

**Archdiocese of Kingston
A Policy for Creating a Safe Faith Community
and Responding to Cases
of Alleged Sexual Misconduct**

Preamble

The Mission of the Church

1. The Gospels relate the compassion of Jesus for all people, but especially for those vulnerable and in need: the poor, the widow, and the orphan. Children were also the object of special concern of Jesus, as reflected in the following passages: *“Let the little children come to me and do not stop them...”*¹; and *“Unless you become like a little child, you cannot enter the kingdom of heaven...”*² While the mission of the Church must be to continue the work of Christ on earth in reaching out to all human beings, she must have a special concern for the most vulnerable of society.

It is important for the Church to reaffirm, in light of the Gospel, her concern for the victims of sexual misconduct. That is the first priority of this Policy, by which the Archbishop of Kingston commits himself to provide a safe environment for the practice of the faith and, in particular, to safeguard children and vulnerable persons.

2. The aim of Section One of this document is to prevent sexual misconduct and to protect the vulnerable of society by calling all members of the Church in the Archdiocese of Kingston to create and sustain a nurturing environment in every parish. The purpose of Section Two is to facilitate a procedure for the just resolution of complaints of sexual misconduct and to provide assistance to those involved.

Section One - To Prevent and Protect

Screening: Creating and Sustaining a Nurturing Environment

3. A major element in creating a safe and loving environment of faith is the development of a comprehensive program of screening, by which the Church ensures that those ordained, employed by the Church, or who exercise a ministry as a volunteer, are people of integrity.

¹ Matthew 19.14.

² Matthew 18.3.

4. Aware that a small number of people take advantage of organizations that have lax or non-existent screening procedures, the Archdiocese of Kingston has undertaken a screening initiative whereby it can better protect those who are served – as well as those who serve – in the parishes and Archdiocese, through the development, adoption, and implementation of thorough, appropriate, consistent, and ongoing screening measures for clergy, paid staff, and volunteers.

Clergy

5. A Police Records Check, including a Vulnerable Sector Check, is required for all bishops, priests, and deacons before they begin ministry in the Archdiocese of Kingston. In addition, formation and professional development are provided on a continuing basis, and a voluntary declaration is to be signed each subsequent year.
6. Acceptance for ministry of clergy from religious communities and other dioceses is preceded by a Police Records Check, including a Vulnerable Sector Check, for residents of Canada. In the case of clergy coming from outside of Canada, a certificate of suitability is required from their respective religious superior or bishop.
7. Ongoing formation of clergy from outside North America is provided to assist them in adapting to the culture of Canada and in understanding the boundaries involved in personal relationships in this country. Where possible, a mentor will be provided for all foreign clergy for a period of at least three years.
8. No clergy who have been the subject of a confirmed allegation of sexual misconduct will be admitted for ministry from another Diocese/Eparchy or religious community.
9. All bishops, priests, and deacons are bound by this Policy and the *Code of Conduct for Clergy Regarding Minors and Other Vulnerable Persons*. (See Appendix 1.)

Candidates for Ordained Ministry

10. As required by their respective seminaries, all applicants for the priesthood undergo psychological screening before being accepted as candidates to study for the priesthood. In addition, evaluations and courses regarding maturity, celibacy, and boundary issues are an integral part of the formation throughout the candidates' years of training and study. A formal assessment of the progress and development of the candidate in these areas is required at the completion of each year of formation and prior to ordination.
11. In the case of applicants for the permanent diaconate, psychological screening is arranged by the Archdiocesan Office of the Permanent Diaconate. Evaluations and courses regarding maturity, celibacy for unmarried candidates, and boundary issues are an integral part of the formation throughout the candidates' years of study and training. A formal assessment of the progress and development of the candidates in these areas is required at the completion of each year of formation and prior to ordination.

12. In addition, a Police Records Check, including a Vulnerable Sector Check, is required by the Archdiocese for all candidates prior to study for ordained ministry.

Lay Employees and Volunteers

13. A screening process shall apply to all paid staff and volunteers, both those currently serving and those seeking to do so at the Archdiocesan and parish levels. This screening initiative is administered by the Archdiocesan Office for Screening under the direction of the Coordinator. A Protocol, entitled *Screening Policy for the Archdiocese of Kingston* was promulgated in January 2005 (*revised November 2011*). Every parish in the Archdiocese of Kingston is to have in place a screening committee, which is to implement this Protocol.

Section Two - To Seek Justice and Healing

A. Sexual Misconduct

14. Sexual Misconduct includes any act which compromises, or has the potential to compromise, the sexual, physical, or psychological integrity of another person and includes, but is not limited to, touching, seduction, influence/grooming, using one's position of power or trust, harassment, interference, intimidation and pornography. Such acts need not include force.³
15. Sexual misconduct is always a tragedy which touches and devastates the whole Church community. Its prevention requires that all members of the Church work together to prevent it and to respond with justice and compassion. The primary concern must be the victim, especially when it involves a minor.

