

**DRAFT – June 14, 2007**

# **A Safe Environment Policy for the Diocese of London**

## **Preamble**

Catholics believe that our baptism makes us members of the People of God and members of the faith community we know as the Church. The protection of children and vulnerable persons is part of the very mission of the Church, because it enables all members of the community to practice their faith in a safe environment, confident that all the faithful are committed to their protection and well being.

Sexual misconduct is always a tragedy and calls for the Diocese to respond with justice and compassion toward all those persons involved. Our primary concern must be for the victim.

The development and implementation of this policy has as its goal the prevention of sexual abuse, the protection of the vulnerable, the pastoral care of those wounded by misconduct, along with the protection of the rights of the accused and the appropriate action toward those who have committed sexual misconduct.

The Diocese expects its priests, deacons and lay personnel to live chaste and moral lives, respecting in every way the gift of sexuality. Inappropriate sexual activity abuses the power and authority of the pastoral role of all who work for the people of God and serve them. For all to grow in personal holiness is the first goal of the Diocesan Pastoral Plan.

The Diocese will co-operate with the criminal and civil judicial systems, subject to the inviolability of the sacramental seal.

## **Application**

This policy applies to all clergy with faculties to minister in the Diocese. It also applies to all employees and volunteers of the Diocese, with necessary modifications.

This policy is intended to inform clergy, employees and volunteers about their obligations and to ensure that they comply with civil, canonical, diocesan and other appropriate standards of conduct. Procedures and personnel are in place to deal in a timely fashion with any complaints of sexual misconduct that may arise.

This policy and its procedures apply to instances of sexual misconduct as defined below whether current, recent, or in the distant past. Where abuse of a minor still under 16

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# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

years of age is involved, and in cases where there are criminal or civil proceedings under way, the procedures in this policy may be modified by the Bishop's Delegate.

This policy and the procedures may also be used, with necessary modifications, in addressing other forms of misconduct, including financial malfeasance or participating in or abetting criminal actions.

Nothing in this policy and the procedures, or their application, is intended to discourage or prevent anyone from seeking legal or ecclesiastical remedies.

This policy will be reviewed every three years by the Bishop's Delegate with the advice of the Sexual Misconduct Committee and the Victims' Assistance Committee.

## **Definitions**

- *Abuse*: Physical abuse may consist of just one incident or it may happen repeatedly. It involves a deliberate use of force against a person in such a way that the person is either injured or is at risk of being injured.

Abuse is a misuse of power and a violation of trust.

Emotional abuse involves harming a person's sense of self.

- *Sexual abuse*: sexual involvement with a person identified by the local jurisdiction as a minor or understood here as a person younger than 18 years of age.
- *Sexual exploitation*: sexual contact with a vulnerable adult or with anyone who is receiving pastoral care.
- *Sexual harassment*: unwanted sexualized conduct or language with others. This conduct entails unwelcome sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's status such as employment, when it unreasonably interferes with an individual's performance, or when it creates an intimidating, hostile or offensive work environment.
- *Grooming*: a wide variety of behaviours, such as spending large amounts of time with a particular young person, affording a minor special privileges, or providing gifts, trips and other expressions of extra attention. These behaviours are often designed to establish a special bond of trust and affectionate understanding between the adult and the minor who is the object of the adult's attraction. These behaviours can also lead the minor to feel

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# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

indebted to the adult for all these kindnesses. Once this bond of trust and indebtedness is established, the stage may be set for sexual advances.

Because this pattern is made up of observable behaviours, they need to be challenged. Grooming, whether intentional or not, is by its very nature seductive behaviour. As well as being a signal of possible future sexual activity, grooming is in itself inappropriate.

- *Pornographic offences:* the possession, creation or distribution of any photographic, film, video, or other visual representation that shows a person who is depicted as engaged in or is engaged in explicit sexual activity; and any written material that advocates or counsels sexual activity.
- *Public misconduct:* misconduct that becomes public or known. This could include actions that are considered to be crimes, such as indecent exposure or lewd activity. It might also include immoral actions, that may not be crimes but which become known. Priests, because they promise to live celibately, should never view sexual activities as appropriate for them.

