

Archdiocese of Regina

POLICY AND PROCEDURE FOR REPORTS OF SEXUAL ABUSE OF MINORS AND VULNERABLE ADULTS BY CLERGY OR PERSONS IN A RELIGIOUS ORDER

(2019)

Preamble:

“The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church....” (Pope Francis, Apostolic Letter *Vos Estis Lux Mundi* [henceforth *Lux Mundi*], 2019)

Over the past few years, the Catholic Church has been on a steep learning curve in terms of providing a safe and life-giving environment for minors and vulnerable people, and in responding with integrity and transparency to victims of sexual abuse by members of clergy or religious communities.

In addressing the sexual abuse crisis within the Catholic Church, in the Autumn of 2018, the Canadian Conference of Catholic Bishops (CCCCB) published a document intended to provide guidelines and directives to dioceses in their revising of existing protocols and procedures: *Protecting Minors from Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation and Transformation* (2018).

This CCCB document was part of the motivation for the revising of our Archdiocesan policy for preventing and responding to clergy sexual abuse. The still more important motivation came from the experience, over the past three years, of listening to and working closely with victims of clergy sexual abuse within the Archdiocese.

Victims, each in their own way and shaped by their own experiences, carry the great burden of having been abused. More than anyone, they also carry wisdom and insight into what is required for the transformation which is being called for in the Church.

The CCCB’s *Protecting Minors from Sexual Abuse* spoke of the need for a major transformation, relating that “the sexual abuse crisis is a symptom of a disorder in a Church called to undergo a profound pastoral conversion and purification in order to accomplish its mission with greater transparency and accountability” (p. 49). It suggested that diocesan policies play an important part in that: “The existing policies of many local dioceses and eparchies and the necessity to revise and update them, goes beyond a mere change in administrative procedure; it marks a shift in institutional culture and mentality” (p. 62).

Over the past 3 years, I have witnessed and learned how it has been victims who have been the great teachers in terms of how to bring about that conversion and change. The generosity, wisdom and courage they have shown has been the dynamic force behind movement for a new way forward. I acknowledge with great gratitude that this protocol has been deeply shaped by the experience of walking with victims, who have been involved in the drafting and editing of this text, and in other steps which have been and are being taken within the Archdiocese.

Three important details need to be noted at the outset in this policy on reporting and responding to reports of the sexual abuse of minors and vulnerable adults by members of the clergy or of a religious order. Firstly, it is one part of a larger Archdiocesan policy dealing with safe environment and responding to sexual abuse. Other policy documents deal with reporting abuse of minors by archdiocesan or parish staff members and volunteers, with creating a safe environment for all, with serious pastoral misconduct by

clergy, with codes of conduct for clergy, staff and volunteers. Some of these are still in the writing, some are in the process of being revised. All will form a part of our Archdiocesan Policy manual. The present document needs be read in conjunction with that whole policy.

Secondly, there is a deliberate intent to make this policy accessible, victim-friendly, and approachable for anyone with something to report. Likewise, it aims to avoid being intimidating, defensive or self-protecting.

As a result, one very significant feature of the text is that the 'reporting' section of the policy is specifically addressed to those who are reporting that they have been victims of sexual abuse by a member of the clergy or a religious. In sections 3 and 4, policy is being set forward as the document speaks directly to those who are navigating the text in order to make a report. The change in genre is an effort to make this policy as victim-centred as possible, while mindful of the requirements of civil and canon law.

Thirdly, the recent norms issued by Pope Francis, in *Lux Mundi*, serves as an assurance that bishops are also to be held accountable for their actions in the face of any reports of sexual abuse presented about them or to them. An addendum to this policy is being prepared in this regard, in consultation with the CCCB and its implementation of the Vatican's norms.

It is our hope and prayer that this policy plays a part in our larger and Gospel-inspired effort to bring healing to victims, and accountability and transformation to our Church.

September 21, 2019

+ Donald Bolen

Archbishop of Regina

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1. Purpose of this Policy and Procedure on Clergy Sexual Abuse

This policy is based on foundational principles: the dignity of the human person; the recognition of fiduciary relationships and power differentials; integrity in relationships; public confidence; and public protection. Through these principles, policy standards and procedures will be set forth. The response of the Archdiocese aims to be victim-centred, and marked by compassion, respect, active listening, fairness, confidentiality, and respect for privacy. The process will strive to be transparent and honest, accountable and responsible, seeking to build trusting relationships that do not cause further harm. Desiring to promote hope and empowerment, the Archdiocese will work collaboratively, always taking individual safety of victims into account. These principles and standards are to guide the entire process, and to shape continuing education and preventive efforts in the areas of sexual abuse of a minor or vulnerable adult by clergy or a person in a religious order.

This policy should be viewed and understood in the context of the other components of the Sexual Abuse Policy and other related policies found in the Archdiocese of Regina's Policy Manual (ex. policies on staff and volunteers, and the policy on serious pastoral misconduct by clergy). It governs the handling of reports of sexual abuse of a minor or vulnerable adult by clergy or religious. 'Clergy' include bishops, priests, deacons and seminarians. 'Religious' includes priests, sisters and brothers under vows in a religious order. Clergy and religious are often in positions of power and trust. They are called to an exemplary standard, committed to live chaste Gospel-centred lives, and are to be held accountable for their actions.

The Archdiocese of Regina acknowledges that all forms of sexual abuse are grave. Even one case is too many, and causes untold damage on those who have been abused. This damage often includes lifelong wounds that can result in untold stress, loss of faith, anxiety, fear, shame, guilt, depression and other issues. The Archdiocese is committed to the protection of those it serves.

