

# **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; revised June 22, 2020)**

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 CCCC 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 CCCC’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 phase, some are in the process of being revised. All will form

a part of our Archdiocesan Policy manual. The present document needs to 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 \(e.g. policies on staff and volunteers, and the policy on serious pastoral misconduct by clergy\).](#) 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 policy and procedure set out in this document strive to ensure 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 victim-centred framework 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 Services Act that overrides most professional confidentiality codes.

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

“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 the 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 to 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.

## Cases:

- **Historical:** describes a case that occurred in the past, of either a minor who is now an adult and is reporting abuse that occurred prior to the age of 18, or of a vulnerable person reporting a past abuse.
- **Current:** describes a case that is actively occurring and involves abuse of a vulnerable person or of a person whose abuse started before the age of 18, even if they are an adult now. In cases where a person is under 16 the duty to report applies.

**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.

## Complaint:

- **Plausible:** describes a complaint or report of sexual abuse that is not manifestly false or frivolous and bears a semblance of truth.
- **Credible:** Through preliminary investigation it is determined more likely than not that the abuse occurred.
- **Substantiated:** is a credible complaint that through follow up or investigation is supported by sufficient evidence establishing reasonable grounds to believe that the abuse occurred. For example, a case may be considered substantiated by admission of guilt by the respondent, by corroboration of statements pointing to guilt, by information from other reporting persons coming forward, or by a canonical penal process.

**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** – see definition under complaint.

**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 Consultative 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 clerics 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 bishop grants a priest faculties to celebrate Mass and the sacraments in the diocese he serves.

**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 behaviour, 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 an external, confidential, impartial, advisory body, which is constituted of 4 or 5 laypeople, including a victim when possible. It is to provide accountability and objectivity in the addressing of credible complaints, and will present recommendations to the Archbishop.

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



**Plausible Complaint** – see definition under complaint

**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. “Reporting person” refers here to one who communicates that they were sexually abused. ‘Third party reporting person’ is the designation used for a person other than a victim who brings forth a complaint of sexual abuse.

**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** – see definition under complaint.

**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’.

**Third party reporting person** is a person, other than a victim, who brings forth a complaint of clergy sexual abuse.

**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, intellectual, 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 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 member of the 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](mailto: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. Any reporting person requesting to work with a non-cleric or a female will be provided the opportunity to do so, through the Deputy Delegate or another appointed person. 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 utmost 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. In time, the Delegate will invite you to share what you see as appropriate in your case.

### **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 and to Whom**

**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. As noted above, 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. The reporting person is free to ask the Delegate any questions about the process.**

The report can be made verbally to the Delegate or alternate 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. You may also choose to write out a statement yourself 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 should assist you to make contact with the Delegate if you wish. Archdiocesan personnel, including clergy and lay staff employed by the Archdiocese or its parishes, 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 Immediate Protection of Minors and Vulnerable Adults**

In any plausible 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.

#### **4.5 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 has been investigated and deemed credible or substantiated, the Delegate will offer you an expression of regret, for all you have suffered, 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.

#### **4.6 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. As the reporting person, you will be kept up to date as the process unfolds.

#### **4.7 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.

***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. A general update will be shared with a third party reporting person.***

***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.***

## **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:

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

The Archdiocese will also carry out its own investigation.

### **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 complaint, 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 instructed not to share that name with anyone else, except in the context of client-lawyer privilege. All involved in the case other

than the reporting person will be required to maintain confidentiality. If the reporting 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**

In any plausible case, 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 Congregation for the Doctrine of the Faith will be informed of any case involving ordained clergy.

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.

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. As above, the Congregation for the Doctrine of the Faith will be notified by the religious order, in collaboration with the Archdiocese.

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 plausible, that is, not manifestly false and bears a semblance of truth. The Delegate is then tasked with determining whether the reported abuse is credible. In this process, in consultation with the reporting person, he may 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 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 with a specific recommendation (votum) of the bishop on how the case should proceed, according to church penal law.

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, to the extent that it is possible, 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 indicates that 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 Consultative Committee.

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

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



- a) As a matter of precaution, remove the respondent from ministry immediately upon discerning that a complaint is plausible. 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 safety and wellbeing.

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 credible 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 and past 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 and investigations. He will keep a record of all steps taken from the time an official 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. 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 Consultative Committee Responsibility**

The Archbishop will establish a Delegate's Consultative Committee. It will be constituted of 3 laypersons, if possible including at least one victim, and an ombudsperson. 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 establishment and functioning of a lay review board is designed to give direct input into particular cases, through an external body, at arm's length from the Archdiocese, with the help of the Delegate. The lay review board exists for the sake of accountability, ensuring that the bishop and delegate are not making decisions in isolation. They review the delegate's findings into a case to objectively assess the determination of the delegate and to recommend action to the Archbishop. Cases involving sexual abuse of a minor or a vulnerable person by clergy or those from a religious order are the primary focus of the lay review board. The lay review board is brought in at the stage where the Delegate is discerning whether or not a case is credible.

The board is to be a confidential, impartial, advisory body, which is constituted of laypeople. They may or may not be Catholic, but are to have a solid grasp of the clergy sexual abuse policy of the Archdiocese and understand the role of clergy and religious in the church. Policy education and sensitivity training toward those serving in this capacity will be provided with input from victims. In any particular case, the board will be composed of four or five members, drawn from an approved pool of prospective board members who are all able to listen to victims. When possible, the board should include at least one victim.

