

## *Archdiocese of Ottawa-Cornwall*



# **PROTOCOL AND PROCEDURES FOR CASES OF ALLEGED ABUSE AND MISCONDUCT BY CLERGY**

## ***Introduction***

The Roman Catholic Archdiocese of Ottawa-Cornwall including its parishes, is committed to the protection of all who are within its spiritual and physical care, especially vulnerable people. Abuse of another person is contrary to the teachings of the Catholic Church and is always wrong. The Church considers such an act a sin and recognizes the harm it causes. It is therefore particularly abhorrent if the alleged abuser is in a position of authority or trust.

The protocol and procedures set out in this document provide for the just and timely resolution of complaints of abuse, sexual abuse, misconduct, and sexual misconduct. Our aim is to provide meaningful assistance to those who have suffered as a result of abuse and misconduct, and to uphold the sacred values to which the archdiocese is strongly committed.

The archdiocese will intervene effectively to stop acts of abuse and misconduct by clergy, employees, or volunteers of the archdiocese of Ottawa-Cornwall and its parishes and will take steps to prevent the occurrence of such abuse and misconduct. We will assist those who come forward with allegations of abuse and misconduct, ensuring that they are treated with respect, dignity, and compassion. They will be welcomed, listened to and supported, including through the offer of therapeutic and psychological counseling and spiritual assistance<sup>1</sup>.

The archdiocese will investigate all allegations of abuse or misconduct within its boundaries. The Archbishop of Ottawa-Cornwall exercises his canonical authority in such investigations (canons 1717 ff), and these are subject to the Code of Canon Law in all respects, including the presumption of innocence and the inviolability of the sacramental seal<sup>2</sup>.

The archdiocese recognizes that some forms of abuse may be crimes according to the civil law. Any victim of a crime is encouraged to go to the police to report illegal activity. When the law requires it, for example when the abuse involves a person who is currently under the age of eighteen, Safe Environment (SE) will report the abuse immediately to the appropriate Children's Aid Society and appropriate police department. Allegations involving minors are considered in article 2.2.

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<sup>1</sup> *Vos Estis*, a.5 §1

<sup>2</sup> canons 983-4 ; *Vos estis* a.3 §1

Adult complainants of past or current abuse sometimes wish to preserve their privacy and would not report the abuse to us if we were required to disclose it to civil authorities. Since we must respect their privacy<sup>3</sup> and want to encourage disclosure of abuse, we believe that the decision to approach police or civil authorities must be the choice of the adult complainant. The archbishop's delegate will advise complainants of their right to approach the police or other civil authorities and will facilitate contact if needed.

This document reconciles the obligations of individuals and the archdiocese under the laws of the Province of Ontario and of Canada with the requirements of the Code of Canon Law and our pastoral responsibilities. This protocol is an important part of the Safe Environment procedures of the Archdiocese of Ottawa-Cornwall and applies specifically to cases of abuse and misconduct by members of the clergy.

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<sup>3</sup> canon 220

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## Definitions

### **Abuse<sup>4</sup>**

Is a broad term understood to include any physical, verbal, emotional, or sexual behavior by a representative of a Church entity: (i) which causes a person to fear for his or her physical, psychological, or emotional safety and well-being; (ii) which the alleged perpetrator knew or ought to have reasonably known would cause that person to have concern or fear for his or her physical, psychological, or emotional safety and well-being. Such behavior may or may not be criminal in nature. A key factor in some forms of abuse is power imbalance, for example when the victim is exploited by a person in a position of authority, or where there is a significant age gap or economic asymmetry. Abuse and sexual abuse are herein referred to as “abuse”.

### **Accused**

The one against whom an allegation is made.

### **Advisory Committee**

Interdisciplinary volunteer board that advises the archbishop and ensures this protocol is followed throughout the life of a case (Appendix 8) to assist the archbishop in his responsibility to protect the community.

### **Allegation<sup>5</sup>**

Refers to any complaint, still to be verified, claiming or asserting that someone has committed an act of abuse or misconduct against a member of the community.

### **Archdiocesan Spokesperson**

A person appointed by the archbishop who is competent in media relations and who, on behalf of the archdiocese, supplies information deemed to be accurate according to the information available to the public at appropriate times.