## **Regarding the Sexual Abuse of Minors**

A victim always has a primary claim upon our pastoral concern and support, especially, when that victim is a minor. Studies indicate that minors are especially vulnerable, that their sexual abuse can be traumatic, damaging to their spiritual, moral, psychological, and interpersonal development, and long lasting. It can also alienate them from the Church and from religion.

Parents and siblings of victims often experience anger, shock, betrayal, and disillusionment. They too have a right to the pastoral concern and support of the Diocese.

Public authorities are obliged to enact and enforce appropriate legislation to protect children from sexual abuse, and the Diocese has the duty to respect and comply with such legislation. Thus, knowledge of complaints against minors always requires immediate response.

## **Duty to Report**

Every member of the clergy or lay employee or volunteer under the direction of the Diocese shall report to the Bishop's Delegate all allegations of sexual misconduct.

When receiving a complaint, the priest should limit himself to listening and giving assurance that the Diocese takes these complaints seriously. He should not himself attempt to interview the complainant. He can assure the person that a prompt and effective response will be forthcoming. He should inform the person that he himself does not have the authority to resolve such matters. He should not comment on the credibility of these complaints nor attempt to resolve the complaint.

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# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

All complaints of sexual abuse against a minor by clergy, diocesan employee or volunteer must be reported to the Bishop's Delegate. There is a legal obligation to report an allegation of sexual abuse of a minor who is 16 years of age or younger to the Children's Aid Society. No clergy, diocesan employee or volunteer can absolve themselves from this duty by rationalizing that they have no "first hand information," that the information is "hearsay," or that someone else will make the report.

Failure to report promptly on such complaints risks exposing the young person to harm and exposes the individual who fails to report to prosecution.

Personal discretion is not to be exercised in fulfilling this reporting obligation.

## **Creating and Sustaining an Environment of Awareness and Prevention**

The Diocese is committed to preventing abuse by all possible means including:

- Regularly providing ongoing formation for all seminarians, priests, and deacons on issues of friendship, intimacy, psychosexual development, and religious chastity and celibacy, as well as issues related to addiction and sobriety;
- Informing seminarians, priests, deacons, lay employees, and volunteers about this Diocesan policy and procedures governing all aspects of sexual misconduct;
- Ensuring that all seminarians, priests, deacons, lay employees and volunteers understand that they must respect and obey canonical, diocesan, civil and other appropriate standards of conduct;
- Putting into place the procedures and personnel to effectively deal with complaints of sexual misconduct in a timely fashion, and with the consequences of incidents of sexual misconduct.

## **Screening**

Screening plays an essential role in our efforts to prevent sexual abuse and the misuse of power.

St. Peter's Seminary is responsible for developing and administering psychological and other screening processes for:

- Candidates for the seminary
- Candidates for the permanent diaconate
- Candidates for the priesthood

The Office of Ministry and Personnel is responsible for developing and administering psychological and other screening processes for:

- Admission of priests ordained outside the Diocese
- Incardination of priests ordained outside the Diocese
- Employees of the Diocese

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# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

The Diocesan Office of Ministry and Personnel has a written protocol, “Called, Gifted and Sent,” for diocesan and parochial employees and volunteers whose roles place them in high risk ministry. This document details a risk management program.

The Diocese acknowledges that design of facilities plays an essential role in the prevention of sexual misconduct. This will be addressed by the Diocesan Building Commission in the approval of major renovations and in the construction of new facilities.

- **The responsibility structure**

## **The Bishop**

The Bishop will appoint a: Bishop’s Delegate  
Sexual Misconduct Committee  
Victims’ Assistance Committee

The Bishop, with the advice of the Bishop’s Delegate and the Sexual Misconduct Committee, will decide whether an accused priest’s faculties are suspended, the need for psychological assessment of an alleged abuser, the need for prompt removal of the alleged abuser from any situation in which an offense might be repeated and for transfer to a suitable environment pending investigation, and the penalty for abuse, which may include a petition for dismissal from the clerical state in the case of a priest.

## **The Bishop’s Delegate**

The Bishop’s Delegate reports to the Bishop, works closely with the Sexual Misconduct Committee and administers the involvement of legal counsel, Communications Director, and others involved with particular cases. The Bishop’s Delegate’s role is to ensure that all policies and procedures have been implemented and complied with.