B. Obligation to Report

16. **N.B.** Since the Archdiocese of Kingston holds sacred the sexual integrity of all persons within its sphere of influence and ministry, it is important that all suspicion of sexual misconduct be reported. All cases, however old, should be reported in order that healing may commence and future incidents be prevented.

³ Sexual Abuse in the CCCB document, *From Pain to Hope*, is described as "Contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome." (WINTER Report, Vol. II, p. A-20).

In the case of the sexual abuse of a minor who has not yet completed his or her sixteenth year:

17. All clergy – including bishops, priests, and deacons incardinated in, working in, and associated with or employed by the Archdiocese of Kingston – and religious and lay employees and volunteers of the Archdiocese who suspect an offence or receive an allegation concerning a minor who has suffered or may be suffering from sexual abuse and who has not yet completed his or her sixteenth year, must comply with the legal obligation to report by informing immediately the Children’s Aid Society (*Family and Children’s Services – see Appendix 4*). They must also immediately inform the Archbishop’s Delegate if the alleged perpetrator is a member of the clergy, a religious or lay employee, or a volunteer of the Archdiocese.

In the case of sexual misconduct involving a person who has completed his or her sixteenth year of age:

18. All of those mentioned above who have reasonable grounds to suspect sexual misconduct or who receive an allegation of sexual misconduct on the part of a member of the clergy, a religious or lay employee, or a volunteer of the Archdiocese, must immediately report it to the Archbishop’s Delegate, who, after consulting legal counsel, will follow the norms of civil law regarding the notification of civil authorities. The Delegate shall also immediately advise the Archbishop.

C. Policy for acting on complaints of sexual misconduct

Archdiocesan Personnel Responsible for Implementing this Policy

i) The Archbishop

19. In order to implement this Policy, the Archbishop of Kingston shall appoint officials to carry out its provisions. These shall include: a Delegate, an Associate Delegate, and an Advisory Committee.

ii) The Delegate and Associate Delegate

20. All complaints or allegations are to be reported to a Delegate or Associate Delegate who will: (1) facilitate, monitor and document the investigation of the complaint of sexual misconduct; (2) cooperate with civil authorities, if there is a criminal or civil investigation; (3) initiate and guide a Church investigation, if there is no criminal civil investigation or at the conclusion of the criminal or civil investigation; (4) keep the Archbishop and, as needed, other Archdiocesan officials informed of the progress of the case and investigation; (5) arrange and coordinate pastoral and professional care for the complainant, the family, and the parishes affected, as well as the accused; and (6) be responsible for documenting and maintaining the files and records of cases of sexual misconduct.

iii) The Advisory Committee

21. An Advisory Committee for Sexual Misconduct shall be in place to review the details of the complaint and advise the Archbishop and Delegate on formulating a response to the allegations of misconduct. The Committee shall also recommend a plan of support for the victims of sexual misconduct, their families, and the parishes impacted by the complaint, as well as the accused, and review from time to time the various Protocols and Policies related to screening and sexual misconduct.

iv) The Investigator and the Notary

22. To the degree that a criminal or civil investigation permits, an Investigator shall be appointed by the Delegate to interview the complainant with a Notary and report to the Delegate. The Investigator shall never interview a person alone.
23. A Notary (Scribe) shall be appointed by the Delegate to accompany the Investigator, record the interview with the complainant, and provide a complete record of the interview to the Delegate.

v) Communications Officer

24. The Archbishop shall appoint one person, when necessary, to communicate with the media and public. No other persons will be authorized to give any information to the media or public. No information that would prejudice the investigation or court proceedings shall be given. The legal rights, both civil and canonical, of the complainant and the accused shall be protected.

D. Process of Investigation

i) Where a Civil Investigation Has Been Commenced

25. To the degree that a criminal or civil investigation permits, the procedure outlined below shall be followed, as appropriate:
26. During any court procedure involving a priest or deacon, the Archbishop shall appoint a representative of the Archdiocese to monitor and observe the criminal or civil trial.

ii) Where No Civil Investigation Has Been Commenced

27. When no civil investigation is commenced, the Delegate shall confirm immediately and, where possible, in writing to the complainant and the accused, the receipt of the allegation and the intention to comply with this Policy.

28. The Delegate shall further confirm to the complainant and the accused their right to be instructed by legal counsel. Further, the accused and the complainant shall be offered counselling. At no time should a complainant be discouraged or impeded from reporting the complaint to the police. In addition, any individuals who come forward with allegations of sexual misconduct will be treated with respect, dignity, and compassion.
29. The Delegate shall immediately appoint an Investigator and a Notary, who shall interview the concerned parties and submit a written report to the Delegate.
30. If a preliminary investigation of an allegation determines that there is some credibility or substance to the allegation of sexual misconduct, the Delegate will convene a meeting of the Advisory Committee. When the Delegate is unable to act, the meeting shall be at the call of the Associate Delegate. The Advisory Committee shall meet within 48 hours of completion of the investigation by the Investigator and Notary.