### **Archdiocese**

An archdiocese is made up of the Catholic people of a given area under the pastoral care of an archbishop. Herein “archdiocese” refers to the “Archdiocese of Ottawa-Cornwall”.

### **Canon Law<sup>6</sup>**

The ecclesiastical law of the Roman Catholic and Eastern Catholic Churches. The universal law applicable to Catholics is found in the Code of Canon Law, the Code of Canons of the Eastern Churches and subsequent documents issued by the Holy See.

### **CCCB**

Canadian Conference of Catholic Bishops refers to the bishops’ conference or episcopal conference of the Catholic Bishops in Canada.

### **Clergy<sup>7</sup>**

Clergy refers to bishops, priests, and deacons.

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<sup>4</sup> Cf. *Protecting Minors from Sexual Abuse*, “Abuse” p.144

<sup>5</sup> Cf. *Protecting Minors from Sexual Abuse*, “Allegation” p.145

<sup>6</sup> Cf. *Protecting Minors from Sexual Abuse*, “Canon Law” p.145

<sup>7</sup> Cf. *Protecting Minors from Sexual Abuse*, “Clergy” p.147

### **Complainant**

A person who raises an allegation.

### **Conflict of interest**

A conflict of interest is a set of conditions in which judgement or decisions concerning a primary interest is unduly influenced by a secondary interest (personal or organizational benefit including financial gain, advancement, or other benefits to family, friends, or colleagues).

### **Congregation for the Doctrine of the Faith (CDF)**

The particular office within the Vatican which promotes and safeguards the doctrine on the faith and morals throughout the Catholic world. The resolution of certain grave delicts, such as sexual abuse of a minor by a cleric, are reserved to the CDF.

### **Delegate/archbishop's delegate<sup>8</sup>**

The person named by an Ordinary (the archbishop for the purpose of this protocol) to act on his behalf in relation to a specific issue. The delegate is the person appointed by the archbishop to coordinate the diocesan response to allegations. The delegate may be a priest (preferably not a vicar general or an episcopal vicar), a deacon or any other person (male or female) who is trustworthy and qualified to perform these duties.

### **Deputy Delegate**

The deputy delegate is appointed at the same time as the delegate and is similarly qualified. In the absence of the delegate or in the event of the delegate's incapacity, the deputy delegate has the same role and functions as the delegate.

### **Investigator**

One or more investigators may be appointed to assist the delegate or deputy delegate.

### **Lay Employee**

A person who is not a member of the clergy or a religious and who is employed by the archdiocese or a parish to perform specific duties on behalf of the archdiocese or parish.

### **Major Superior<sup>9</sup>**

People who govern an entire religious institute, or a province, or a part equivalent to a province, as well as those who in societies, associations and ecclesial movements exercise similar functions.

### **Minor**

For the purposes of this protocol, individual under 18 years of age at the time of the offence. In the Canon Law of the Catholic Church, and in the Province of Ontario, a minor is one who has not completed the 18<sup>th</sup> year of age.

### **Misconduct**

Unacceptable or improper behaviour. Misconduct and sexual misconduct are herein referred to as "misconduct".

### **Notary**

According to canon law, an ecclesiastical notary can be defined as a person legitimately

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8 Cf. Protecting Minors from Sexual Abuse, "Delegate" p. 147

9 Cf. Protecting Minors from Sexual Abuse, "Major Superior" p. 149

constituted by ecclesiastical authority to authenticate by his or her signature ecclesiastical documents.

### **Obligation to Report**

In the context of this Protocol, all reasonable suspicions of abuse or misconduct must be reported to SE along with the grounds for suspicion (see 1.1). In Ontario, there is a legal obligation to report to a Children's Aid Society a suspicion of abuse of a minor who is less than 16 years of age. For the purpose of this protocol, suspicions of abuse of individuals under the age of 18 must be reported to the CAS.

### **Ordinary**

Roman Pontiff, diocesan bishops, those placed over some particular church or community equivalent to it, those who possess general ordinary executive power (vicar general, episcopal vicars), major superiors of clerical religious institutes of pontifical right, major superiors of clerical societies of apostolic life (canon 134 §1).

### **Preliminary Investigation**

The preliminary investigation is a process that starts with a decree from the archbishop in which one or more investigators and a notary are assigned to a case. The end goal of this process is to determine whether the allegation has a semblance of truth.

