

Archdiocese of Regina



POLICY & PROCEDURE FOR CASES OF ALLEGED SEXUAL ABUSE OR MISCONDUCT

(2013)



THE ARCHBISHOP OF REGINA

November 1, 2013

Dear Brothers and Sisters in Christ,

I am very pleased to promulgate the document: *Policy & Procedure for Cases of Alleged Sexual Abuse or Misconduct*, effective November 1, 2013.

The Policy states, in its preamble: "Our aim is to provide meaningful assistance to those who have suffered as a result of sexual abuse or misconduct, and to uphold the sacred values to which the Archdiocese is strongly committed."

This document replaces the "*Policy for Responding to Cases of Sexual Abuse and Procedures for Protection of Children and Vulnerable Persons*" put into effect in 2009.

The Church has been called by Christ to the mission of being witnesses to Gospel, the Good News of our salvation and God's love for us. We recognize that it is of utmost importance that the Church in Regina does everything it can to assure that those who have suffered as a result of sexual abuse or misconduct receive a just and timely resolution. We will assist those who come forward with allegations of sexual abuse or misconduct, ensuring that they are treated with respect and with compassion.

It is our intent that this protocol is a tool to investigate all allegations of sexual abuse or misconduct within the Archdiocese. The Archdiocese of Regina exercises her canonical governance authority in such investigations (Cc. 1717ff), and these are subject to the Code of Canon Law in all respects, including the presumption of innocence and the inviolability of the sacramental seal (Cc. 983-4).

We continue to pray for all victims of abuse or misconduct, ever mindful of our call to protect all those who come to take part in the various ministries and activities of the Church, those who seek benefit from the Church's ministry as well as give sound guidance to those who welcome them, giving them training and minister to them.

Yours sincerely in Christ,

✠ Daniel J. Bohan
Archbishop of Regina

DJB:bg

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Archdiocese of Regina

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Policy & Procedure for Cases of Alleged Sexual Abuse and/or other Incidents of Abuse or Misconduct

I. PREAMBLE

The Roman Catholic Archdiocese of Regina is committed to the protection of all who are within its spiritual and physical care, especially vulnerable people. Sexual abuse or misconduct towards another person is contrary to the teachings of the Catholic Church and is always wrong. The Church considers such an act a sin. It is therefore particularly abhorrent if the abuser is a member of the clergy, religious order, staff or a volunteer of the Archdiocese.

Where the complainant is not ready or does not want at this time to go through formal procedure, the Archdiocese is able to suggest some professional guidance by referring the complainant to a qualified person.

The policy and procedure set out in this document provide for the just and timely resolution of complaints of sexual abuse or misconduct. Our aim is to provide meaningful assistance to those who have suffered as a result of sexual abuse or misconduct, and to uphold the sacred values to which the Archdiocese is strongly committed.

We will intervene effectively to stop acts of sexual abuse or misconduct by clergy, staff or volunteers, and will take steps to prevent the occurrence of such abuse or misconduct. We will assist those who come forward with allegations of sexual abuse or misconduct, ensuring that they are treated with respect and with compassion.

We will investigate all allegations of sexual abuse or misconduct within the Archdiocese. The Archbishop of Regina exercises his canonical governance authority in such investigations (Cc. 1717 ff), and these are subject to the Code of Canon Law in all respects, including the presumption of innocence and the inviolability of the sacramental seal (Cc. 983-4).

What needs to be kept in mind is the relationship between Civil Law and Ecclesial Law. The Code of Canon Law (Cc. 208-223), deals with the rights and obligations of the faithful. Regarding these canons, the Canon Law Society of America commentary shows the contrast between an ecclesiastical and civil law; “the church cannot be considered the equivalent to civil society . . . (where) . . . rights arise from and foster an adversarial relationship between the individual and state authority.

In matters of abuse, the church is committed to observing civil law and canon law.

The mission of the church from Jesus Christ, found in Tradition and the Gospel, goes beyond the law. The call to give to the poor and the needs of the church is in canon law without any sanction.

The evangelical call to pray, to forgive enemies, etc. is a real law but is outside enforceable church or civil law. The church does not minimize the call of the Gospel, and at the same time does not expand the law into legalism.

We recognize that some forms of sexual abuse or misconduct may be crimes according to the civil law. When the law requires it, for example when the abuse involves a person who is currently under the age of sixteen years, the abuse must be reported immediately to the appropriate Child & Family Services. Allegations involving minors are considered in articles 12-14 of the provincial legislation *The Child and Family Services Act 1989* (C-7.2).

Adult complainants of past sexual abuse sometimes wish to preserve their privacy and would not report this abuse to the Archdiocese if the Archdiocese were required to disclose it to civil authorities. Since the Archdiocese must respect their privacy (canon 220) and want to encourage disclosure, the Archdiocese believes that the decision to approach police or civil authorities must be the choice of the adult complainant. The Delegate or his Deputy-Delegate will advise the complainants of their right to approach the police or other civil authorities and will facilitate contact. When civil authorities investigate complaints, the Archdiocese will provide full cooperation.

In certain cases of sexual abuse or misconduct, listed in Appendix 3, the Archbishop is required to send the results of the investigation to the Congregation for the Doctrine of the Faith in Rome for direction on the next canonical and pastoral steps to be taken, and he will fulfill this obligation.

This document reconciles the obligations of individuals and the Archdiocese under the laws of the Province of Saskatchewan and of Canada with the requirements of the Code of Canon Law and the pastoral responsibilities of the Archdiocese of Regina.

This Policy is an important part of the *Protocol For Responsible Parish Ministry* of the Archdiocese of Regina (see www.archregina.sk.ca).

This Policy applies to clergy, religious sisters and brothers under vows in Religious Orders, staff, and those acting as volunteers in the Archdiocese of Regina.

This Policy does not apply to corporate bodies that have a Catholic identity such as schools and school boards, social welfare agencies and hospitals. These entities are subject to their own policies.

II. DEFINITIONS

Sexual Abuse means any act or attempted act of emotional, physical or verbal contact of a sexual nature or approaches, or threats of the same, which are known or ought reasonably to be known as unwelcome, whether or not apparent damage arises from that conduct, and includes grooming (that is, engaging in conduct that is designed to select and prepare potential victims for abuse). Possession of pornographic materials depicting minors is, legally, abuse.

