

POLICY 5.2.1 Misconduct Policy

The Archdiocese of Grouard-McLennan is committed to its Code of Conduct for Clergy, Employees and Volunteers (see Policy 5.1.2). This Misconduct Policy has been established to ensure that violations of that Code are addressed in an effective, consistent, and respectful manner. Creating and publishing this policy is intended to assure those who have been affected by such violations that there is a straightforward, confidential, and supportive process that they can easily access. It is also intended to hold the leadership of the Archdiocese accountable to the faithful for the conduct of its ministers, whether clergy or lay, staff or volunteer. It is also intended to assure those who minister in its parishes and offices that there is an effective and transparent process for responding to complaints made about their conduct.

As stated above, this policy applies to violations of the Archdiocese's Code of Conduct. Some of these violations may also be of a criminal or quasi-criminal nature. In those circumstances, the person making the complaint will be encouraged to also bring the matter to the police, in addition to the Archdiocese. Even if the complainant chooses not to do so, the person receiving the complaint may, in some cases, be legally, ethically and/or morally bound to do so. [**N.B.: This policy cannot and does not apply to the absolute confidentiality of the confessional.**]

For allegations of sexual misconduct and abuse, see Policy 5.2.2 Protocol for Allegations of Sexual Misconduct and Abuse by Clergy, Staff or Volunteers.

Part 1. Definitions

Misconduct as used in this policy, refers to:

- **abuse/assault (physical, sexual, verbal or cyber)**
- **harassment**
- **exploitation of a ministerial relationship**
- **mishandling and/or misappropriation of temporal goods of the Church.**

Abuse: Regular and/or repeated cruel and violent treatment of a person. It may be physical, verbal, emotional or sexual. It may or may not be criminal in nature.

Harassment: Aggressive pressure or intimidation that may create a hostile or offensive environment for the victim.

Exploitation of a ministerial relationship: Using another person for selfish purposes and/or using a position of authority or trust to gain a personal advantage or benefit.

Ministerial relationship: A relationship involving trust and confidence that is based primarily upon the ministry offered by a priest or deacon or other minister to another person. Examples of ministry include counselling, spiritual guidance and the celebration of the sacraments.

Part 2. Roles

1. Misconduct Policy Administrator

a. Appointment

The Archbishop appoints the Misconduct Policy Administrator (MPA) for a 3-year term, renewable indefinitely. The MPA appointment may be terminated at any time in the term, by mutual agreement of the MPA and the Archbishop.

The person may be a member of the clergy but need not be. The criteria for the appointment are:

- the person is a practicing Catholic, i.e. a registered parishioner in one of the parishes of the Archdiocese and attending Sunday Mass at least once a month; and,
- the person has experience or education related to human resources management, conflict resolution or mediation, or the practice of law.

b. Responsibilities

The MPA administers this policy and operates entirely independently of the Archbishop.

The MPA is responsible for:

- reviewing and assessing all complaints made under this policy;
- determining the approach for gathering information and the method for doing so; and,
- submitting a written report, including recommendations, to the Archbishop at the conclusion of any assessment or investigation.

2. Alternate Misconduct Policy Administrator

In cases where there is a conflict of interest, actual or perceived, or other compelling reasons, the Archbishop will, on his own initiative or at the request of the MPA, complainant or accused, appoint an Alternate MPA. The Alternate shall, as directed by the Archbishop, either:

- a) act as a consultant to the MPA; or,
- b) act in place of or on behalf of the MPA.

The above-listed criteria for MPA will apply to the appointment of the Alternate MPA. The term of service of the Alternate MPA ends when the particular case for which she or he was appointed has been concluded.

3. Misconduct Policy Advisory Committee

The Archbishop appoints a Misconduct Policy Advisory Committee (MPAC) of at least three members.

The MPAC is responsible for:

- advising the Archbishop on developments in safe environment practices, bullying, harassment and abuse prevention, etc. that should or could impact the operation of this policy (on an annual or semi-annual basis);
- reviewing and updating, as required, archdiocesan policies 5.2.1 and 5.2.2 (or their equivalents); and
- advising the Archbishop on his response to the report from the MPA.

