



DIOCESE OF HAMILTON

SAFEGUARDING ADVISORY PANEL

Policy and Protocol in Cases of Alleged Sexual Misconduct

I. PREAMBLE

The Roman Catholic Diocese of Hamilton respects and upholds the dignity of every person as a child of God. Moreover, we hold as a sacred responsibility the protection of every person within our sphere of influence, with particular concern for children and other vulnerable persons. The sexual integrity of each and every individual is inviolable. The perpetration of sexual abuse by Church representatives - clergy or laypersons, employees, or volunteers - is especially abhorrent since it violates not only the person but the sacred trust which the Church discharges.

The policies set out in this document provide for the just and timely resolution of complaints of sexual misconduct. The Diocese will intervene promptly to stop any such acts of abuse by clergy, staff, or volunteers and to prevent a reoccurrence of such misdeeds. Moreover, the Diocese will offer meaningful assistance to those who have suffered as a result of such abuse and will ensure that they are treated with compassion and respect. A victim always has primary claim upon our pastoral concerns and support, especially when that victim is a minor. Studies indicate that minors are especially vulnerable, that their sexual abuse can be so traumatic as to inflict long-term damage to their spiritual, moral, psychological and interpersonal development. Parents and siblings of victims often experience anger, shock betrayal and disillusionment. They too have a right to pastoral concern and support from the Diocese. Finally, members of parish communities or other church organizations where abuse takes place, may suffer vicariously from instances of sexual abuse. The church has a responsibility to respond with pastoral concern and support where such a response is needed.

II. POLICY

It is the policy of the Diocese of Hamilton that all allegations of abuse or misconduct made to officials of the Diocese will be thoroughly investigated in a timely fashion according to the norms set forth in this document which flow from the guidelines of the *Canadian Conference of Catholic Bishops* and Best Practices adopted by the *Assembly of Catholic Bishops of Ontario*.

Information regarding how to report an allegation of sexual misconduct will be clearly posted on the Diocesan website.

Individuals who come forward with an allegation of sexual misconduct will be treated with respect, dignity, and compassion.

Diocesan investigations into allegations of sexual misconduct by clergy, diocesan staff or volunteers, will be conducted by an independent agent known as the ***Bishops' Delegate*** supported by an advisory committee known as the **Safeguarding Advisory Panel** which operates at arms-length from the Bishop and diocesan personnel.

Some forms of sexual misconduct are crimes according to the civil law and the Diocese recognizes its duty to cooperate fully with civil authorities when allegations of such crimes are made.

The law requires that in the case of an allegation involving any child who is under the age of 16 years, an immediate report will be made to the appropriate Children's Aid Society.

Adult complainants of abuse (past or present) sometimes wish to preserve their privacy and would not report abuse if it were to be disclosed to civil authorities. Since they have the right to privacy (can. 220) and because the Diocese wishes to encourage disclosure of abuse, the decision to approach civil authorities will be left to the adult complainant. The Bishop's Delegate will advise complainants of their right to approach the police or civil authorities and will offer assistance to facilitate contact. If, however, the information disclosed raises the possibility that a child is currently at risk, the Diocese has a duty to report to appropriate civil authorities.

Care will be taken never to interfere with on-going investigations by child welfare or law enforcement agencies.

In certain cases of abuse and misconduct (as noted in Appendix 3 *Screening and Evaluation Procedures for Candidates for the Priesthood*) the Bishop is required by Church law to send the results of the investigation to the Congregation for the Doctrine of the Faith for direction on the next canonical and pastoral steps. This ecclesiastical process does not replace, nor is it intended to eliminate, the legal obligation of the Diocese to report to civil authorities, where such a requirement exists.

The Diocese will retain permanent written records of all allegations of sexual misconduct made against any bishop, priest, deacon, employee, or volunteer, as well as members of religious orders who have served within the Diocese. Records are not cleaned or destroyed after the death of a person who is accused of sexual misconduct or abuse.

This protocol will be updated as needed. Additionally, the policy, procedures, practices and their implementation are independently audited every four (4) years.

III. APPLICATION

The person appointed by the Bishop known as the Bishop's Delegate is accountable to the Bishop for the application and implementation of this policy. The Bishop's Delegate is assisted in this work by the Deputy Delegate and by the Safeguarding Advisory Panel.