Advisory Committee means a group of qualified persons (see Section 20) appointed by the Archbishop to assist the Delegate for Sexual Abuse or Diocesan Ombudsman for Misconduct or their Deputy-Delegate.

Allegation means a statement or accusation of abuse that is yet to be proven.

Archbishop means the Roman Catholic Archbishop of Regina, or, in his absence or incapacity, the lawful administrator of the Archdiocese according to Roman Catholic Canon Law.

Archdiocese means the Roman Catholic Archdiocese of Regina.

Archbishop's Delegate means the priest appointed by the Archbishop to fulfill the role as outlined in the policy, and any duly appointed deputy delegate.

Clergy (singular form is Cleric) means ordained deacons, priests and bishops of the Roman Catholic Church.

Code of Canon Law means the 1983 compendium of laws for the Western (Latin) Catholic Church, published by Pope John Paul II, and as amended from time to time. Individual laws are referred to as **canons**.

Committee for Victims seeks to offer support to victims of sexual abuse or misconduct.

Complainant means a person who alleges having suffered as a result of sexual abuse or misconduct by a member of the clergy in the Archdiocese, Archdiocesan staff, or Archdiocesan volunteers.

Archdiocesan Ombudsman means the person appointed by the Archbishop to fulfill the role as outlined in the policy.

Faculties mean the grants by a higher ecclesiastical authority enabling a priest or deacon to act in ways that the recipient would not otherwise be empowered or authorized to act. (e.g. hearing sacramental confessions by priests).

Grooming means engaging in conduct that is designed to select and prepare potential victims for sexual abuse. *Grooming includes a wide variety of behaviours, such as spending large amounts of time with a particular person, affording special privileges or providing gifts, trips and other expressions of special attention. These behaviours are often designed to establish a special bond of trust and affectionate understanding between the groomer and the person who is the object of his/her attention. The behaviours can lead the person to feel indebted to the groomer for all these kindnesses. Once this bond of trust and indebtedness is established, the stage may be set for sexual advances.*

Because the pattern of a groomer is made up of observable behaviours, these behaviours need to be challenged or reported. Grooming, whether unintentional or not, is by its very nature seductive behaviour. As well as being signs of possible future sexual activity or other sexual abusive behaviour, grooming is in itself inappropriate. Everyone should be alert to signs of grooming, either among church personnel or others in caring for the vulnerable.)¹

Incardination means the action by which a cleric, at ordination as a deacon, becomes affiliated with a particular diocese or religious order and subject to the bishop or superior respectively.

Minor means a person under the age of 16 years, as stipulated in the Saskatchewan *The Child and Family Services Act*. The Church's concern is for the well-being of those up to 18 years old. (See Appendix 3).

¹ taken from 'Working Together for a Safe and Respectful Church Environment' the Roman Catholic Diocese of Saskatoon, with permission.

Misconduct means serious behaviour contrary to professional norms of civil law and/or the Code of Canon Law.

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.

Respondent means a member of the clergy, a religious sister or brother under vows in Religious Orders, staff or volunteer alleged to have committed an act of sexual abuse or misconduct.

Staff means lay persons employed by the Archdiocese, its parishes, or by a Religious Order in respect of its activities in the Archdiocese, but does not include independent contractors or others who are not employees of the Archdiocese, its parishes, or Religious Orders. The Delegate for Sexual Abuse or Archdiocesan Ombudsman for Misconduct may apply the Procedure to others, in all cases with the goal of ensuring that the responsible agency addresses complaints and complainants in the appropriate manner.

Superior means the local head of a Religious Order.

Volunteers means persons who undertake assignments of charity or service with the sanction and direction of the Archdiocese, Clergy, Staff or Religious Orders. Volunteers do not include self-appointed persons who operate without the sanction or direction of the Archdiocese, Clergy, Staff or Religious Orders.

Vulnerable Person means minors or persons of any age who by reason of their condition, suffer from physical, mental, emotional or spiritual handicaps or disabilities.

III. RESPONSIBILITY STRUCTURE IN THE ARCHDIOCESE

1. The Archbishop will:

- a. appoint the Archbishop's Delegate, a Deputy Delegate and an Archdiocesan Ombudsman
- b. see to the establishment of the Advisory Committee
- c. appoint the Committee for Victims
- d. with the advice of the Archbishop's Delegate, the Archbishop will determine:
 - i. whether an accused clergyman's faculties are to be suspended,
 - ii. the need for psychological assessment of an alleged abuser,
 - iii. the need for prompt removal of the alleged abuser from any situation in which an offense might be repeated,
 - iv. if a transfer to a suitable environment pending investigation, is appropriate,
 - v. the penalty for abuse.

2. The Archbishop's Delegate and Deputy Delegate

- a. The Archbishop's Delegate is appointed for issues regarding allegations of sexual abuse (Canon 1717 §1).
- b. Any allegation of sexual abuse by a priest is to be referred to this Delegate (or Deputy Delegate), whether such allegations are doubtful or appear to be founded on fact.
- c. The Archbishop's Delegate and Deputy Delegate will have the qualifications and training required to fulfill their responsibility.

- d. The Archbishop's Delegate reports to the Archbishop. In the absence or incapacity of the Archbishop's Delegate, the Deputy Delegate will perform the duties and functions of the Archbishop's Delegate and report to the Archbishop.
- e. The reports of the Archbishop's Delegate or Deputy Delegate is to ensure this policy is implemented and complied with.
- f. The Archbishop's Delegate, in consultation with the Advisory Committee, will manage the Archdiocesan response to a complaint of sexual abuse from the time the complaint is received until it is resolved.
- g. The Archbishop's Delegate will ensure that any applicable child protection laws to report are complied with and will co-operate with police and judicial authorities conducting their separate investigation.
- h. The Archbishop's Delegate will do the internal investigation of the complainant.
- i. The Archbishop's Delegate will conduct the internal investigation of the accuse individual.
- j. The Archbishop's Delegate will notify, through the Archdiocesan Financial Administrator, the appropriate insurance carriers concerning a potential claim.
- k. The Archbishop's Delegate will be responsible for forwarding records to the Chancellor who will ensure the records are kept in a confidential place, indefinitely. In the area of misconduct particularly, it is that the knowledge is not lost over time.

