

Pastoral Misconduct Policy

for Clergy or Persons in a Religious Order

October 10, 2024



PASTORAL MISCONDUCT POLICY for Clergy of the Archdiocese of Regina

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PREAMBLE FROM THE ARCHBISHOP

A misconduct policy is not meant to intimidate or threaten those who fall under its authority, but rather, is in the first instance an encouragement to holiness, integrity, and ethical behaviour as a key part of our witness to the Gospel. The Archdiocese of Regina aspires to these values and seeks to foster a culture where they are respected and upheld. These values should permeate the actions and attitudes of clergy in all aspects of our conduct and in all of our human encounters, as we seek to reflect the great mercy of God, and teach and model a Gospel vision for our communal life.

Especially given the power differential in relations between clergy and staff, parishioners, and others we meet on the path, the way in which we exercise authority is vital to our Gospel witness. The instruction that the Lord gave to his disciples, after James and John asked for special privilege in the Kingdom, remains ever pertinent for us:

You know that among the gentiles those whom they recognize as their rulers lord it over them, and their great ones are tyrants over them. But it is not so among you; instead, whoever wishes to become great among you must be your servant, and whoever wishes to be first among you must be slave of all. For the Son of Man came not to be served but to serve and to give his life a ransom for many. (Mk. 10:42-45)

As you ponder this policy, I encourage you to read it as an invitation to clergy, and indeed to all in the Church, to a servant model of exercising authority, as exemplified and called for by Jesus. There is a positive nature to accountability and discipline, which are essential for personal growth, communal well-being, and the maintenance of the Church's integrity. Accountability and discipline offer opportunities for renewal, restoration and grace. This policy supports an examination of pastoral or liturgical irresponsibility in situations where the complexity and gravity require expeditious, yet thorough, investigation and recommendations.

Considerable work has gone into preparing this policy, which replaces a policy from 2013 which addressed both clergy sexual abuse and serious pastoral misconduct. These are now being dealt with under separate policies, though the same values and the desire for integrity, transparency and accountability underlie both of them. While this policy is now enacted, I would request that those directly addressed in it, and any others who are interested, might take some time to work your way carefully through the document. If you have questions or suggestions, I would invite you to bring those forth to myself or to the Vicar General, Fr. Brian Meredith, before the end of March, 2025. At that time, we will review suggestions and proposed edits, and will offer a further revised version of the policy if called for.

As your bishop, I encourage members of the clergy, and indeed the whole People of God, to commit yourselves anew each day to strive to live the Gospel faithfully and courageously. In so doing, we each do our part in building up a diocesan church where all are respected, supported and welcomed.

✠ Donald J. Bolen
Archbishop of Regina

CULTURE OF AWARENESS, PREVENTION & ACCOUNTABILITY

Commitment of Archdiocese of Regina

The Archdiocese of Regina is committed to creating and sustaining an environment of awareness and preventing pastoral misconduct by all possible means including:

- Providing ongoing formation for all clergy on issues of friendship, intimacy, psychosexual development, race and ethnicity, and religious chastity and celibacy, as well as issues related to addiction and sobriety;
- Informing clergy of this Archdiocese of Regina policy and procedure governing pastoral misconduct;
- Ensuring that all clergy understand that they must respect and obey canonical, diocesan, civil and other appropriate standards of conduct; and
- Regularly reviewing these procedures to deal effectively with reports of misconduct, and with the consequences of incidents of misconduct in a timely fashion.
- Ensuring the safety of parishioners and community by investigating and managing all reports of pastoral misconduct.

Corpus of Policies

This policy is one part of a larger set of Archdiocesan policy dealing with safe environment and responding to sexual abuse. Other policies deal with Clergy Sexual Abuse; with reporting abuse of minors by Archdiocesan or parish staff members and volunteers; with creating a safe environment for all; and a code of conduct for clergy.

Code of Conduct

The Archdiocese of Regina Clergy Code of Conduct sets out expectations for appropriate clergy conduct. The Code of Conduct for the clergy of the Archdiocese provides clear directives regarding conduct in ministry. It contributes to the understanding of appropriate boundaries in professional behaviour and relationships. It speaks to ten particular areas of ministry in which discretion and sensitivity are of the utmost importance.

Office of the Archbishop

A newly appointed Archbishop shall be informed of these policies and procedures and the Archdiocese's commitment to prevention and accountability.

Annual Review of this Policy

This policy and procedure shall be reviewed and, if necessary, updated annually.

KEY TERMS

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 is temporarily removed from active ministry. For the purpose of this document, the removal is due to misconduct by a cleric or a religious and may extend for the course of the investigation into the report of pastoral misconduct.

