

Archdiocese of Winnipeg
Protocol
Protecting Minors from Sexual Abuse &
The Pastoral Response to Abuse Complaints

Introduction

Catholics believe that our baptism makes us members of the People of God and members of the faith community we know as the Church. The protection of children and vulnerable persons is part of the very mission of the Church. It enables all members of the community to practice their faith in a safe environment, confident that all the faithful are committed to their protection and well-being.

The sexual abuse of minors is a tragedy that has been brought to light over the years. In Canada, abusers have been found among clergy, teachers, coaches, parents and others who are in frequent contact with children. Every act of abuse against an innocent victim is an offence against the dignity of the person in body and spirit. When perpetrated by a member of the clergy, abuse can do grave spiritual and psychological harm, can alienate victims and their families from the message of the Gospel and can cause great harm to the community. Sexual misconduct is a serious violation of justice and charity that can cause lasting harm to its victims. It is never acceptable behaviour.

This protocol details the Archdiocese of Winnipeg's efforts at education, prevention, the care for victims, appropriate responses to allegations of sexual misconduct and the guaranteeing of due process with respect to the accused. This Protocol is based on canon law and on the Canadian Conference of Catholic Bishops' 2018 document, *A Call to the Catholic Faithful in Canada for Healing, Reconciliation and Transformation*: www.cccb.ca/site/images/stories/pdf/Protecting_Minors_2018.pdf

In 2005, the Archbishop of Winnipeg established a Sexual Abuse Response Committee. Among other responsibilities, the committee functions as a confidential consultative body to the Archbishop in discharging his office with respect to the care of minors. Members of the committee include professional lay people and clergy who are appointed for a term of five years, renewable. The current membership list is available on the Archdiocesan website: www.archwinnipeg.ca.

Responding to the renewed 2018 Catholic Bishops call for healing, reconciliation and transformation, the Archdiocese of Winnipeg reiterates its determination to prevent the sexual abuse of minors and its commitment to respond pastorally to those who have suffered abuse.

Safe Environments

Our local church has the responsibility both to educate and to be accountable to society. To assist with this responsibility, the Archdiocese of Winnipeg is committed to creating safe environments for our young people. That commitment reflects awareness of the *United Nations Convention on the Rights of the Child*, particularly the mandates of Articles 3 and 19 which speak directly of protecting the well-being of children and assuring their protection against all forms of physical and mental violence, abuse, and injury.

(www.ohchr.org/en/professionalinterest/pages/crc.aspx).

In protecting minors, and in cooperation with the Canadian Centre for Child Protection, the Archdiocese continues to mandate a program called *Safe Environments*. The goal of the program is to ensure that all clergy and others who work with minors are made aware of appropriate behaviour and instructed on creating safe environments and practices when dealing with minors. *Safe Environments* is meant to maintain a healthy and safe environment for the pastoral activities of the community where all can feel confident to live their faith.

Sessions for creating safe environments are held throughout the Archdiocese. All clergy in the archdiocese, along with anyone who works with minors (catechism teachers, etc.) are required to attend information/formation sessions on creating safe environments and to have a police check and a child abuse registry check completed. In addition, any candidates preparing for the priesthood or the diaconate are required to take part in the *Safe Environments* program.

The Archdiocese is committed, in a special way, to the formation of newly ordained clergy as they make the transition from Seminary to Parish life. To that end, the Archdiocese will support a program of renewal for clergy ordained less than five years. This program will include sessions on appropriate behaviour when dealing with minors.

The Archdiocese is committed to the continued education of the clergy working within its jurisdiction. Issues related to all forms of child abuse, including child pornography, will be incorporated in the Archdiocesan Clergy Education Plan. Three specific perspectives will be addressed: scientific knowledge, church policies and professional ethics. The Sexual Abuse Response Committee, in conjunction with the Priestly Wellness Committee and the Permanent Diaconate Committee, will coordinate these seminars.

Service to Persons Harmed by Clergy Sexual Misconduct

Justice and compassion call us to respond to the harm an individual has experienced. As church, we want to bring healing and peace and so take seriously any allegations of sexual misconduct made against a member of the clergy and any volunteers associated with programs delivered by the Archdiocese. We therefore take any allegations of any sexual misconduct by clergy seriously and treat those bringing the allegation to our attention with the utmost respect.

Church law acknowledges the harm caused to the victims of abuse. Concomitantly, church law respects the rights of those accused of misconduct. We ask people to understand that our immediate willingness to respond to their complaint and provide assistance is neither an admission of guilt nor a conviction or judgment of the accused.