### **Protocol<sup>10</sup>**

The official procedure or system of rules governing the manner in which alleged and proven cases of sexual abuse of minors are addressed by Church leadership

### **Religious<sup>11</sup>**

Persons who, by professing the evangelical counsels (poverty, chastity, obedience) through public vows approved by the Church or other sacred bonds approved by the Church, are consecrated to God.

### **Safe Environment (SE)**

Safe Environment ensures a safe environment for the protection of those we serve by establishing standardized policies and protocols, providing guidance and training on the policies and protocols, verifying the policies and protocols are followed, putting abuse prevention systems in place and working with the archbishop's delegate to manage allegations of abuse or sexual misconduct.

### **Sexual Abuse**

"Actual or threatened physical intrusion of a sexual nature [...] whether by force or under unequal or coercive conditions"<sup>12</sup>. Sexual abuse is a broad term, which includes a number of acts, including rape, sexual assault, sex with a minor, and sexual activity with a minor. While most forms of sexual abuse are contact abuse, sexual abuse (of a minor) can also be committed without physical contact. Common examples of "non-contact sexual abuse" are sexual exploitation and sexual harassment including such verbal harassment as unwanted sexual comments<sup>13</sup>. Abuse and sexual abuse are herein referred to as "abuse".

10 Cf. Protecting Minors from Sexual Abuse, "Protocol" p. 150

11 Cf. Protecting Minors from Sexual Abuse, "Religious" p.150

12 Cf. United Nations, "Sexual Abuse" in Glossary on Sexual Exploitation

13 Cf. Protecting Minors from Sexual Abuse, "Sexual Abuse" p. 151

**Sexual Misconduct**

Wrongful or illicit sexual or sexualized behavior or communication, whether actual, threatened or attempted, and whether or not apparent harm arises from that conduct, including grooming and any act deemed a sexual offence according to Canon Law, the Criminal Code of Canada, or the law of the province or territory concerned; such behavior is inclusive of improper electronic communications, possession of or dealing with pornographic materials depicting persons under the age of 18 and any form of sexual abuse. Misconduct and sexual misconduct are herein referred to as “misconduct”.

**Victim<sup>14</sup>**

In the context of the present document, “victim” refers to a person who has suffered abuse or misconduct.

**Volunteer**

An unpaid person who is engaged in a recognized archdiocesan or parish ministry or service.

**Vulnerable Adult<sup>15</sup>**

A person defined as an adult by secular statutes, but who lacks an adult mental capacity or who, by reasons of advanced age, physical illness, mental disorder or disability at the time the alleged abuse occurred, was or might be unable to protect himself or herself from significant harm or exploitation. Therefore, an adult who habitually lacks the use of reason is considered incapable of personal responsibility and is to be considered equivalent to a minor according to Canon Law and for the purpose of this document.

**Procedure****1 Obligation to Report**

- 1.1 It is important that **all** suspicion of abuse and misconduct be reported. All cases, however old, should be reported in order that healing may commence and future incidents may be prevented. All clergy, employees and volunteers of the Archdiocese of Ottawa-Cornwall and its parishes who have reasonable grounds to suspect or who are informed of an allegation of abuse or misconduct by clergy, employees or volunteers of the archdiocese have an **obligation** to report it to Safe Environment<sup>16</sup>.

Reports of abuse or misconduct by a member of the clergy, a person employed by or a person volunteering with the archdiocese or its parishes or by any clergy or religious within the territory of the archdiocese must be made to:

**Safe Environment**  
**200-1209 Michael St N**  
**Ottawa, ON K1J 7T2**  
**613-714-4669, 613-738-5025 x 257**

[safeenvironment@archottawa.ca](mailto:safeenvironment@archottawa.ca) [Vos Estis, a.2§1].

14 Cf. Protecting Minors from Sexual Abuse, “Victim” p. 152

15 Cf. Protecting Minors from Sexual Abuse, “Vulnerable Adult” p. 153

16 The following are exempted from the obligation to report: priests regarding what is learned in the sacrament of Confession and those who have been consulted professionally to which there belongs the solicitor-client privilege of confidentiality.

This is the public, stable and easily accessible place for submitting such allegations.