The policy and procedure set out in this document provide that no victim "is made to feel guilty for having disclosed the abuse they suffered (CCCB, *Protecting Minors from Sexual Abuse* [2018], p. 11). During the process every attempt will be made to ensure persons coming forward are received in a pastoral manner, free from judgment, with no re-victimization or re-traumatization. The aim is to provide a framework that is victim-centred within which a report can be made, investigated and concluded in a meaningful and timely way, including quick intervention in order to stop present acts of sexual abuse of a minor or vulnerable adult by clergy or religious.

There is always the need to encourage reporting people to come forward if they have been the victims of sexual abuse by clergy or a person in a religious order. The Archdiocese is committed to assist those who come forward with reports of sexual abuse, ensuring that in each and every encounter they are treated with respect and compassion, and with the appropriate pastoral care. The Archdiocese will work to ensure that anyone receiving a report is aware of and has sensitivity to the scope and nature of the issues that victims deal with daily, the impact on family and the lifelong wounds that victims carry.

The Archdiocese believes that any person coming forward should be met in a positive pastoral manner that allows the victim to be heard. It can take decades for a person to come forward, and entering into the reporting process may take a substantial amount of

time. During that process genuine pastoral concern and accompaniment, with concern for healing, is the foundation of working with victims, even if a reporting person is not ready or does not want to make a formal complaint at a particular time. **The Archdiocese realizes that stigma, isolation and betrayal are issues with which victims grapple.**

The Archdiocese commits itself to turning from a preoccupation with liability to working within the context of moving towards healing. It is committed to accompany any person coming forward by working with them to identify areas that are helpful for the person in taking steps towards healing of mind, body and spirit.

The Archdiocese will work within the scope and mandate of all provincial and federal laws. When sexual abuse involves a person who is currently under the age of 16 years, these laws require that the incident be reported immediately to the proper authorities.

Saskatchewan has a mandatory 'duty to report' provision under The Child and Family Service Act that overrides most professional confidentiality codes.

<http://publications.gov.sk.ca/documents/17/18812-Saskatchewan-Child-Abuse-Protocol-2017.pdf>

"Anyone having reasonable suspicion that a child's physical or mental health or welfare has been, or may be, impacted by abuse or neglect has a legal duty to report such information immediately to a local Ministry of Social Services Child Protection Office, First Nations Child and Family Services Agency or police." (<http://publications.gov.sk.ca/documents/17/85210-Duty-to-report.pdf>).

Adults who were abused as children may want to preserve their privacy and may hesitate to report sexual abuse by clergy or religious if the Archdiocese was obliged to disclose it to other authorities. The Archdiocese will respect their request for privacy, will inform any reporting person of their right to report the complaint to civil or criminal authorities, and will respect their decision to do so.

The Archdiocese will fully cooperate with any criminal proceedings, if a reporting person chooses to follow that route. In all cases where a person is currently under age of 16, the Archdiocese will fully cooperate with all agencies involved.

2. Definitions

Active ministry refers to the status of a member of the clergy or a religious who has been assigned and is functioning in a specific ministry and/or role in the archdiocese.

Administrative leave describes the status of clergy or religious who are temporarily removed from active ministry. For the purpose of this document the removal is due to a complaint of sexual abuse of a minor or vulnerable adult by a cleric or a religious and usually extends for the course of the investigation into the complaint.

Archbishop means the Roman Catholic Archbishop of Regina.

Archbishop's Delegate is the person appointed by the Archbishop to fulfill the role as outlined in the policy, along with any appointed Deputy Delegate.

Archdiocese means the Roman Catholic Archdiocese of Regina.

CCCB refers to the Canadian Conference of Catholic Bishops which is the national conference of Catholic Bishops in Canada.

Canon Law refers to the Code of Canon Law which is a codified law governing the Catholic Church.

Canon lawyer refers to a person who is a recognized specialist in canon law, often referred to as a canonist.

Child While *The Child and Family Services Act of Saskatchewan* identifies a child as a person less than 16 years of age, for the purposes of this policy, the Archdiocese considers anyone who is under 18 years of age to be a minor. In this policy, child and minor are used interchangeably.

Clergy (clerics) are bishops, priests, and deacons.

Incardinated: a church legal term which describes clergy who are directly under the jurisdiction of the Archbishop of Regina.

Non-Incardinated: refers to clergy who are incardinated into a diocese other than the Archdiocese of Regina but, if officially ministering in the Archdiocese, have faculties from the Archbishop. It should be noted that all clergy by church policy are incardinated into some diocese or are members of a religious order.

Religious: are members of a religious order or congregation, and for the purposes of this policy, include members of secular institutes and associations of the faithful. Religious who are priests need to be granted faculties in order to minister in the Archdiocese of Regina.

Within this policy, **seminarians** are considered among the clergy.

Clergy Sexual Abuse means any act or attempted act by a member of the clergy or a religious, of emotional, physical or verbal contact or approach of a sexual nature, or threats of the same, which are known or ought to be reasonably known as unwelcome, whether or not apparent damage arises from that conduct. This includes grooming - that is, engaging in conduct that is designed to select and prepare potential victims for abuse. Sexual abuse also includes possession of pornographic materials depicting minors.

Congregation for the Doctrine of the Faith is a branch of the Vatican that deals with doctrinal issues including 'grave delicts' - those crimes against the faith that are considered the most serious, such as abuse of minors and vulnerable adults.

Credible Complaint describes a complaint or report of sexual abuse that is not manifestly false or frivolous and bears a semblance of truth.

Criminal Record Check of a person determines if that person has been charged or convicted of a crime.

Deacon refers to an ordained man who has a specific ministry of service in the church:

A permanent deacon normally has no intention or desire to become a priest. Serving under the direction of the Archbishop, he can be single or married; however, he cannot marry once ordained or remarry once widowed.

A transitional deacon will normally be ordained a priest after a period of time; he makes a promise to remain celibate.

Delegate's Advisory Committee is appointed by the Archbishop and refers to a group of men and women who can suitably assist the Delegate in discerning the proper procedure for investigating a report of sexual abuse of a minor or vulnerable adult by clergy or religious.