This policy applies to all clergy with faculties to minister in the Diocese of Hamilton as well as to all employees and volunteers of the Diocese.

This policy is intended to inform clergy, employees and volunteers about their obligations and serves to ensure that they comply with civil, canonical, diocesan, and other professional standards of conduct. Procedures and personnel are in place to deal in a timely fashion with any complaints of sexual misconduct as defined below whether current, recent or in the distant past.

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

IV. DEFINITIONS

For the purposes of this policy and protocol the following definitions apply.

Abuse may consist of one incident, or may happen repeatedly, and is understood to mean any physical, verbal, emotional, or sexual behaviour which a) causes a person to fear for his/her physical, psychological, or emotional safety and well-being; and b) the alleged perpetrator knew or ought reasonably to have known would cause a person to fear for their physical, psychological or emotional safety and wellbeing. Such abuse may or may not be criminal in nature.

Bishop means the Roman Catholic Bishop of the Diocese of Hamilton or, in his absence or incapacity, the lawful administrator of the Diocese according to canon law.

Bishop's Delegate and Deputy Delegate means those individuals, clergy or lay, appointed by the Bishop of Hamilton to deal with all allegations of sexual misconduct. The Bishop's Delegate / Deputy Delegate will receive the complaints and initiate the necessary procedures outlined in this protocol.

Child (ren) means a person under the age of eighteen. *The Child, Youth and Family Services Act* of Ontario (2017) imposes a legal duty to report suspected abuse when it involves a child under the age of sixteen. On January 1, 2018, Ontario raised the age of protection from 16 to 18.

A professional, or member of the public, who is concerned that a 16-or 17-year-old is or may be in need of protection may, but is not required to, make a report to a society and the society is required to assess the reported information.

A child who is in Extended Society Care (formerly known as Crown Wards) is still a child for the purposes of the reporting obligation under the *Child, Youth and Family Services Act*.

Clergy means ordained deacons, priests, and bishops of the Roman Catholic Church.

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

Complainant means any person who brings to the attention of the Diocese of Hamilton an act of sexual misconduct by a member of the clergy, an employee, or a volunteer within the Diocese.

Diocese shall mean the Episcopal Corporation of the Diocese of Hamilton in Ontario unless otherwise stipulated.

Faculties means the grant by a higher ecclesiastical authority enabling a priest or deacon to act in ways that the recipient would not otherwise be empowered to act (e.g., a priest authorized to hear sacramental confessions.)

Incardination means the action by which a cleric, at ordination as a deacon, becomes affiliated with a particular Diocese or religious order and subject to the bishop or superior respectively. Note: A non-incardinated cleric is a priest or deacon ministering in our Diocese but belonging to another Diocese; or a member of a religious community working in our Diocese.

Public Misconduct is serious inappropriate activity that becomes public or known. This could include actions that are crimes, such as indecent exposure or lewd activity. It might also include immoral actions that may not be criminal in nature, but which become known.

Religious Order means an independent, self-governing religious institute or secular institute that is recognized by the Catholic Church and governed by her laws.

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

Safeguarding Advisory Panel means a group of not fewer than five (5) persons, including the Bishop's Delegate and Deputy Delegate, which shall advise the Bishop on all matters involving allegations of sexual misconduct. The Safeguarding Advisory Panel shall consist of the Bishop's Delegate and Deputy Delegate and suitably qualified lay persons. The lay members of this committee shall be chosen to provide expertise on legal, child welfare and mental health issues. It should include a canon lawyer (who must not be the Judicial Vicar). The Chancellor will act in a consultative capacity as a resource person to the committee. The members of the Committee shall be appointed for a renewable term of five (5) years.

Sexual Misconduct is any act deemed a sexual offence according to Canon Law, the Criminal Code of Canada, and the laws of the province. Broadly, sexual misconduct encompasses any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of either gender, and it can occur between people of the same or different gender. Sexual misconduct includes, but is not limited to, the following behaviour:

Child Pornography refers to visual, written, or audio material that depicts sexual activity or the sexual organs of a person under the age of eighteen. It is a criminal offense to possess, produce, or distribute child pornography.

Child sexual abuse, also called child molestation, is a form of child abuse in which an adult or older adolescent uses a child for sexual stimulation. Forms of child sexual abuse include engaging in sexual activities with a child (whether by asking or pressuring, or by other means), indecent exposure, child grooming, or using a child to produce child pornography.