- 1.2 Our prime concerns are for the care of the complainant who is hurting, and the prevention of abuse and misconduct. Recognizing that coming forward with an allegation of abuse is difficult, the person who first hears the complaint will treat the complainant with great care and compassion and will encourage the complainant to talk with the archbishop's delegate. We respect the complainant's right to privacy and confidentiality. Prejudice, retaliation, and discrimination as a consequence of having submitted a report is prohibited<sup>17</sup>.
- 1.3 All members of the clergy (incardinated, ministering, or who ministered at a time relevant to an allegation), employees or volunteers, in the Archdiocese of Ottawa-Cornwall and its parishes who become aware of an actual or potential allegation of abuse or misconduct against themselves, must notify SE of the same together with any contact information the person may have for the complainant, investigating body or any other known intermediary. Such bare notice shall not constitute an admission of misconduct. The right to dispute or defend against the allegation is preserved unless expressly waived by the accused.

## **2 Receiving an Allegation**

- 2.1 SE will receive all initial reports of allegations using the medium the individual is comfortable with; SE will prepare a written report if not already written. The two parties will work together to determine how to best accomplish the next steps in the process.
- 2.2 Upon receiving an allegation of abuse of a **minor**, SE has the legal obligation to report it to the appropriate Children's Aid Society (CAS) (Appendix 1).
- 2.3 When a civil investigation has commenced the procedure outlined below shall be followed to the degree that the criminal or civil investigation permits. The archdiocese will cooperate with CAS and police (Appendix 2) and not interfere with their investigation.
- 2.4 SE shall, as a matter of urgent priority, collect as many particulars as possible. All those involved in this process will guard confidentiality regarding the identity of the complainant, the alleged direct victim and the accused; though this might be difficult when the accused is removed from his function. Discretion is required to safeguard the privacy of the alleged victim and to protect the presumed innocence of the person accused.
- 2.5 If the complainant or the alleged direct victim is a minor then a parent or a legal guardian must be notified and kept informed unless, and upon the archdiocesan solicitor's advice, there is an overriding reason not to do so.
- 2.6 SE shall confirm immediately, where possible in writing, to the complainant and the alleged direct victim the receipt of the allegation and notify them of the intention to implement this Protocol. They will receive a copy of this Protocol and be notified of their right to be instructed by legal counsel.
- 2.7 **Third-party complainant**  
SE will contact the complainant immediately to verify the allegation. If the allegation concerns sexual abuse of a minor, SE will advise the complainant of their obligation to

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<sup>17</sup> Those who knowingly make a false allegation may be subject to ecclesial penalties [c. 1390] and civil procedure.



report the allegation to the appropriate Children's Aid Society (CAS) and will offer to assist in making contact with CAS. SE will also advise the complainant about their right to contact police and will offer support in helping to exercise that right.

**2.8 Alleged Direct Victim**

SE will attempt to contact the alleged victim in order to verify the allegation, including cases of anonymous allegations. If meeting personally with the alleged direct victim, the investigator should always be accompanied by another designated person. SE will advise the alleged direct victim of his/her right to contact police and will encourage the person to exercise that right, offering support if needed. Consequently, SE will request written acknowledgement that they were advised to contact the police. At no time will the alleged direct victim be discouraged or impeded from reporting the allegation to the police.

**2.9 Anonymous allegation**

At times, a report may come from an anonymous source. The anonymity of the source should not lead to considering the report as false. Nonetheless, great caution should be exercised in considering this type of report.

2.10 If the archbishop receives information concerning abuse or misconduct from any source arising from actions within or outside the archdiocese, he will advise SE as soon as possible.

2.11 SE will inform the delegate of the allegation, unless the allegation concerns the delegate or would be a conflict of interest for the delegate in which case SE will inform the deputy delegate who will then act as the delegate for this case.

### **3 Reporting an Allegation to Others**

3.1 The archbishop's delegate verifies that SE has contacted the CAS and/or the police if needed as per 2.2 above.

3.2 If the allegation is against a bishop or a cardinal, the archbishop's delegate will refer it to the appropriate authorities (see Appendix 3).

3.3 The archbishop's delegate will inform the archbishop of the allegation and SE will advise the archdiocesan insurers.

3.4 If the allegation is made against a religious, the archbishop's delegate will refer it immediately to the competent superior (Appendix 4). If the place where the events of the allegation occurred is outside the archdiocese, the archbishop's delegate will refer it immediately to the Ordinary of the place (Appendix 5). If the allegation concerns a Catholic organization or institution that is distinct from the archdiocese, the archbishop's delegate will refer it immediately to the authority of the organization or institution (Appendix 6). If a cleric is incardinated in another diocese, his ordinary must be made aware of the allegation and will be kept updated throughout the process.