Duty to report refers to the fact that suspected child abuse or neglect must be treated seriously, and must be reported to the Ministry of Social Services, Child Protection/local FNCFS Agencies or police.

Faculties are granted to priests by a bishop giving permission to perform sacramental acts or function in the Church or in a designated jurisdiction such as a diocese. Normally, a priest must be granted by a bishop the faculties to celebrate Mass and the sacraments in his diocese.

Fiduciary relationship is when one party is invited to rely upon and place special trust and confidence in another who has a fiduciary duty to act for the benefit of the first party.

Grooming means engaging in conduct that is designed to select and prepare potential victims for sexual abuse. It is by its nature seductive behavior, whether intentional or not.

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. They can 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 grooming is made up of observable behaviours, these need to be challenged or reported.

Lay Review Board is the advisory and consultative group assembled to assist the Delegate in discerning whether a report of sexual abuse of a minor or vulnerable adult is substantiated.

Minor designates a person under 18 years of age. This term can be interchanged with 'child' within this policy.

Principle A fundamental truth that serves as the foundation for a system of belief or behaviour.

Religious Order means an independent and self-governing religious institute or secular institute that is recognized by the Catholic Church and governed by her laws.

Religious is a man (priest or brother) or woman (sister) who is a member of a religious order.

Reporting person The person who has lodged a complaint of sexual abuse. In this policy, the complaint of sexual abuse refers to complaints directed against clergy or religious. While reports of abuse may be presented by a third party, 'reporting person' refers here to one who communicates that they were sexually abused.

Respondent is a person who is accused or named in a report as having committed an act of sexual abuse. In this policy, a respondent is a member of the clergy or religious order.

Seminarian designates a person in formation for priestly ministry. In this policy, seminarians, while all are not technically clergy, are included among clergy.

Substantiated complaint is a credible complaint that through follow up or investigation is supported by sufficient evidence establishing reasonable grounds to believe that the abuse occurred.

Superior designates a leader of a religious order whose jurisdiction may be local, provincial, or international (i.e. local superior, major superior, general superior).

Survivor is a person who has been sexually abused. In this policy, a survivor is one who has been sexually abused by clergy or religious. Survivor can be interchanged with the term 'victim'.

Victim is a person who has been sexually abused. In this policy, a victim is a person who has been sexually abused by clergy or religious; this term is interchangeable with 'survivor'.

Vulnerable Adult is a person who, due to a medical, mental health, emotional, spiritual or physical condition, may be unable to protect or defend themselves, or to seek assistance when at risk of significant harm or exploitation. For the purposes of this policy, vulnerable adults have the same protections as a minor.

Vulnerable sector check is a police information check including a check to see if a person has a record suspension (pardon) for sexual offences.

Power means possession of control, authority, or influence over others; the ability to act or produce an effect. Power can be used creatively and for good, but the misuse of power can be destructive and abusive. Clergy and religious have power which comes from their role and position and is manifested in their ministry and relationships.

Zero Tolerance is applied when the complaint of the abuse of a child or a vulnerable adult by a clergy or religious has been substantiated; this clergy or religious will then be permanently barred from any ministry within the Archdiocese of Regina and face canonical procedures that could result in being laicized or having all priestly privileges removed.

3. Procedure for Reporting Complaints of Sexual Abuse of a Minor or Vulnerable Adult by Clergy or Religious

Sections 3 and 4 of the policy are addressed directly to those who are reporting that they have been a victim of sexual abuse by a member of the clergy or a religious.

If you have been the victim of sexual abuse (see definition above) by a cleric or a religious, you are at the right place. The Archdiocese recognizes that “the process by which most victims can move forward with their lives is not primarily legal, but one rooted in a more holistic understanding of the need for physical, psychological, and spiritual healing” (CCCB, *Protecting Minors from Sexual Abuse* [2018], p. 47). The Archdiocese is committed to assisting you in filing a report so that a proper investigation can be undertaken and an appropriate remedy be put in place. The report can be regarding past conduct or ongoing conduct. It can be in relation to a person who is still alive or who is deceased.

3.1 Reporting

When a third party or victim reports and files an abuse complaint, the Archdiocese is committed to responding within 24 hours of having received the communication. The Archdiocese has a private phone number and e-mail available at all times for a person who files a report to contact.

The private phone is: **1(306)-400-3655**.

The private e-mail contact is: enquiry@archregina.sk.ca.

Only the Archbishop’s Delegate or Deputy Delegate will have access to the private e-mail and phone number listed above. In what follows, reference to the Archbishop’s Delegate includes the Deputy Delegate.

3.2 Responding to a Report

The Archbishop’s Delegate receives and handles reports of sexual abuse of a minor or vulnerable adult by clergy or religious. The Delegate can answer your questions and meet with you. When you meet with the Delegate you can be accompanied by a third party of your choosing. Your comfort level is of the outmost importance. If you do not have a support person, with your consent the Archdiocese could supply a support person for you.

3.3 Moving Forward with a Report

When you are ready to advance with the report, the next step would be to provide a written signed statement with as much detail as you feel comfortable sharing. The Delegate will discuss the procedure for this. You, as the reporting person, will decide if or when to move forward with the report and at what pace. There are no deadlines or limitations that will be applied by the Archdiocese. The Archdiocese must inform you that you always retain the right to file a report with the police or the court.

If the report involves a person who is currently under 16 years of age, the Archdiocese must immediately report the matter to Social Services or police, as required by *The Child and Family Services Act*. If 16 years of age or older, the Archdiocese will assure you of confidentiality. If you choose to simply file a report and not proceed any further for the time being, that will be documented.

4. Care for the Reporting Person

The Archdiocese will respond with openness to you when you bring forward a complaint or related concerns.