Grooming is befriending and establishing an emotional connection with a child or vulnerable person, and sometimes the family, to lower the victim's inhibitions with the objective of sexual abuse. Grooming is also regularly used to lure child(ren) and vulnerable persons into various illicit businesses such as human trafficking, child prostitution, or the production of pornography.

Human trafficking is the trade of humans for the purpose of forced labour, sexual slavery, or commercial sexual exploitation for the trafficker or others.

Indecent exposure is the deliberate exposure in public or in view of the general public by a person of a portion or portions of their body in circumstances where the exposure is contrary to moral or legal standards of appropriate behavior.

Sexual Abuse is always an abuse of power. In this document, sexual abuse refers to actual or threatened physical intrusion of a sexual nature against a minor or vulnerable person, whether by force or under unequal or coercive conditions. This is a broad term which includes a number of acts, including rape, sexual assault, sex with a minor, sexual activity with a minor. Mistaken belief in the age of the minor is not a defense. Sexual abuse includes sexual exploitation, sexual harassment, indecent exposure, lascivious acts. Sexual abuse (in this document) includes any misconduct or act deemed a sexual offense according to the Criminal Code of Canada, the laws of the province, and canon law.

Sexual Harassment is 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 reasonably interferes with an individual's performance or when it creates an intimidating, hostile or offensive environment.

Staff/Employees means laypersons employed by the Diocese, its parishes, or by a religious order in respect of its activities in the Diocese but does not include independent contractors or others who are not employees of the Diocese, its parishes, or religious orders. The Bishop's Delegate may apply this policy and protocol to others, in all cases with the goal of ensuring that the responsible agency addresses complaints in the appropriate manner.

Superior means the local head of a religious order.

Volunteer means persons who undertake some tasks of ministry or assistance with the sanction and supervision of the Diocese, clergy, staff, or religious orders. Volunteers do not include self-appointed individuals who operate without the sanction or direction of the Diocese, clergy, staff, or religious orders.

Vulnerable Person anyone in a state of infirmity, of physical or mental deficiency, or of deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or otherwise resist the offence. A person may also be vulnerable due to ministerial or other relationship in which there is an inherent imbalance of power which may be exploited.

Zero Tolerance is a term used to convey clearly that no one who has sexually abused a minor or vulnerable person shall remain in active ministry.

V. ROLES AND RESPONSIBILITIES:

The Bishop will appoint:

- The Bishop's Delegate
- The Deputy Delegate
- Members of the Safeguarding Advisory Panel
- A spokesperson for the Diocese to address media inquiries

The Bishop's Delegate shall:

- Report to the Bishop, or designate;
- Meet regularly with the Safeguarding Advisory Panel;
- Respond to any allegation of misconduct against members of the clergy or lay ecclesial ministers;
- Manage the diocesan response to a complaint of misconduct from the time it is received until it is resolved;
- Ensure that any and all applicable child protection laws are complied with and cooperate fully with police and judicial authorities conducting a separate investigation;
- Arrange for counselling and other supports as needed for complainants, their families, and affected parish communities, using a trauma-informed approach;
- Collaborate with the Bishop's Spokesperson to ensure accurate and transparent messaging with the faithful and members of the public;

- Receive and respond to requests for training and education regarding diocesan safeguarding policies and practices; work with diocesan personnel in the development of educational materials regarding diocesan safeguarding policies and practices;
- Monitor compliance with Safeguarding policies and procedures in connection with sexual misconduct allegations within the Diocese;
- Maintain written records of all investigations;
- Chair the Safeguarding Advisory Panel;
- Advise the Bishop on appointment/replacement of members to the Safeguarding Advisory Panel;
- Provide an annual report on activities with recommendations for improvements to the Bishop;
- The Bishop's Delegate will inform any newly appointed Bishop of Hamilton of all cases in his files once the new Bishop has been installed;
- A new Bishop's Delegate will be informed of all such cases either by the Bishop or the outgoing Delegate.

The Deputy Delegate shall:

- Represent the Bishop's Delegate in the absence of the Delegate or in the event of the Delegate's incapacity.

