

POLICY AND PROCEDURES FOR THE PREVENTION AND MANAGEMENT OF SEXUAL MISCONDUCT AND ABUSE



Mandated on May 6, 2021



ROMAN CATHOLIC
DIOCESE
of Calgary

OFFICE OF THE BISHOP

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1. Preamble

- 1.1. The Roman Catholic Diocese of Calgary (the “Diocese”) takes seriously the duty to ensure the prevention and the cessation of sexual misconduct and abuse against people especially those under her care, particularly the protection of minors and vulnerable adults.
- 1.2. All forms of misconduct and abuse are grave offenses against God and others. Misconduct and/or abuse inflicted by clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers are particularly damaging as it is a betrayal of trust and the exploitation of the power imbalance that is inherent in a ministerial relationship.
- 1.3. The *Policy and Procedures for the Prevention and Management of Sexual Misconduct and Abuse* (the “Policy”) seeks to reconcile the obligations of the Diocese and its pastoral and canonical responsibilities and of those diocesan personnel in the exercise of their roles and responsibilities in the Diocese within the laws of Alberta and Canada. It embodies the Catholic Church’s teachings and laws, the contents of the 2018 document of the Canadian Conference of Catholic Bishops, *Protecting Minors from Sexual Abuse*, in particular the definition of the terms contained in the document, and the *Code of Pastoral Conduct and Accountability* (the “Code”) of the Diocese of Calgary.
- 1.4. The Policy is intended to clearly and concisely state how the Diocese will uphold the sacred values to which this Diocese is so strongly committed. The goal of the Policy is to ensure the just and timely resolution of allegations of sexual misconduct and/or abuse. The Diocese seeks to provide meaningful assistance to those who have suffered as a result of sexual abuse and to support all the faithful.
- 1.5. The Policy supersedes the former policy and procedure document, *Sexual Misconduct Committee of the Roman Catholic Diocese of Calgary*, which was promulgated on March 12, 2011 and revised on September 1, 2011. The changes in the policy and procedures of the Diocese reflect the progress and development in this area since the publication of *From Pain to Hope* in 1992 by the Canadian Conference of Catholic Bishops.

2. Policy

- 2.1. It is the policy of the Diocese to:
 - create, implement, and monitor procedures in compliance with the Code which prevent, curtail, and prohibit acts of sexual misconduct and/or abuse towards all who are in the spiritual and physical care of the Diocese;
 - foster an environment which promotes and upholds high pastoral, moral, and ethical standards of professional conduct where people feel safe to bring forward complaints by ensuring confidential and accessible avenues to report sexual misconduct and/or abuse;

- respond to those who report sexual misconduct and/or abuse with compassion and care by immediately placing them in contact with the Bishop's Delegates (Section 5.1);
- investigate and manage reports of sexual misconduct and/or abuse of those in the spiritual and physical care of the Diocese in accordance with the Policy;
- ensure that allegations pertaining to sexual misconduct and/or abuse by clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers is received and investigated by the Diocese in accordance with the Policy;
- comply with civil and canonical reporting requirements and cooperate fully with federal and provincial authorities, and when applicable, the Congregation for the Doctrine of the Faith (CDF) and/or the Congregation for Clergy pertaining to credible and substantial allegations;
- impose accountability measures in accordance with the Code of Canon Law (CIC), Criminal Code, applicable federal and provincial legislation, employment law, and the Policy for those individuals who have had credible and substantial allegations of sexual misconduct and/or abuse made against them;
- ensure transparency and accountability by publishing clear guidelines, regularly updating and ensuring compliance with this Policy. Engage and involve lay professionals who serve on the Advisory Committee for the Prevention and Management of Sexual Misconduct and/or Abuse (the "Advisory Committee"); in advising the Diocese on appropriate measures to be taken to prevent misconduct and/or abuse, to properly respond to reports of misconduct and/or abuse, and recommend effective actions that bring justice and healing to the victims-survivors and to those who have committed acts of sexual abuse;
- respect the privacy rights of those who come forward claiming that they have been sexually abused, and those accused of sexual abuse by safeguarding personal or sensitive information and following responsible records management processes;
- ensure that all people impacted by sexual abuse – the victims-survivors, their families, those who have committed the acts of abuse, those who have been falsely accused, parishes, clergy, religious, and the faithful – are treated respectfully and justly; and
- respond to the spiritual needs of the affected parishes where allegations have been made public.

