



ALLEGATIONS OF SERIOUS MISCONDUCT PROTOCOL
(including SEXUAL ABUSE)

April 30, 2020

TABLE OF CONTENTS

1. PURPOSE	3
2. SCOPE	3
3. SEXUAL ABUSE AND SERIOUS MISCONDUCT PROTOCOL	4
A. Definitions.....	4
B. Reporting and Handling Misconduct.....	6
C. Responding Pastorally to Allegations of Abuse	7
D. Reporting Sexual Abuse	7
E. Investigations of Sexual Abuse	8
F. Additional Information	9
G. Sharing Allegations of Either Serious Misconduct or Abuse	11

1. PURPOSE

The purpose of the *Allegations of Serious Misconduct Protocol* is to ensure that allegations of sexual abuse and other misconduct are handled responsibly, transparently, immediately and with all due care and attention.

2. SCOPE

The scope of the *Covenant of Care* applies to all employees and volunteers, including clergy, religious and lay people.

Bishop: The Bishop of the Roman Catholic Diocese of Saskatoon will ensure the *Covenant of Care & Allegations of Serious Misconduct Protocol* are implemented and adhered to across the diocese. The Bishop will appoint the Serious Misconduct Investigator (SMI). He will ensure that the name and contact information of the SMI is made public.

Diocesan Safeguarding Committee (DSC): The Diocesan Safeguarding Committee is appointed by the Bishop and will consist of at least five members. The DSC should include: a chairperson; a vice-chairperson who will act as delegate in the absence of the chairperson; a priest; a lawyer; a person experienced in the treatment of persons who have been the subject of sexual abuse, as well as in the treatment of persons who suffer from disorders related to pedophilia or other similar illnesses; and any other person(s) who in the opinion of the Bishop can act as resource person(s). The DSC will meet annually with the Bishop and assess the *Covenant of Care & Allegations of Serious Misconduct Protocol* and its implementation

The DSC may be consulted by the Bishop regarding options and/or further actions that may be taken after the completion of an investigation. Such actions recommended might include the temporary or permanent suspension of the priest, religious, employee or volunteer from their duties or positions.

Diocesan Coordinator of Care (DCC): The DCC oversees all training, reporting and investigation procedures for the *Covenant of Care & Allegations of Serious Misconduct Protocol*. When the DCC is away from the office, the Bishop will designate an alternate to fill the role. The DCC:

- Provides assistance with implementation, maintenance, reporting and investigations,
- Maintains the long-term, confidential storage of documentation at the Chancery office,
- Oversees training and education efforts at a diocesan level and is available to support training at the parish level.

Intake Officer (IO) – The IO is one of several persons named to receive allegations and/or complaints about serious misconduct (including sexual abuse) by any member of the church: (clergy, religious, employee, volunteer).

Media Relations Spokesperson: The Media Relations Spokesperson is appointed by the Bishop. This person is responsible for all public communication surrounding an investigation.

Parish Coordinator of Care (PCC): The Parish Coordinator of Care may receive reports and/or allegations of breaches of the *Covenant of Care*. The PCC may also assist in the implementation and maintenance of

the *Covenant of Care & Allegations of Serious Misconduct Protocol*. The name of the PCC must be made public.

Pastors: Pastors, and where relevant with the Parish Life Directors, will ensure that the *Covenant of Care* is implemented and adhered to within their assigned parishes. They will also appoint a lay person as Parish Coordinator of Care (PCC), ideally in consultation with the Parish Pastoral Council, and ensure this person is made known in the parish community.

Pornographic Activity means the possession, creation or distribution of any photograph, film, video, or other medium (visual or written) that identifies any person depicted or engaged in sexual activity. Pornographic activity will not be tolerated in the workplace. Sharing, sending and/or displaying of pornography to others in the workplace will amount to serious misconduct.