3. The Archdiocesan Ombudsman

- a. The Archdiocesan Ombudsman is appointed by the Archbishop for issues regarding allegations of misconduct.
- b. The Archdiocesan Ombudsman will have the qualifications and training required to fulfill their responsibility.
- c. The Archdiocesan Ombudsman reports to the Archbishop.
- d. The Archdiocesan Ombudsman ensures this policy is implemented and complied with.
- e. The Archdiocesan Ombudsman, in consultation with the Advisory Committee, will manage the Archdiocesan response to a complaint of misconduct from the time the complaint is received until it is resolved.
- f. The Archdiocesan Ombudsman will do the internal investigation of the complainant.
- g. The Archdiocesan Ombudsman will notify, through the Archdiocesan Financial Administrator, the appropriate insurance carriers concerning a potential claim.
- h. The Archdiocesan Ombudsman will conduct the internal investigation of the accused individual.
- i. The Archdiocesan Ombudsman will be responsible for forwarding records of misconduct to the Chancellor who will ensure the records are kept in a confidential place, indefinitely, so that the information of the case is not lost over time.

4. The Advisory Committee

An **Advisory Committee** of at least four persons is to be established in the Archdiocese. The Archbishop will appoint members to this committee. The members are under the authority of the Archbishop's Delegate. The Advisory Committee is to be a consultative resource and to be of assistance to the Archbishop's Delegate in matters relating to the prevention of sexual abuse of

minors and/or responding to any allegations of sexual abuse. This committee is also to prepare and maintain a current basic protocol regarding situations of sexual abuse which may be implemented with the approval of the Archbishop.

5. The Committee for Victims (see Appendix 6)

The Committee for Victims seeks to offer support to victims of sexual abuse or misconduct. Members of the committee may assist with outreach to the parish where sexual abuse or misconduct has occurred. The Committee will meet as necessary to monitor the provision of support in compliance with the policy.

In establishing the Committee for Victims, the Archbishop will appoint members so that it will be composed of at least:

- Chair: who will call and preside over the meetings of the committee
- Designated Persons authorized to assess and provide support for victims in consultation with the Archbishop's Delegate
- Members of the community with related background or experience in dealing with emotionally charged issues

IV. PROTOCOL OF THE ARCHBISHOP'S DELEGATE/ ARCHDIOCESAN OMBUDSMAN FOR RESPONDING TO CASES OF ALLEGED SEXUAL ABUSE AND/OR OTHER INCIDENTS OF ABUSE OF MISCONDUCT

1. A complaint is received by the Archbishop's Delegate/Archdiocesan Ombudsman. Anonymous complaints will be documented but will not be investigated.
2. The Archbishop's Delegate/Archdiocesan Ombudsman will interview the complainant. At the initial interview, the Archbishop's Delegate/Archdiocesan Ombudsman will:
 - a. offer compassionate regard for the individual and his/her situation
 - b. gather information about the individual's experience
 - c. commit to provide ongoing communication on behalf of the Archdiocese as to progress of the investigation.
 - d. contact Committee for Victims to arrange appropriate personal and pastoral care
3. The Archbishop's Delegate/Archdiocesan Ombudsman will interview the accused individual and then he will advise the accused individual of his/her right to be represented by civil and canonical counsel. The accused individual has the right to be informed promptly by the Archbishop's Delegate/Archdiocesan Ombudsman in writing as to the name of the accuser and the exact nature of the complaint. The Archbishop's Delegate/Archdiocesan Ombudsman will instruct the accused that he/she should not attempt to contact the complainant, the complainant's family, known witnesses, or the complainant's counsel. He will also instruct the accused individual that any contact with the parish with which the complaint is associated is subject to the approval of the Archbishop's Delegate/Archdiocesan Ombudsman.
4. The Archbishop's Delegate/Archdiocesan Ombudsman will document the interview and will submit a written report to the Archbishop giving recommendation for further intervention.
5. Reference will be made to the Canonical Preliminary (Appendix 3 From Pain to Hope, 1992.)

V. PROTOCOL TO FOLLOW BY ANY PERSON RECEIVING A COMPLAINT

1. REPORT OF A MINOR

When receiving a complaint, the recipient should immediately report the abuse of a minor who is less than 16 years of age to the Child & Family Services or the local police.

2. REPORT OF AN ADULT

When receiving a complaint, the recipient shall:

- a. limit himself/ herself to listening and giving assurance that the Archdiocese takes these complaints seriously.
- b. Inform the complainant that he/she must report the complaint to the Archbishop's Delegate or Archdiocesan Ombudsman.
- c. offer assistance in contacting the Archbishop's Delegate or Archdiocesan Ombudsman.
- d. not attempt to interview the complainant.
- e. assure the person that a prompt and effective response will be forthcoming.
- f. inform the person that he/she who is receiving the complaint does not have the authority to resolve such matters.
- g. not comment on the credibility of these complaints nor attempt to resolve the complaint.

Current information to contact the Archbishop's Delegate or the Archdiocesan Ombudsman is found in the Archdiocese or Regina Directory.

VI. REPORTING OF ALLEGATIONS

Depending on the type of allegation made, the procedure for reporting specific allegations are as follows:

1. PROCEDURE FOR REPORTING OF ALLEGATIONS OF ABUSE INVOLVING MINORS (CHILDREN UNDER 16 YEARS OF AGE)

Contact Saskatchewan Social Services Agency – Child Protection Services – or a Peace Officer & Archbishop's Delegate

2. PROCEDURE FOR REPORTING OF SEXUAL ABUSE OF AN ADULT

Contact Archbishop's Delegate

3. THE PROCEDURE FOR REPORTING OF ALLEGATIONS OR OTHER INCIDENTS OF ABUSE OR MISCONDUCT

Contact Archdiocesan Ombudsman

**VI. 1. PROCEDURE FOR REPORTING OF ALLEGATIONS OF ABUSE INVOLVING
MINORS (CHILDREN UNDER 16 YEARS OF AGE)**

a. Article 12 of the Saskatchewan *The Child and Family Services Act* places urgent reporting obligations on individuals who, in the course of their professional or official duties, have “reasonable grounds to suspect” that a child is or may be suffering, or may have suffered, abuse. The obligation to report relates to children who have not reached their sixteenth birthday at the time the allegation is made. Under the Act, abuse may be physical, emotional, mental or sexual in nature and includes sexual exploitation through child pornography. The obligation arises whether or not the abuse is said to have been committed by clergy, staff or volunteers.

