

# *Roman Catholic Diocese of Saskatoon*



**Working Together for a Safe and Respectful  
Church Environment**

**October, 2008**

## ROMAN CATHOLIC DIOCESE OF SASKATOON

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

Policies and protocols regarding sexual abuse and protection of children, youth and vulnerable adults in the Roman Catholic Diocese of Saskatoon.

**For prevention:**

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

**For intervention:**

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

**For healing:**

A description and mandate of The Diocesan Victims' Care Committee

Saskatoon Diocesan Study Days

October 29, 2008

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

## **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, staff and church volunteers

The Diocese of Saskatoon 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 diocese 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, this policy shall apply 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.

### **Sexual Harassment**

Sexual Harassment is any unwanted or inappropriate sexual conduct or language with others. This conduct entails unwelcome sexual advances, request for sexual favors, 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 Diocese of Saskatoon 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 Sask. 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
- Lack the ability to communicate adequately because of speech or hearing difficulties
- Inability to understand, speak and read the language of the area
- Living in fear, real or imagined.
- Fear or awe of certain roles or authority figures

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.

## **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 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. 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.

### **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.
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 express permission of the parent, guardian and the appropriate minister.
7. Since catechists and youth ministers are generally not qualified to counsel persons, on going counselling relationships are to be discouraged. 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 Diocese of Saskatoon 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, laity, employees or volunteers are expected to adhere to this policy.

### **Appendices**

- a) “Sexual Harassment” Sask. Human Rights Commission
- b) Diocesan Protocol for Allegations of Sexual Abuse (summary)
- c) Glossary
- d) Saskatoon City Police forms for record check
- e) Royal Canadian Mounted Police forms for record check
- f) Sample letter of approval requesting record check for volunteers



# Sexual Harassment

## **The Saskatchewan Human Rights Code**

Promoting and protecting individual dignity and equal rights—that’s the goal of *The Saskatchewan Human Rights Code*. It’s the job of the Saskatchewan Human Rights Commission to discourage and eliminate discrimination against everyone under provincial jurisdiction—in schools, housing, public services, contracts, publications and on the job.

It’s against the law to discriminate in the workplace on the basis of:

- ancestry (includes colour and perceived race)
- nationality and place of origin
- religion and religious creed
- physical disability
- mental disability
- sex (includes pregnancy and sexual harassment) marital status
- family status (parent-child relationships)
- receipt of public assistance
- sexual orientation
- age(18-64years).

Individuals, private companies, school boards, trade unions, professional associations—as well as provincial and municipal governments—are subject to human rights laws. Anyone who violates the *Code* could be liable for damages that result from discrimination.

## **What is Sexual Harassment?**

Sexual harassment is a form of discrimination that’s against the law.

It’s unwarranted sexual conduct that interferes with rights guaranteed by The Saskatchewan Human Rights Code. Sexual harassment is not allowed in the workplace, at schools, colleges or universities, or in the provision of a public service. Customers in a restaurant for example, or patients seeking medical attention, or tenants renting an apartment are protected against sexual harassment.

Sexual harassment may be verbal, physical or visual. It may be one incident or a series of incidents. It is always unsolicited and unwelcome behaviour, and can take

many forms, including but not limited to:

- sexual remarks
- “jokes” with sexual overtones
- a sexual advance or invitation
- displaying offensive pictures or photographs
- threats
- leering
- physical contact like touching, patting, pinching or brushing against
- sexual and physical assault.

## **A Power Play**

Sexual harassment is an expression of power. It may be accompanied by threats, promises or abuse. Most sexual harassment occurs in the workplace. The harasser is usually someone in authority who uses his power to intimidate another. The victim often hesitates to complain for fear of reprisals or economic consequences.

The *Code*’s provisions against sexual harassment do not rule out office romance, flirtation, or good-natured jesting that is accepted by both parties. Sexual harassment refers only to unwelcome behavior which the harasser knew, or should have known, would be unwanted.

## **Sexual Harassment... Who Says?**

Men and women have different perceptions of sexual harassment. What may be a lighthearted joke to many men may be offensive to many woman.

In fact, the courts have said that women are more adversely affected by sexual harassment than men. Because of the disparity in interpretation and the fact that sexual harassment affects men and women differently, it’s critical to interpret sexual harassment as any behavior the victim perceives as offensive.

## How Does The Victim Feel?

Victims of sexual harassment feel humiliated, ashamed, degraded, embarrassed, and angry.

Sexual harassment impairs job performance, decreases job satisfaction, and causes headaches, nervousness, insomnia and anxiety attacks.

