric, following the investigation by the bishop's delegate it may be necessary to refer the case to the Congregation for the Doctrine of the Faith before continuing with the procedures noted below.

14. The following procedure is intended to reconcile the requirements of the Canon Law of the Catholic Church, the pastoral responsibilities of the Church, and the obligations of individuals under the laws of the Province of Manitoba, and of Canada. It outlines the manner in which the bishop will normally exercise his authority and is subject to the Canon Law of the Catholic Church in all respects, including the inviolability of the sacramental seal.

The Procedure will be followed in all cases where the office of the bishop, the delegate or the Advisory Committee receive information which has at least the semblance of truth about an offence alleged to have been committed by a person over whom the bishop has jurisdiction. In cases involving children, the person receiving the report from the child victim will presume the child is telling the truth.

15. Upon adoption of this policy, the bishop will appoint an Advisory Committee to consist of at least five members. The Advisory Committee may include:
  - a) a bishop's delegate shall be chosen from among the lay persons and shall act as chairperson;
  - b) a vice-chairperson who will act as delegate in the absence of the chairperson;
  - c) a lay lawyer and a Canon lawyer;
  - d) a person experienced in the treatment of persons who have been the subject of sexual abuse; as well as in the treatment of persons who suffer from disorders related to pedophilia or other similar illnesses;
  - e) any other person(s) lay or clergy who in the opinion of the bishop can act as a resource person(s).

In order to make the proper recommendations, the Advisory Committee may call upon the services of a designated investigator to investigate all complaints and make recommendations to the bishop or appropriate person on actions to be taken before and after the completion of the investigation, including the temporary suspension of the priest or religious.

16. In addition to the Advisory Committee, the bishop shall designate certain resource persons who can be assigned by the Advisory Committee to meet with and counsel the parents, child, parishioners and others who have been affected by the allegations, after proper consents, if required, have been obtained, in order to provide the opportunity to receive maximum support and, if necessary, counseling and therapy services.
17. The bishop shall designate a media relations spokes person to be used by the Advisory Committee. This person would be responsible for all relations with the media and others as follows:

- a) provide information that would protect the rights of the accuser and priest or religious;
  - b) ensure that the right to a fair trial is not reduced;
  - c) create a positive approach by providing requests with as much information of a general nature as is possible;
  - d) be available to respond to appropriate requests for information;
  - e) respond to the members of the parish involved on all matters of concern.
18. The bishop will provide the names of the delegate and vice-chairperson to all parishes and on the diocesan website in order that these policies may be carried out.

### **Procedure to be Followed**

19. The recipient of an allegation to which this Procedure applies will immediately refer it to the delegate or other member of the Advisory committee who will report it to the delegate.
20. If the allegation is made against a religious, the delegate or Advisory Committee will refer it immediately to the competent superior.

Within 24 hours the superior shall:

- a) consent to the application of the Procedure in respect of the allegation; or
- b) invoke the religious institute's own procedure for dealing with such matters; and
- c) shall advise the delegate and Advisory Committee accordingly.

Where the superior consents to the application of the Procedure, the delegate shall report the outcome to the superior, and shall answer such inquiries about the progress of the matter as the superior may make from time to time. Where the superior proceeds, a report of the outcome shall be made to the delegate, and the superior shall answer such inquiries about the progress of the matter as the delegate may make from time to time.

While the process continues, the bishop may suspend the religious from activities within the diocese.

### **Investigation**

21. The delegate shall begin a preliminary investigation immediately as a matter of urgent priority. The delegate shall inquire carefully about the facts and circumstances of the offence. The delegate may authorize any person properly trained on the Advisory Committee to conduct the investigation or retain the services of a qualified investigator. It is recognized that all investigations will be undertaken in consultation with the diocesan lawyer and all reports are prepared in preparation of litigation.
22. If any member of the Advisory Committee for any reason, including conflict of interest, feels unable to act, they will advise the Advisory Committee immediately and not take part in any investigation or recommendations.
23. Care is to be taken that this investigation does not call into question anyone's good name.
24. The delegate or Advisory Committee member or designated investigator involved shall keep a written record of the investigation from the time the matter is referred to them until a final report is written. All such written records shall be considered to have been prepared in preparation of litigation.
25. The delegate shall meet with members of the Advisory Committee as may be advisable to keep them informed of all aspects of the investigation in order that the Advisory Committee can perform their functions of advising and recommending appropriate action.
26. The delegate will determine his/her own procedure but normally will meet with the person or persons making the allegation, with the accused person and with any other person as may seem appropriate.
27. The delegate will investigate whether there may be substance to the allegation, and will report the results of the investigation to the Advisory Committee as soon as practicable. Where the Advisory Committee determines that the allegation is without merit, the delegate will report this to the bishop, and the concerned persons will be so advised.