4.1 Obtaining Information

You may also choose to contact the Archdiocese simply to obtain information about how the process will work. If and when you are ready to proceed, the Delegate will explain all of your options. Some of the options are as follows:

- Simply document the incident
- Meet the Delegate
- E-mail correspondence for more information
- Gather information about the incident
- Report to police
- Retain a lawyer to commence a legal action in civil court
- Make a complete statement to the Delegate
- Stop all proceedings

The Delegate can assist you to find the option that is best suited to your situation. With time the Delegate will encourage you to share as much as you can.

4.2 Choosing a Place to Meet

The choice of a meeting place is governed by the comfort level of the reporting person. Possible locations may include the Archdiocesan office, a public place where confidentiality can be maintained, or if preferable to you, a private residence. In this case, a second party will accompany the Delegate. You can bring a support person or an advocate. The Delegate will do what is required to ensure a safe environment. If you do not have a support person or advocate of your own, the Delegate can recommend someone.

4.3 How to Make a Complaint

The report can be made verbally to the Delegate who would then record it. You will be invited to review the statement and provide any corrections and sign it if you feel comfortable continuing. It could also be done through an audio-visual recording, if you so choose. You may also choose to write out a statement and provide it to the Delegate. If needed, the Delegate may ask follow-up questions.

Your first point of contact may be another individual within the church other than the Delegate. If this is the case, the person will assist you to make contact with the Delegate if you wish. Archdiocesan personnel are expected to walk with you if you have disclosed to them. Even after the Delegate is involved, you may wish to maintain contact with the person to whom you have disclosed the abuse. Given that most staff do not have all the necessary training needed to help effectively, they may, without reporting any confidential information, seek guidance from the Delegate about what help to provide for you. The utmost respect is to be given to a person reporting abuse; you are never to be made to feel bad for having come forward.

4.4 Form of the Report or Complaint

There are several ways to report a complaint. You can contact the Delegate via email or private phone number. You can ask to meet with the Delegate for further information.

Some people may not feel comfortable having a priest as the Delegate. The Archdiocese has alternate people available should you request this. The process is to be as user friendly as possible given the sensitive nature of the topic.

4.5 Immediate Protection of Minors and Vulnerable Adults

In any report of a minor or vulnerable adult having been abused, the Archdiocese has an urgent duty to protect them and others from further harm. If the respondent is in active ministry they will be placed on administrative leave, and if an active or retired cleric, they will have faculties for ministry in the Archdiocese suspended. The respondent will not be permitted to undertake any priestly or ministerial function, including preaching, until the investigation is completed and will be advised not to present themselves, in clerical dress or otherwise, as active in ministry. If the respondent is a religious, in conjunction with their order or community they will be placed on leave.

4.6 Care for a Person Reporting Abuse

The Delegate or another suitable person, taking into account your best interests, will undertake working with you compassionately and prudently. The person investigating the complaint must recognize that making the complaint may cause you to relive the experience. You may request to have someone present during all of the investigative process. This is strongly advised to ensure that you have support.

To help you to move forward, counselling, pastoral and spiritual care will be offered to you. The determination of who will provide these services will be in consultation with you.

The meeting with you will take place at a mutually convenient time and place as soon as possible, taking into account your needs. The Archdiocese recognizes that there is both a spiritual and a pastoral aspect to a complaint. To the extent that it is reasonably possible, the Archdiocese will provide such assistance. As long as the process of investigation is ongoing, you will be offered counselling and spiritual care. Cost of such treatments will be discussed with you. All attempts will be made to provide you with the opportunity to heal, mindful that this is often a long-term process.

After any complaint of sexual abuse by a cleric or a religious person that you have suffered has been investigated and substantiated, the Delegate will offer an expression of regret on behalf of the Archdiocese. The Archbishop will commit himself to meeting you, if you so choose, and to listen openly to what you wish to share with him. He will offer a further expression of deep remorse to you for the sexual abuse you experienced and will assure you that you are not responsible for the experience of sexual abuse.

It is important to note that not all persons reporting abuse will be the person abused. Whether the person reporting abuse is the victim or not, the same procedure is to be followed, and due care is to be shown to the one reporting abuse.

Grooming is more than likely to be reported by someone other than the one being groomed. As with other acts of sexual abuse, grooming is to be treated with utmost seriousness.

4.7 Keeping the Person Reporting Abuse up to Date During the Process

The Archdiocese recognizes the stressful nature of the investigation process. You and the Delegate will determine together the frequency of contact throughout the process.

4.8 Sharing the Report with the Reporting Person

At the conclusion of the process, the Delegate will provide you with a summary of the report. Again, the Delegate will ensure that you are offered counselling and spiritual guidance, and that your spiritual needs are met. The Archdiocese will ensure that your needs are always acknowledged.

The final report will be given to the Archbishop; he will act on the recommendations given. This may include the utilization of the Lay Review Board. Should you request to meet with the Archbishop this will be arranged.

5. Investigation of a Complaint

5.1 Anonymity in Reporting

If the person reporting abuse does not wish to leave a phone number or an email address, they can leave an anonymous phone message. However, anonymous complaints may seriously limit the Archdiocese's capacity to investigate the matter.

At the inquiry stage with the Delegate, what is shared with the Delegate will remain confidential. This is not an official part of the process; therefore, no documentation will be established. Once a person has indicated that they are officially reporting an account of sexual abuse of a minor or vulnerable adult by a cleric or religious, documentation begins.

5.2 Saskatchewan's Duty to report:

When sexual abuse by a cleric or religious involves a person who is currently under the age of 16 years, the incident must be reported immediately to the proper authorities. See section 1 above; and see:

<http://publications.gov.sk.ca/documents/17/85210-Duty-to-report.pdf>

<http://publications.gov.sk.ca/documents/17/18812-Saskatchewan-Child-Abuse-Protocol-2017.pdf>

5.3 Fairness:

The Archdiocese's process is not adversarial but it does allow the parties to state the facts and disclose names of witnesses who can be interviewed regarding the incident, in order to reach a fair conclusion. The principles of fairness will be followed.