b. Where a member of the clergy, religious order, Archdiocesan staff or a volunteer has reasonable grounds to suspect that a person **currently** under the age of sixteen is or may be suffering or may have suffered sexual abuse: *(if it is clear from the information received that the abuse is recent or may recur, the duty to report is clear. The person receiving the information is, however, entitled to make some inquiries to determine if there are reasonable and probable grounds to believe the reports of abuse are true before reporting. Suspicion or rumour does not raise an obligation to report)* that person shall:

i.) report **immediately**, that is, within one hour or as soon thereafter as circumstances will reasonably permit, the suspicion and the information on which it is based to the appropriate Saskatchewan Social Services Agency – Child Protection Services – or a Peace Officer in the jurisdiction where the abuse is alleged to have occurred,. Contact information is in Appendix 2. The obligation to report arises again if a person has additional reasonable grounds for the suspicion, even if the person has made a previous report with respect to the child;

ii.) then advise the Delegate that such a report has been made. The Delegate in turn will notify the Superior, if the respondent is a member of a Religious Order, and the Archbishop. In order not to interfere with the Social Services Agency investigation, the Delegate will not inform anyone but will take action under # 10 (on page 10), if the respondent is a member of the clergy, the Archdiocesan staff or a volunteer. This may also require notification to the Director of Personnel & Human Resources and the preparation of a statement to the parish concerned (as mentioned in # 10 a. i.).

c. Priests are reminded that the confessional seal is inviolable (Cc. 983, 984) in any and all circumstances. What is revealed in confession is subject to the seal and cannot be revealed. What is revealed outside the confessional is subject to the Saskatchewan *The Child and Family Services Act*.

VI. 2. THE PROCEDURE FOR REPORTING OF SEXUAL ABUSE OF AN ADULT

Persons can make a confidential allegation of sexual abuse or misconduct directly to the Archdiocese through its office - at 445 Broad Street North, Regina, Saskatchewan, S4R 2X8 (306-352-1651), by email chancery@archregina.sk.ca or through a member of the clergy, staff or a volunteer who will refer the complainant immediately to the Delegate for Sexual Abuse or Misconduct.

Our prime concerns are for the care of the complainant who is hurting, and the prevention of sexual abuse. Recognizing that coming forward with an allegation of sexual abuse is difficult, the person who first hears the complaint will treat the complainant with great care and compassion, and will encourage the complainant to talk with the Delegate. We respect the complainant's right to privacy and confidentiality, without jeopardy to the process and rights of the defendant.

A. THE INVESTIGATION

- i. The Delegate may act personally or through a deputy Delegate.
- ii. If the allegation is made against a cleric or other member of a Religious Order the Delegate will refer it immediately to the competent Superior. (see Appendix 1)
- iii. The Delegate will immediately (within 10 working days) inquire into the allegation as a matter of urgent priority. He will inquire carefully about the facts and the circumstances. This is recorded by the Delegate and signed by the complainant. The complainant is informed of the right to have someone present during the inquiry for support. Care is to be taken that this does not violate the privacy of the complainant or unnecessarily call into question anyone's good name (C. 220).
- iv. If the respondent is deceased, the investigation will proceed as far as possible. With plaintive permission, all reasonable efforts will be made to seek confirmation of the facts from sources who reasonably would be expected to have information about the matter. This is recorded and kept on file in the secret archives accessible only to the Archbishop.
- v. The Delegate will have access to all files and archives of the Archdiocese pertaining to the respondent.
- vi. After meeting with the person or persons making the allegation, the Delegate will then meet individually with such other persons as may be witnesses or have knowledge of the facts.
- vii. The Delegate will meet with the respondent within 10 working days after interviewing the complainant to outline the allegations and listen to his/her response. Any witnesses named by the respondent may also be contacted.
- viii. Within 30 days of the interview with the complainant, the Delegate will formulate a recommendation to the Archbishop. The Archbishop will act on this recommendation within 10 working days. If the allegation is determined to be founded, both the complainant and the respondent will be informed of the next steps. If the allegation is determined to be unfounded, then the inquiry will be closed and the complainant and respondent so advised.

xi. In order to protect the interests of all concerned, the Delegate, who acts with the Archbishop's permission, may do one or more of the following at any time:

a.) After having advised the accused individual of the allegation, and having informed the Archbishop, the Delegate may recommend to the Archbishop that the respondent be placed on an immediate administrative leave (C. 1722) with pay. Volunteers may be suspended from ministry.

i.) In the case of a priest, the Archbishop will appoint a priest to inform the parish with a letter from the Archbishop explaining the absence of the pastor or administrator of the parish. This letter is read at the next Sunday Celebration.

ii.) In the case of volunteers, employees or clerics, those affected by the removal, will be informed through a letter from the Archbishop explaining the respondent's absence from work.

b.) In the case of a cleric, an appropriate residence may be assigned pending the outcome of the investigation;

c.) In the case of a cleric, his faculties to preach may be removed (C. 764), and if he is a priest, the right to hear confessions may also be removed (C. 974). He may be forbidden the exercise of any public ministry, including the public celebration of the Eucharist, and he may be instructed to cease wearing clerical garb.

d.) The respondent may be instructed to have no further contact, direct or indirect, with certain individuals, identified by name or in some other way including parish residency.

Depending on the outcome of the procedure, the respondent, whether a member of the clergy or a lay person, may be returned to ministry or employment.

B. CARE FOR COMPLAINANTS

Any interview with the complainant will be done compassionately and prudently by the Delegate, recognizing that telling the story of what happened will, to some extent, renew the hurt experienced at the time of the sexual abuse. The complainant may request to have someone else present during the interview as support, and the Delegate may have a lay person present, especially when it is a member of the clergy who is the respondent. The interview will take place at a mutually convenient time and place within ten (10) working days or as circumstances reasonably permit after the Delegate has received the initial contact.