Archbishop – Means the Roman Catholic Archbishop of Regina.

Archbishop’s Delegate – Person appointed by the Archbishop to fulfill the role as outlined in the Archdiocese of Regina Policy and Procedure for Reports of Sexual Abuse of Minors and Vulnerable Adults by Clergy or Persons in a Religious Order, 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.

Canonist (canon law specialist) – Refers to a person who is a recognized specialist in canon law, often referred to as a canonist.

Clergy (cleric, clerics) – Bishops, Priests, and Deacons. Within this policy, **seminarians** are also considered among the clergy.

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

Non-Incardinated – 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 – 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 to minister in the Archdiocese of Regina.

Dicastery for the Doctrine of the Faith – 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.

Faculties – Authorities and responsibilities 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.

Interim Measures – Immediate interim measures required in advance of, or during, the investigation such as administrative leave, alternate residence, removal of faculties, or reassignment. These measures are put in place when needed to ensure a thorough and fair investigation while addressing the potential harm caused by the reported misconduct.

Lay Review Board – An external, confidential, impartial advisory body consisting of 5 to 7 lay people appointed by the Archbishop. The Lay Review Board provides independent and objective observations regarding pastoral grievances.

Ombudsperson / Investigator – Refers to an individual member of the Ombudsperson Team who is assigned to investigate a reported grievance of pastoral misconduct and completes a written investigative report including findings, conclusions and recommended actions or next steps for the Archbishop's consideration.

Ombudsperson Consultative Committee – A group appointed by the Archbishop who can suitably assist the Ombudsperson in discerning the proper procedure and considerations for investigating a report of pastoral misconduct by a clergy or religious.

Ombudsperson Team – A team of 3-4 individuals appointed by the Archbishop to conduct investigations into reports of pastoral misconduct and provide the Archbishop written reports with findings, conclusions and recommended actions or next steps.

Ombudsperson Team Lead – An individual member of the Ombudsperson Team who is selected by the members of the Ombudsperson Team as the Team Lead for a one year term. The Team Lead performs the core functions of receiving reports of pastoral misconduct from the Archbishop's office and assigning an Ombudsperson to a conduct an investigation. The Team Lead also maintains an accounting record of the number reports received and the status of investigations and produces periodic summary reports.

Pastoral Grievance or Report of Pastoral Misconduct – A pastoral grievance or report of pastoral misconduct is an expression concern, highlighting a specific issue or wrongdoing by a clergy member, aiming to bring attention to it and seek investigation, resolution, or action. Reports outline the details, circumstances, and impact of the issue.

Precept – A precept is a written rule or direction issued by the Archbishop to a cleric. The precept states plainly what is to be done or avoided by the delinquent cleric; and may mention specific disciplinary measures to be imposed should the precept go unheeded. Unlike 'counsel' which imposes persuasion, a precept imposes an obligation on clergy.

Precepts may be written and issued by the Archbishop to clerics when the Archbishop determines that specific and written directions are warranted. In addition, in accordance with

progressive discipline, precepts may be issued with additional or escalating directions where clerics have failed to heed previous written or verbal warnings, and have failed to sustain changes in their behaviour.

Progressive Discipline – Progressive discipline is a structured approach to addressing misconduct. It involves increasingly severe disciplinary actions, starting with informal interventions like coaching or counselling, and progressing to more formal steps such as written warnings, reprimands and suspensions or administrative leaves, and ultimately, termination of faculties if necessary. The purpose of progressive discipline is to give clergy an opportunity to correct their behaviour while ensuring consistent and fair consequences for their actions.

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

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

Reporting Person – Person who has lodged a grievance or report of pastoral misconduct. In this policy, the report of pastoral misconduct refers to grievances directed against clergy or religious.

Respondent – Person who is named in a report of pastoral misconduct. In this policy, a respondent is a member of the clergy or religious order.

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

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

PURPOSE OF THIS POLICY

It is the policy of the Archdiocese of Regina to enforce procedures which prohibit and strive to prevent acts of pastoral misconduct. This Policy on Pastoral Misconduct provides a framework to support those who report misconduct, and to address and resolve issues of pastoral misconduct according to accepted principles, law and procedures.

This policy informs the Archbishop in the examination of concerns raised about pastoral irresponsibility where the complexity and gravity require expeditious, yet thorough, investigation and recommendations. All such reports or grievances regarding clergy misconduct will be examined.

The Archdiocese will cooperate with police and civil investigations. As well, in certain cases of pastoral misconduct, the Archbishop is required to send the results of the investigation to the Dicastery for the Doctrine of the Faith in Rome for direction on the next canonical and pastoral steps to be taken.