3.5 To protect objectivity, any person involved in examining an allegation according to this protocol should not discuss matters beyond what is required with the complainant, the alleged direct victim, or the accused during the preliminary investigation.

- 3.6 Any bishop or any priest involved in this protocol shall not hear the sacramental confession of the complainant, the alleged direct victim or the accused.

#### **4 Caring for the victim**

- 4.1 The archdiocese will welcome, listen attentively to and support alleged direct victims and their families and always treat them with dignity and respect<sup>18</sup>. This includes acknowledgement of an originating complaint given as soon as possible, within 5 business days, and timely substantive communication thereafter.
- 4.2 The advisory committee may recommend that individualized support (including psychological counselling) be made available to a complainant, the alleged direct victim and to the immediate family as required by each specific case<sup>19</sup>. Such support does not entail meetings with a minor who is a victim unless proper authorization is obtained from the parents or guardians and, if necessary or advisable, from the police or civil authorities.
- 4.3 The good name and privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected<sup>20</sup>.

#### **5 Preliminary Canonical Investigation - Cleric**

- 5.1 This protocol specifically addresses cases where the accused is a cleric. In such cases the delegate will call a meeting of the advisory committee as quickly as possible, within seven business days.
- 5.2 The advisory committee may, when there is lack of matter to the complaint, advise the archbishop to close the case after two months unless further matter is provided.
- 5.3 The advisory committee will advise the archbishop on limitations to be imposed on the accused and on any further action to be taken in order to protect the interests of all concerned and the safety of the community. The archbishop will receive the advice and decide a course of action within the norms of canon law.
- 5.4 The archbishop, after being advised by the advisory committee, is to issue a decree opening a preliminary investigation according to canon 1717. One or more investigators will be duly appointed to investigate the allegation along with a notary.
- 5.5 The archbishop, accompanied by a senior member of the archdiocese, shall notify immediately, where possible in person, the accused of the receipt of an allegation and the intention to implement this protocol. The archbishop shall advise the accused to be accompanied by a support person when attending this meeting and shall ensure the accused is aware of their right to be instructed by legal counsel for the proceeding.
- 5.6 The archbishop, with the delegate, will brief the diocesan spokesperson who will appropriately advise the groups with whom the accused interacts: clergy, parish community, or others.

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18 *Vos Estis*, a.5 §1

19 *Vos Estis*, a.5 §1

20 *Vos Estis*, a.5 §2

- 5.7 If the accused is placed on leave, the archbishop, or his representative, will make a pastoral visit to the parish community involved, or to the faith community or church institution where the accused has served. The advisory committee may make further proposals for the care of the affected community.
- 5.8 If the matter is being pursued by the CAS and/or the police and/or the courts, the archbishop suspends the preliminary investigation. SE maintains appropriate ongoing communication with the civil authorities until the latter have completed their work. The complainant, the alleged direct victim and the accused will be informed of the suspension. SE will monitor and observe any criminal trial or civil action arising from the complaint. SE will provide full cooperation to civil authorities. Once civil matters are completed, the suspension of the preliminary investigation is lifted; the preliminary investigation will then proceed to 5.9 after seeking the records gathered by the civil authorities.
- 5.9 The investigator and notary shall interview the concerned parties at a location chosen by the archdiocese and record their response. They will also inquire into any other sources of information, including any information from civil investigations or court action. The investigator will prepare a written report within 90 days. The report will include information describing whether the allegation has a semblance of truth, no semblance of truth or is inconclusive. When circumstances warrant, the archbishop may extend the time for the preliminary investigation.
- 5.10 The report will be presented to the advisory committee which will meet again to make further recommendations to the archbishop for the next step of the process.
- 5.11 The preliminary investigation will be closed at this stage.