The Bishop’s Delegate will manage the Diocesan response to a complaint of sexual misconduct from the time the complaint is received until it is resolved.

The Bishop’s Delegate will appoint the diocesan representatives to do the internal investigation of the complainant. These persons will be provided with training.

The Bishop’s Delegate will ensure that any applicable child protection laws to report are complied with and will co-operate fully with police and judicial authorities conducting their separate investigation.

The Bishop’s Delegate, with the assistance of the appropriate Personnel Director, will do the internal investigation of the accused individual. He will advise the accused individual of his right to be represented by legal and canonical counsel. He will instruct the accused

# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

that he should not attempt to contact the complainant, the complainant's family, known witnesses, or the complainant's attorney. He will also instruct the accused individual that any contact with the parish with which the complaint is associated must first be vetted with the Bishop's Delegate.

The Bishop's Delegate will notify the appropriate insurance carriers concerning a potential claim.

The Bishop's Delegate will be responsible for record keeping. In the area of sexual misconduct particularly, it is important that the Diocese maintain full and complete records to ensure that knowledge is not lost over time. Records of this sort should be kept indefinitely.

## **The Sexual Misconduct Committee**

The Sexual Misconduct Committee will review all allegations of sexual misconduct and advise the Bishop's Delegate on a course of action. At the request of the Bishop's Delegate or the Bishop, they may also assist with outreach to the parish where the misconduct has occurred. The Committee will meet at least three times a year to review proceedings and the status of any current matters, to advise the Bishop's Delegate, and to monitor compliance with the policy.

The Sexual Misconduct Committee will be composed of:

- Chair: to call and preside over meetings of the committee
- Canonist: to advise the Committee on canon law
- Civil lawyer: to advise the Committee on civil law
- Mental health professional: to advise on possible diagnoses and treatment options available
- Member of the community: from related backgrounds or experiences in dealing with emotionally charged issues

Minutes of all Sexual Misconduct Committee meetings are recorded.

The Sexual Misconduct Committee will be responsible for reviewing this policy.

## **The Victims' Assistance Committee**

The Victims' Assistance Committee seeks to offer support to victims of sexual misconduct. Members of the committee may assist with outreach to the parish where the sexual misconduct has occurred. The Committee will meet at least three times a year to review the status of any current matters, to advise the Bishop's Delegate, and to monitor the provision of support in compliance with the policy.

# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

The Victims' Assistance Committee will be composed of:

- Chair: to call and preside over the meetings of the committee
- Designated Persons authorized to investigate complaints
- Survivors of sexual misconduct
- Members of the community with related background or experience in dealing with emotionally charged issues

## **Protocol for Responding to Complaints Regarding Allegations of Sexual Misconduct**

- 1) A complaint is received by the Bishop's Delegate, who refers it to a Designated Person. Anonymous complaints are not pursued although they are documented and monitored by the Bishop's Delegate.
- 2) The Designated Person arranges for **two** persons to interview the complainant. (The Designated Person will determine who the second person is to be.)
- 3) At the initial interview, the Designated Person will:
  - offer compassionate regard for the individual and their situation
  - gather information about the individual's experience
  - commit to providing a response on behalf of the Diocese within a week
  - offer counseling at the expense of the Diocese and provide on-going pastoral care
- 4) The Designated Person documents the interview and submits to the Bishop's Delegate.
- 5) The Bishop's Delegate, with the advice of the Sexual Misconduct Committee, determines the diocesan response and directs the Designated Person to inform the complainant.

### **• Supporting complainants**

No complainant should ever be discouraged or pressured to refrain from reporting the misconduct to law enforcement agencies or child welfare authorities, from seeking legal advice or compensation through civil action.

The Diocese will fund professional, certified counseling services offered to the complainant. The Diocese recognizes the unique relationship between the complainant and their therapist and, therefore, the victim is given the freedom to choose their therapist. In helping set up financial remuneration for therapy with the complainant and therapist, the Bishop's Delegate will set a reasonable duration for these services.

Counseling may also be extended to affected family members of the complainant.

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# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

- **Supporting parishes**

Sexual misconduct may have ramifications within a particular parish or parishes. This would arise where the misconduct has taken place at the premises of a particular parish, or during an activity conducted by or involving members of the parish, or because the person accused of misconduct or the victim has a present or past association with the parish.