Serious Misconduct Investigator (SMI): The SMI oversees all reporting and investigation procedures for the *Covenant of Care & Allegations of Serious Misconduct Protocol*. When the SMI is away from the office, the Bishop will designate an alternate to fill the role. The SMI:

- Provides assistance with implementation, maintenance, reporting and investigations,
- Ensures the compilation of investigations and findings, and where relevant, prepares a report with findings and recommendations.

Victim Support Coordinator (VSC): One of several persons named to provide support and assistance to persons who bring forward allegations of serious misconduct, including sexual abuse.

3. SERIOUS MISCONDUCT PROTOCOL and SEXUAL ABUSE

A. Definitions

Allegation means a claim that abuse or serious misconduct may have occurred.

Child (children) means a person who is actually or apparently under 18 years of age.¹

Employee means any person who is paid to provide ministry within and/or on behalf of the Roman Catholic Diocese of Saskatoon. Employees include priests, deacons, religious, and lay people.

Exploitation of a Ministerial Relationship means any abuse of power, betrayal of trust or exploitation of the power imbalance that is inherent in a relationship between an employee or volunteer of the Roman Catholic Diocese of Saskatoon and a person with whom she or he has a ministerial relationship. Due to the imbalance of power between the person offering ministry and the person to whom the ministry is offered, the apparent consent of a possible victim does not in itself determine whether or not there has been an abuse of power, a breach of trust or an act of exploitation.

Grooming means deliberate actions taken with the aim of befriending and establishing an emotional connection in order to lower an individual's inhibitions in preparation for sexual abuse or exploitation of the

¹ *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, Saskatchewan, definitions*

individual.² Any behaviour designed to establish a special bond of trust and affectionate understanding between a person in a position of power and the person who is the object of his/her attention. Children and vulnerable adults may be particularly susceptible to grooming. Grooming can include 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. The behaviours can also 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.

The pattern of a groomer is made up of observable behaviours. These behaviours need to be challenged and may also need to be reported. Grooming, whether unintentional or not, is by its very nature manipulative behaviour. As well as signaling possible future sexual activity or other abusive behaviour, grooming is in itself inappropriate. Everyone should be alert to signs of grooming, including church personnel and those who care for the vulnerable.

Ministerial Relationship means a relationship between an employee or volunteer (clergy, religious or lay) and another person that is founded in the ministry provided on behalf of the Church. Examples of ministry include, but are not limited to, youth ministry, religious education, counselling, spiritual guidance, the celebration of the sacraments, and pastoral care in prisons, hospitals, nursing homes and private residences.

Physical Abuse means all actions resulting in non-accidental physical injury or harm. This may include non-accidental injury, cruel or excessive corporal punishment (which may or may not cause physical injury), threats of physical harm, dangerous behaviour towards a child or vulnerable adult or in immediate proximity to the child/vulnerable adult (e.g., throwing objects, use of weapons).

Serious Misconduct means any breach of the *Covenant of Care*, including sexual abuse and exploitation and sexual harassment; it also includes exploitation of the ministerial relationship, grooming, physical abuse, verbal abuse and pornographic activity.

Sexual Abuse and Exploitation means when a child or vulnerable adult has been or is likely to be exposed to harmful interaction for a sexual purpose by a parent, caretaker, any person in a position of trust and/or any other person. It can include both physical and/or non-physical contact. Examples include engaging a child or vulnerable adult in sexual acts, obscene acts, taking pictures of a sexual nature, pornography, voyeurism, exhibitionism and threatening sexual assault, as well as the utilization of grooming techniques;³ includes possession of pornographic materials depicting children.

Sexual Harassment means any conduct, comment, gesture or contact of a sexual nature that is offensive, unsolicited or unwelcome. Sexual harassment may include: any implied or express threat of reprisal for refusing to comply with a sexually oriented request, unwelcome remarks, lewd jokes, innuendos, propositions or taunting about a person's body, attire, sex or sexual orientation; displaying or sending pornographic or sexually explicit or offensive pictures or materials via text, hardcopy, video or other multimedia platforms; unwelcome physical contact/touching; unwelcome invitations or requests, direct or indirect, to engage in behavior of a sexual nature; refusing to work with or have contact with an individual because of their sex, gender or sexual orientation.