The Safeguarding Advisory Panel shall:

- Meet at least three (3) times per year, or more as needed, to review proceedings and the status of any current matters;
- Review all allegations of misconduct and advise the Bishop's Delegate on a course of action;
- Assist, at the request of the Bishop's Delegate, with outreach to the parish or community where the misconduct occurred;
- Provide input to and regularly review/revise the Diocesan Policy and Protocol in Cases of Alleged Sexual Misconduct and ensure compliance with the *Canadian Conference of Catholic Bishops* guidelines and the *Assembly of Catholic Bishops of Ontario* Best Practices;
- Ensure that input from parents, civil authorities, educators, and community organizations is sought in the crafting of diocesan policies and practices;
- Assist in the provision of education and training for pastoral staff as requested;
- Ensure safeguarding policies and practices are regularly updated, considering new needs and circumstances;
- Assist the Bishop's Delegate in preparing an annual report of activities to be submitted to the Bishop in the fall of each year.

PROTOCOL FOR ADDRESSING ALLEGATIONS:

1. Allegations Involving Children Under Age Sixteen

- a. Section 125 of the Ontario *Child, Youth and Family Services Act* (2017) places urgent reporting obligations, including on individuals who, perform professional

or official duties, with respect to children, who have reasonable grounds to suspect that a child is or may be suffering, or may have suffered, abuse. The obligation to report applies to religious officials. It is mandatory with respect to children who have not reached their sixteenth birthday at the time the duty to report arises. Under the Act abuse may be physical, emotional, mental, or sexual in nature and includes sexual exploitation. The obligation arises whether or not the abuse is said to have been committed by clergy, staff, or volunteers.

- b. No clergy, diocesan employee, or volunteer can absolve themselves from this duty to report directly to the Children's Aid Society by rationalizing that they do not have first-hand information, that the information is hearsay, that they lack certainty, or that someone else will make the report.
- c. Accordingly, whenever a member of the clergy, an employee, or a volunteer has reasonable grounds to suspect that a person currently under the age of eighteen is or may be suffering or may have suffered abuse, that person shall:
 - i. Report the suspicion and the information on which it is based to the Children's Aid Society. This report is to be made **immediately**, that is, within one hour or as soon thereafter as circumstances will reasonably permit. (Contact information is in Appendix 1 *Contacting the Children's Aid Society*). The obligation to report arises again if a person has additional reasonable grounds for suspicion, even if a person has made a previous report s.125 (2).
 - ii. Then advise the Bishop's Delegate that a report has been made. The Bishop's Delegate in turn will notify the Bishop of the Diocese and the Superior, if the respondent is a member of a religious order. In order not to interfere with the Children's Aid Society and/or Police Investigation, he will not inform anyone else, but will confer with the Bishop on appropriate action (see procedures for responding to complaints by the Diocese #14) This may require notification of the individual responsible for priest personnel.
- d. Where a duty to report exists under the *Child, Youth and Family Services Act, 2017*(see articles 28, 29, 33) the recipient of the allegation or suspicion, is to report it and the information on which it is based immediately, directly, and personally to the nearest Children's Aid Society. Failure to report promptly on such complaints, risks exposing the young person to harm and exposes the individual who fails to report to potential prosecution.
- e. The recipient of any allegation of sexual misconduct should assure the complainant that the Diocese takes these matters seriously and that a prompt and effective response will be forthcoming. He/she must inform the Bishop's Delegate of the allegation as soon as possible and inform the complainant that this will be done.

- f. There is a legal obligation to report suspected abuse of a child who is in Extended Care Society (under the care of a Children's Aid Society formerly known as Crown Ward) and who has not yet reached the age of sixteen.

2. Allegations Involving Children Age Sixteen and Older

- a. On January 1, 2018, Ontario raised the age of protection from 16 to 18. A professional, or member of the public, who is concerned that a 16-or 17-year-old is or may be in need of protection may, but is not required to, make a report to a society and the society is required to assess the reported information. [CYFSA, s. 125(4)]
- b. While we will respect the wishes of complainants sixteen and older who do not wish to disclose allegations to the civil authorities, the Bishop's Delegate will take special account of those who are ages sixteen or seventeen. Sensitivity must be shown when dealing with people whose adult maturity is not fully formed. Embarrassment and shame may be especially powerful deterrents to such people in disclosing these matters to the appropriate civil authorities. The Bishop's Delegate will be diligent in helping a child(ren) sixteen and seventeen to understand their rights and to facilitate their contact with the proper civil authorities.