28. Where a child is involved, the delegate shall ensure that reports are made as required in paragraph 6.
29. The delegate and Advisory Committee may, after a complaint is received or in any report to the Archbishop, including the final report, recommend:
- a) that after being advised of the allegation, the accused person be given an immediate leave of absence and suspension pending the completion of any legal actions;
  - b) that in the case of a cleric or religious, an appropriate residence be assigned pending the outcome of the Procedure or legal action;
  - c) that where authority is exercised under the above two subsections, pending the outcome of the Procedure or legal action, the accused person whether cleric or religious, not be returned to the ministry or employment where he or she was assigned;
  - d) that in the case of a cleric, the faculty to preach be removed, and the faculty for priests to hear Confessions also be removed;
  - e) that the delegate instruct the accused person to have no further contact, direct or indirect, with a named individual;
  - f) that the accused person seek legal advice;
  - g) that such other action be taken as seems appropriate in the particular case, including any action contemplated by paragraph 29 (i) with regard to counseling services;
  - h) that counseling and pastoral services be made available to the victim, parents, siblings, or such other persons as subject to the recommendation of the Victims Care Committee;
  - i) the accused person be offered one or more of the following choices:
    - (i) to submit the allegation to an Arbitral Tribunal appointed by the bishop for adjudication;
    - (ii) to resign from a particular ministry;
    - (iii) to retire from active ministry;
    - (iv) if a cleric, to petition for a rescript from the Apostolic See returning him to the lay state.

30. Once the bishop has decided on the course of action in response to the report given, the Advisory Committee may be required to advise the accused person of their options under 29 (i). If an option is given, the accused person shall advise the Advisory Committee of their choice.
31. In addition to all of the above, the Advisory Committee may convene a meeting with the delegate to determine whether it is appropriate to recommend to the bishop that a canonical penal trial be commenced against the accused person, where:
- a) the accused person refuses to co-operate with the delegate in carrying out his or her respective responsibilities under the Procedure;
  - b) the accused person refuses to exercise the choice offered under paragraph 29 (i);
  - c) it is required to commence the canonical trial in order to preserve jurisdiction because of time limitations;
  - d) in the opinion of the Advisory Committee there is another sufficient ground.

In all cases where criminal proceedings are involved, the canonical trial shall be delayed until the criminal proceedings have been completed in order to protect the rights of accused persons.

32. After considering the report, if the bishop feels there is merit to the complaint, he may ask the whole or part of the Advisory Committee to meet with the accused person to recommend professional counseling and/or psychological evaluation and assessment.

Where the above action takes place and the evaluation recommends a program of treatment for the accused person, and that person consents, the Advisory Committee will:

- a) refer the accused person to a treatment service to begin the program of treatment, where the accused person is a priest;
  - b) refer the evaluation to the competent superior for action, where the accused person is a religious.
33. The Advisory Committee, after all steps have been taken, shall report to the bishop on the outcome of the procedure, including the implementation of the final recommendations of the Advisory

Committee, to assist the bishop in determining the matters referred to in c. 1718 (relating to the commencement of canonical procedures). If such procedure is initiated, there will be no further action by the Advisory Committee.

34. Before a priest who was removed from priestly ministry for reasons of sexual abuse in any jurisdiction can be admitted to the exercise of ministry in the diocese, the bishop must consult with the Advisory Committee to obtain the Advisory Committee's recommendation on limited readmission to the ministry.

