



**ARCHDIOCESE OF OTTAWA
PROTOCOL REGARDING SEXUAL ABUSE OF MINORS*
BY CLERGY AND RELIGIOUS CLERICS**

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1	Reporting Procedures	2
2	Dealing with an Allegation.....	3
3	Care of Victims*	4
4	Relation with the Accused.....	4
5	Communications Policy	4
6	Other Matters.....	5
7	GLOSSARY (words with an asterisk* are defined in the Glossary)	5

Introduction

Faithful to the Gospel of Jesus Christ, the constant teaching of the Catholic Church maintains that the sexual abuse of a child is a horrendous moral offence. It is also a criminal act under the laws of Canada. The existence of such immoral and criminal conduct by priests has been a deep wound inflicted on victims and their families as well as on the Body of Christ. To ensure that such conduct is eradicated and that an outreach is made to victims, the Catholic Bishops of Canada have committed their respective dioceses to a process of justice and reconciliation. This Protocol is the policy of the Archdiocese of Ottawa with respect to the treatment of allegations of the sexual abuse of a minor.

This Protocol applies to all clergy* and religious* clerics holding diocesan faculties or a diocesan appointment in the Archdiocese* of Ottawa. It takes into consideration the responsibilities of the Archdiocese flowing from civil and criminal law as well as from the Canon Law* of the Catholic Church.

This Protocol calls for an immediate response upon receipt of information concerning an alleged sexual abuse* of a minor. Such action will include observing the requirements of civil and criminal law, including informing the Children's Aid Society whenever this obligation exists.

This Protocol is primarily designed to address the case of sexual abuse of victims who are minors at the time of the allegation. The provisions of the Protocol will be appropriately adapted to allegations concerning historical cases of sexual abuse of minors; i.e., allegations by adult victims who were minors at the time that the sexual abuse was alleged to have taken place. Respecting the requirements of privacy and confidentiality, the Archdiocese notes that the decision to approach police, or other civil authorities, is that of victims who are now adults.

These victims will be advised of their right to do so.

Similarly, this Protocol will be appropriately adapted to allegations concerning cases of sexual abuse of “vulnerable persons” who are adults, as that term is understood in civil law and/or Canon Law.

1 Reporting Procedures

- 1.1 Anyone serving the Church in ministry, or as a lay employee*, or as a volunteer,* who has reasonable grounds to suspect that a minor has suffered or may be suffering from sexual abuse on the part of a member of the clergy or a religious cleric, or who receives an allegation* of such sexual abuse of a minor, has an obligation* to report it to the Office of the Archbishop.
- 1.2 Any person suspecting or receiving an allegation concerning a minor who has suffered or may be suffering from sexual abuse and who has not completed their 16th year will comply with the legal* obligation to report by informing forthwith the Children’s Aid Society (“CAS”).
- 1.3 Upon receiving the report of an allegation which has a semblance of truth, the duly appointed Delegate, accompanied by a Deputy Delegate if the Delegate judges it opportune, meets with the complainant* and with the accused,* in that order, and decides whether the circumstances indicate calling a meeting of the Review Board*.
- 1.4 If the allegation concerns an alleged victim who is more than 16 years of age, depending on the circumstances, the Delegate may inform the CAS. In case of doubt as to whether the CAS should be informed, the Delegate will informally seek counsel from the CAS.
- 1.5 In the first meeting with the complainant, the Delegate will advise the complainant of his/her right to contact the police, or other civil authorities, at any stage of the process, or thereafter.
- 1.6 If the accused is a religious cleric with an archdiocesan appointment, the Delegate will handle the matter on behalf of the archdiocese in conjunction with the individual’s Major Superior*.
- 1.7 It is preferable that a complaint be made in writing, signed by the complainant, dated, and then notarized by an ecclesiastical notary. If the complaint is reported anonymously, the Delegate may proceed as above, recognizing that the complainant’s wish for anonymity may affect the response to the report.

2 Dealing with an Allegation

- 2.1 If the Archbishop determines that an allegation does have a semblance of truth, he is to issue a decree opening a preliminary investigation. The Delegate will be duly appointed to investigate the allegation (see section 1.3). With the preliminary investigation being completed in a timely fashion, the Archbishop will observe the requirement of notifying the Congregation for the Doctrine of the Faith (CDF) of the results of the investigation.

If the matter is being pursued by the CAS and/or the police, the Delegate suspends the investigation but maintains appropriate ongoing communication with the civil authorities until the latter have completed their work.

- 2.2 If criminal charges are laid, or when presented with an allegation which has a semblance of truth, the Archbishop will immediately place the accused on a leave of absence from office and from other church-related responsibilities, brief the Archdiocesan Spokesperson*, and appropriately advise the parish or the community concerned. With respect to the accused, the Archbishop may prohibit or impose residence in a given place or territory, and take other measures that he deems appropriate in order to protect the freedom of witnesses and safeguard the course of justice.
- 2.3 If no criminal charges are laid and the victim is over the age of 18 (for example, an adult survivor of sexual abuse as a minor), the Delegate pursues the investigation in order to make a report to the Archbishop.
- 2.4 In the event that the Review Board is involved in the matter of a particular allegation, whether criminal charges are laid or not and following a briefing by the Delegate, if the Review Board deems there are reasonable and probable grounds to believe that an offence has been committed, the Delegate will communicate to the Archbishop the Review Board's recommendations that may include an assessment of the allegation and the suitability for ministry of the accused.
- 2.5 If as a result of an investigation, the conclusion is that no offence has been committed, the case is closed, and the Delegate immediately informs the Archbishop, the accused, the complainant, and the Archdiocesan Spokesperson. In that result, every step possible will be taken to restore the good name of the accused and re-integrate him into ministry.
- 2.6 In situations where the Review Board can reach no conclusion, the Delegate will so advise the Archbishop.