² Saskatchewan Child Abuse Protocol, 2017

³ Saskatchewan Child Abuse Protocol, 2017

Verbal Abuse means the use of language to manipulate, control, ridicule, insult, humiliate, belittle, vilify, or show disrespect or disdain to another. It may or may not use expletives. It may also be in written form, which includes electronic media. Such abuse includes but may not be limited to: bullying, ridiculing, trivializing, harassing, accusing, blaming, denying, insulting, taunting, putting down, discounting, threatening, name-calling, yelling or raging.

Volunteer means any person providing ministry within and/or on behalf of the Roman Catholic Diocese of Saskatoon who are not receiving monetary compensation for their ministry. Volunteers can include priests, deacons, religious and/or lay people.

Vulnerable Adult means an adult (18 years of age or older) who lacks an adult mental capacity or who, by reason of advanced age, physical illness, mental disorder, or disability is or might be unable to protect himself or herself from significant harm or exploitation.⁴

A vulnerable adult is at a disadvantage to fully protect himself or herself. An adult may be vulnerable, for example, as a result of by being mentally or physically challenged, being emotionally susceptible or socially isolated, being in a situation of social or material need, having difficulty understanding language or culture, or be fearful or blindly trusting of authority figures. It is noted that though refugees and immigrants might not have been considered vulnerable in their home countries, some may fall under this term as they transition into our community. A state of vulnerability may be permanent, such as a person with a disability, or temporary, as in the case of a person who is grieving.

B. Reporting and Handling Serious Misconduct

Serious misconduct, as defined by this policy, includes a variety of potentially problematic behaviours and violations. The protocol for reporting and investigating misconduct is designed to both evaluate the nature of the breach and ensure an appropriate response for all involved.

The Roman Catholic Diocese of Saskatoon strives to prevent serious misconduct and abuse through education, and through clearly identifying and eliminating misconduct. Wherever possible, misconduct that is not serious is to be addressed at the local level. Assistance and support is available at any time from the Diocese, and is required in the case of allegations of serious misconduct.

Serious misconduct must be reported immediately to the IO, as per section 3D of this protocol. The aim of an investigation of serious misconduct, overseen by the SMI, is to stop potentially harmful or abusive behaviours before harm or abuse occurs. When an allegation of serious misconduct is reported, the IO will:

1. Contact the person making the report to gather details of the alleged misconduct.
2. Communicate to the person who has made the report as to what action will be taken.
3. Follow up on allegation of serious misconduct according to the protocol below.
 - a. The employee or volunteer is to be made aware of the allegation of serious misconduct. They are to have a discussion with their immediate supervisor and/or the pastor about the circumstances of the alleged serious misconduct. If the serious misconduct involves a priest, then the discussion will be with the Vicar General.

⁴ *Protecting Minors from Sexual Abuse*, Canadian Conference of Catholic Bishops, p. 84.

- b. Provided that the serious misconduct does not pose present or future risk to a child or vulnerable adult, warranting suspension of employment or volunteer ministry, the incident is to be recorded in written form, including a preventative action plan, and filed with the employee or volunteer's completed **Covenant of Care Form** (Appendix C).
- c. If the serious misconduct and/or the harm it caused jeopardizes the employee or volunteer's suitability for ministry, ministry may be terminated. The Diocesan Human Resources Manager must be called upon in such circumstances.
- d. Misconduct on the part of an employee or volunteer is a violation of the individual's agreement to abide by the *Covenant of Care*, regardless of whether or not harm is perceived or actual.
- e. Allegations of illegal activity on the part of an employee or volunteer in the context of a ministerial relationship must be reported to the IO. If misconduct is not serious, it may also be reported to the Diocesan Human Resources Manager. Reporting and investigation will follow the protocol outlined in sections 3D and 3E of this protocol where further discipline may result, up to and including termination.