3. Provision of Pastoral Care

- a. Care for Complainants
 - i. The complainant will at all times be treated with respect and compassion, with due regard for their privacy. If the adult complainant has chosen not to approach civil authorities, the Bishop's Delegate will (in writing) remind the person of the right to do so and will assist the complainant in making contact, if so desired.
 - ii. Where the Bishop's Delegate has determined there may be substance to the allegation of abuse, he will offer the complainant assistance from the Diocese in obtaining certified counselling services. Since the Diocese recognizes the unique relationship between patient and therapist, freedom is to be given the complainant in choosing the counsellor. In establishing financial remuneration for therapy, the Bishop's Delegate will set a reasonable duration for these services. Counselling at the expense of the Diocese may also be extended to family members of the complainant. The Safeguarding Advisory Panel may provide input to the Bishop's Delegate on these matters, pertaining both to the type and the duration of the counselling.
 - iii. The Bishop's Delegate shall provide the complainant with periodic updates about the progress of the investigation.

- Where the complainant is a minor, all care will be provided with input from and in consultation with the complainant's family.
- Supports will also be offered to family members, including parents and siblings of the complainant.
- The Diocese never initiates a settlement agreement which includes a confidentiality clause.

b. Care for Respondents (Subject of an Allegation)

- i. The respondent has a right to their own defense, to be presumed innocent until the contrary is proven, and to engage their own counsel whether civil or canonical.
- ii. In cases where civil authorities have intervened or are likely to do so, the respondent will be advised to seek legal counsel in order to be properly informed about their rights.
- iii. Where the alleged conduct involves a child or vulnerable person, the respondent will immediately be relieved of all duties and removed from the premises. Where the alleged misconduct does not involve a child or vulnerable person, whether or not the respondent is to be relieved of duties and responsibilities will depend on the circumstances, pending further investigation.
- iv. If, at the conclusion of the investigation, the accused priest is found to be innocent, the Bishop of the Diocese may contribute to the criminal defense costs.
- v. The Bishop's Delegate, in consultation with the Chancellor, will determine remuneration according to the Diocesan salary scale for the duration of the cleric's suspension from ministry.
- vi. At no time should the Bishop, his Auxiliary Bishop(s), the Bishop's Delegate, or any priest involved in this procedure hear the sacramental confession of the respondent.

c. Care for Parish Communities

- i. Parishes may be affected in a variety of ways by allegations of sexual misconduct, whether the alleged abuse has taken place on the premises or not. Parishes will be especially impacted when a priest who is currently serving or has formerly served the community, becomes the subject of an allegation. Where misconduct has been reported and become public, the Bishop's Delegate will consult with the Bishop and other diocesan officials about a pastoral plan to respond to the needs of the parish.

VII. PROCEDURES FOR RESPONDING TO COMPLAINTS

1. The Bishop's Delegate shall, as soon as possible, inquire into the allegation as a matter of priority, endeavoring to learn the relevant facts and circumstances. Care is to be taken that this does not violate the privacy of the complainant or unnecessarily call into question anyone's good name (can. 220). (This article is subject to the protocol to report to the Children's Aid Society.)
2. Care must be taken that the Diocesan investigation in no way interferes with investigations by the Children's Aid Society or law enforcement agencies. The Bishop's Delegate will ensure that the Diocese cooperates fully with all civil authorities.
3. A written record will be kept of all the steps taken from the moment the allegation is first received. The record is not to be destroyed at any time, even upon the death of the respondent. The record shall be used to verify that proper procedure was followed, that the complainant was treated fairly, and that the respondent's canonical rights were respected. Care is to be taken to protect the confidentiality of this documentation.
4. Anonymous complaints will be documented and investigated to the extent possible.
5. The Bishop's Delegate may act personally or through an individual appointed to investigate the matter. (For ease and clarity, these policies will refer only to the Bishop's Delegate but apply equally to anyone appointed to investigate a complaint.)
6. If the allegation is made against a cleric or another member of a religious order, the Bishop's Delegate will advise the Bishop and refer the matter immediately to the competent Superior. (Appendix 1 *Contacting the Children's Aid Society*).
7. If the respondent is deceased, the investigation will proceed as far as possible, with all reasonable efforts made to seek confirmation of the facts from sources that reasonably would be expected to have information about the matter.
8. The Bishop's Delegate will have access to all files and archives of the Diocese pertaining to the Respondent.
9. The Bishop's Delegate will notify the Chancellor who will contact the appropriate insurance carriers about a potential claim.
10. If the matter is public, the Bishop's Delegate will consult with the Bishop's Spokesperson who will speak to the media on behalf of the Diocese. The Bishop's Spokesperson will be the only person to address the matter with the media.
11. The Bishop's Delegate will meet with the person or persons making the allegation and then meet individually with others who may be witnesses or have knowledge of the facts.