3. Application

- 3.1. This Policy applies to clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers in the Diocese.
- 3.2. This Policy does not apply to corporate bodies that have a Catholic identity such as Catholic schools and schools boards, social welfare agencies, and hospitals and care facilities. Those entities have their own policies and applicable legislation.
- 3.3. This Policy is subject to the Code, the Code of Canon Law, and federal and provincial legislation. If any provision of the Policy or the Policy contravenes the Code of Canon Law or legislation, the Code of Canon Law and legislation prevail.

4. Prevention of Sexual Misconduct and/or Abuse

- 4.1. The Diocese is committed to the prevention of sexual misconduct and/or abuse by:
 - ensuring that all clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers to receive, understand, respect, and agree to abide by the Code and be in full compliance with the *Strengthening Our Parish Communities (SOPC) Program*;
 - ensuring that clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers obey canonical, diocesan, civil, and other appropriate standards of conduct;
 - providing ongoing formation for clergy, religious, seminarians, candidates to the permanent diaconate on professional and ministerial boundary issues, friendship, intimacy, mental health, wellness, healthy psychosexual development, religious chastity and celibacy, issues related to addiction and sobriety and the ongoing availability of counselling;
 - informing all clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers about the Policy;
 - fostering of an environment in which people feel that they have safe, accessible, and confidential ways to report sexual abuse;
 - appointing the Bishop's Delegate to respond to complaints and allegations of sexual misconduct and/or abuse by diocesan personnel;
 - establishing the Advisory Committee;
 - reviewing the Policy on a regular basis to ensure that complaints and allegations are effectively dealt with in a timely fashion, that the process of investigation achieves outcomes that are compassionate and just for those involved; and

- having a communication strategy that includes such actions as:
 - informing the public, and in particular, members of all parishes in the Diocese, of the existence of the Code, the SOPC, and the Policy;
 - publicizing the Diocesan information line (1-833-547-8360) which is called *If You Choose to Talk About It*;
 - appointing a spokesperson for the Diocese when making public statements to the media when it is necessary and at the direction of the Bishop; and
 - communicating with members of a parish community where an allegation of sexual misconduct and/or abuse is public knowledge in a manner that is appropriate to the situation.

5. The Bishop's Delegates

5.1. The Bishop will appoint a Delegate and a Deputy Delegate (collectively the "Bishop's Delegates"). The Bishop will appoint a priest as the Delegate and one female layperson as the Deputy Delegate.

5.2. The Bishop's Delegates will:

- respond to all reports of sexual misconduct and/or abuse committed by clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers in coordination with the Bishop, and if applicable, the superior of a religious order where the allegation is against a member of that religious order or institute;
- be responsible to following up and investigating these reports until a resolution is reached and to cooperate with the police and the Crown.
- report to Children's Services information received concerning an allegation of sexual abuse of anyone under the age of 18 year;
- encourage all those 18 years of age and over, who report sexual abuse, to also report to the police;
- immediately report any and all sexual misconduct and/or abuse allegations to the Bishop and/or religious superior;
- provide the Advisory Committee with the preliminary investigation report when allegations of sexual misconduct and/or abuse which details the investigation undertaken, information received, the findings, and other considerations;
- work with diocesan legal counsel, investigators, communication consultants, counsellors and therapeutic treatment providers, when and where necessary;

- be aware of and fulfill the obligation of the Diocese to comply with child protection laws, the Criminal Code, this Policy and all applicable procedures when dealing with minors and vulnerable adults;
- undertake appropriate and continuing training for this role; and
- the Delegate, being a priest with the faculty to administer the Sacrament of Penance, will not hear the sacramental confession of the person(s) reporting the abuse, any alleged victims and witnesses, or any person who is alleged to have committed the act of sexual misconduct and/or abuse.