In every category of misconduct, repeat serious misconduct is considered an adequate reason for questioning an employee or volunteer's suitability for ministry. In some cases, it will be necessary to suspend or modify the services or duties of the accused until such time as there is assurance of compliance with the *Covenant of Care*. In cases where there is not a willingness to comply with the expectations outlined within the *Covenant of Care*, the individual(s) will be asked to resign from their position or their employment/volunteer ministry will be terminated.

C. Responding Pastorally to Allegations of Abuse

Given the devastating, long-term, painful effects of sexual abuse, it is necessary to respond to complaints of abuse or misconduct with great pastoral sensitivity, expressed through a spirit of charity, welcome, and readiness to respond with appropriate care, as outlined in the document *Protecting Minors from Sexual Abuse* (Canadian Conference of Catholic Bishops, 2018).

Those receiving allegations of sexual abuse will ensure that victims coming forward are received in a non-judgmental pastoral encounter that conveys respect, compassion and solicitude. The Diocese and its representatives will accompany the person coming forward on the journey toward healing, helping where possible to identify and address any spiritual and/or mental health needs, and connecting the alleged victim(s) to appropriate community resources.

D. Reporting Sexual Abuse

The reporting requirements outlined in this section are intended to deal with sexual abuse and sexual misconduct within the Diocese. These reporting requirements apply to the actions of all clergy, religious, employees and volunteers within the Diocese. Reporting should be done by any person in the Diocese who has reasonable evidence or disclosure that sexual abuse or sexual misconduct has occurred. An employee or volunteer receiving an allegation of sexual abuse is expected to report it to the IO.

These reporting requirements reflect and outline employee and volunteer responsibilities and legal obligations of individuals under the laws of the Province of Saskatchewan. Clergy and religious members of the church will be subject to Canon Law in addition to the laws of the Province of Saskatchewan.

The reporting processes exist to allow for due investigation of any and all allegations of abuse or serious misconduct. The requirements are to be followed to protect victims from further abuse and the accused from the damage of false accusation.

1. Reporting Sexual Abuse of a Child

- a. Duty to report: every person who has reasonable grounds to believe that a child has been or is likely to be subjected to sexual abuse shall report the information to a child protection officer or peace officer.⁵
- b. In addition to following the legal duty to report, employees or volunteers who are aware of sexual abuse of a child by a priest, deacon, religious, employee or volunteer of the church must also report the allegation of abuse to the IO.

2. Reporting Sexual Abuse of Vulnerable Adult

- a. Legally, adults over 18 years of age must make their own report of sexual abuse to police or social authorities.
- b. Pastorally, the Diocese of Saskatoon desires to know about and respond to any alleged sexual abuse of an employee or volunteer ministering on behalf of the diocese.
- c. If an employee or volunteer receives a disclosure of the sexual abuse of a vulnerable adult, he or she will report it to the IO and must communicate this requirement to the complainant as early in the disclosure as possible.
- d. If an employee or volunteer is suspicious or becomes aware of the sexual abuse of a vulnerable adult, he or she will report it promptly to the IO.

E. Investigations of Serious Misconduct, including Sexual Abuse

The diocese will follow all obligations to report as outlined in *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* of the Province of Saskatchewan. Diocesan investigations do not begin or continue if or when a legal investigation is underway. Relevant ecclesiastical process will proceed, upon completion of the civil investigation.