APPLICATION OF THIS POLICY

This policy and procedure applies to clergy of 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, non-profit volunteer organizations or hospitals. These entities are subject to their own policies and applicable legislation. However, if a member of the clergy or a religious person of the Archdiocese is employed or a volunteer in these organizations, this policy will also apply.

If any provision of this policy and procedure contravenes the Code of Canon Law or provincial/federal legislation at its promulgation or thereafter, the provision of the Code of Canon Law or provincial/federal legislation shall override this policy and procedure.

POLICY OVERVIEW

1. Reporting Grievances

Reports or grievances regarding clergy misconduct received by the Archbishop's Office are directed to the Ombudsperson Team Lead for examination and coordination of investigation and recommended response. If a report of pastoral misconduct includes evidence of clergy sexual abuse, the matter will be governed by the Archdiocese Clergy Sexual Abuse policy and forwarded to the Archbishop's Delegate for investigation and recommended response.

2. Immediate or Interim Response

The Ombudsperson Team Lead or the investigating Ombudsperson may recommend immediate interim measures required in advance of, or during, the investigation such as administrative leave, alternate residence, removal of faculties, or reassignment. Interim measures are put in place when needed to ensure a thorough and fair investigation while addressing the potential harm caused by the reported misconduct and to ensure safety from further harm.

3. Investigation

Investigations will be coordinated and carried out by a member of the Ombudsperson Team in accordance with this policy and procedure.

4. Investigative Report

The investigating Ombudsperson will provide a written investigative report for the Archbishop providing the findings, conclusions, and recommended actions or next steps. The recommended actions to address and resolve misconduct will consider the impact on those making the report, the respondent, parish communities and all others impacted by the misconduct.

5. Lay Review Board

The Archbishop may, at his discretion, engage the Lay Review Board to review the findings and offer observations regarding the findings and recommendations.

6. Archbishop Decisions to Address Misconduct

Upon review and consideration of the Ombudsperson's investigative report the Archbishop will make decisions and implement actions or next steps at his discretion. Further steps as determined by Canon Law may be part of the ongoing response.

POLICY FOR INVESTIGATING REPORTS OF PASTORAL MISCONDUCT

SECTION 1 – FILING A REPORT OR GRIEVANCE

1. How and Where to File a Report or Grievance

Reports of pastoral misconduct could be generated in a variety of formats and delivered through a variety of channels. For example, concerns may be initially received verbally, via email, or written paper copy, etc. Also, the concern might initially be received by any number of people or roles in the Archdiocese such as parish volunteers or staff, financial staff, reception staff, another cleric, or directly to the Archbishop's office.

Regardless of the format of the original concern, or the channel by which a report of pastoral misconduct is received, the matter is to be forwarded to the Archbishop's Office. The matter is forwarded to the Ombudsperson Team Lead who will then take the matter forward for examination and conclusion. The Team Lead will maintain a record of the date and relevant information about the concern received.

2. Anonymous Reports

A person reporting pastoral misconduct may wish to remain anonymous, and may provide information anonymously via written message, phone message or other means. Anonymous reports will be investigated, however, the Archdiocese's capacity to investigate, and respond to the matter may be limited, particularly if the reporting person is not known to the Archdiocese.

3. Reports from Archdiocese Staff, Clergy, and Volunteers

Individuals who are employed by, or work within, the Archdiocese may also be reporting persons exposing wrongdoing, illegal activities, or unethical behaviour of a cleric within the Archdiocese. They may bring attention to such matters in the interest of public or organizational integrity, and may be concerned about retaliation from within the organization for their disclosures.

The objective for the pastoral misconduct policy is to stop and prevent misconduct. Staff of the Archdiocese or other clergy, will not be punished or face retaliation for bringing forward concerns in good faith, even if the concerns are ultimately unfounded.

4. Receiving Reports or Grievances

Any Archdiocese staff members or clergy receiving reports of pastoral misconduct are expected to approach any discussion with the reporting person with care and assurance of due consideration. Confidential information shared or obtained during the course of receiving a grievance must be handled with utmost care and maintained securely.

SECTION 2 – ROLES & RESPONSIBILITIES

1. Role of the Ombudsperson Team

The Archbishop will appoint a team of 3-4 Ombudspersons who will conduct investigations and prepare written investigative reports regarding grievances or reports of pastoral misconduct.

2. Role of the Ombudsperson Team Lead

The Ombudsperson Team Lead will receive reports or grievances regarding pastoral misconduct from the Archbishop's Office. The Team Lead will document the receipt of the reports and coordinate the assignment of investigations to Ombudsperson team members.