The MPAC will meet at least once a year and may meet more often, at the members' discretion. Please refer to **Appendix A Terms of Reference - Misconduct Policy Advisory Committee** for full details.

4. The Archbishop

Under this policy, the Archbishop is responsible for:

- appointing a Misconduct Policy Administrator (MPA)

- appointing an alternate Misconduct Policy Administrator, as required
- appointing a Misconduct Policy Advisory Committee (MPAC)
- the final adjudication of any complaint submitted pursuant to this policy
- determining what action is to be taken in response to the report of the MPA on a complaint submitted pursuant to this policy
- ensuring the action is taken by those required to carry it out

If the Archbishop is himself accused of misconduct, 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 appointed to ensure that complainants and those accused of misconduct are supported throughout the process of assessing, investigating, and adjudicating claims of misconduct.

The complainant and the accused are entitled to respectful and sensitive treatment during the process. The RSP will do such things as: explain the process of the misconduct policy; act as point of contact for the complainant or accused and the MPA; and, assist the complainant or accused to access community resources and services that could aid in working through the impact and consequences of any misconduct.

In addition, the RSP assigned to/selected by the complainant or the accused will take responsibility for providing information about the status of the MPA's review and assessment of the complaint; the status of any investigation undertaken by the MPA; the submission of the MPA's report to the Archbishop; and the decision and action of the Archbishop as a result of the report.

The Archdiocese will put out a call for applications to fill positions of RSP. The call for applications will be issued as RSP positions need to be filled.

The Archbishop appoints five RSP from across the Archdiocese. Each RSP will serve a term of three years, renewable indefinitely.

Those appointed as RSP will receive training in this policy from the Archdiocesan Screening Coordinator. They will also receive information, updated as required, on additional community services that could be of benefit to the complainant and/or the accused.

6. Policy 5.1.1 Responsible Ministry and Policy 5.1.2 Safe Environment

The screening procedure for high risk ministry, described in Policy 5.1.1 of this manual, applies to the MPA, members of the MPAC and to all RSP. The screening process must be done before the Archbishop's appointments can be finalized.

The MPA, members of the MPAC and all RSP must submit a signed Form 5.1.b Ministry Suitability and Covenant of Care before the Archbishop's appointments can be finalized.

Part 3. Reporting misconduct

For complaints related to sexual misconduct towards children, adolescents and vulnerable adults, please see Policy 5.2.2 Part 2.

If you become aware of misconduct (acts that violate the Code of Conduct), whether as the person subject to the act, as a witness, as something you hear about, or as a suspicion you hold, you are strongly encouraged to report the misconduct 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;
- 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.

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.

Part 4. Procedure for assessing and investigating complaints of misconduct

Step 1. Notify the accused

The MPA will first assess the report to determine who will bring the report to the attention of the accused: the MPA or another appropriate person.

Step 2. Notify the insurer

Once the accused person has been informed of the complaint, the MPA will notify the liability insurer/insurance broker for the Archdiocese of the complaint and follow any instructions provided by them.

Step 3. Investigate the complaint

At the instruction or the permission of the insurer, the MPA may take one, some or all of the following steps:

- collect details about the alleged misconduct, completing Form 5.2.1.a if necessary, if the insurer has no objections or directly requests it;
- gather initial information, using Form 5.2.1.b to record the information;
- assess the degree of seriousness of the complained misconduct and recommend any immediate action to be taken by the pastor, supervisor or Archbishop;
- contact the complainant and explain the procedure that will be followed;