12. All such meetings shall be conducted in the presence of another individual, who will help to ensure the accurate recording and transcription of what is said during the meeting. It is advisable that the auditor be a lay person, particularly if the respondent is a member of the clergy.
13. The respondent will be advised of the nature of the complaint and the identity of the complainant, subject to any directives from the Children's Aid Society. The Bishop's Delegate will meet with the respondent and listen to their response. Any witness(es) named by the respondent will also be contacted and interviewed.
14. The Bishop's Delegate will then meet with the Safeguarding Advisory Panel to formulate a recommendation to the Bishop. If the allegation is determined to be credible, both the complainant and respondent will be informed of the subsequent steps. If the allegation is determined to be unfounded, the inquiry will be closed, and the complainant and respondent so advised. In respect of any allegation relating to criminal behaviour, the complainant will always be advised to contact the civil authorities.
15. The Bishop's Delegate and Safeguarding Advisory Panel may make use of such experts and consultants as they deem necessary, including physicians, psychiatrists, psychologists, and other mental health providers, civil and canon lawyers, child welfare workers or other professionals.
16. The Bishop's Delegate, in consultation with Diocesan legal counsel, shall arrange for a representative of the Diocese to monitor and observe criminal or civil trials involving its clergy and employees, whenever this is deemed to be appropriate and prudent.

Provisions in Dealing with Clergy-Respondents

1. All provisions in this section are subject to civil reporting laws, where a legal obligation to report exists.
2. After meeting with the respondent, the Bishop's Delegate in consultation with the Safeguarding Advisory Panel will determine whether further action is warranted with regard to an allegation. The Bishop's Delegate will report to the Bishop of the Diocese who retains final decision-making authority.
3. Where the respondent admits to all or part of the allegation or declines to contest it, in addition to the possible steps outlined in procedures for responding to complaints by the Diocese #14 *VII Procedures for Responding to Complaints by the Diocese* above.
 - a. The Bishop's Delegate will confirm the admission or non-contestation, preferably in writing.

- b. The respondent may be referred to a treatment facility for appropriate evaluation. The respondent will sign a release form so that the report given by the treatment center will be delivered to the Bishop and his Delegate. Where prudent, the contents may be made known by the Delegate to the Safeguarding Advisory Panel.
- c. If those who have done the evaluation recommend a program of treatment for the respondent, the Bishop's Delegate will:
 - i. In consultation with the Bishop, refer the respondent to a treatment center;
 - ii. Refer the evaluation to the competent Superior for action, where the respondent is a member of a Religious Order.
- 4. Successful completion of the recommended program of treatment will not automatically restore the respondent to ministry or employment where he was previously assigned.
- 5. The 2001 Apostolic Letter of Pope John Paul II, *Sacramentorum Sanctitatis Tutela* (modified by Pope Benedict XVI on May 21, 2010) states that certain cases of misconduct as noted in Appendix 3 *Screening and Evaluation Procedures for Candidates for the Priesthood*, including sexual abuse of child(ren), must be referred to the Congregation for the Doctrine of the Faith in Rome for their examination and decision about the next canonical and pastoral steps.
- 6. Where the respondent denies the allegations and the Bishop's Delegate in consultation with the Safeguarding Advisory Panel has determined that further inquiry is necessary to clarify the facts, in addition to the steps possible in procedures for responding to complaints by the Diocese #14 *VII Procedures for Responding to Complaints by the Diocese* above, it may be their recommendation to the Bishop that he appoint an Investigator (can. 1717). If the Safeguarding Advisory Panel determines that further investigation would be unlikely to clarify the matter, they may elect to offer the Bishop their assessment of the veracity of the parties and the credibility of the allegation.
- 7. During any stage of the process, the Bishop may take one or more of the following actions:
 - a. A cleric-respondent may be placed on administrative leave (can. 1722): this is always to be done when the allegation concerns a child. An employee may be suspended from his or her job. Volunteers may be suspended from ministry.
 - b. In the case of a cleric, an appropriate residence may be assigned pending the outcome of an investigation.
 - c. Specific provision may be made regarding the cleric's faculties to preach and hear confessions.
 - d. The respondent may be instructed to have no further contact, direct or indirect, with the complainant or any other person involved in the matter.