3 Care of Victims*

- 3.1 The Review Board or the Delegate may recommend that individualized support be made available to a complainant. 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. The Review Board or Delegate also makes proposals for the care of the affected community as advisable.
- 3.2 Acting out of pastoral concern, the help offered to the complainant is intended to be without prejudgement of the allegation and without prejudice regarding any future civil actions.
- 3.3 If a sentence is pronounced against the accused by the competent civil authority, the archdiocese may offer the services of qualified persons to give pastoral support and/or counselling to the victim.
- 3.4 As soon as feasible after an accused is placed on leave, the Archbishop, or his representative, should make a pastoral visit to the parish community involved, or to the faith community or church institution where the accused has served.

4 Relation with the Accused

- 4.1 While on leave, the accused is provided with support in accordance with Canon Law and may be offered other types of therapeutic and pastoral assistance that may be reasonably requested.
- 4.2 The accused may be assigned to a residence, or restricted as to residence, pending the outcome of an inquiry under this Protocol.
- 4.3 The accused is to benefit from the general presumption of innocence and the right to be heard. 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.

5 Communications Policy

- 5.1 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.
- 5.2 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 right of the accused to a fair inquiry, and acknowledging presumed innocence and the right to one's reputation;
- Safeguarding the right of all parties, including the complainant and the accused, to privacy;
- 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.

6 Other Matters

- 6.1 This Protocol is a public document and is compulsory reading for all those engaged in ministry in the Archdiocese of Ottawa.
- 6.2 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 flowing from criminal law.
- 6.3 At least once a year, the Archbishop meets with the Review Board to receive its report 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 Review Board.
- 6.4 Amendments to this Protocol may be proposed at any time by the Review Board. They take effect only after approval by the Archbishop.

7 GLOSSARY (words with an asterisk* are defined in the Glossary)

Accused

The one against whom an allegation is made.

Allegation

A statement or accusation of sexual abuse that is yet to be proven and that has a semblance of truth. "Semblance of the truth" does not mean that the allegation is fully provable, or that it has moral certainty, but that the allegation cannot be discounted. It is not necessary that the alleged sexual abuse be equated with the definition of sexual abuse or similar crimes in civil or criminal law. It is sufficient that the allegation concern an external act that qualifies as an objectively grave violation of the sixth commandment.

Archdiocese

An archdiocese is made up of the Catholic people of a given area under the pastoral care of an archbishop.

Archdiocesan Spokesperson

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

Clergy

Includes deacons, priests, and bishops.

Canon Law

A body of church law to be observed by members of the Catholic Church relating to persons, sacraments, material goods, and organizations.

Complainant

A person who raises an allegation.

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. Certain grave delicts, such as sexual abuse of a minor by a cleric, are reserved to the CDF.

Delegate

The Archbishop shall appoint a priest to be his delegate for matters of sexual abuse. Depending on the circumstances of the case, the Delegate may convoke a meeting of the Review Board and facilitate its work until the case is closed. At critical junctures in the proceedings, the Delegate keeps the Archbishop and the Archdiocesan Spokesperson informed.

Deputy Delegate

On his own initiative, or at the request of the Delegate, the Archbishop may appoint one, or more, Deputy Delegates who will assist the Delegate in the management of this Protocol and inquiries that occur hereunder. In the event that the Delegate is unable, or unwilling, to serve in a particular case, the Archbishop may appoint one of the Deputy Delegates for the management of a particular inquiry.

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.

Legal Obligation to Report

According to the *Child and Family Services Act* of Ontario, all suspicions of the sexual abuse of a minor - under 16 years of age - must be reported forthwith to CAS along with the grounds for the suspicion.

Major Superior

One who governs a religious institute or society, or a part thereof.

Minor

One who is 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 18th year of age. Following the law of the Church, therefore, the Archbishop is obliged to respond to allegations involving a member of the clergy or a religious concerning the sexual abuse of all persons not having completed their 18th year at the time of the abuse. Further, in Ontario, there is a legal obligation to report to the Children's Aid Society a suspicion of abuse of a minor who is less than 16 years of age.

Obligation to Report

In the context of this Protocol, all reasonable suspicions of the sexual abuse of a minor must be reported to the Office of the Archbishop along with the grounds for the suspicion.

Religious

Those who commit themselves to live the evangelical counsels (chastity, poverty, and obedience) in an institute or society approved by the Catholic Church, e.g., sisters, nuns, monks, brothers, priests, deacons (other than archdiocesan/diocesan priests and deacons). In this Protocol the term "religious" applies also to members of Secular Institutes and Societies of Apostolic Life.

Review Board

A standing interdisciplinary body of at least five persons, named by the Archbishop, whose members include a senior and respected priest of the archdiocese, three lay people of pertinent life and professional experience, and the Delegate. The members shall choose a chair from among themselves. When convoked for a specific case, the principal duty of the Board is to investigate whether there are reasonable and probable grounds to determine that an offence has been committed, its nature and circumstances, and to see that this Protocol is followed.

The Review Board is to advise the Archbishop in his assessment of allegations of sexual abuse of a minor and in his determination of suitability for ministry of those accused; to review and make recommendations to the Archbishop with

respect to diocesan policies for dealing with the sexual abuse of minors; and to offer advice on all aspects of these cases.

The Review Board meets, at least annually, with the Archbishop who receives its report and its suggestions as to possible updating of the Protocol.

Sexual Abuse

Contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification by the offending adult.

Victim

A minor who has been sexually abused by an adult, or an adult survivor of such abuse. For the purposes of this Protocol, one who claims to be a victim is presumed to be a victim unless there is a substantive doubt regarding the complaint.

Volunteer

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