5.4 Documentation of the Investigation

Once a person has indicated they are lodging an official account of sexual abuse by clergy or religious there will be continued documentation of all phone calls, emails, meetings and interactions with the reporting person (and with a third party reporter if there is one). Once

the Delegate receives an official report, he or she will proceed with the formal investigation. This will include informing the respondent.

5.5 Contacting Respondent and Communicating the Reported Offense

The Delegate is responsible for making contact with the respondent. The only person that will be given the reporting person's name is the respondent, and they are to be directed not to share that name with any other. If the person has married and taken a different name, then only the maiden name is released. To protect their confidentiality, all files will only use their initials after the reporting process is done. Respecting the privacy of the reporting person is paramount. Canon 220 notes: "No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy."

5.6 Administrative Leave During an Investigation

If the respondent is in active ministry, out of precaution, the Archbishop will place him/her on administrative leave, and if an active or retired cleric, he will have faculties for ministry in the Archdiocese suspended (see 4.5 above).

In the case of a priest, an appropriate residence will be assigned pending the outcome of the investigation and the respondent will be instructed to have no further contact, direct or indirect, with the reporting person or other individuals or parishes that would compromise the investigation.

5.7 Respondent: Admission, Treatment and Care

Where the respondent admits to the complaint or states that the complaint will not be contested, the Delegate will confirm such admissions or non-contestation in writing. The respondent will be subject to any possible criminal proceedings that may arise.

The Archbishop will take the necessary steps to ensure that as soon as possible, incardinated clergy receive appropriate treatment. Upon completion of treatment the offending clergy will not be restored to any form of ministry and the case will be sent to the Congregation for the Doctrine of the Faith.

If the respondent is an ordained member of a religious order or not incardinated into the Archdiocese, his order or diocese will be informed that he has been permanently barred from any ministry within the Archdiocese of Regina. Following any possible criminal proceedings, arrangements will be made for return to the order or diocese as soon as possible. The Archdiocese of Regina has an expectation that all recommendations will be followed and immediate action taken.

If the respondent is a non-ordained religious, after consultation with their religious order or community, they will not be permitted to minister in the Archdiocese.

5.8 Investigation and Preparation of the Delegate's Report

In cases where the respondent does not admit to the complaint, an investigation into the reported abuse is carried out. The Delegate is to determine whether the reported abuse is credible, that is, not manifestly false and bears a semblance of truth. The Delegate is then tasked with determining whether the reported abuse is substantiated. In this process,

he will call upon the Lay Review Board (see 6.6) to assist in his deliberations, though he will not provide them with the names of the reporting person or respondent.

Once the formal investigation of a credible complaint is completed, the Delegate will write a report for the Archbishop.

5.9 Delegate's Final Report and Outcome

If the investigation concludes that the complaint is substantiated, the respondent is to be permanently removed from ministry. The Archdiocese adheres to a zero tolerance policy regarding sexual abuse of minors or vulnerable adults by clergy or religious.

The respondent will be advised that sexual abuse of a minor or vulnerable adult by clergy or religious must be referred to the Congregation for the Doctrine of Faith in Rome for final determination according to church law. This step is also taken when the respondent admits to the complaint or chooses not to contest it (see 5.7 above).

If the outcome of the investigation leads to a conclusion of an unfounded or unsubstantiated complaint, the respondent may be returned to ministry within the Archdiocese.

6. Responsibility of the Archdiocese

6.1 Receive and Investigate All Complaints

The Archdiocese is committed to receiving and investigating all complaints made regarding sexual abuse of a minor or vulnerable adult by a cleric or a religious. It will be guided by the values and principles set forth in this policy and by church law in pursuing the investigation, and will strive to ensure a timely investigation and an appropriate outcome (cf. CCCB, *Protecting Minors from Sexual Abuse* [2018], p. 31).

6.2 Jurisdiction of the Archdiocese

The Archdiocese is committed to being accountable and transparent, ensuring that every complaint is investigated and handled properly. The Archdiocese will investigate all reports of sexual abuse by a cleric or religious that occurred within the Archdiocese, including incardinated and non-incardinated or visiting priests, retired or former clergy, those currently residing outside of the Archdiocese, and those deceased.

If a complaint is against a person who has since died, the complaint will be investigated to the extent possible. The Archdiocese has an obligation to investigate even if a reporting person files a report with a religious order and the order says it will do its own investigation.

Should a person contact the Delegate with an account that did not take place in the Archdiocese of Regina, the Delegate will work with the person to file a complaint in the diocese where the abuse occurred.

6.3 Archbishop's Responsibilities

The Archbishop will appoint the Delegate and Deputy Delegate. The Delegate is to be a priest from the Archdiocese of Regina. The Deputy Delegate will be a layperson. The Archbishop will appoint a Delegate Advisory Committee.

In special circumstances, another layperson could be named to meet with a reporting person. After consultation with a reporting person, other support persons may be appointed on a case by case basis.

Upon being informed by the Delegate of a credible complaint, the Archbishop will:

- a) As a matter of precaution, remove the respondent from ministry immediately pending conclusion of the investigation. This includes temporary suspension of faculties and from presenting themselves publically in any form as a priest.
- b) When the respondent is either non-incardinated or from a Religious Order, the person will be removed as in accordance with a) above. The person's governing body will immediately be notified of the complaint.
- c) Transfer the respondent to a suitable environment pending investigation.
- d) Deal with any other temporary measures that may be necessary to ensure the reporting person's best interest.

Upon receiving the Delegate's Final Report and, if applicable, a report from the Lay Review Board, the Archbishop will take appropriate actions regarding the clergy or religious against whom a complaint has been substantiated, as outlined in 5.9.