C. ADDITIONAL PROVISIONS ONCE THE INVESTIGATION BEGINS

i. After meeting with the respondent, the Delegate will determine whether further action is warranted in respect of an allegation and report to the Archbishop, who retains final decision-making authority.

ii. Where the respondent **admits** part or all of the allegation or indicates that the allegation will not be contested, in addition to steps possible under #10 above:

a.) The Delegate will, in the company of a witness, confirm such admission or non-contestation, preferably in writing.

b.) The respondent may be referred immediately to a selected treatment facility for appropriate evaluation. The respondent will sign a release in the appropriate form so that a report given by the treatment centre will be delivered to the Archbishop. The Archbishop may seek advice from Delegate or an expert making known the necessary information from the evaluation, respecting the right to confidentiality of the respondent.

c.) Where the evaluation recommends a program of treatment for the respondent, the Archbishop will:

i.) Refer the respondent to a treatment centre in order to begin the program of treatment when the respondent is a cleric over whom the Archbishop has jurisdiction; or

ii.) Refer the evaluation to the competent Superior for action, where the respondent is a member of a Religious Order

iii.) Advise and recommend appropriate action where the respondent is a lay person

d.) Successful completion of the program or programs of treatment will not automatically restore the respondent to the ministry or the employment where he or she was assigned.

e.) Under the 2001 Apostolic Letter of Pope John Paul II, *Sacramentorum Sanctitatis Tutela*, modified May 21, 2010, by Pope Benedict XVI, certain cases of misconduct as outlined in Appendix 3, including sexual abuse of minors, must be referred to the Congregation for the Doctrine of the Faith in Rome for their examination and decision about the next canonical and pastoral steps.

iii. Where the respondent **denies** the allegation and the Delegate has determined that further action is warranted in order to clarify the facts, in addition to the steps possible under #10 above the Delegate may recommend to the Archbishop that he appoint an Investigator* (C. 1717), perhaps with one or two assessors to assist the Investigation (C. 1718). The Investigatory Hearing outlined in Appendix 5 may be used.

D. MISCELLANEOUS

i. A written record will be kept of all steps taken from the moment the allegation is first received. The record is not to be destroyed at any time, even after the death of the respondent.

The record is used to show that the Procedure was followed, that the complainant was treated fairly, and that the respondent's canonical rights were respected. Care is to be taken to protect the confidentiality of such documentation which will be kept in the secret archives of the Chancery Office with an annotation in the personal files of the cleric.

*Where possible, the Investigator be appointed from outside the Archdiocese.

- ii. At no time should the Archbishop, the Delegate or any priest involved in this procedure hear the sacramental confession of a respondent.
- iii. An Advisory Committee shall be appointed by the Archbishop as a resource for the Delegate.
- iv. The Delegate may at any time make use of such consultants as may be considered necessary, including medical doctors, psychologists, mental health professionals, canonists, Children's Aid workers, lawyers, or other professionals.
- v. Where appropriate, the Delegate may recommend the re-employment of lay personnel or the return of a cleric or volunteer to the ministry. Such reinstatement will not be considered until any other recommended treatment or program has been sufficiently completed and evaluated. The Delegate, will summarize the findings and recommendations, and will brief the Archbishop.
- vi. All persons carrying out responsibilities under this Procedure, including the Delegate, will cooperate with civil authorities carrying out statutory responsibilities, including peace officers, subject to the inviolability of the sacramental seal (Cc. 983-984).
- vii. The Archbishop in consultation with the Delegate will decide how best to assist the Catholic community affected by an allegation of sexual misconduct against a cleric, staff or volunteer, up to and including a public statement from the Archbishop, taking care, however, not to interfere with any civil investigation that is in progress. The Archbishop will name a spokesperson to speak on behalf of the Archdiocese.
- viii. When it has been determined that a priest or deacon who is not incardinated in the Archdiocese has been guilty of sexual misconduct, the Delegate will immediately inform the Archbishop, who in turn will contact the cleric's Bishop or Religious Superior. Similarly, if an accusation of sexual misconduct is made against a priest or deacon of this Archdiocese who is on loan for ministry outside the Archdiocese of Regina, then the Delegate will immediately inform the Archbishop, who in turn will contact the Bishop where the cleric is engaged in ministry.
- ix. No diocesan or religious priest will be accepted for ministry or residence in a parish in the Archdiocese of Regina without full disclosure by his Bishop or Superior of any allegation of sexual misconduct in the cleric's past.
- x. The Delegate will inform any newly-appointed Archbishop of Regina of all cases in his files once the new Archbishop has been installed.
- xi. In the absence of the Delegate, or at his request, the deputy Delegate will act in his place.

The Delegate will explain the next steps in the process and how confidentiality and the complainant's privacy will be preserved. If the complainant has not chosen to approach the civil authorities, the Delegate will remind the person of the right to do so and will assist in making the contact should the complainant so desire.

Where the Delegate determines that if there is substance to the allegation of sexual abuse, and the complainant needs counseling or therapy, the Delegate will inform a qualified person (appointed by the Archdiocese) who will offer further assistance to the complainant in obtaining qualified professional counseling services. This assistance will be outlined in a separate document indicating the length, frequency, costs, and plan of treatment.

The Delegate will assure the complainant that he will provide updates on the progress of the investigation at every step of the process including the decision by the Archbishop.

The Delegate will offer an expression of regret on behalf of the Archdiocese for any wrongdoing to the complainant.

VI. 3. THE PROCEDURE FOR REPORTING OF ALLEGATIONS OF OTHER INCIDENTS OF ABUSE OR MISCONDUCT

Persons can make a confidential allegation of abuse or misconduct directly to the Archdiocese through its office - at 445 Broad Street North, Regina, Saskatchewan, S4R 2X8 (306-352-1651), by email chancery@archregina.sk.ca or through a member of the clergy, staff or a volunteer. The recipient of such an allegation will immediately refer the person to the Archdiocesan Ombudsman. The Archdiocesan Ombudsman, who handles allegations of other incidents of abuse or misconduct, is hereafter referred to as Archdiocesan Ombudsman.