It's also wasteful. When employees have to spend time and energy dealing with sexual harassment it takes time and energy away from the job. Sexual harassment often leads to absenteeism and high staff turnover.

## If You Are An Employer...

It's up to the employer to provide a discrimination-free workplace. Whether they are aware of sexual harassment or not, employers are responsible for the actions of management and supervisory personnel, and for the harassment by non-supervisory personnel in certain circumstances.

For example, if an employee is harassed by a fellow employee and the employer knows about it but doesn't intervene, the employer may also be at fault.

Employers can achieve a discrimination-free workplace by:

- establishing a code of conduct
- establishing an anti-harassment policy
- setting up a confidential complaint process for victims of sexual harassment
- making sure all employees know the policy by posting it, putting it in memo form, or in the company newsletter
- letting employees know that penalties will follow sexual harassment, including written or verbal reprimands, suspension, and termination
- establishing a monitoring system.

## If You Are A Victim...

- **Tell the harasser to stop** - Make it clear to the harasser that the behavior is unwelcome. Tell them to stop the behavior immediately. You can do this verbally, in a letter, or both.
- **Tell the harasser's supervisor** - Employers have a responsibility to protect employees from sexual harassment. Complain to the harasser's supervisor. Insist that management take action.
- **Tell your union** - If there is a union in your work-place, tell your steward about the harassment. File a grievance. Encourage the union to put an anti-sexual harassment clause in the collective agreement.
- **Talk about it** - Often people who are sexually harassed are too embarrassed to tell anyone, or too afraid of the consequences. It helps to talk to a friend, relative or co-worker you trust. You may find others in your workplace have also been harassed. If you're willing to speak up, they might be too.
- **Write it down** - When you complain - whether to your supervisor, union, or the Saskatchewan Human Rights Commission - it helps to document your experience. Write down each remark or action. Try to remember the exact words used. Record dates, times, places and the names of witnesses as soon as possible after the event so the details are still fresh in your memory. Sign and date it.
- **Contact the Saskatchewan Human Rights Commission** - Commission staff investigate complaints. Sometimes victims hesitate to complain because they fear retaliation. Any form of retaliation is against the *Code*.

It's okay to bring someone with you for support when you come to the Commission office.

A monetary award may be made to complainants to compensate for any loss of income, and for humiliation.

## For further information contact the Saskatchewan Human Rights Commission:

**Saskatoon Office**  
8th floor, 122— 3rd Ave. N. S7K 2H6  
Telephone: (306) 933-5952  
Telewriter: (306) 373-2119  
Toll free: 1-800-667-9249  
Fax: (306) 933-7863

**Regina Office**  
Suite 301, 1942 Hamilton Street 54P 2C5  
Telephone: (306)787-2530  
Telewriter (306) 787-8550  
Toll free: 1-800-667-8577  
Fax: (306) 787-0454

Web site: [www.gov.sk.ca/shrc](http://www.gov.sk.ca/shrc)  
Email: [shrc@shrc.gov.sk.ca](mailto:shrc@shrc.gov.sk.ca)

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

1. Every person who is aware of abuse of a child has a legal duty to report it to a peace officer or a social worker under the Child and Family Services Act of the Province of Saskatchewan.
2. Whenever someone becomes aware of a child (under the age of 16) in need of protection services, the obligation to report arises.

#### **Fresh or Recurring:**

If it is clear that the abuse is recent or may reoccur, the duty to report is clear. Mere suspicion does not oblige to report, and one can seek if it is reasonable or probable. Start from the premise the allegation is true.

#### **Past Abuse:**

Even if the abuse has discontinued or is unlikely to continue in the future, it must be reported to ensure that someone is available to provide for the child's needs.

#### **Adults who were Abused as a Child:**

There is no duty to report since there is no longer a child in need of protection. Adult victims may report the incident themselves if they so choose.

#### **Reports by the Offender:**

In some cases the offender may wish to report the abuse to a person other than a child welfare official. The duty to report the abuse to child care workers or police remains. Care must be taken in giving unqualified promises of confidentiality to persons who wish to discuss undefined "problems". Persons receiving the information should advise the offender of the recipient's obligation to report and give the offender suitable time (generally 3 business days) to consult a lawyer and report to the authorities.

**Information Received with the Sacrament of Penance:**

The confessional seal is inviolable despite the requirement of civil and criminal law, including The Child and Family Services Act, although the penitent should be encouraged to make disclosure outside the confessional.