6.4 Delegate/Deputy Delegate

The Delegate is responsible for addressing any complaint of sexual abuse of a minor or vulnerable adult by clergy or religious. He will manage and fully document the report from the beginning of the official report until the Delegate's Final Report is given to the Archbishop.

Should the Delegate not be able to handle a case, the Deputy Delegate will assume responsibility for the case. The Delegate should ensure that the reporting person is treated compassionately and fairly and that the respondent is treated fairly.

The Delegate will ensure that any applicable child protection laws are complied with and will cooperate with police and judicial authorities conducting any separate investigation. The Delegate/Deputy Delegate will notify, through the archdiocesan financial administrator, the appropriate insurance carriers concerning a potential claim.

No clergy or religious will be accepted for ministry or residence in a parish in the Archdiocese if there has been any substantiated report or complaint of sexual abuse of a minor or vulnerable adult at any point in their ministry at previous posts. The Delegate must inform any newly appointed Archbishop of all current or substantiated cases of sexual abuse of a minor or vulnerable adult by a cleric or religious.

The Delegate will keep a written record of all complaints, investigations and dispositions. He will keep a record of all steps taken from the time a complaint is received until it is concluded. The record is not to be destroyed at any time, even after the death of the respondent or the reporting person. The record will detail the procedure that was followed. **At no time should any documents be destroyed.** The Archdiocese will keep all files in

a locked and secure area. Upon completion of the case the Archbishop will appoint a person to ensure and be responsible for the security and safety of such documents.

6.5 Delegate's Advisory Committee Responsibility

The Archbishop will establish a Delegate Advisory Committee, for consultation purposes. It will be constituted of 3 or 4 laypersons, if possible including at least one victim. The mandate of the board is to be a consultative body that offers procedural advice to assist the work of the Delegate. It has no jurisdiction to contribute to decisions on the validity of complaints, and will not be given specific details of the reporting person or respondent in any case.

6.6 Lay Review Board Responsibility

The Archdiocese is in the process of establishing a 'Lay Review Board', a confidential, consultative body whose primary purpose is to assist the Delegate in discerning whether a report of sexual abuse of a minor or vulnerable adult is substantiated. It is to be constituted of laypeople, who may or may not be Catholic, but who will have a solid grasp of the sexual abuse policy of the Archdiocese.

Four or five members of the Lay Review Board, preferably including at least one victim, will be called upon to look at any case deemed credible where clergy or a person from a religious order may still be in active ministry. They could also be called upon to look at historical cases. This Board will not be given any identification of the reporting person, respondent or parishes in any particular case.

The functions of the Lay Review Board include:

- reviewing a report of sexual abuse which has been presented by the Delegate. The Delegate presents the complaint and the investigation of it, without naming persons or places in the case.
- consulting with the Delegate, asking questions, introducing perspectives that should be taken into consideration, and assisting in the discernment of whether the reported abuse is substantiated and whether it falls within the definition of sexual abuse as defined by archdiocesan policy.
- making recommendations in terms of care for the reporting person.

The Lay Review Board contributes its comments and advice to the Delegate, who includes their discernment and perspectives in his report to the Archbishop. The Board may ask to meet with the Archbishop directly.

6.7 Confidential and Safe Storage of all Case Documents

The Archdiocese has a policy for the care and protection of all personnel files, and clergy files in particular. All personnel files are secured in a limited access location. In the case of clergy sexual abuse, the confidentiality of the reporting person is a priority.

All records pertaining to sexual abuse cases will be under the name of the respondent that has been named in the action. Initials will identify all references to the reporting person, except in the formal written statement, which will have the person's full name. If there is more than one reporting person each file will be given a file number.

In the general personnel file of the respondent a notation will be made with reference to any complaint of sexual abuse of a minor or vulnerable adult.

6.8 Screening and Formation of Clergy and Religious

The Archdiocese is committed to exercise great diligence in the selection of clergy, ensuring that all clergy coming from another diocese or from a religious order are properly screened regarding any past reports of sexual abuse. "Care must be taken for the enculturation of those who have been trained and formed for ministry overseas in contexts where matters of human sexuality, interpersonal relationships, and boundaries may have been addressed differently" (CCCB, *Protecting Minors from Sexual Abuse* [2018], pp. 42-43).

The Archdiocese is to provide ongoing education of all clergy and religious, doing everything it can to prevent the occurrence of sexual abuse of a minor or vulnerable adult. It is "to implement safe recruiting procedures... including identity verification, criminal record check, background check..., interview and assessment, as well as psychological evaluations for prospective candidates to ordained ministry or consecrated life prior to entering a formation program" (CCCB, *Protecting Minors from Sexual Abuse* [2018], p. 29). Criminal record checks are to include a vulnerable sector check.

7. Respondent

7.1 Procedure to Investigate the Respondent

Once the Delegate has completed the initial investigation of the complaint from the reporting person, the Delegate will interview the respondent who is the subject of the complaint. The interview is to be done in person, face to face (see 7.2 Care for the Respondent).

7.1.1 The Delegate will inform the respondent in writing of the name of the reporting person, the time frame in which the abuse occurred, and the exact nature of the complaint. The Delegate will direct the respondent not to share with anyone the reporting person's name. From that point forward only the initials of the reporting person will be used. The respondent will be instructed not to contact the reporting person, their family, their parish community, the reporting person's legal counsel or any potential witnesses.

7.1.2 The Delegate will document the interview. The respondent will be asked to review the statement and provide any corrections and sign it if he/she feels it is correct. The Delegate may request to make an audio-visual recording of the interview. The respondent may also choose to supplement the interview with a written statement and provide it to the Delegate. When required follow-up

questions will be asked. The Delegate may interview any witnesses named by the respondent.

7.1.3 If the respondent is a member of a religious order, **the Delegate will notify the superior** of the religious order regarding the complaint and the investigation. The respondent will be instructed to cooperate with any investigation from civil or criminal authorities regarding the complaint.