Our prime concerns are for the care of the complainant who is hurting, and the prevention of abuse and misconduct. Recognizing that coming forward with an allegation of abuse or misconduct is difficult, the person who first hears the complaint will treat the complainant with great care and compassion, and will encourage the complainant to talk with the Archdiocesan Ombudsman. We respect the complainant's right to privacy and confidentiality.

A. THE INVESTIGATION

- i. The Archdiocesan Ombudsman may act personally or through a Deputy Ombudsman.
- ii. If the allegation is made against a cleric or other member of a Religious Order the Archdiocesan Ombudsman will refer it immediately to the Archbishop or competent Superior. (see Appendix 1)
- iii. The Archdiocesan Ombudsman will immediately enquire into the allegation as a matter of urgent priority. He will inquire carefully about the facts and the circumstances. Care is to be taken that this does not violate the privacy of the complainant or unnecessarily call into question anyone's good name (canon 220).
- iv. If the respondent is deceased, the investigation will proceed as far as possible, with all reasonable efforts made to seek confirmation of the facts from sources who reasonably would be expected to have information about the matter.
- v. The Archdiocesan Ombudsman will have access to all files and archives of the Archdiocese pertaining to the respondent.
- vi. The Archdiocesan Ombudsman will interview the person or persons making the allegation, and then meet individually with such other persons as may be witnesses or have knowledge of the facts.
- vii. The Archdiocesan Ombudsman will meet with the respondent to outline the allegations and listen to his/her response. Any witnesses named by the respondent will also be contacted
- viii. The Archdiocesan Ombudsman will then meet with the Advisory Committee in order to formulate a recommendation to the Archbishop. If the allegation is determined to be founded, both the complainant and the respondent will be informed of the next steps. If the allegation is

determined to be unfounded, then the inquiry will be closed and the complainant and respondent so advised.

ix. In order to protect the interests of all concerned, the Archdiocesan Ombudsman, who acts with the Archbishop's permission, may do one or more of the following at any time:

a.) After being advised of the allegation, and informing the Archbishop, the respondent may be placed on an immediate administrative leave (canon 1722) with pay. Volunteers may be suspended from ministry.

i.) In the case of a priest, the Archbishop will appoint a priest to inform the parish with a letter from the Archbishop explaining the absence of the pastor or administrator of the parish.

ii.) In the case of volunteers, employees or clerics, those affected by the former removal, will be informed through a letter from the archbishop explaining their absence from work.

b.) In the case of a cleric, an appropriate residence may be assigned pending the outcome of the investigation;

c.) In the case of a cleric, his faculties to preach may be removed (canon 764), and if he is a priest, the right to hear confessions may also be removed (canon 974). He may be forbidden the exercise of any public ministry, including the public celebration of the Eucharist, and he may be instructed to cease wearing clerical garb.

d.) The respondent may be instructed to have no further contact, direct or indirect, with certain individuals, identified by name or in some other way including parish residency.

Depending on the outcome of the procedure, the respondent, whether a member of the clergy or a lay person, may be returned to ministry or employment.

B. CARE FOR COMPLAINANTS

Any interview with the complainant will be done compassionately and prudently by the Archdiocesan Ombudsman, recognizing that telling the story of what happened will, to some extent, renew the hurt experienced at the time of the abuse or misconduct. The complainant may request to have someone else present during the interview as support, and the Archdiocesan Ombudsman may have a lay person present, especially when it is a member of the clergy who is the respondent. The interview will take place at a mutually convenient time and place within ten (10) working days or as circumstances reasonably permit after the Archdiocesan Ombudsman has received the initial contact.

The Archdiocesan Ombudsman will explain the next steps in the process and how confidentiality and the complainant's privacy will be preserved. If the complainant has not chosen to approach the

civil authorities, the Archdiocesan Ombudsman will remind the person of the right to do so and will assist in making the contact should the complainant so desire.

Where the Archdiocesan Ombudsman determines that there may be substance to the allegation of abuse, he will immediately offer the complainant assistance in obtaining qualified professional counseling services. This assistance will be outlined in a separate document indicating the length, frequency, cost, and plan of treatment (without violating patient privacy). The Advisory Committee will provide advice to the Archdiocesan Ombudsman in this regard.

Such counseling will be provided until the earlier determination by the Archdiocesan Ombudsman in consultation with the Advisory Committee that it is no longer reasonably necessary, or that the allegation is not substantiated.

The Archdiocesan Ombudsman will assure the complainant that he will provide updates on the progress of the investigation on a regular basis.

The Archdiocesan Ombudsman will offer an apology on behalf of the Archdiocese for any wrongdoing to the complainant.

C. ADDITIONAL PROVISIONS ONCE THE INVESTIGATION BEGINS

i. After meeting with the respondent, the Archdiocesan Ombudsman will determine whether further action is warranted in respect of an allegation and report to the Archbishop, who retains final decision-making authority.

ii. Where the respondent **admits** to part or all of the allegation or indicates that the allegation will not be contested, in addition to steps possible under #10 above:

a.) Archdiocesan Ombudsman will, in the company of a witness, confirm such admission or non-contestation, preferably in writing.

b.) The respondent may be referred immediately to a selected treatment facility for appropriate evaluation. The respondent will sign a release in the appropriate form so that a report given by the treatment centre will be delivered to the Archbishop. The Archbishop may seek advice from Archdiocesan Ombudsman or an expert making known the necessary information from the evaluation, respecting the right to confidentiality of the respondent.

c.) Where the evaluation recommends a program of treatment for the respondent, the Archbishop will:

i.) Refer the respondent to a treatment centre in order to begin the program of treatment when the respondent is a cleric over whom the Archbishop has jurisdiction; or

ii.) Refer the evaluation to the competent Superior for action, where the respondent is a member of a Religious Order

iii.) Advise and recommend appropriate action where the respondent is a lay person

iv.) Successful completion of the program or programs of treatment will not automatically restore the respondent to the ministry or the employment where he or she was assigned

v.) Under the 2001 Apostolic Letter of Pope John Paul II, *Sacramentorum Sanctitatis Tutela*, modified May 21, 2010, by Pope Benedict XVI, certain cases of misconduct as outlined in Appendix 3, including sexual abuse of minors, must be referred to the Congregation for the Doctrine of the Faith in Rome for their examination and decision about the next canonical and pastoral steps.

d. Where the respondent **denies** the allegation and the Archdiocesan Ombudsman has determined that further action is warranted in order to clarify the facts, in addition to the steps possible under #10 above the Archdiocesan Ombudsman may recommend to the Archbishop that he appoint an Investigator¹ (C. 1717), perhaps with one or two assessors to assist the Investigation (C. 1718). The Investigatory Hearing outlined in Appendix 5 may be used.