- tell the complainant about the availability of a Resource and Support Person (RSP) and give that person's contact details. If there is any appearance that civil or criminal laws were contravened, suggest to the complainant that it may be wise to consult with legal counsel;
- conduct an investigation or appoint an investigator to conduct an investigation, if the insurer has no objections and the MPA determines that one is warranted;
- do anything else necessary to ensure a full understanding of the incident(s) complained of;
- keep the Archbishop, complainant and accused informed of all decisions that are made, as well as the status or progress of any investigation;
- prepare a report for the Archbishop, describing the incident, the investigation and all other pertinent acts and observations, and include any recommendations;
- prepare any additional information and reports requested by the insurer;
- act as mediator or facilitator if the complainant and accused agree to attempt a resolution at any point before the report is submitted to the Archbishop (see last bullet in this list);
- provide a draft copy of the final report to the insurer for review; and,
- submit the report to the Archbishop and provide copies to the insurer, the accused and the complainant.

Part 5. What the complainant can expect during the process

Step 1. Making the complaint

The Archdiocese is committed to ensuring our parishes, events, and activities are safe environments for everyone, most especially for children, youth and vulnerable adults. We strongly encourage anyone who experiences, witnesses, or has knowledge of misconduct by a priest, employee or volunteer to contact the MPA about the incident(s).

Step 2. Investigation and follow up

Once a complaint and/or a Form 5.2.1.a *Incident Report* have been received by the MPA, the complainant can expect:

- to be contacted by the MPA and advised of the procedure that will take place and given the contact information for a RSP. The MPA may also advise the complainant to consult with legal counsel;
- to be contacted by the MPA and advised if an investigation will be conducted;
- to be kept informed of decisions as they are made, by the MPA;
- to be kept informed of the status and/or progress of an investigation, if one was considered necessary;
- to be included in an investigation, if one was considered necessary;
- to be supported and assisted with any requests the complainant makes to resolve the matter before a report is submitted to the Archbishop;
- to receive a copy of the MPA's report when it is submitted to the Archbishop.

Part 6. What the accused can expect during the process

The Archdiocese is committed to the process undertaken by the MPA when a Form 5.2.1.a *Incident Report* is received. The accused is considered innocent until proven otherwise and can expect:

- to be contacted by the MPA immediately after a Form 5.2.1.a has been received and informed of the contents of the complaint;
- to be removed from ministry or office, without prejudice and with pay (if a priest or employee) until the matter is resolved, if the Archbishop so decides;
- to be advised of the procedure that will be followed and given the contact information for a RSP. The MPA may also advise the accused to consult with legal counsel;
- to be contacted by the MPA and advised if an investigation will be conducted
- to be kept informed of decisions as they are made, by the MPA;
- to be kept informed of the status and/or progress of an investigation, if one was considered necessary;
- to be included in an investigation, if one was considered necessary;
- to be informed of any requests the complainant makes to resolve the matter before a report is submitted to the Archbishop;
- to receive a copy of the MPA's report when it is submitted to the Archbishop.

The accused may or may not be told the identity of the complainant. The MPA will make the decision to disclose the complainant's identity, in consultation with the insurer and after weighing factors such as impact on the complainant of having her or his identity disclosed; impact on the accused of knowing or not knowing the identity of the complainant; the good of the affected parish community; and the seriousness of the alleged misconduct. Before disclosing the complainant's identity to the accused, the MPA will first notify the complainant.

Part 7. Archbishop's adjudication

Upon receipt of the MPA's written report, the Archbishop shall:

- give the complainant and the accused person a reasonable opportunity to consult with legal counsel and to respond to the report in writing to the Archbishop. Where the Archbishop considers it desirable, he may also choose to meet with the parties;
- consult with the insurer about the contents and recommendations of the MPA's report;
- if he considers it desirable, consult with legal counsel for the Archdiocese of Grouard-McLennan, the MPAC, or any other appropriate professionals; and
- make a final determination regarding the complaint and any action to be taken. This determination shall be made on the balance of probabilities, with the safety of children, adolescents and vulnerable adults as a primary guiding principle. The determination shall be documented in writing and provided to the complainant and the accused person. Where practical, the accused and complainant shall be informed in person of the decision by the Archbishop.

Part 8. 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 9. 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.