When an allegation of serious misconduct is reported to the IO, and provided there is no legal investigation, a diocesan investigation will begin promptly. At least two people (in addition to the victim, accused or others) are to be in the room at all times during investigation interviews. The following steps will be followed:

1. Contact will be made by the VSC in order to offer support and assistance to any person indicating that they may be a victim.
2. The SMI will conduct a preliminary investigation within two to three business days and prepare a written report of the allegation. If the situation involves the breaking of civic laws, the SMI will call on the diocesan lawyer and inform the victim of any rights to report to secular authorities, such as the police and/or social services. During the preliminary investigation, the SMI will assist the alleged victim to:

⁵ *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, Saskatchewan, s. 4(1)*

- a. Provide for a support group for the victim and/or family, and offer such support if it is appropriate and desired.
 - b. Seek support through an appropriate professional social agency, and/or
 - c. Find any required professionals, including police, psychiatrists, psychologists or lawyers.
3. The SMI will ensure that there will be no contact between the alleged victim and the accused during the course of the investigation.
4. Generally the investigator will meet with the person or persons making the allegation, with the accused person and with any other person as may seem appropriate.
5. The SMI will submit the report to the Bishop, who will then share the report with the Chair of the DSC, the Diocesan Coordinator of Care. and the College of Consultors .
6. Upon receiving and hearing the opinion of the three different persons/ groups, the Bishop renders his decision
7. If there is need for further information, the SMI will make the necessary contact and carry out through a further interview(s).
8. The SMI, in consultation with the Bishop, will be responsible to report allegations or claims to the insurance company at the appropriate time.
9. Anyone in the investigation process outlined above who for any reason – including conflict of interest – feels unable to objectively participate in the investigation process, will advise the SMI immediately and not take part in any investigation or recommendations.
10. The written record of the full investigation shall be stored permanently within the diocesan secure files.
11. The Diocese of Saskatoon will not limit its commitment to care for the safety and protection of children and vulnerable adults to its own diocesan parameters. Canon law and other ecclesiastical norms mandate restrictions and penalties placed on a cleric guilty of sexual abuse of a child or vulnerable adult. Restrictions and penalties are imposed by the local Bishop or other Church authorities to ensure that a guilty cleric or lay employee is not able to continue abusive behaviour in another Church jurisdiction.
12. Upon conclusion of all investigations, civil and ecclesiastical, the Bishop will meet with the DSC to discuss conclusion and results, so the DSC may be able to advise regarding policy, prevention, and ongoing education.

F. Additional Information

1. In the case of serious misconduct investigations – including sexual abuse allegations – a written record will be kept of all steps taken from the moment the allegation is first received. The record may

be required to prove that the rights of the accused person were fully respected in the event they have recourse to the Holy See against the action of the Bishop or of other persons involved. Care is to be taken to protect the confidentiality of such documentation. All parts of the investigation will be done in consultation with the diocesan lawyer in preparation and contemplation of litigation.

2. At no time will the Bishop, his delegate or any priest involved in an investigation hear the sacramental confession of an accused person.
3. Only the Media Relations Spokesperson will make any public statements during and after reporting and investigations.
4. The Bishop, the SMI or the DSC may at any time make use of such consultants as may be considered necessary, including medical doctors, psychologists, mental health professionals, social workers, canonists, and the diocesan lawyer.
5. Employees and volunteers carrying out any aspect of this protocol will cooperate with legal authorities and investigations, mindful of the inviolability of the sacramental seal (see Canons 983-984).

G. Sharing Allegations of Serious Misconduct or Abuse

1. Informing Partners

- a. Allegations of serious misconduct and/or abuse (including and not limited to sexual, physical, financial, emotional abuse) will be shared by the Diocesan Coordinator of Care with partner institutions such as schools, hospitals, prisons, care homes or any other venue where the individual against whom the allegations are aimed is engaged in active volunteer or remunerated ministry.
- b. The information will be shared only with the institution's most senior person who shall be expected to disclose this information exclusively on a need-to-know basis.
- c. Once the investigation is completed, the Diocesan Coordinator of Care will communicate a brief summary of the conclusion to the partner institutions via the same senior person.

H. References

Protecting Minors from Sexual Abuse, Canadian Conference of Catholic Bishops

[Saskatchewan Child Abuse Protocol, 2017](#)

[The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act, Saskatchewan](#)

I. Revision History

June 20, 2019

December 1, 2016

October 31, 2012