Given the scope and magnitude of what is entailed and the courage required for a reporting person to come forward, the direction of investigations must always be sensitive to victims. Should the reporting person choose to go forward with a formal complaint, the diocese will inform them of the process that with their consent, a lay review board may be called upon. It is important to remember that for victims, trust may be a struggle, especially in the sharing of important, sensitive, and very private information, which may have never been shared with anyone else. The prospect of using a lay review board may deter a person from making a report or cause excessive anxiety to the reporting person. They may request that a lay review board not be used, and that request will be respected. When a lay review board is to be used, the reporting person will be told who is being proposed for the board, thus allowing for any potential conflict of interest to be addressed. Consultation between the delegate and reporting person about the pros and cons for utilization of the lay review board will help to determine how to move forward.

To ensure transparency, the respondent will also be given the names of the lay review board in order to identify any possible conflict of interest. Anyone identified as known would be excluded from that particular case, to ensure that there is no perceived prejudice or favouritism.

### **Functions and duties of the Lay Review Board include**

Reviewing cases that are historical or current. In the event that a criminal or civil action is currently in progress, the lay review board may not be convened until all above proceedings have been completed.

### **Process**

If the delegate recommends, after consultation with the reporting person, that a lay review board is to be used, the following will occur:

1. Any potential conflicts of interest will be addressed by giving the reporting person and the respondent the names of the lay review board.

2. Lay Review Board members are convened and choose a chairperson.
3. The delegate will present the case to the board with all pertinent information, while preserving the anonymity of the reporting person and the respondent.
4. The lay review board can request clarification or other information, or ask questions that will help them come to an appropriate determination.
5. If there is no victim sitting on the board, a victim will be called upon as a consultant prior to, or during, the case being presented, to introduce a victim's perspective.
6. The board will review the delegate's findings to ensure the objectivity of the delegate's determination, using the criteria of "more likely than not to have occurred."
7. The board will offer recommendations to the Archbishop regarding appropriate consequences for the respondent.
8. The board may also offer suggestions regarding how the needs of the victim might be met.
9. An official letter of findings, with clear recommendations, is to be prepared by the lay review board, and sent directly to the Archbishop, who will share the report with the Delegate.
10. All recommendations from the Delegate and the lay review board are considered important and to be taken seriously by the Archbishop.
11. The reporting person will be given a summary of both the Delegate's and the lay review board's reports.
12. The respondent will be advised of the findings.

## **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. Files are also to be kept for each religious community and apostolate serving in the Archdiocese, including the names and dates of all who served here. A list is to be kept of all visiting clergy who serve even if only on a single occasion in the Archdiocese. 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. 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.

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. “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).

## **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. The interview is to be done in person, face to face ([see 7.2 Care for the Respondent](#)). [As noted in 6.3](#), 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.

**7.1.1 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, except in the case of client/lawyer privilege. 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. The respondent will be instructed to cooperate with any investigation from civil or criminal authorities regarding the complaint.

**7.1.2 The Delegate will document the interview.** The respondent will then be asked to review the account of the interview and provide any corrections and sign it if he/she feels it is correct. 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.

**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** When all interviews are completed and pertinent information is gathered, **the Delegate, in consultation with the reporting person, may call together a Lay Review Board** ([see 6.6](#)). When utilized, a written report from the Lay Review Board will also be submitted to the Archbishop.

**7.1.6 At the conclusion of the investigation**, the Delegate will submit a written report to the Archbishop.

## **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 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>

## Contact Information

- Child Protection Services: 1-844-787-3760
- Regina Child Abuse Line: 1(306) 569-2724
- Estevan Police Services: 1(306) 634-4767
- Moose Jaw City Police: 1(306) 694-7600
- RCMP Headquarters  
General inquiries: 306-780-5461  
Non-emergencies: 310-7267 (RCMP)  
Saskatchewan detachments:  
<https://www.rcmp-grc.gc.ca/detach/en/find/SK>
- Regina City Police:  
General inquiries: 306-777-6500
- 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.reginasexualassaultcentre.ca/home.html>
- Sexual Assault Services of Saskatchewan <http://sassk.ca>  
Email: info.sass@sasktel.net  
Office: 306.757.1941  
Cell: 306.526.8776
- Weyburn Police: 1(306) 848-3250

## Appendix 2: Links and Resources used:

Clergy Sexual Abuse Trauma Counsellor  
Lorie Harrison  
1-639-317-8104

Archdiocese of Regina

[https://archregina.sk.ca/sites/default/files/protocol/Final copy - Archdiocese of Regina Policy for Cases of Alleged Sexual abuse or misconduct %28July 25 2013%29.pdf](https://archregina.sk.ca/sites/default/files/protocol/Final%20copy%20-%20Archdiocese%20of%20Regina%20Policy%20for%20Cases%20of%20Alleged%20Sexual%20abuse%20or%20misconduct%20July%2025%202013.pdf)

Canadian Conference of Catholic Bishops: (CCCB)

[https://www.cccb.ca/wp-content/uploads/2019/04/Protecting\\_Minors\\_2018.pdf](https://www.cccb.ca/wp-content/uploads/2019/04/Protecting_Minors_2018.pdf)

Code of Canon law – Vatican:

[http://www.vatican.va/archive/ENG1104/\\_INDEX.HTM](http://www.vatican.va/archive/ENG1104/_INDEX.HTM)

[http://www.vatican.va/roman\\_curia/congregations/cfaith/index.htm](http://www.vatican.va/roman_curia/congregations/cfaith/index.htm)

Saskatchewan Duty to Report:

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

<http://sassk.ca>

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