7.1.4 What can and cannot be disclosed? What is revealed in the sacrament of Reconciliation may not be disclosed (Canon 983§1), but what is revealed outside of the confessional is subject to provincial law. The respondent will be informed that he is not to seek confession from any priest or bishop who is involved in any way with the investigation.

7.1.5 As a preventative measure the Archdiocese will always take the step of limiting ministry of the respondent. This will include **placing the respondent on administrative leave**, thus provisionally not allowing any form of ministry until the process is completed.

7.1.6 When all interviews are completed and pertinent information is gathered, **the Delegate will meet with the Lay Review Board** (see 6.6).

7.1.7 At the conclusion of the investigation, the Delegate will submit a written report to the Archbishop, possibly including a written report also from the Lay Review Board.

7.2 Care for the Respondent During and After Process:

The respondent will be advised by the Delegate of the respondent's right to be represented by civil and canonical counsel. The respondent is to be given access to counselling and spiritual care. The Archbishop could name a priest or another appropriate person to support the respondent during this time. The Archdiocese will not provide payment for civil or canonical counsel.

8. Care for Parishes

8.1 During the Process

A parish where abuse has occurred, or where a suspended respondent is currently ministering or has ministered in the past, is likely to be adversely affected, therefore the Archdiocese should seek ways to show care and compassion for impacted parishes and their parishioners.

8.2 After the Process: transparency and accountability

Once the investigation is completed and if a complaint is substantiated, the Archbishop or the Delegate will inform all parishes where the respondent ministered that the Archdiocese received a complaint of sexual abuse by the respondent and has found it to be substantiated. If the respondent was in active ministry, the Archbishop will ensure that a parish is informed, in person, the Sunday after this judgement has been reached. In the event that the Archbishop is not available, the Vicar General or another representative will attend to the

parish or parishes and deliver the information on his behalf. The reporting person's confidentiality will be maintained.

The Archbishop and the Archdiocese will seek to heal wounds or divisions within the parishes. The Archdiocese, in this healing process, will listen attentively to all members. This process would allow any other potential victims to come forward.

Appendix 1 – Child Protection

Anyone who has a reason to believe that a child is being abused or neglected has a legal duty to report it. Members of the public are not expected to determine definitively if a child is being abused or neglected; a trained social worker will assist in that determination. If a person is aware of but does not report a suspicion of abuse or neglect, they could be fined up to \$25,000 or receive a jail term of up to 24 months, or both. Information can be reported to any Social Services office; a community crisis center or unit (check the inside cover of a phone book); a police officer; or a First Nations Child and Family Service Agency.

<https://www.saskatchewan.ca/residents/justice-crime-and-the-law/child-protection/child-abuse-and-neglect>

Contacting Saskatchewan Social Services

- Child Protection Services – (306) 787-3760
- 1-844-787-3760
2045 Broad St., Regina, SK S4P 3V6
- Regina Child Abuse Line – (306) 569-2724
- Estevan Police Services:
(306) 634-4767
301–11th Avenue, Estevan, SK S4A 1C7
8 am to 4:30 pm
- Moose Jaw City Police
1(306) 694-7600
21 Fairford St. West, Moose Jaw, SK Canada S6H 1V2
- RCMP Headquarters
6101 Dewdney Ave Regina SK S4P 3K7
General inquiries: 306-780-5461
Non-emergencies: 310-7267 (RCMP)
Immediate Assistance: Call 911
Saskatchewan detachments:
<http://www.rcmp-grc.gc.ca/detach/en/find/SK>
- Regina City Police:
General inquiries: 306-777-6500
Emergency calls only: Call 911
1717 Osler Street, Regina, SK S4P 3W3

- Regina Sexual Assault Centre
Crisis Line – 306-352-0434 (24 hours)
-Toll Free: 1-844-952-0434
Regular line: 306-522-2777 (open 9 am – 4:30 pm)
1830 McKay St., Regina, SK S4N 6R4.
<https://www.reginalsexualassaultcentre.ca/home.html>
- Sexual Assault Services of Saskatchewan <http://sassk.ca>
Email: info.sass@sasktel.net
Office: 306.757.1941
Cell: 306.526.8776
Address: 335 Maxwell Cres., Regina, SK S4N 5X9
- Weyburn Police:
306-848-3250
400 Coteau Avenue, Weyburn, SK S4H 0Y1

Appendix 2 - Procedure for investigation of reports of sexual abuse or misconduct by a cleric requiring reporting to the Holy See

Please note that a separate policy on serious pastoral misconduct by clergy will soon be prepared. The previous policy on clergy sexual abuse also dealt with misconduct and its treatment of misconduct remains in force until the new policy is formally in place.

According to papal norms (*Sacramentorum Sanctitatis Tutela*) issued on April 30, 2001, and modified May 21, 2010, once sufficient evidence that an offence has been committed appears to have been collected in the preliminary investigation (Canon 1717), in some cases the Bishop of a Diocese must report the offence to the Congregation for the Doctrine of the Faith for a decision regarding the next pastoral and canonical steps to be taken. This requirement applies to certain cases of offenses against the Sacraments, and to certain cases of immoral behaviour that are dealt with in this document of policy and procedures in cases of alleged abuse and misconduct. Those cases are:

1. The sacramental absolution of an accomplice is a sin against the sixth commandment. (Canon 1378.1) [The sixth commandment encompasses sexual behaviour which the Catholic Church considers sinful.]
2. Solicitation to a sin against the sixth commandment during, on the occasion, or under the pretext of confession (Canon 1387), if it is directed to sinning with the confessor himself.
3. Any sin against the sixth commandment committed by a cleric with a minor below the age of eighteen. A person who is developmentally disabled is equated to a minor in this case. [While in Saskatchewan civil law a child is a minor until 16, the Church considers young people to be in need of special protection until 18.]
4. The acquisition, possession or distribution by whatever means or technology by a cleric of pornographic images of minors under the age of fourteen.