The Archdiocese will respond to every complaint of sexual misconduct. However, the Archdiocese cannot investigate any allegations without some risk of disclosure of a complainant's identity. Complainants need to be aware that complete anonymity cannot be guaranteed. The rights of an accused militate against any such assurances.

The Archdiocese recognizes that the bringing of a complaint of sexual misconduct can be a frightening experience. It can also be time consuming since the issues involved can be complex. The Archdiocese commits to the provision of an advocate, or some form of assistance to the person bringing the allegation. Within the Archdiocese, advocates have been trained to promote the complainant's interest and direct them toward services offered by the Archdiocese. To secure the assistance of an advocate, a complainant should contact the Administrative Coordinator of the Marriage Tribunal: Mrs. Janet Brunger at 1-204-452-2227 ext. 227.

Misconduct by clergy causes deep hurt. Skilled and reputable professional counsellors can provide some measure of assistance. The Archdiocese will help with payments for counselling where appropriate.

The damage caused by misconduct on the part of clergy is usually spiritual as well as psychological. We have learned from those who have been harmed that often their relationship with God and with their faith community has been damaged. The person harmed may want to address this spiritual pain. The Archdiocese is committed to providing persons to act as spiritual directors.

Because of the mobility of today's society, a person may be living in the Archdiocese of Winnipeg who was a victim of sexual abuse in other parts of the country or the world. The Archdiocese will assist in directing people to the proper religious authorities in their region.

How to Bring a Complaint

There are two ways to bring a complaint:

1. Call the Administrative Coordinator of the Marriage Tribunal, Mrs. Janet Brunger @ 1-204-452-2227 ext. 227
2. Write to the Archdiocese of Winnipeg, care of the Sexual Abuse Response Committee 1495 Pembina Highway, Winnipeg, Manitoba R3T 2C6. Please mark the letter "personal and confidential".

Archdiocesan Response to Allegations of Sexual Misconduct with a Minor by a member of the Clergy

A person receiving the complaint must report the matter immediately to civil authorities, as well as to the Archbishop's delegate or to the chair of the Sexual Abuse Response Committee.

It is important to state at the outset that the Archdiocese will respond and take immediate action if it receives an allegation of sexual abuse of a minor by a member of the clergy, even if the abuse occurred long ago and the alleged victim is no longer a minor.

In the case of an allegation of sexual abuse involving a person who is presently a minor, the Archdiocese will, according to the laws of Manitoba, immediately report the allegation to civil authorities. The report will include the name of the complainant and the name of the alleged offender. The complainant will be informed of this procedure before s/he reveals information that would be required to be reported to civil authorities. The Archdiocese will, in all cases, advise and support a person's right to make a report to civil authorities themselves.

Any member of the clergy, religious, administrator, staff person or volunteer of the Archdiocese receiving a complaint or allegation of sexual abuse of a minor must indicate to the person making the complaint that the archdiocese has both a policy and a procedure to be followed in this matter.

In those cases where allegations have been reported to the proper civil authorities, such as the police and child protection agencies, the Archdiocese will cooperate with the civil authorities in their investigation of sexual abuse allegations involving minors.

The Archbishop's delegate will be the official spokesperson for the Archdiocese in all cases of allegations of the sexual abuse of a minor by a member of the clergy.

The Investigation

When an allegation of sexual abuse of a minor by a member of the clergy is received, the Archbishop's delegate or a member of the Sexual Abuse Response Committee, will inquire into the allegation as a matter of urgent priority. (If there is an obligation to inform the Child and Family Services or the Police this will happen immediately). If the matter warrants action, the Sexual Abuse Response Committee will be convened and the Archbishop notified. If the matter does not warrant action, the delegate shall close the case, informing the Archbishop and the accused. The investigation will be conducted promptly and objectively, with appropriate steps to protect the reputation of the accused. (c. 1717§2)

As part of this preliminary investigation, the accused will be notified of the allegation against him and will be interviewed about the allegation. Prior to this meeting, the accused will be encouraged to retain the services of civil and canonical counsel. When necessary, the Archdiocese will supply canonical counsel to the accused.

The results of the preliminary investigation, including the response of the accused, will be brought to the members of the Sexual Abuse Response Committee for their confidential advice concerning the credibility of the allegation.

Upon the conclusion of the preliminary investigation, if there is at least the semblance of truth that sexual abuse of a minor has occurred, the Archbishop shall notify the Congregation for the Doctrine of the Faith (CDF). Unless the CDF calls the case to itself, the CDF will instruct the Archbishop how to proceed. This notification to the CDF must be made whether the accused has admitted to the allegation or has denied it, as long as the allegation has at least the semblance of truth.