D. MISCELLANEOUS

i. A written record will be kept of all steps taken from the moment the allegation is first received. The record is not to be destroyed at any time, even after the death of the respondent. The record is used to show that the Procedure was followed, that the complainant was treated fairly, and that the respondent's canonical rights were respected. Care is to be taken to protect the confidentiality of such documentation which will be kept in the secret archives of the Chancery Office with an annotation in the personal files of the cleric.

ii. At no time should the Archbishop or any priest involved in this procedure hear the sacramental confession of a respondent.

iii. An Advisory Committee may be appointed by the Archbishop as a resource for the Archdiocesan Ombudsman.

iv. The Archdiocesan Ombudsman may at any time make use of such consultants as may be considered necessary, including medical doctors, psychologists, mental health professionals, canonists, Children's Aid workers, lawyers, or other professionals.

v. Where appropriate, the Archdiocesan Ombudsman may recommend the re-employment of lay personnel or the return of a cleric or volunteer to the ministry. Such reinstatement will not be considered until any other recommended treatment or program has been sufficiently completed and evaluated. The Archdiocesan Ombudsman, will summarize the findings and recommendations, and will brief the Archbishop.

vi. All persons carrying out responsibilities under this Procedure, including the Archdiocesan Ombudsman, will cooperate with civil authorities carrying out statutory responsibilities, including peace officers, subject to the inviolability of the sacramental seal (Cc. 983-984).

vii. The Archbishop in consultation with the Archdiocesan Ombudsman will decide how best to assist the Catholic community affected by an allegation of abuse or misconduct against a cleric, staff or

¹Where possible, the Investigator be appointed from outside the Archdiocese.

volunteer, up to and including a public statement from the Archbishop, taking care, however, not to interfere with any civil investigation that is in progress. The Archbishop will name a spokesperson to speak on behalf of the Archdiocese.

viii. When it has been determined that a priest or deacon who is not incardinated in the Archdiocese has been guilty of abuse or misconduct, the Archdiocesan Ombudsman will immediately inform the Archbishop, who in turn will contact the cleric's Bishop or Religious Superior. Similarly, if an accusation of abuse or misconduct is made against a priest or deacon of this Archdiocese who is on loan for ministry outside the Archdiocese of Regina, then the Archdiocesan Ombudsman will immediately inform the Archbishop, who in turn will contact the Bishop where the cleric is engaged in ministry.

ix. No diocesan or religious priest will be accepted for ministry or residence in a parish in the Archdiocese of Regina without full disclosure by his Bishop or Superior of any allegation of abuse or misconduct in the cleric's past.

x. The Archdiocesan Ombudsman will inform any newly-appointed Archbishop of Regina of all cases in his files once the new Archbishop has been installed.

xi. In the absence of the Archdiocesan Ombudsman, or at his request, the Deputy Ombudsman will act in his/her place.

APPENDIX 1

Allegations of sexual abuse or misconduct made against a member of a Religious Order

Upon receipt of a complaint from the Delegate/Archdiocesan Ombudsman regarding the conduct of a member of his or her Religious Institute, within 24 hours or as soon as possible (not exceeding a week) the Superior will:

- 1) Invoke the Religious Institute's own procedures for dealing with such matters; or
- 2) Consent to the application of the Archdiocesan Procedure conducted by the Delegate/Archdiocesan Ombudsman; and will advise the Delegate/Archdiocesan Ombudsman accordingly.

Where the Superior consents to the application of the Archdiocesan Procedure under 2), the Delegate/Archdiocesan Ombudsman will be given immediate access to the files and archives of the Institute pertaining to the respondent. The Delegate/Archdiocesan Ombudsman will report the outcome of the investigation to the Superior. The Delegate/Archdiocesan Ombudsman will answer such inquiries about the progress of the matter as the Superior may make from time to time.

Where the Superior proceeds under 1), the Superior or the Superior's delegate

- a) will answer such inquiries about the progress of the matter as the Delegate/Archdiocesan Ombudsman may make, and will report to the Delegate/Archdiocesan Ombudsman from time to time;
- b) will comply with the time-lines set by the Delegate and approved by the Archbishop.

If the Superior or his delegate fails to deal with the matter in a manner satisfactory to the Delegate/Archdiocesan Ombudsman, the Delegate/Archdiocesan Ombudsman may resume jurisdiction over the allegation if the Archbishop consents.

APPENDIX 2

Contacting Saskatchewan Social Services

- Child Protection Services – (306)787-3760
- Regina Child Abuse Line – (306)569-2724
- Police Officer, RCMP or Peace Officer in your area

APPENDIX 3

Procedure for Investigation of Allegations of sexual abuse or misconduct by a cleric requiring a report to the Holy See

According to the norms issued by the Holy Father 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 (C. 1717), in some cases the Bishop of a Diocese must report the offense 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. (C.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 (C. 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 4

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 (C. 1728, §2). The accused person should be informed of this provision before being questioned, even in a preliminary inquiry.
- c) At no time after an allegation has been made should the Archdiocesan Bishop or any of the priests involved in the process hear the sacramental confession of the respondent. The seal of confession is, of course, inviolable (see C. 983, §1).
- d) The Delegate shall be empowered at any time to carry out his responsibility personally, or to appoint any number of persons, “examiners”, to assist in conducting a preliminary inquiry into an allegation. The purpose of such an inquiry is to obtain information determining whether or not there are reasonable or probable grounds to believe that there has been a situation of sexual misconduct.
- e) **In the case of 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 diocese 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 counseling 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.

In all matters, relating to this phase of the inquiry, professional secrecy is to be observed.

* Excerpt from the Work Group I report. This report was submitted on November 15, 1991. Found in From Pain to Hope

f) If the Delegate determines the allegation to be frivolous or unsubstantiated, the inquiry will be terminated and the Archbishop and the respondent will be so informed. If the person in question is a religious, the competent Religious Superior shall also be informed.