E. Achieving Justice and Healing

i) The Victim and Family

31. When the complaint is made and found to have substance, the Delegate shall immediately contact the Archdiocesan Financial Administrator, who will arrange for professional counselling for the victim and, if necessary, for the members of the family. If the allegations are shown to be false, the Delegate may terminate the counselling. If the allegations are proven in a court of law, the duration of the counselling will be dependent on the recommendation of the counselling professional.

ii) The Parish

32. When the allegations are made against a priest or deacon, the Archbishop shall arrange suitable support for the parishioners affected. Such support must respect the nature of any civil or police investigation, the civil and canonical rights of the victim and accused, and the desire for confidentiality on the part of either party. The Archbishop himself, or a person he delegates, may visit the parish for the Sunday Masses and for information sessions.

iii) The Accused

33. The Archbishop, with the advice of the Archbishop's Delegate and the Advisory Committee, will decide whether or not an accused clergyman's faculties should be suspended, the need for psychological assessment of an alleged abuser, the need for prompt removal of the alleged abuser from any situation in which an offense might be repeated, and for transfer to a suitable environment pending investigation.

34. Counselling will be offered to assist the accused during an extended time of inquiry or while awaiting court action.
35. A priest or lay employee, placed on administrative leave, shall continue to receive his or her salary during the process of inquiry.
36. The Archdiocese may offer financial assistance for the legal fees of the accused, if it seems appropriate; however, the accused should assume some share of the financial burden, if possible.
37. If the accused is found guilty in a criminal or civil action, the person, if a priest or deacon, will not be returned to ministry, and the penalty may include a petition for dismissal from the clerical state, in accordance with the *Code of Canon Law*. If the accused found guilty is a lay employee or volunteer, his/her position will be terminated.
38. If the accused is found not guilty in a criminal or civil action, the Advisory Committee shall review the matter and make recommendations to the Archbishop concerning the future course of action. The accused may be reinstated to previous responsibilities, and steps will be taken to restore the good name of the accused. If the innocence of the accused is still in doubt because of facts not entered into evidence or inadmissible as evidence, but documented by other sources, the Delegate or Advisory Committee may recommend a course of action other than reinstatement.
39. A canonical inquiry, if deemed appropriate by the Archbishop, will begin only after criminal and civil proceedings have been concluded. Such an inquiry could also be recommended by the Advisory Committee.

F. Other Matters

40. In all cases and without exception, the Seal of the Sacrament of Confession is inviolable. The penitent should be strongly encouraged by the confessor to report the misconduct outside the confessional and preferably to a person other than the confessor.
41. The Archbishop, the Delegate or Associate Delegate (if a priest), or any other priest involved in this procedure shall not hear the sacramental confession of the complainant or the accused.
42. At no time in the above process shall any Archdiocesan official impede or withhold information from a police or civil investigation. They shall comply with all current provincial and federal legislation, with the exception of those that would violate the Seal of Confession.

43. At the beginning of the process and as appropriate, the Delegate shall inform the Archdiocesan Financial Administrator that a complaint has been received. The Administrator shall inform the Insurance Company and confirm with the Delegate the arrangements for legal counsel and pastoral counselling. The Delegate shall also, when necessary, provide the appropriate information to the person who is to communicate with the media.
44. A newly appointed Administrator or Archbishop shall acquaint himself with all allegations of sexual misconduct allegedly or actually perpetrated in the Archdiocese of Kingston by any member of Church personnel, including clergy, paid employees, or volunteers.
45. If the accused wishes to admit guilt and will not contest the allegations, the accused shall be advised of the right to counsel and will be told to report to the local civil authorities – with the obligations outlined under #17 and #18 of the Policy being honoured.
46. If the allegation of sexual abuse is brought against a religious or priest incardinated outside the Archdiocese of Kingston, the Archbishop shall place the person on administrative leave and inform the person's Major Superior or Bishop; if the religious is not under Archdiocesan appointment, the matter should be transferred to the person's Major Superior. If this is not possible within a reasonable amount of time, the matter should be dealt with under this Policy, and the Superior will be informed. If the priest or religious has returned to the Religious Community or another Diocese, the Archbishop shall inform the Superior or Bishop and cooperate in the management of the case.
47. Written reports of each stage of the process shall be kept in the Archdiocesan Archives indefinitely. Files and documentation shall not be destroyed or purged at the death of an accused individual, even if he or she is found not guilty or proven innocent.
48. Anonymous complaints will be investigated to the extent possible; however, when an anonymous complaint is very general in nature and deemed not credible by the Delegate, the complainant shall be instructed to contact the police; and, while the information will be documented and retained in the permanent files, it will not be investigated, and no additional action will be taken by the Delegate.