If criminal charges are brought and civil proceedings are commenced against an accused cleric, any further canonical proceedings will be held in abeyance, awaiting the outcome of the civil proceedings.

In the situation where the information coming to the Delegate is that a member of the clergy has been publicly accused or charged with sexual abuse, the Archbishop shall immediately place the cleric on administrative leave.

Response to Clergy who have been accused of Sexual Abuse of Minors

If the case is referred to the CDF, the Archbishop will at that time apply the precautionary measures mentioned in canon 1722 pending the outcome of the process. These measures include the removal of the accused from ministry or from any ecclesiastical office or function, the imposition of or prohibition from residence in a given place or territory, and the prohibition from public participation in the Eucharist.

The alleged offender may be requested to seek, and may be urged to comply voluntarily with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and the accused.

When even a single act of sexual abuse against a minor by a member of the clergy is admitted or is established after an appropriate process in accord with canon law, the offending member of the clergy will be removed from ecclesiastical ministry. This removal from ministry may be accomplished by means of a penal process to impose penalties at the direction of the CDF, or by an administrative act of the Archbishop. The penalty of dismissal from the clerical state is not excluded as a possibility.

If the CDF directs that a penal process be used to determine guilt or innocence and to possibly apply penalties, then all of the provisions of canon law and the special directives of CDF will be followed carefully. If the period of prescription (statute of limitations) for the act of sexual abuse has already expired according to Church law, the Archbishop will ask the CDF for a dispensation from prescription. According to the criminal law of Canada there is no statute of limitations for child sexual abuse.

If the penalty of dismissal from the clerical state is not applied (e.g. for reasons of advanced age or infirmity), the offender will be urged to lead a life of prayer and penance. The Archbishop will use administrative means to restrict the offender from celebrating Mass publicly or administering the sacraments. The offender will also be instructed not to wear clerical garb, or to present himself publicly as a member of the clergy.

At all times, the Archbishop will use his executive power of governance to ensure that no member of the clergy, who has committed even one act of sexual abuse of a minor, can continue in ministry.

A member of the clergy found guilty of sexual abuse of a minor may request a dispensation from the obligations of the clerical state. In exceptional circumstances and when deemed necessary, the Archbishop may request that the offending cleric be dismissed from the clerical state *ex officio* by the Holy Father.

When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Response in the Current Parish of the Accused

If members of the clergy engage in sexual misconduct with minors, many people are harmed. This is true not only of those directly involved, but also of the members of the parish where the accused is serving.

When a member of the parish clergy is accused, parishioners undergo a process of grieving. When parishioners first hear of the allegations, the reaction is usually one of unbelief. Over time this unbelief turns to anger against the accused and against the church. Only with the passage of time and the appropriate action of the Archdiocese can a parish move on to continue accomplishing its mission.

One of the most important elements in parish healing is that the parishioners receive information about what happened in as full and accurate a way as possible. Information helps to dispel any atmosphere of distrust which is often fueled by rumour. That being said, limitations on communication may exist. These limitations can include the concerns of the victims and their families for privacy as well as the need to respect the rights of the accused.

We realize that neither archdiocesan officials nor a new pastor alone can respond to all the concerns and problems that arise in the aftermath of clergy misconduct. As a result, people with various expertise will often be needed to help with the parish's healing. The recruitment and payment of these experts will be the responsibility of the Sexual Abuse Response Committee and the Archdiocese of Winnipeg.

Mechanism for the Review of the Archdiocesan Protocol

This protocol will be updated every four years. This update shall be approved, by the Archbishop of Winnipeg, following consultation with the Archdiocesan Sexual Abuse Response Committee and the Archdiocesan Council of Priests.

Effective date

When promulgated this protocol will be effective for the Archdiocese of Winnipeg. This current protocol was approved and recommended by the Council of Priests on December 3, 2019 and promulgated by Archbishop Richard Gagnon on March 19, 2020.

Appendix

Canon 1717 §2: Care is to be taken that this investigation does not call into question anyone's good name.

Canon 1722: At any stage of the process, in order to prevent scandal, protect the freedom of the witnesses and safeguard the course of justice, the Ordinary can, after consulting the promoter of justice and summoning the accused person to appear, prohibit the accused from the exercise of the sacred ministry or of some ecclesiastical office and position, or impose or forbid residence in a certain place or territory, or even prohibit public participation in the blessed Eucharist. If, however, the reason ceases, all these restrictions are to be revoked; they cease by virtue of the law itself as soon as the penal process ceases.

For the purposes of this policy a minor is any person under the age of 18.