

POLICY 5.2.2 Policy and Protocols for Allegations of Sexual Misconduct and Abuse by Clergy, Staff or Volunteers

The Archdiocese of Grouard-McLennan is committed to protecting children, adolescents, and vulnerable adults from any kind of harassment, exploitation and abuse. However, we recognize that sexual abuse by clergy is an especially damaging and destructive conduct that requires a very concrete, transparent and, above all, victim-sensitive response from the Church. While elements of Policy 5.2.1 are included in this protocol, this protocol has to take into account:

- the overriding importance of protecting the victim or victims, and
- the absolute necessity of cooperating fully with the police and other civil agencies that will be included in the response to allegations of sexual abuse.

This protocol also includes the possibility of a canonical process to address any such allegations, in addition to any possible criminal law proceedings.

Part 1. Roles

1. Misconduct Policy Administrator

As provided in Policy 5.2.1, the Archbishop appoints the Misconduct Policy Administrator (MPA).

The MPA is responsible for:

- initiating the requirements of this protocol;
- in consultation with the Archdiocese's liability insurer, determining if an internal investigation is required and appointing an investigator or doing the investigation himself/herself;
- sending draft of the final report to the insurer for review; and
- submitting a written report, including recommendations, to the Archbishop, with a copy to the insurer, at the conclusion of any assessment or investigation.

2. Alternate Misconduct Policy Administrator

As described in Policy 5.2.1.

3. Misconduct Policy Advisory Committee

As described in Policy 5.2.1.

4. The Archbishop

In addition to his responsibilities under Policy 5.2.1, when sexual misconduct or abuse is alleged, the Archbishop is responsible for:

- initiating canonical proceedings if the accused is a member of the clergy;
- appointing a person to be responsible for media communications;
- consulting with the MPA pursuant to 5.2.1.

If the Archbishop is himself accused of sexual misconduct and/or abuse, the archdiocesan Vicar General will assume the Archbishop's role in this policy, inform the Apostolic Nuncio to Canada and implement any instructions from the Nuncio on how to proceed..

5. Resource and Support Persons

Resource and Support Persons (RSP) are described in Policy 5.2.1. They are available to claimants and accused to provide guidance through the process under this policy.

6. Professional Counselling and Other Support and Assistance

The Archdiocese would like to do everything in its power to support and aid complainants of sexual misconduct and abuse by its priests, deacons, staff or volunteers. This includes a commitment to provide pastoral counselling and other services to complainants and their families.

The Archdiocese will also provide similar assistance to any priest, deacon, staff or volunteer who is accused of sexual misconduct or abuse.

Complainants and accused may apply to the MPA for additional support and assistance, including, but is not necessarily limited to:

- assistance with fees for therapy for the complainant. Such assistance is provided for pastoral reasons and does not and cannot be considered to constitute an admission of responsibility or an admission that the facts as alleged occurred. The complainant will be asked to acknowledge this in writing at the time of seeking this assistance.
- assistance with fees for therapy or legal counsel for the accused person. Such assistance is provided for pastoral reasons and does not and cannot be considered to constitute an admission of responsibility or an admission that the facts as alleged occurred.

Part 2. Reporting Sexual Misconduct and Abuse

NOTE: All clergy and archdiocesan and parish employees have a positive duty to report immediately any claims of incidents of misconduct by clergy, employees and/or volunteers. These may be incidents they personally witnessed, incidents they have been told about, and incidents they have any other well-founded reason to believe occurred.

NOTE: The *Child, Youth and Family Enhancement Act* of Alberta requires anyone that has reasonable and probable grounds to believe that a child (i.e anyone under the age of 18) is in need of intervention report that information to a director of Child and Family Services.

If you become aware of sexual misconduct or abuse by a member of clergy or staff, or by a volunteer, especially if it involves children, adolescents, or vulnerable adults, whether as a witness, something you hear about, or a suspicion you hold, you are strongly encouraged to report it to the Misconduct Policy Administrator (MPA). You may make your report:

- by telephoning 780-532-9766 and leaving a message for the MPA;
- by completing Form 5.2.1.a *Incident Report* and faxing it to 780-532-9706, to the attention of the MPA; or emailing it to misconduct.agm@outlook.com;
- by sending a fax or email reporting the incident(s) of misconduct, without using the form;
- by reporting the incident(s) to your pastor, parish staff, or archdiocesan staff, who are mandated to bring the report to the MPA.

You are also strongly encouraged to report it to the local police service, either before or after reporting it to the MPA.