## **6 Concluding Phase**

- 6.1 Certain cases of misconduct outlined in Appendix 7, including sexual abuse of minors must be referred to the Congregation for the Doctrine of the Faith for their examination and decision about the next canonical and pastoral steps.
- 6.2 Based on the evidence from the preliminary investigation and the outcome of the procedure if applicable (judicial or administrative), the advisory committee may make further recommendations to the archbishop concerning treatment and future placement of the accused and ongoing care for the victim. In particular, no diocesan priest or deacon found guilty of sexual abuse or sexual assault will be transferred to another diocese for ministerial responsibility.
- 6.3 If, as a result of the preliminary investigation, the advisory committee concludes that there is no semblance of truth, the advisory committee will recommend to the archbishop that the case be closed. The delegate will inform, according to necessity, the complainant, the accused, and the diocesan spokesperson. In that result, every step possible will be taken to restore the good name of the accused and re-integrate him into ministry. If the accused has been put on a leave of absence, the accused is permitted to resume his duties.
- 6.4 In situations where the advisory committee can reach no conclusion, the delegate will so advise the archbishop who will determine future action guided by the principles of risk reduction.

- 6.5 In all cases, the archdiocese will inform all parties of the steps of the process underway and will not share information which might jeopardize the course of justice.

## **7 Caring for the accused**

- 7.1 The accused is to benefit from the general presumption of innocence and the right to be heard. The fact that either formal or informal procedures have been initiated does not create an inference of guilt. The application of this Protocol will be such as to ensure that the good name of the accused is protected, noting that an allegation may be unfounded.
- 7.2 If the accused has died or is incapacitated at the time the allegation is received, or at any time thereafter, the delegate shall apprise his executor or personal representative, if there is one, of the complaint and continue the process. If there is no one willing or available to protect the rightful interest of the accused or his estate, the archbishop, in consultation with the archdiocesan solicitor, will appoint a suitable person for the limited purpose of ensuring a full and fair exposition of the facts and issues of the allegation and its resolution within the scope of this protocol.
- 7.3 As part of the right of defense the accused has the right to be notified of the allegation, the evidence, and to be given the opportunity for defense and to respond to the allegation.
- 7.4 The archbishop or the delegate will suggest a person who will offer fraternal support to the accused. This person should not, however, discuss the case with the accused, mindful that their conversations are not privileged. While on leave, an accused cleric is provided with material support in accordance with Canon Law and may be offered other types of therapeutic and pastoral assistance as reasonably requested.
- 7.5 The archbishop may take measures that he deems appropriate in order to protect the freedom of witnesses and safeguard the course of justice pending the outcome of the inquiry.
- 7.6 Should the accused choose to remove himself or herself from incardination or employment with the archdiocese at any time during the process, the process will not be stopped; it will be pursued with the necessary modifications.

## **8 Communicating with the Public**

- 8.1 The archdiocese has an archdiocesan spokesperson, competent in media relations, who at appropriate times on behalf of the archdiocese, supplies accurate information to the public regarding an allegation. This individual will be the only one designated to address the media.
- 8.2 Openness and trust with the media are based on the following principles:
- Acknowledging the right of the public to know what information of a general nature is available.
  - Protecting the rights of the accused to a fair inquiry and acknowledging presumed innocence and the right to one's reputation.

- Safeguarding the right to privacy of all parties, including the complainant and the accused.
- Safeguarding the right of the civil authorities to initiate legal proceedings.
- Showing special diligence in providing information to whatever parish community or church institution that may be involved.

## **9 Other Matters**

- 9.1 This protocol is a public document and is required reading for all clergy and staff of the Archdiocese, including its parishes, and will be made available to all volunteers and members of the parishes through the website of the Archdiocese of Ottawa-Cornwall.
- 9.2 Should the victim choose to refuse to proceed any further with the preliminary investigation or allegation, it should be recorded accordingly, signed, and dated with the reason attached. A copy of this document will be handed to him / her.
- 9.3 Should a victim seek a confidentiality agreement, it is to be absolutely clear that this would be entered into only at their request, with their being represented by independent legal counsel, and with the understanding that such an agreement in no way attempts to limit any rights of the victim in regard to criminal law.
- 9.4 SE will keep a written record of all allegations received, of meetings of the advisory committee and of the outcome of all proceedings. This record will be entered into the regular archdiocesan archives and kept indefinitely.
- 9.5 At least once a year, the archbishop will receive a report from the advisory committee which will, among other things, present a retrospective and prospective treatment of cases handled during the year. This treatment will include historical cases of sexual abuse that have been handled during the year by the delegate and by the advisory committee.
- 9.6 The delegate will meet as soon as possible with any diocesan administrator or newly appointed archbishop to inform him thoroughly of ongoing cases and to brief him on past cases.
- 9.7 Amendments to this Protocol may be proposed at any time by the advisory committee. They take effect only after approval by the archbishop. The archbishop will commission an independent audit of these guidelines and their implementation at least every five years. This audit will be entrusted to an accredited agency with the purpose of studying the effectiveness of the Diocesan Guidelines and recommending improvements, as necessary. The delegate's records are to be made available to the auditing agency. The archbishop will make the results of the review available to the public if requested.