### **Protocol**

35. A written record will be kept of all steps taken from the moment the allegation is first received. The record may be required to prove that the rights of the accused person were fully respected in the event they have recourse to the Holy See against the action of the bishop or of the persons involved. Care is to be taken to protect the confidentiality of such documentation. All parts of the investigation will be done in consultation with the diocesan lawyer in preparation and contemplation of litigation.
36. At no time should the bishop, the delegate or any priest involved in the procedure hear the sacramental confession of an accused person.
37. During the investigation great care should be exercised in making public statements about the allegations. Only the Advisory Committee spokesperson or its delegate will be allowed to make any public statements, either during or after the report is prepared.
38. The delegate or the Advisory Committee may at any time make use of such consultants as may be considered necessary, including medical doctors, psychologists, mental health professionals, social workers, canonists, and the diocesan lawyer.
39. Persons carrying out responsibilities under this procedure will, in consultation with the delegate, co-operate with criminal authorities carrying out statutory responsibilities, subject to the inviolability of the sacramental seal (c. 983-984) and the rights of the accused person.
40. It is extremely important that the delegate and Advisory Committee act quickly and thoroughly to protect the interests of all parties involved in

the process. They should take steps to resolve the reported problem and prevent a repetition of the misconduct.

#### **IV. COMPLAINT OF SEXUAL ABUSE BY VOLUNTEERS OR EMPLOYEES IN THE DIOCESE**

If any allegation of sexual abuse is received by any parish or diocesan office, the pastor, pastoral worker or department head shall deal with the complaint utilizing the procedures in these policies as a reference. In particular, the following principles should be recognized:

- a) that if the pastor, pastoral worker or department head recognizes that there is some merit to the allegation in the case of a child, reporting is required to civil authorities;
- b) that where the pastor, pastoral worker or department head feels there is some merit, that it is usual practice in the case of an employer to suspend that employee without pay, pending the completion of the investigation. In the event that the investigation should disclose no wrongdoing, the person can be made whole in terms of lost income for time while not at work;
- c) a person to deal with the questions of the parishioners and media should be appointed for the parish:
  - i) to protect the rights of the accused and complainant;
  - ii) to preserve the integrity of the parish;
  - iii) to ensure that the policies of the parish, if they are established, are fully complied with.
- d) that in the case of volunteers in the parish, the volunteer shall be removed from situations where the problems could continue, pending the completion of any investigation that might take place either by the pastor, pastoral worker or department head.

#### **V. CONCLUDING REMARKS**

The tragedy of sexual abuse cannot and will not be ignored by the Archdiocese of St. Boniface. This policy and protocol attempts to manage incidents of sexual abuse in the fairest and most competent way possible for all parties concerned.

Justice and equity will be normative in the application of these policies. Pope Paul VI describes equity as that which:

*... governs the application of norms to concrete cases, with the salvation of souls as the goal which is always kept in view. Equity takes the form of mildness, mercy and pastoral charity and seeks not a rigid application of the law, but the true welfare of the individual. It is the fruit of benignity and charity and justice tempered with the sweetness of mercy; it is the qualitative precept of the norm of law and the norm of the application, more especially, it is an attitude of mind and spirit that tempers the rigor of the law. It is a human corrective element and a force for proper balance.*

It is hoped that public awareness will lessen or ideally remove the incidence of sexual abuse. When cases arise however, each case will be unique and treated as such. In the end, through charity, prayer and with Divine guidance, it is also our hope that the people affected by the painful situation of sexual abuse will find healing and peace.

**N.B.** See Appendix H – Consent Form

## **CHAPTER III**

### **The Diocesan Victims' Care Committee**

The purpose of this committee is to ensure that appropriate assistance is made available to victims of sexual abuse committed by clergy, religious, staff or volunteers while ministering in the Archdiocese of St. Boniface. The goal is to enable the healing of those victimized by the abuse.

Victims would include the immediate victim and may also include family members and others close to him or her. The parish and local community may also have been hurt by the crime.

The committee shall be composed of the following persons, with power to add to its membership as the need arises:

- married couple with young children,
- religious sister,
- lay person (s),
- civil lawyer,
- a priest or deacon,
- a professionally qualified counselor experienced with abuse issues.

The Victims' Care Committee will receive referrals from the Sexual Abuse Advisory Committee following the Advisory Committee's investigation and response to the complaint.