8. All persons carrying out responsibilities under this procedure will cooperate with civil authorities fulfilling statutory responsibilities, with due regard for the inviolability of the sacramental seal (canons 983-984).
9. When a priest or deacon working but not incardinated in the Diocese of Hamilton has been determined to be guilty of misconduct, or even when a credible allegation of misconduct has been made, the Bishop's Delegate will immediately inform the cleric's Bishop or Superior. Similarly, if an accusation of misconduct has been credibly made against a priest or deacon of this Diocese who is on loan for ministry outside the diocesan territory, the Bishop's Delegate will immediately inform the Bishop where the cleric is doing ministry.
10. No cleric incardinated in the Diocese of Hamilton who has had a credible allegation of sexual abuse will be transferred to another Diocese/Eparchy or religious order – even temporarily - without a full disclosure of the facts surrounding the allegation.
11. No diocesan or religious priest will be accepted for ministry or residence in a parish in the Diocese of Hamilton without the recommendation of his Bishop or Superior, a complete curriculum vitae, and full disclosure by the Bishop or Superior regarding any allegation of misconduct.
12. If there is doubt about whether sexual misconduct has occurred, a return to ministry or employment may be possible. It is for the Bishop, in consultation with the Bishop's Delegate and Safeguarding Advisory Panel, to determine any eventual return to ministry or employment. The Diocese's firm commitment to ensuring safe environments will be the overriding consideration in making such a determination.
13. When an accused cleric admits or is found guilty that he has sexually abused a child/vulnerable person or has been found guilty of such in criminal court, he will not be returned to active ministry. A plan for his future activities will be determined by the Bishop in consultation with the Bishop's Delegate and the Vicar for Priests.

Provision in Dealing with Respondents Who Are Employees or Volunteers

1. The Diocese will adhere to all civil reporting laws with respect to any employees or volunteers who face an allegation. The Diocese will also adhere to all provincial employment statutes. The Bishop's Delegate will apply the parts of this policy that are relevant to any respondents who are employees or volunteers of the Diocese.
2. It will be the Bishop's Delegate responsibility to monitor the outcome of any criminal or civil proceedings against such respondents. The Bishop's Delegate will consult with the Chancellor, the Diocesan Comptroller, and the respondent's pastor or employer with respect to any relevant issues.
3. Any lay employee or volunteer who is found guilty of or pleads guilty to the sexual abuse of a child will not be returned to employment or ministry.

APPENDICES

Appendix 1 – Contacting the Children’s Aid Society

Appendix 2 – Allegations of Abuse or Misconduct Made Against a Member of a Religious Order;
Allegations of Sexual Abuse or Cover-up by a Catholic Bishop;
Allegations of Abuse or Misconduct Requiring a Report to the Holy See

Appendix 3 – Screening and Evaluation Procedures for Candidates for the Priesthood

Appendix 4 – Prayer for Victims

SOURCES

Included after Appendices

APPENDIX 1

Contacting the Children's Aid Society

There are seven (7) Children's Aid Societies providing service in the geographical area of the Diocese of Hamilton. It is recommended that individuals contact their local agency.

Hamilton

Catholic Children's Aid Society of Hamilton 905-525-2012
(emergency after hours) 905-522-8053

The Children's Aid Society of Hamilton 905-522-1121
(emergency after hours) 905-522-8053

Halton

Halton Children's Aid Society 905-333-4441

Brant

Family and Children's Services of Brantford 519-753-8681

Kitchener-Waterloo, Cambridge

Family and Children's Services of the Waterloo Region 519-576-0540

Wellington

Family and Children's Services of Guelph and Wellington
County 519-824-2410
1-800-265-8300

Bruce-Grey

Bruce-Grey Child and Family Services 519-371-4453

APPENDIX 2

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

The Diocese of Hamilton expects that whenever the Bishop's Delegate informs a Religious Superior of a complaint regarding the conduct of a member of their religious institute, within 24 hours the Superior will:

1. Invoke the Religious Institute's own procedures for dealing with such matters;
2. Utilize this procedure, taking the place of the Bishop's Delegate;
3. Consent to the application of this procedure to the Respondent by the Bishop's Delegate in respect of the allegation.