## **Appendix 1: Contacting Children's Aid Society**

Local agencies are designated as children's aid societies for a specified territorial jurisdiction.

The functions of a children's aid society are to:

1. investigate allegations or evidence that children may need protection.
2. protect children where necessary.
3. provide guidance, counselling, and other services to families for protecting children or for the prevention of circumstances requiring the protection of children.
4. provide care for children assigned or committed to its care.
5. supervise children assigned to its supervision.
6. place children for adoption.
7. perform any other duties given to it.

### **Valoris for children and adults of Prescott-Russell**

173, Old Hwy 17; P. O. Box 248; Plantagenet ON K0B 1L0  
613-673-5148  
1-800-675-6168

### **The Children's Aid Society of Ottawa**

1602 Telesat Court; Gloucester, ON K1B 1B1  
613-747-7800

### **Family and Children Services of Renfrew County**

77 Mary Street, Suite 100; Pembroke, ON K8A 5V4  
613-735-6866  
1-800-267-5878

### **Children's Aid Society of Stormont, Dundas & Glengarry**

150 Boundary Road; Cornwall, ON K6H 6J5  
613-933-2292  
1-866-939-9915

### **Family and Children's services of Lanark, Leeds and Grenville**

1-855-667-2726

## **Appendix 2: Contacting the Police**

In an emergency, DIAL 9-1-1

To report abuse contact local police at the coordinates below:

### **Ottawa Police Services**

613-236-1222

613-760-8100 (TTY)

### **Cornwall Police Services**

613-932-2110

### **Ontario Provincial Police (Prescott-Russell, Renfrew, Lanark County, Stormont, Dundas & Glengarry)**

1-888-310-1122

1-888-310-1133 (TTY)

### **Appendix 3: Allegations Made Against a Bishop or Cardinal**

When a Canadian reporting service is established, it will welcome any report concerning a bishop and forward it to the appropriate person. If the delegate receives a report from a source other than this service, he must inform the metropolitan archbishop of the current place of residence of the bishop reported; the metropolitan must follow up in this report including the notification of the Holy See (the papal representative or Secretariat of State). If the report concerns an incumbent archbishop, the delegate must notify the senior suffragan bishop (by date of ordination as a Bishop) of the ecclesiastical province concerned, who then follows up on the report including the notification of the Holy See (Vos Estis, 8 sq)<sup>21</sup>.

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<sup>21</sup> The bishops of the CCCB have established that the bishop who is notified of a report is responsible for notifying the Holy See as required by article 8 of Vos Estis.



**Appendix 4: Allegations Made Against Religious (cleric)**

Upon receipt of an allegation the archbishop's delegate will inform the religious superior regarding the conduct of the member of his or her religious Institute.<sup>22</sup> The superior will, within 24 hours:

- 1) Apply the religious institute's own procedures for dealing with such matters; or
- 2) Take on the function of the archbishop's delegate and utilize this Protocol; or
- 3) Consent to the application of this Protocol to the accused by the archbishop's delegate.

Where the Superior proceeds under 1) or 2), the superior or the superior's delegate:

- a) will keep the archbishop's delegate updated on the matter.
- b) will comply with the timelines set by the archbishop's delegate and approved by the archbishop.

Where the superior consents to the application of the Protocol under 3), the archbishop's delegate will be given immediate access to the files and archives of the institute pertaining to the accused and will report the outcome of the process to the superior. The archbishop's delegate will ensure the superior is kept informed on the progress of the case.

If the superior or his delegate fails to deal with the matter in a manner satisfactory to the archbishop's delegate, the archbishop's delegate may resume jurisdiction over the allegation if the archbishop consents.

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22. *Vos Estis* a.2 §3.