Members of the parish may have questions and concerns with respect to the nature of the misconduct, how it is going to be addressed, the response to the victim, re-assignment of personnel, the implementation of precautionary measures, and how such occurrences may be prevented in the future.

Where misconduct has been reported, the Bishop's Delegate will coordinate, with the Episcopal Vicar of the deanery a means of addressing the questions and concerns of parishioners. The nature of this response will depend upon the particulars of each case and it may not be possible to provide information because of the involvement of law enforcement officials or because of the complainant's reasonable request for confidentiality, but may include information sessions, distribution of written information, and support for the family members of those who are directly affected. The assistance of the Sexual Misconduct Committee or the Victims' Assistance Committee may also be sought.

- **Supporting an accused individual**

The accused individual has a right to his own defense, to be presumed innocent until the contrary is proven, and to engage his own legal counsel whether civil or canonical.

The Bishop's Delegate and the appropriate Personnel Director will investigate the accused person.

In situations where civil authorities are likely to act or have already intervened, the accused individual will be advised to seek legal counsel so that he is properly informed about his responsibilities and rights.

Where the alleged sexual misconduct involves a minor or vulnerable person, the accused individual will be immediately relieved of all duties and removed from the premises.

Where the alleged misconduct does not involve a minor or vulnerable person, whether the accused individual is to be relieved of duties and responsibilities, pending further investigation, will depend upon the circumstances of the case.

# **A Safe Environment Policy for the Diocese of London**

*Draft version – June 14, 2007*

When the accused is found not guilty in a criminal court, the ordinary expectation is reassignment to previous responsibilities, if all suspicions have been removed. However, sometimes information is known to the police which is not admissible as evidence in a court of law, but which creates serious concern about the accused's culpability. It is important to understand that a finding of "not guilty" is not the same as a finding of innocence, and the reassignment of an individual following an acquittal is not automatic, but will be determined by the Bishop in consultation with the Bishop's Delegate and the Sexual Misconduct Committee.

When an accused individual admits that he has abused someone or if found guilty of abuse in a court, he will not be returned to active ministry, and a safety plan for his future activities will be determined by the Bishop's Delegate in consultation with the Sexual Misconduct Committee.

- **Communications**

The Communications Director will manage the communications plan for the Diocese concerning a sexual misconduct case. As far as is feasible, only this person shall discuss the case with the media or communicate in any other public context.

# A Safe Environment Policy for the Diocese of London

*Draft version – June 14, 2007*

## Code of Conduct –

for contact with young children, young people and vulnerable persons

1. The preparation of children for the celebration of the sacraments of first reconciliation, first communion and confirmation is to be done in a group format. One-on-one instruction is to be avoided.
2. The celebration of the sacrament of reconciliation with children is to be done in an open space that allows the penitent and the priest to be in full view of others.
3. The location of reconciliation rooms is to be in a high traffic area of the church building. Any new construction or renovation of reconciliation rooms is to provide for clear glass openings.
4. The implementation of the “Two Deep” rule is to be the common practice.
5. Two adults are to be present for recreational programs. The Guidelines for Volunteer Ministers (Called, Gifted & Sent) are to be followed.
6. One-on-one counseling is to be conducted in a space with clear glass openings.
7. Access to a priest’s living quarters is to be restricted. A priest is not to be alone with a child in his living quarters or motor vehicle.
8. A priest is never to take a person under 19 on personal trips or vacations.
9. Expensive gifts are not to be given to or accepted from a child or young or vulnerable person.
10. The priest will set reasonable boundaries in his relationships with others. For example, counseling should generally not extend beyond three sessions, after which the priest should refer the individual to a qualified professional.

### How to respond

We invite you to send in your written comments and suggestions regarding this draft policy. You may choose to study the policy as a group and to respond. Our target date for receiving responses is July 31, 2007. If you or your group require more time, please let us know by e-mail or regular mail.

Please submit your input as follows:

1. **By e-mail:** [draftpolicy@dionet.ca](mailto:draftpolicy@dionet.ca)

2. **By regular mail:**  
Sexual Misconduct Policy  
1070 Waterloo St.  
London ON N6A 3Y2

3. **By fax:** 519-433-0011