3. For any allegations of abuse against a cleric, church employee or volunteer, victims or others are encouraged to call the Catholic Pastoral Centre and as for the Office of the Bishop. The telephone number is (306) 242-1500 or toll free: 1-877-661-5005

### Glossary

#### **Abuse**

Abuse is the violation of the physical or psychological integrity or trust of another person. Abuse may consist of just one incident or it may happen repeatedly.

#### **Sexual Abuse**

Sexual abuse is the subjection of an adult or child to a sexual act which is in violation of the applicable statutes of law.

#### **Sexual Exploitation**

Sexual exploitation is use of one's position of power or trust to have sexual contactor attempted sexual contact with another person.

#### **Pornographic Offence**

Pornographic offence is the possession, creation or distribution of any photographic, film, video or other visual representation that shows a person who is depicted as engaged in inappropriate sexual activity; and any written material that advocates or counsels inappropriate sexual activity.

#### **Public Misconduct**

Public misconduct is misconduct that becomes public or known.. This could include actions that are considered to be crimes, such as indecent exposure or lewd activity. It might also include other immoral actions that may not be crimes but which become known. Clergy, church staff and volunteers are expected to comport themselves according to their specific vocation both while doing service as well as throughout their Christian life

#### **Youth**

Any person sixteen years of age or older who is not yet an adult.



**CONSENT FOR A CRIMINAL RECORD CHECK FOR A SEXUAL OFFENCE FOR WHICH A PARDON HAS BEEN GRANTED OR ISSUED**

*(This form is to be issued by a person applying for a position with a person or organization responsible for the well-being of one or more children or vulnerable persons, if the position is a position of authority or trust relative to those children or vulnerable persons and the applicant wishes to consent to a search being made in criminal conviction records to determine if the applicant has been convicted of a sexual offence listed in the schedule to the Criminal Records Act and has been pardoned.)*

**Identification of the Applicant**

FULL NAME:		SEX:
DATE OF BIRTH:	PLACE OF BIRTH:	
ADDRESS:		
PHONE NUMBER (RESIDENCE):		(BUSINESS):
PREVIOUS ADDRESSES (IF ANY) WITHIN THE LAST FIVE YEARS:		

**Reason for the Consent**

I am an applicant for a paid or volunteer position with a person or organization responsible for the well-being of one or more children or vulnerable persons.

Description of the paid or volunteer position: \_\_\_\_\_

The name of the person or organization is: \_\_\_\_\_

Provide details regarding the children or vulnerable persons: \_\_\_\_\_

**Consent**

I consent to a search being made in the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to find out if I have been convicted of, and been granted a pardon for, any of the sexual offences that are listed in the schedule to the Criminal Records Act.

I understand that, as a result of giving this consent, if I am suspected of being the person named in a criminal record for one of the sexual offences listed in the schedule to the Criminal Records Act in respect of which a pardon was granted or issued, that record may be provided by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General of Canada, who may then disclose all or part of the information contained in that record to a police force or other authorized body. That police force or authorized body will then disclose that information to me. If I further consent in writing to disclosure of the information to the person or organization referred to above that requested the verification, that information will be disclosed to the person or organization.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness



Royal Canadian Mounted Police

Genesee (Royal G. Gagnon)

CONSENT FOR DISCLOSURE OF CRIMINAL RECORD INFORMATION

Appendix E

PART 1

I CONSENT TO HAVE MY PERSONAL INFORMATION

Form with fields for Name, Address, Date of Birth, and other personal details.

PART 2

As stated in Section 6(1) of the Privacy Act of Canada, I hereby authorize the Royal Canadian Mounted Police to disclose my personal information to:

Form with fields for Name, Title, and Address of the recipient.

PART 3

NOTICES AND RELEASES

I hereby acknowledge and agree that I have read the Government of Canada's Privacy Act, the Royal Canadian Mounted Police's privacy policies, and the information regarding the release of my personal information...

PART 4

This consent is valid from the point of this signature to the date of signature.

Signature line with fields for Name and Date.

PART 5

The following information, contained in the records of the RCMP or records from other agencies, has been submitted to me through the privacy process and is based on a search and copy of that check only. No person, agency or organization is to be named in this report, unless specifically requested and approved by the RCMP. No criminal record check should be used as a sole method of identifying a suspect. It can be used only as a means of identifying a suspect.

INFORMATION AND IDENTIFICATION SERVICES CANADIAN CRIMINAL RECORD INFORMATION SERVICES 1111 Wake Parkway OTTAWA, ONTARIO K1G 0R2

YOUTH OFFENSE INFORMATION - The Youth Criminal Justice Act (YCJJA) and the Youth Criminal Justice Act (YCJJA) provide for the disclosure of information to the extent that it is necessary for the protection of the public or the safety of the individual. This information is provided to the extent that it is necessary for the protection of the public or the safety of the individual.