The Superior will then advise the Bishop's Delegate accordingly.

Where the Superior agrees to the application of the Procedure under #3 above, the Bishop's Delegate will be allowed immediate access to the files and archives of the Institute pertaining to the respondent and will report the outcome of the investigation to the Superior.

Where the Superior proceeds under # 1 or #2 above, the Superior or their delegate:

- a. Will answer such inquiries as the Bishop's Delegate may make and will report to the Delegate from time to time;
- b. Will comply with timelines set by the Bishop's Delegate and approved by the Bishop.

If the Superior fails to deal with the matter in a manner satisfactory to the Bishop's Delegate, then the delegate may resume jurisdiction over the allegation if the Bishop consents.

Allegations of Sexual Abuse or Cover-up by a Catholic Bishop

Vos Estis Lux Mundi, was issued by the Holy Father on May 7, 2019. Regarding allegations against a Bishop of the Latin Rite, the Authority that receives a report transmits it both to the Holy See and to the Metropolitan of the Ecclesiastical Province where the person reported is domiciled. If the report concerns the Metropolitan, or the Metropolitan See is vacant, it shall be forwarded to the Holy See, as well as to the senior suffragan Bishop by promotion, who shall be responsible for the investigation. In the event that the report concerns a Papal Legate, it shall be transmitted directly to the Secretariat of State.

Unless the report is manifestly unfounded, the Metropolitan immediately requests, from the competent Dicastery, that he be assigned to commence the investigation. If the Metropolitan considers the report manifestly unfounded, he shall so inform the Pontifical Representative (Papal Nuncio). The Dicastery will provide instructions to the Metropolitan (or suffragan Bishop) regarding the investigation, to begin immediately.

Effective, May 6, 2021, the Canadian Conference of Catholic Bishops (CCCB) established a confidential and secure platform for reporting sexual abuse of cover-up by a Catholic Bishop. Allegations are to be made on-line at: BishopReportingSystem.ca or by phone via this Canada-wide (bilingual) 24-hour toll-free number: 1-866-892-3737.

This contact information is found on the Diocesan Website: www.hamiltondiocese.com.

Allegations of Abuse or Misconduct Requiring a Report to the Holy See

Sacramentorum Sanctitatis Tutela, was issued by the Holy Father on April 30, 2001 and modified on May 21, 2010. The norms of that document state that, once a preliminary investigation has acquired sufficient evidence that an offence has been committed, the Bishop must in some cases refer the matter to the Congregation for the Doctrine of the Faith for direction regarding the next steps to be taken. This applies to certain cases of offences against the Sacraments and also to some cases of immoral behaviour that are dealt with in this protocol document.

These norms refer to canonical procedures to be undertaken and in no way substitute for or absolve from the obligation to report to civil authorities, where such legal obligations exist.

APPENDIX 3

Screening and Evaluation Procedures for Candidates for the Priesthood

The Diocese takes seriously the obligation to screen, form, and evaluate its candidates for ordination to the priesthood. Accordingly, the following steps will be taken to determine the suitability and monitor the progress of all such candidates:

1. An interview or interviews with the Diocesan Vocation Director prior to an individual's recommendation for admission to the seminary (Major Seminary or Pre-Theology);
2. An interview and assessment process by the Seminary staff itself prior to an individual's admission. This process includes a comprehensive psychological evaluation at the stage of entering Major Seminary;
3. Annual evaluations of a candidate by the Seminary staff, assessing his maturity, intellectual ability, spirituality, emotional health, and general suitability for priestly ministry;
4. A thorough evaluation by the individual's pastor-supervisor at the conclusion of his one-year pastoral internship;
5. A recommendation by the Seminary staff prior to an individual's admission to Holy Orders.

APPENDIX 4

Prayer for Victims

*Father, since your mercy has been revealed
in the tenderness of your Son Jesus Christ,
who said to his disciples:
"Suffer the little children to come unto me",
we pray that your Church may be a secure home
where all children and vulnerable adults are brought closer to your Beloved Son.
May all those who have been abused physically, emotionally and sexually
by your ministers,
be respected and accompanied
by tangible gestures of justice and reparation
so that they may feel healed
with the balm of your compassion.
We ask this through Jesus Christ our Lord.
Amen.*

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