**Appendix 5: Allegations that Occur Outside the Archdiocese**

Upon receipt of an allegation the archbishop's delegate will inform the Ordinary of the place of the alleged incident<sup>23</sup>. The bishop will, within 24 hours:

- 1) Apply the diocese's own procedures for dealing with such matters; or
- 2) Take on the function of the archbishop's delegate and utilize this Protocol; or
- 3) Consent to the application of this Protocol to the accused by the archbishop's delegate.

Where the bishop proceeds under 1) or 2), the bishop or his delegate:

- a) will keep the archbishop's delegate updated on the matter.
- b) will comply with the timelines set by the archbishop's delegate and approved by the archbishop.

Where the bishop consents to the application of the Protocol under 3), the archbishop's delegate will be given immediate access to the files and archives of the diocese pertaining to the accused and will report the outcome of the process to the bishop. The archbishop's delegate will ensure the bishop is kept informed on the progress of the case.

If the bishop or his delegate fails to deal with the matter in a manner satisfactory to the archbishop's delegate, the archbishop's delegate may resume jurisdiction over the allegation if the archbishop consents.

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23. *Vos Estis* a.2 §3.

## **Appendix 6: Allegations Concerning a Catholic Entity Distinct from the Archdiocese**

Upon receipt of an allegation that concerns a catholic organization or institution other than a parish or the archdiocese, the archbishop's delegate will inform the chief authority of the catholic organization or institution of the place of the allegation.

The authority will, within 24 hours:

- 1) Apply the organization's or institution's own procedures for dealing with such matters; or
- 2) Take on the function of the archbishop's delegate and utilize this Protocol; or
- 3) Consent to the application of this Protocol to the accused by the archbishop's delegate.

Where the authority proceeds under 1) or 2), the authority or the authority's delegate:

- a) will keep the archbishop's delegate updated on the matter.
- b) will comply with the timelines set by the archbishop's delegate and approved by the archbishop.

Where the authority consents to the application of the Protocol under 3), the archbishop's delegate will be given immediate access to the files and archives of the organization or institute pertaining to the accused and will report the outcome of the process to the authority. The archbishop's delegate will ensure the authority is kept informed on the progress of the case.

If the authority or his delegate fails to deal with the matter in a manner satisfactory to the archbishop's delegate, the archbishop's delegate may resume jurisdiction over the allegation if the archbishop consents.

**Appendix 7: Allegations Requiring a Report to the Holy See**

Once the preliminary investigation is concluded, in some cases a diocesan bishop must report the complaint and associated file to a congregation in Rome for a decision regarding the next pastoral and canonical steps to be taken. This requirement applies to cases of offenses against the sacraments, and to certain cases of immoral behaviour that are dealt with in this protocol. Some of those cases are:

- a) Any sin against the sixth commandment committed by a cleric with a minor below the age of eighteen. A person who is developmentally disabled is equated to a minor in this case. [The sixth commandment encompasses sexual behaviour which the Catholic Church considers sinful.] (SST a. 1 §1)
- b) The sacramental absolution of an accomplice in a sin against the sixth commandment (c. 1378 §1).
- c) Solicitation of a penitent to sin against the sixth commandment during, on the occasion, or under the pretext of confession (c. 1387).
- d) The acquisition, possession, or distribution by whatever means or technology by a cleric of pornographic images of minors.

Canon law provides time limitations after which a cleric can no longer be subject to ecclesial penalty.

## **Appendix 8: Advisory Committee**

The advisory committee consists of an interdisciplinary body of at least 5 volunteers named by the archbishop. The principal duties of this committee are to ensure that this protocol is followed throughout the life of a case and that the procedure is prompt, reasonable and fair; to advise the archbishop on actions to take regarding the victim, the accused and ensure the community is protected.

This committee also has the mandate to review the diocesan protocol, propose amendments, and interpret and apply it.

Throughout the process the committee will cooperate with civil authorities, always respecting the rights of the victim and the accused.

Before sitting on this committee prospective members will have some experience related to their responsibilities. They are also sworn to confidentiality regarding the identity of complainants and accused.

All communication with the media during the process of investigation of an incident will be through the diocesan spokesperson or his/her delegate. No member of the committee will be allowed to speak to the media regarding a specific incident or regarding the committee's work.

Once a decision has been made as to guilt or innocence, the media spokesperson will be the Archbishop of the Archdiocese of Ottawa-Cornwall as the committee will no longer be acting in an advisory capacity.