THE INQUIRY TO REQUESTER: This following section contains a copy of the information requested.

- Check with the party involved in PART 2, the exact information requested.
Check the copy of the information requested and the information provided to the RCMP to Justice and place your initials in the appropriate field.
The information in PART 5 will be released according to the request.
Check the information requested and the information provided to the RCMP to Justice and place your initials in the appropriate field.
You may be required to provide the information requested through the criminal justice system, in your present information.
You may be required to provide the information requested through the criminal justice system, in your present information.

Table with 4 rows and 2 columns. Column 1: No. to file. Column 2: Category of information requested. Column 3: Form fields for Name, Initial, and Other.

Form with fields for Name, Title, and Date.

**RCMP**

**Form 1 - CONSENT FOR A CRIMINAL RECORD CHECK FOR A SEXUAL OFFENCE FOR WHICH A PARDON HAS BEEN GRANTED OR ISSUED.**

*(This form is to be used by a person applying for a position with a person or organization responsible for the well-being of one or more children or vulnerable persons, if the position is a position of authority or trust relative to those children or vulnerable persons and the applicant wishes to consent to a search being made in a criminal conviction records to determine if the applicant has been convicted of a sexual offence listed in the schedule to the Criminal Records Act and has been pardoned).*

**Identification of the Applicant**

Full name: \_\_\_\_\_ Maiden name: \_\_\_\_\_

Sex: \_\_\_\_\_ Phone #: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Address: \_\_\_\_\_

Previous address (if any) within the last 5 years: \_\_\_\_\_

**Reason for the Consent:**

I am an applicant for a paid or volunteer position with a person or organization responsible for the well-being of one or more children or vulnerable persons.

Description of the paid or volunteer position: \_\_\_\_\_

The name of the person or organization is: \_\_\_\_\_

Provide details regarding the children or vulnerable persons: \_\_\_\_\_

**Consent**

I consent to a search being made in the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to find out if I have been convicted of, and been granted a pardon for, any of the sexual offences that are listed in the schedule to the *Criminal Records Act*.

I understand that, as a result of giving this consent, if I am suspected of being the person named in a criminal record for one of the sexual offences listed in the schedule to the *Criminal Records Act* in respect of which a pardon was granted or issued, that record may be provided by the Commissioner of the Royal Canadian Mounted Police to the Solicitor General of Canada, who may then disclose all or part of the information contained in that record to a police force or other authorized body. That police force or authorized body will then disclose that information to me. If I further consent in writing to disclosure of that information to the person or organization referred to above that requested the verification, that information will be disclosed to that person or organization.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Appendix F

### Letter of Approval for Volunteers re: Police Check (Sample)

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St. XYZ Parish

123 Your Street

Anywhere, Sk.

Tel. 123 4567

Date

This letter is to certify that \_\_\_\_\_ is a volunteer at St. XYZ parish and will be working with children or other vulnerable persons. Any assistance that would be provided to obtain a criminal record check would be sincerely appreciated.

Sincerely,

(signature)

Pastor/Parish Life Director

St. XYZ Parish

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

## **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 Bishop Mahoney, a committee was formed in 1991 to propose diocesan procedures to deal with allegations of sexual abuse of children by priests. In the meetings that followed, it was felt that the procedures could be extended to the benefit of religious and lay church employees.

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 Diocese of Saskatoon 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:

- 1) To protect any person at risk and provide a quick response to any allegation of abuse.
- 2) To protect the reputation of an accused cleric, religious or lay person employed by the Church and ensure that their rights are not impaired, remembering that innocence is presumed until proven otherwise.

- 3) 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 Diocese of Saskatoon the following is presented in order that all may know the expectations of the diocese 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 diocese. 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 by a child, or an adult for concerns while that person was a child against a priest or religious. 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 and employees of the diocese so all are aware of their responsibilities and implications.