The MPA must and will report the allegations of sexual misconduct or abuse to the local police, if not yet done, and, then, to the Archbishop (or the Vicar General in the absence of the Archbishop.) The MPA will also immediately report any such allegation to the Archdiocese's liability insurer. Where advisable, following the counsel of police and/or the insurer, the person accused of sexual misconduct or abuse will be informed by the Archbishop (or the Vicar General in his absence). The following protocol must then be implemented.

Part 3. Protocol for Responding to an Allegation of Sexual Misconduct or Abuse

There are two principles that are the foundation of this protocol:

- all sexual assault and misconduct allegations will be reported to local police and the police investigations and any subsequent court proceedings will take precedence over action taken in the Archdiocese; and,
- possible victims of sexual assault or misconduct, allegedly perpetrated by trusted members of the Church, must receive the unconditional pastoral care and support of the Archdiocese.

1. Allegation against a priest or permanent deacon

a. Responding to the allegation

▪ Archbishop's role

After an allegation of sexual assault or misconduct by a priest or deacon has been received by the Archdiocese and reported to police, the Archbishop:

- will remove the priest or deacon from all active ministry and this will remain in place until the allegation has been resolved. In most cases, the priest or deacon will continue to receive his monthly living allowance; there may be some changes in the amount in order to best reflect the needs of the priest.
- in consultation with the Curia, will determine where the accused priest will reside until all the criminal, civil and/or canonical processes are resolved. All related expenses for the housing of the accused priest will be borne by the Archdiocese;
- where the accused is a deacon, in consultation with the Curia and informed by the family life of the accused, will determine whether the Archdiocese bears any responsibility for changes to where the accused resides until the criminal, civil and/or canonical processes are resolved;
- will communicate as openly as possible with the chairperson of the Parish Pastoral Council (PPC) of the impacted parish(es). The Archbishop or Vicar General will, as far as possible, preside at the next Sunday Eucharist of the impacted parish(es), and there advise the parishioners about actions taken and any other relevant information regarding the arrest and status of the clergyman. Where there is no possibility for either the Archbishop or the Vicar General to be present in the parish(es), the Archbishop will prepare a message to be delivered on his behalf, by the chairperson of the PPC, at the next Sunday Eucharist.

- will have the Archdiocese take sole responsibility for continuing the living allowance of the accused priest or contracted compensation of a deacon while he is not actively serving a parish. The impacted parish(es) will be responsible for paying for any pastoral assistance provided during the period they are without a parish priest.
- in consultation with the Vicar General and a canonist, will consider whether to undertake a preliminary canonical inquiry and, if necessary, refer the case to the Congregation for the Doctrine of the Faith (CDF), according to the Roman norms.

- **Role of the MPA**

After an allegation of sexual assault or misconduct by a priest or deacon has been received by the Archdiocese and reported to police, the MPA:

- will connect the priest or deacon with a RSP to assist him in arranging for appropriate legal counsel, as well as help him, as needed, e.g. to get settled in his new living quarters, to accompany him to court appearances, to help with arranging counselling for him, etc.
- will connect the complainant, if advisable and possible, with a RSP to provide guidance as needed.
- will help the complainant, if advisable and possible, to find professional counselling services.

b. In the event of criminal proceedings

- **Archbishop's role**

If a priest or deacon is criminally charged for sexual assault, the Archbishop will:

- ensure that the media spokesperson has an appropriate written statement prepared for release to the media when the charges are made known by the police (either through their own media release or as a result of court proceedings).
- send a notice to all clergy, outlining the status of the charges, the likely or known progression of the case against the priest or deacon, and any relevant public information. The priest or other presider at Sunday liturgies in the parishes of the Archdiocese will read aloud the notice at the first Sunday following receipt of it.
- guarantee all reasonable legal fees, including bail, in the defence of the priest or deacon.
- if possible, express in writing to the complainant his concern for the complainant's well-being. This will be the sole purpose of the communication and NO other communication will take place with the complainant, by the Archbishop or any representative of the Archdiocese, during the proceedings.
- to the extent possible, attend the priest or deacon's court appearances, for preliminary hearings and/or trial. The Archbishop's presence at such is intended to be supportive of both the accused and the complainant.

- **Role of the MPA**

If a priest or deacon is criminally charged with sexual assault, the MPA will

- postpone any internal investigation and/or reporting until the criminal proceedings have concluded.

