

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

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