These policies recognize that there is to be accountability by priests and others 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) “secular”, as distinguished from the canonical or church system.
- f) “sexual” abuse” or “sexual misconduct”, the subjection of an adult or child to a sexual act which is in violation of the applicable statues 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 Catholic 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, every person who is aware of abuse of a child has a legal duty to report it to a peace officer or a social worker under The Child and Family Services Act.
6. The Child and Family Services Act identifies the following situations where a child “is in need of protection”:
  - a) as a result of action or omission by the child’s parent:
    - (i) the child has suffered or is likely to suffer physical harm;
    - (ii) the child has suffered or is likely to suffer a serious impairment of mental or emotional function;
    - (iii) the child has been or is likely to be exposed to harmful interaction for a sexual purpose, including conduct that may amount to an offence within the meaning of the Criminal Code;
    - (iv) medical, surgical or other recognized remedial care or treatment that is considered essential by a duly qualified medical practitioner has not been or is not likely to be provided to the child;
    - (v) the child’s development is likely to be seriously impaired by failure to remedy a mental, emotional or developmental condition; or
    - (vi) the child has been exposed to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child
  - b) there is no adult person who is able and willing to provide for the child’s needs, and physical or emotional harm to the child has occurred or is likely to occur; or
  - c) the child is less than 12 years of age and:
    - (i) there are reasonable and probable grounds to believe that:
      - the child has committed an act that, if the child were 12 years of age or more, would constitute an offence under the Criminal Code, the Narcotic Control Act (Canada) or Part III or Part IV of the Food and Drug Act (Canada); and

- family services are necessary to prevent a recurrence; and
- (ii) the child's parent is unable or unwilling to provide for the child's needs.

The Act defines a "child" to be an unmarried person actually or apparently under sixteen years of age.

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 clear from the information received that the abuse is recent or may reoccur, the duty to report is clear. The person receiving the information is, however, entitled to make some inquiries to determine if there are reasonable and probable grounds to believe the reports of abuse are true before reporting. Mere suspicion or rumor does not raise an obligation to report. However, if you are told by a child, 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. Under The Child and Family Services Act, 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 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.
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 Saskatchewan, 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 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 Committee may include:

- a) a priest who will be a delegate and shall act as chairperson;
- b) a vice-chairperson who will act as delegate in the absence of the chairperson;
- c) a 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) who in the opinion of the bishop can act as a resource person(s).

The Committee shall be responsible 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 Committee, the bishop shall designate certain resource persons who can be assigned by the 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 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 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 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.
20. If the allegation is made against a religious, the delegate or Committee will refer it immediately to the competent superior.

Within 24 hours the superior may:

- 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 shall advise the delegate and 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 will begin a preliminary investigation immediately as a matter of urgent priority. The delegate will inquire carefully about the facts and circumstances of the offence. The delegate may authorize any person on the Committee to conduct the investigation. It is recognized that all investigations will be undertaken in consultation with the diocesan lawyer and all reports are prepared in preparation for litigation.
22. If any member of the Committee for any reason, including conflict of interest, feels unable to act, they will advise the 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 Committee member involved shall keep a written record of the investigation from the time the matter is referred to them until a final report is written.
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 frivolous, the delegate will report this to the bishop, and the concerned persons will be so advised.

28. Where a child is involved, the delegate will ensure that reports are made as required in paragraph 30.
29. The delegate and Advisory Committee may, after a complaint is received or in any report to the bishop, 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 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 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 should 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, will 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 Committee to obtain the Committee's recommendation on the priest's resumption of ministry. The Committee, if it feels there should be a resumption, may recommend full, conditional, or 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).
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, parish life director 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, parish life director or department head recognizes that there is some merit to the allegation in the case of a child, reporting is required.
- b) that where the pastor, parish life director 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 should be removed from situations where the problems could continue, pending the completion of any investigation that might take place either by the pastor, parish life director or department head.

## V. CONCLUDING REMARKS

The tragedy of sexual abuse cannot and will not be ignored by the Diocese of Saskatoon. 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 incident 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.

I have been supplied with a copy of these policies. I have read them, and understand them, and I agree to abide by these policies.

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Signature

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Date

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Signature

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Date

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

### **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 diocese of Saskatoon. 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
- aboriginal person
- civil lawyer
- a priest or deacon
- a professionally qualified counselor experienced with abuse issues
- a representative of the diocesan Office for Social Justice

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

## **Committee Members: 2008**

### **Dioscean Advisory Committee**

Rev. Paul Donlevy pastor, canon lawyer  
Mrs. Laura Foley, school principal  
Mr. Al Huubrich, civil lawyer  
Mrs. Michelle McAuliffe, teacher  
Mr. John McAuliffe, school administrator  
Dr. Larry Shepel, therapist

### **Victims' Care Committee**

Rev Bill Bernard, CSsR , parish priest  
Ms. Pauline Genaiile, assistant, Guadalupe Parish  
Mr. Tony Haynes, diocesan social justice director  
Mr. Reb Materi, M.S, counsellor and vice chancellor  
Mrs. Sandaa Richter, mother and teacher  
Mr. Pat Richter, father and business administrator  
Sr. Diane Sehn , OSU, superior, St. Angela Mericie Residence