If, however, in the meantime, the allegation has become public, appropriate steps must be taken to repair damage done to the person's reputation.

g) The respondent is encouraged to engage the services of a lawyer who shall not be the diocesan lawyer. Suitable arrangements may have to be made regarding the covering of legal expenses, taking into account the financial situation of the diocese.

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.

h) If the Delegate has reason to believe that there may be an allegation against a priest who does not hold an appointment from the Archbishop (e.g., certain religious, visiting priests), the Delegate shall immediately communicate with and advise the Ecclesiastical superior of the priest regarding the possible allegations.

i) In the case where the accused priest holding an appointment in the diocese is a religious, the competent Religious Superior shall notify the diocesan authorities. If the Superior consents to the application of the diocesan procedures, the Delegate conducting the inquiry shall report the outcome to the superior, and shall answer such legitimate inquiries about the progress of the matter that the Religious Superior may make.

If on the other hand, the institute's own procedure for dealing with such matters have been invoked, a report of the outcome shall be made to the Archbishop's Delegate, and the Religious Superior shall from time to time answer any legitimate inquiries that the Delegate may make.

j) Upon completion of this phase of the preliminary inquiry, a meeting could then be held with the appropriate civil counsel present; it would comprise the Archbishop or his representative, the diocesan lawyer, the respondent and counsel for the respondent. At this time, having heard the Delegate, the Archbishop could make an interim disposition that would be made in respect of the function of the respondent in the diocese (see below, No. 'n').

k) 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.

l) If, on the other hand, there are no secular proceedings, and if the respondent admits that the allegations are true, the Delegate shall immediately present a report on the investigation to the Archbishop.

m) If, however, the respondent denies the allegations which have at least the semblance of truth, then the preliminary canonical inquiry prescribed by C. 1717 could proceed to a second phase, ensuring that the rights to due process are fully respected.

n) In the case of a cleric, if he admits the allegations or if the Delegate finds that indeed there is matter for further action, the cleric is to be given an administrative leave within twenty-four hours or as soon thereafter as possible, and an appropriate place chosen for him to reside pending the outcome of the inquiry. At no time, though, should the respondent return to the parish or the pastoral work where he is assigned (if such is the case) or approach the persons involved. If appropriate, a penal precept (cf. c. 1319) could even be issued to this effect.

Furthermore, the priest's faculties to preach (c. 764) and to hear confessions (c. 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 5

Procedure For Investigation of a Contested Allegation of a Cleric (Cc. 1717 ff)

1. As noted in article 17, further investigation beyond the policy may be required. Upon appointment by the Archbishop, the Investigator will make arrangements for an investigatory hearing. The hearing will be conducted in accord with C. 1717.

THE ADMINISTRATIVE PROCEDURES AND

THE CANONICAL CRIMINAL TRIAL (cc. 1717 – 1731)*

- a) If the ecclesiastical authorities concerned decide to proceed to the second phase of the preliminary canonical inquiry, the appointed Investigator will conduct the investigation. The lawyers designated above (# g of Appendix 4) and the Delegate may be invited to participate. Great discretion is required in this phase of the inquiry, since care is to be taken that it does not call into question anyone's reputation (Cc. 1717, §2; 220).
 - b) If the Investigator, after hearing those who are bringing the complaint 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, C. 1720, 1°).
 - c) If the priest could be considered to be responsible for his actions (cf. C. 1321), the Investigator, the Delegate should meet to recommend an appropriate course of action to the Archbishop.
 - d) If there is reason to proceed further, the priest, with his consent, is then referred to the selected treatment centre for appropriate assessment, if this has not already been done.
 - e) If the Archbishop or the competent Religious Superior decides to proceed in an administrative manner, then he may impose the appropriate penalties according to the norm of law. It should be noted, however, that a priest cannot be deprived of the clerical state by an administrative process at the diocesan level or by the religious superior (Cc. 1342, §2; 1425, §1,2°).
2. Following the investigatory hearing, the Investigator will prepare a written report for the Archbishop including reasons recommending that one or more of the following courses of action be implemented:
- a) no further action be taken in respect of the allegation;
 - b) a strictly pastoral approach be adopted (canons 1718 and 1341);
 - c) where the respondent is a pastor, the process for removal be initiated (Cc. 1740 ff.);
 - d) a canonical warning be given (C. 1339);
 - e) a canonical penal trial be initiated, which may or may not lead to laicization; (C. 1718);

* Excerpt from the Work Group I report. This report was submitted on November 15, 1991. Found in [From Pain to Hope](#)

- f) an administrative process be initiated (C. 1718);
- g) a temporary or permanent sanction referred to in the Procedure (cf. #10, #16) be applied; and,
- h) such further and other action as the Investigator may recommend.

3. In preparing the report of the Investigation to the Archbishop, the Investigator may use canonical and civil terminology in order to provide maximum clarity to his report. This will include describing whether the allegation is true or untrue using concepts such as: a serious suspicion (C. 1339), moral certainty (C. 1608), beyond a reasonable doubt, and the balance of probabilities.

The Investigator may recommend further actions to establish the facts.

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

4. The Investigator will deliver his report to the Archbishop and to the Delegate 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 Investigator in deciding the matters entrusted to him (C. 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 (C. 1719).

7. If the complainant or respondent incurs legal expenses during a contested investigation, the Archdiocese will pay such expenses, provided that:

- a) such legal and other expenses are reasonable in the opinion of the Delegate;
- b) the Delegate was advised of the appointment of counsel prior to retainer and did not object; and
- c) the Delegate was advised of the appointment of other experts prior to retainer and did not object.

APPENDIX 6

In the report From Pain to Hope, (Report from the Ad Hoc Committee on Child Sexual Abuse), the Canadian Catholic Bishops recommended that the Catholic Bishops of Canada, “Form a Committee for the Victims, distinct from the Advisory Committee but of an equally multidisciplinary composition, **which will provide individualized** support to each minor who is the alleged victim of sexual abuse by a priest until the competent civil authorities have concluded whether the allegations are valid. This support does not imply, at this stage, any admission regarding the guilt of the accused.” VII, B, #11, p.47.