If deemed appropriate for the purpose of ensuring safety, preventing harm or preventing further deterioration of the situation of concern, the Team Lead may provide recommendations to the Archbishop for any immediate interim measures required in advance of, or during, the investigation.

The Team Lead also maintains an accounting record of the number reports received and the status of investigations and produces periodic summary reports. The Ombudsperson Team Lead will annually prepare and forward to the Archbishop a non-identifying summary report which provides information on the number and type of reports of pastoral misconduct received and the status of investigations.

3. Role of the Assigned Investigating Ombudsperson

If deemed appropriate for the purpose of ensuring safety, preventing harm or preventing further deterioration of the situation of concern, the assigned investigating Ombudsperson may, at any time, provide recommendations to the Archbishop for any immediate interim measures required in advance of, or during, the investigation.

The assigned investigating Ombudsperson will meet with the reporting person and witnesses, and will gather other evidence as needed to assess the facts. In consultation with the Archbishop, the investigating Ombudsperson may meet with the respondent.

The Ombudsperson Consultative Committee may be engaged by the investigating Ombudsperson at any point in the investigation.

The Archdiocese will provide the investigating Ombudsperson with all available information about the situation of concern, including any previous issues, concerns or disciplinary actions associated with the clergy person.

The primary role of the Ombudsperson is to conduct the investigation and to be led by the facts and evidence to reach conclusions and recommendations. The Ombudsperson is expected to maintain a pastoral and caring approach in all steps of the investigation with reporting persons, other witnesses, and the respondents all being treated with respect.

Upon completion of the investigation, the assigned investigating Ombudsperson will prepare and forward to the Archbishop a written investigative report including the findings, conclusions reached, and recommended actions or next steps.

4. Role of the Lay Review Board

The Archbishop will appoint a Lay Review Board to provide independent and objective observations regarding reports of pastoral misconduct. The Lay Review Board will be an external, confidential, impartial body consisting of 5 to 7 lay people appointed by the Archbishop. The Lay Review Board will select a chairperson from among their membership.

At the discretion of the Archbishop, the Lay Review Board will receive and review redacted and unidentifying investigative reports of pastoral misconduct. The Lay Review Board will prepare and provide the Archbishop a written report with independent and objective observations regarding pastoral grievances.

SECTION 3 - INVESTIGATION STEPS

1. Assignment of Investigating Ombudsperson

Upon receiving a grievance or report of pastoral misconduct from the Archbishop's Office, the Ombudsperson Team Lead will keep a record of the report received for purposes of tracking and accountability. The Team Lead will assign the matter to one of the Ombudsperson Team members for investigation.

2. Immediate Responses If Required

The Ombudsperson Team Lead or the assigned investigating Ombudsperson will advise the Archbishop of any recommended immediate interim measures that are required in advance of, or during, the investigation such as clergy administrative leave, alternate residence, removal of faculties, or reassignment.

These measures will be put in place when needed to ensure a thorough and fair investigation while addressing the potential harm caused by the reported pastoral misconduct. At the point that such interim measures are being decided or implemented, the cleric will be informed of their right to canonical legal support.

3. Assigning and Coordinating Investigations

The Ombudsperson Team Lead will assign an Ombudsperson to conduct the investigation and prepare a written investigative report that includes findings, conclusions and recommended actions or next steps.

Throughout the investigation and the development of recommendations, the assigned investigating Ombudsperson will have access to the support and guidance of the other Ombudsperson Team members as well as the Ombudsperson Consultative Committee. The committee's mandate is to be a consultative body that offers procedural advice to assist the work of the investigating Ombudsperson. The committee has no jurisdiction to contribute to decisions

on the validity of complaints, and is not given specific details of the reporting person or respondent in any case.

4. Conducting the Investigation

Under the authority of the Archbishop, the assigned investigating Ombudsperson will:

- Investigate reports of pastoral misconduct using interviews of the reporting person, respondent and other witnesses as needed.
- Maintain records of interviews and other evidence collected through the investigation.
- Analyze the findings and evidence, and develop conclusions based on the investigation.
- Provide a written investigative report of findings, conclusions and recommended actions and next steps to the Archbishop.
- Review the investigative report with the Archbishop as requested to support the Archbishop's understanding and decision making.
- The primary role of the Ombudsperson is to conduct the investigation and to be led by the facts and evidence to reach conclusions and recommendations. The Ombudsperson is expected to maintain a pastoral and caring approach in all investigation steps where reporting persons, other witnesses, and respondents are treated with respect.
- The Code of Canon Law (Cann. 1717-1731) provides instruction to be followed where a matter has been determined to proceed to a penal trial.