Appendix 3 – The Canonical Preliminary Inquiry

- a) It should be remembered that both in the secular courts and in the canonical penal system, a person is presumed innocent until proven otherwise. Therefore, care should be taken to ensure that this principle is always observed, even when encouraging a thorough yet sensitive inquiry.
- b) It should be noted in a canonical inquiry that the accused person is not bound to admit to an offence, nor may an oath be administered to the accused (Canon 1728, §2). The accused person should be informed of this provision before being questioned, even in a preliminary inquiry.
- c) In the case of a minor, a person selected for this purpose by the Delegate would, if possible, and according to the instructions of the Delegate, meet with the parents on behalf of the Archdiocese to offer pastoral support and show care and concern for those involved.

If such support is not desired, guidance should be available to them as to where to obtain appropriate professional counselling for themselves and the minor.

If there are reasonable grounds to believe that abuse might have taken place, and if the parents accept, professional help should be offered immediately if it is available in the area. If it is not available, the parents and minor could be referred elsewhere.

It would be important to explain to the parents that the matter has to go through legal process, and that no judgment can be made before such process has taken place and the matter resolved.

- d) The respondent is encouraged to engage the services of a lawyer who shall not be the diocesan lawyer. The Archdiocese will pay no legal fees.

Furthermore, considering the seriousness of these cases, if the respondent is called for questioning at this stage of the preliminary canonical process, or if the case is to be treated administratively, it seems only just that the person also have the aid of a canonical advocate.

However, one should be informed that anything one says might be used against him/her in a secular criminal proceeding or in a civil lawsuit.

- e) If secular proceedings are taking place, it might be preferable to delay any further canonical inquiry until the matter has been resolved before the secular courts.
- f) If, however, the respondent denies the reports of abuse, which have at least the semblance of truth, then the preliminary canonical inquiry prescribed by Canon 1717 could proceed to a second phase, ensuring that the rights to due process are fully respected.

Furthermore, the priest's faculties to preach (Canon 764) and to hear confessions (Canon 974, §1) should be removed. He would also be asked not to celebrate Mass publicly. While such measures could be painful, they are necessary to protect the good of the community.

Appendix 4 - Procedure for investigation of a contested report of sexual abuse by a cleric (Canon 1717)

The administrative procedures and the canonical criminal trial (Canons 1717 – 1731)

1. a) If the ecclesiastical authorities concerned decide to proceed to the second phase of the preliminary canonical inquiry the lawyers designated above (# d of Appendix 3) and the Delegate may be invited to participate. Great discretion is required in this phase of the inquiry; care is to be taken that it does not call into question anyone's reputation (Canons 1717, §2; 220).
 - b) If the Delegate, after hearing those who are reporting abuse is of the opinion that there is indeed reason to proceed further, the respondent is to be given the right to be heard (right of defence, Canon 1720, 1°).
 - c) If the priest could be considered to be responsible for his actions (cf. Canon 1321), the Delegate should recommend an appropriate course of action to the Archbishop.
2. Following the investigatory hearing, the Delegate will prepare a written report for the Archbishop including reasons recommending that one or more of the following courses of action be implemented: i. Suspension. ii. Refer case to the Congregation for the Doctrine of the Faith. iii. Await Congregation for the Doctrine of the Faith's response on how to proceed.

There is zero tolerance for sexual abuse of a minor by clergy or a religious person. Should the report be deemed credible the respondent is not to be allowed back into ministry. The Congregation for the Doctrine of the Faith will be contacted for further instructions.

3. In preparing his final report to the Archbishop (canonically this is referred to as the preliminary investigation), the Delegate may use canonical and civil terminology in order to provide maximum clarity to his report. This will include describing whether the reported abuse has "the semblance of truth," and will detail his investigation of "the facts and circumstances, and about the imputability of the offence" (Canon 1717 §1).

Where appropriate, the Delegate is also to report on whether or not the presence or absence of remorse on the respondent's part has been discerned.

4. The Delegate will deliver his report to the Archbishop within 60 days of the date of his appointment. When circumstances warrant, the Archbishop may extend the time for the Investigation.

5. The Archbishop will consider the report of the Delegate in deciding the matters entrusted to him (Canon 1718).
6. The acts of the investigation, and all those matters which preceded the investigation, are to be kept confidential, unless they are necessary for the penal process (Canon 1719).

Appendix 5: Links and Resources used:

Archdiocese of Regina: Reporting sexual abuse of a minor or vulnerable adult by clergy or a religious person.

<https://archregina.sk.ca/reporting-clergy-abuse>

[Archdiocese of Regina 2013 Protocol:](#)

<https://archregina.sk.ca/sites/default/files/protocol/Final%20copy%20-%20Archdiocese%20of%20Regina%20Policy%20for%20Cases%20of%20Alleged%20Sexual%20abuse%20or%20misconduct%20%28July%2025%202013%29.pdf>

Canadian Conference of Catholic Bishops: (CCCB)

https://www.cccb.ca/site/images/stories/pdf/Protecting_Minors_2018.pdf

Code of Canon law – Vatican:

http://www.vatican.va/archive/ENG1104/_INDEX.HTM

[Congregations of the Doctrine of Faith – Vatican](#)

http://www.vatican.va/roman_curia/congregations/cfaith/index.htm

Saskatchewan Duty to Report:

<http://publications.gov.sk.ca/documents/17/85210-Duty-to-report.pdf>

<http://publications.gov.sk.ca/documents/17/18812-Saskatchewan-Child-Abuse-Protocol-2017.pdf>

[Saskatchewan Sexual Assault Resources:](#)

<http://sassk.ca>

<https://www.reginalsexualassaultcentre.ca/home.html>