Part 10. Impact on cases in process in the event of retirement or death of the Archbishop

In order to protect the integrity of the process, the MPA will ensure that all the information on any cases in process that was available to and within the knowledge of the now retired or deceased Archbishop is provided to the administrator or successor Archbishop as soon as possible after his taking office.

Promulgated by the College of Consultors on 25 September 2010

Amended by the College of Consultors on 15 January 2013

Amended by the College of Consultors on 23 January 2018

Incident Report – Code of Conduct Violations

Use this form to submit a complaint about violations of the Code of Conduct of the Archdiocese of Grouard-McLennan. The Code of Conduct may be found in Policy 5.1.2 Safe Environment.

The Code of Conduct applies to all clergy, employees and volunteers of the Archdiocese of Grouard-McLennan.

This form may be submitted to the Misconduct Policy Administrator by:

- emailing it to misconduct.agm@outlook.com;
- sending a fax to (780) 532-9706;
- mailing it to:

Misconduct Policy Administrator
10301 102 Street
Grande Prairie AB T8V2W2

You may also report the incident:

- by telephoning 780-532-9766 and leaving a message for the MPA;
- by reporting the incident(s) of misconduct in writing, without using the form, by email, fax or mail, as above;
- by reporting the incident(s) to your pastor, parish staff, or archdiocesan staff, who are mandated to bring the report to the MPA.

Please provide as much detail as possible about the incident or incidents being reported.

You are encouraged to provide your name and contact details but this is not required. **No steps will be taken to identify complainants** if they choose to report anonymously.

Thank you for helping to keep the parishes and activities of the Archdiocese of Grouard-McLennan safe environments for everyone!

Description of incident continued:

Report submitted by	
Name	
Signature	
Date	
Report received by	
Name	
Signature	
Date	

Report received by Misconduct Policy Administrator	
Date: _____ Signature of MPA: _____	

Follow up Record by MPA

The MPA attaches this form to the Incident Report – Form 5.2.1.a. This becomes the record of pre-investigation work by the MPA.

Incident Report #		Date file created	
Claimant			
Name			
Date of 1 st interview			
Dates of subsequent communication			
Alleged Offender (please use additional sheets if more than one)			
Name			
Date of 1 st interview			
Dates of subsequent communication			
Witness/Other involved people (please use additional sheets if more than one)			
Name			
Date of 1 st interview			
Dates of subsequent communication			
Notes			

Misconduct Policy Advisory Committee

Terms of Reference

The Misconduct Policy Advisory Team (MPAC) is an integral part of the Archdiocese of Grouard-McLennan's commitment to have current, responsive and effective policies for addressing misconduct by clergy, employees, or volunteers. The team members bring knowledge, experience and expertise to developing issues and questions. The team members do not participate in specific investigations of claims of misconduct.

Membership

The Archbishop appoints a Misconduct Policy Advisory Committee (MPAC) of at least three members. Ideally, the MPAC will at all times include at least one woman and one clergyman.

Everyone appointed to the MPAC **must**:

- have experience or education related to counselling, psychology, child development, criminal justice, child welfare/health, education, and/or other similar career or study fields;
- be of good moral character and professional standing;
- know the social and moral teachings of the Catholic Church.

Term of Office

Each member is appointed for a 3-year term, renewable indefinitely. The MPAC appointment may be terminated at any time in the term, by mutual agreement of the member and the Archbishop.

Role and responsibilities

The MPAC is responsible for:

- advising the Archbishop on developments in safe environment practices, bullying, harassment and abuse prevention, etc. that should or could impact the operation of this policy (on an annual or semi-annual basis);
- reviewing and updating, as required, archdiocesan policies 5.2.1 and 5.2.2 (or their equivalents); and
- advising the Archbishop on his response to the report from the MPA.

Meetings

The MPAC will meet at least once a year and may meet more often, at the members' discretion.

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.

Promulgated by the College of Consultors on 25 September 2010

Amended by the College of Consultors on 15 January 2013

Amended by the College of Consultors on 23 January 2018