SECTION 4 - RECORDS, PERIODIC REPORTS & CONFIDENTIALITY

1. Maintaining Records in Clergy Files

The Archdiocese will maintain permanent clergy personnel files which will include information on grievances or reports of pastoral misconduct and related investigative reports and recommendations produced through this policy.

2. Maintaining Records and Periodic Reporting

The Ombudsperson Team Lead will maintain a record of the number of reports of pastoral misconduct received, whether founded or not, and will ensure that appropriate information is shared with the Archbishop to be included in the clergy permanent personnel files.

On an annual basis, the Ombudsperson Team Lead will provide non-identifying summary reports to the Archbishop on: a) the numbers of reports received, b) whether grievances were judged by the investigator to be founded or unfounded, c) the types of concerns, and d) the current status of reports (e.g. closed for lack of foundation, investigation not yet initiated, investigation underway, completed investigation reports completed and forwarded to the Archbishop).

3. Expectation of Privacy and Confidentiality

All individuals involved in receiving, investigating and reviewing reports of pastoral misconduct and resulting investigative reports on pastoral misconduct will prioritize and respect the privacy of individuals involved. Confidential information shared or obtained during the course of

reviewing and investigating reports must be handled with utmost care, maintained securely, and only disclosed with appropriate authorization.

SECTION 5 - ACCOUNTABILITY, DISCIPLINE & SAFETY MEASURES

1. Alignment with Law

If any provision of this policy and procedure contravenes the Code of Canon Law or provincial/federal legislation at its promulgation or thereafter, the provision of the Code of Canon Law or provincial/federal legislation shall override this policy and procedure.

2. Interim Measures

Interim measures may be implemented at any point during an investigation to protect the safety, well-being, and rights of individuals involved or affected. These interim measures aim to mitigate potential risks, prevent further harm, and ensure a secure environment until the investigation is completed and recommended actions can be taken. At the point that such interim measures are being decided or implemented, the cleric will be informed of their right to canonical legal support.

Examples of immediate or interim measures might include:

- After being advised of the reported misconduct, a cleric respondent may be placed on an administrative leave (canon 1722).
- An alternate and appropriate residence may be assigned during an investigation. A cleric's faculties to preach may be removed (canon 764) and the right to hear confessions may also be removed (canon 974).
- The cleric 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.
- The respondent will be instructed to have no further contact, direct or indirect, with certain individuals.

3. Progressive Discipline

When necessary, the Archdiocese will use a progressive discipline approach in response to misconduct. This will involve using increasingly severe disciplinary actions, typically starting with informal interventions like coaching or counselling, and progressing to more formal steps such as written warnings, reprimands and suspensions or administrative leaves, and ultimately, termination of faculties if necessary. The purpose of progressive discipline is to give clergy an opportunity to correct their behaviour while ensuring consistent and fair consequences for their actions.

4. Use of Precepts

Precepts may be written and issued by the Archbishop to clerics when the Archbishop determines that specific and written directions are warranted. In addition, in accordance with progressive discipline, additional precepts may be issued with escalating directions where clerics have failed to heed previous written or verbal warnings, and have failed to sustain changes in their behaviour.

5. Corrective and Safety Measures

The following are examples of corrective, punitive, safety and restorative measures that might be considered and recommended:

Apologies - It is important that clergy take responsibility for misconduct and provide genuine apologies to those affected or impacted. Apologies may be required to be submitted to, and reviewed by, the Archbishop to ensure appropriateness prior to forwarding the reporting person.

Priest support groups - Clergy may be encouraged by the Archbishop to join a particular Priest or Clergy support group aimed at maintaining awareness and sustaining changed behaviours.

Education or Training Programs - Clergy may be encouraged by the Archbishop to take particular training or re-training on matters central to their misconduct (e.g. racial awareness, gender studies).

Lifestyle Changes - Clergy may be encouraged by the Archbishop to attend to particular lifestyle changes aimed at enhancing particular healthy habits or avoiding particular unhealthy behaviours.

Substance Abuse or Impulse Control Programs - Clergy may be encouraged to attend particular programs aimed at eliminating substance abuses and improving impulse controls (e.g. Alcoholics Anonymous, anger management).

Reassignments - Clergy may be reassigned by the Archbishop to alternate duties or to alternate parish communities. Reassignment should not be considered an appropriate response in the absence of adequately addressing the problematic behaviour as this may contribute to “moving the problem around”.

Adjusting or Removal of Faculties - Clergy faculties may be adjusted or removed by the Archbishop in accordance with violations of canon law.