- ensure the RSPs have what they need to continue to assist the accused and the complainant.

c. When criminal proceedings have concluded

▪ Archbishop's role

If the priest or deacon is convicted or acquitted of sexual assault, the Archbishop will:

- revive or initiate the canonical inquiry and proceedings against the priest or deacon.
- request the MPA to revive or initiate an internal investigation and inquiries and submit a report on the results.
- make all subsequent decisions concerning ministry assignment, living allowance, and all related concerns based on canon law requirements and instructions from the CDF.

▪ Role of the MPA

If the priest or deacon is convicted or acquitted of sexual assault, the MPA will

- at the request of the Archbishop, revive or initiate an internal investigation and inquiries and submit a report on the results.

d. When there are no criminal proceedings

The provisions of Policy 5.2.1 will be revived or initiated immediately upon receiving the decision of the relevant civil authorities not to undertake criminal proceedings against an accused priest or deacon.

2. Allegation against employee or volunteer

a. Responding to the allegation

▪ Archbishop's role

After an allegation of sexual assault or misconduct by an employee or volunteer has been received by the Archdiocese and reported to police, the Archbishop will:

- ensure that the employee or volunteer has been removed from all active ministry by the parish priest and/or supervisor.
- in the case of an employee, determine if salary will continue to be paid.

▪ Role of the MPA

After an allegation of sexual assault by an employee or volunteer has been received by the Archdiocese and reported to police, the MPA will:

- connect the employee or volunteer with a RSP to provide a point of contact in the Archdiocese for the employee or volunteer.
- connect the complainant, if advisable and possible, with a RSP to provide guidance, as needed.
- help the complainant, if advisable and possible, to find professional counselling services.

b. In the event of criminal proceedings

▪ Archbishop's role

If an employee or volunteer is criminally charged with sexual assault, the Archbishop will:

- ensure that the media spokesperson has an appropriate written statement prepared for release to the media when the charges are made known by the police (either through their own media release or as a result of court proceedings).
- if possible, express in writing to the complainant his concern for the complainant's well-being. This will be the sole purpose of the communication and NO other communication will take place with the complainant, by the Archbishop or any representative of the Archdiocese, during the proceedings.

- **Role of the MPA**

If an employee or volunteer is criminally charged with sexual assault, the MPA will

- postpone any internal investigation and/or reporting until the criminal proceedings have concluded.
- assist the parish priest and the impacted parish with communication and otherwise responding to the needs of the community in the situation.
- ensure the RSPs have what they need to continue to assist the accused and the complainant.

c. When criminal proceedings have concluded

If the employee or volunteer is convicted of sexual assault, the policies of the Archdiocese regarding screening of employees and volunteers (Policy 5.1.1 and Policy 5.1.2) will apply to the question of how best to reintegrate the person into the parish.

If the employee or volunteer is acquitted of sexual assault, the parish priest, in consultation with the Archbishop and anyone else of the Archbishop's choosing, will determine how best to reintegrate the person into the parish.

- **Role of the MPA**

If the employee or volunteer is convicted or acquitted of sexual assault, the MPA will:

- at the request of the Archbishop, revive or initiate an internal investigation and inquiries and submit a report on the results.

d. When there are no criminal proceedings

The provisions of Policy 5.2.1 will be revived or initiated immediately upon receiving the decision of the relevant civil authorities not to undertake criminal proceedings against an accused employee or volunteer.

Part 4. Confidentiality

To the extent possible, everyone involved in the processes under this policy on behalf of the Archdiocese will maintain the confidentiality of the complainant and accused person at all times during the process. When the process is complete and the Archbishop has adjudicated the matter, canonical and civil law provisions will be applied to the continuation or not of that confidentiality.

In addition, should the identities of the people involved in and/or circumstances of the complaint become public knowledge, the MPA may, after consultation with the MPAC and on approval from the

Archbishop, act as, or appoint, a media spokesperson to represent and speak on behalf of the Archdiocese in public communications. The intent is to protect the interests of the parties involved, including the Archdiocese.

Part 5. Public communication

As noted above, the MPA or an appointee will act as a media spokesperson for the Archdiocese. The media spokesperson is to be guided by the following principles:

- Acknowledging the possibility of misconduct among our own clergy, staff and volunteers, the Archdiocese has put in place a comprehensive set of policies and procedures that assist us in responding to misconduct, including harassment, exploitation, bullying and all forms of abuse, with charity, justice and fairness;
- The Archdiocese has a particular responsibility to protect and a deep concern for the health and well-being of children, adolescents and vulnerable adults in our parishes and receiving our ministry; and,
- The procedure that follows a report of misconduct is intended to provide a fair, thorough, objective, accountable, transparent, supportive and compassionate response to all who are involved in an allegation and investigation of misconduct.

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