6. The Advisory Committee for the Prevention and Management of Sexual Misconduct and Abuse

- 6.1. The Bishop will appoint the Advisory Committee to review all matters related to allegations of sexual misconduct and/or abuse by clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers.
- 6.2. The role and purpose of the Advisory Committee is outlined in *the Mandate of the Advisory Committee for the Prevention and Management of Sexual Misconduct and/or Abuse* which is to review the preliminary investigation reports from the Bishop's Delegates about allegations of sexual misconduct and/or abuse and make recommendations to the Bishop through his Delegates on the appropriate and necessary actions to be taken by the Diocese in response to both the victims-survivors and those alleged to have committed the acts of sexual abuse.
- 6.3. The Advisory Committee will consist of at least seven qualified people with varied experience and professional backgrounds, and may include a:
 - victim-survivor of sexual misconduct or abuse;
 - spiritual director;
 - priest;
 - health care professional;
 - social worker;
 - law enforcement professional;
 - communications professional;
 - canonist; and
 - lawyer.

7. The Obligation to Report Sexual Abuse of Minors and Vulnerable Adults

- 7.1. In Alberta, a minor is a person under 18 years of age.
- 7.2. In Canon Law, a minor is a person under 18 years of age and a vulnerable adult is governed by the same provisions.

- 7.3. The Diocese and its representatives must and will comply with Section 4 of the *Child, Youth and Family Enhancement Act* (see link under Endnotes) which places urgent reporting obligations on anyone who has reasonable grounds to suspect that a minor has, is, or may be suffering abuse or is otherwise at risk of harm. The *Child, Youth and Family Enhancement Act* defines abuse a physical, emotional, mental, or sexual, and includes sexual exploitation through child pornography. The acquisition, possession (even temporary) or distribution of pornographic images of minors are, in Canon Law, “delicts” which must be reported (see 13.5.2). The obligation arises whether or not the abuse is said to have been committed by clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, or volunteers.
- 7.4. Where clergy, religious, seminarians, candidates to the permanent diaconate, lay diocesan employees, and volunteers have reasonable grounds to suspect that a person currently under the age of 18 years is or may be suffering or may have suffered abuse, that person must immediately report the suspicion and the information upon which it is based to Children’s Services in the jurisdiction where the abuse is alleged to have occurred. The obligations to report arises again if a person has additional reasonable grounds for the suspicion, even if the person has made a previous report with respect to the child.
- 7.5. This obligation to report is not satisfied by simply reporting to the Bishop’s Delegate or another representative of the Bishop. This responsibility is personal and cannot be delegated to another person. If the person is a member of the clergy, a religious, a seminarian, a candidate to the permanent diaconate, a lay diocesan employee, or a volunteer, he or she will also inform the Bishop’s Delegate after the report is made to Children’s Services.
- 7.6. The Bishop’s Delegate(s) will inform the following persons that a report has been made to Children’s Services, the Bishop, and then the Superior, if the alleged offender is a cleric or religious belonging to a Religious Order.
- 7.7. *Protecting Minors from Sexual Abuse* defines a vulnerable adult as “a person defined as an adult by secular statutes, but who lacks an adult mental capacity or who, by reason 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.” (Glossary, p.153).
- 7.8. If the victim is a vulnerable person, that person’s caregiver will be notified immediately unless there is good and sufficient reason not to do so, such as in the case when the allegation is against the vulnerable person’s caregiver; in which case the victim will be encouraged to report the abuse to the police. If requested, the Bishop’s Delegates will offer to accompany the person in making contact with the police.
- 7.9. Although the *Child, Youth and Family Enhancement Act* does not apply to vulnerable adults, the Diocese, when dealing with a vulnerable adult, will strive to afford the individual the same or similar protections given to minors or children by that Act.

8. How and When to Report Sexual Misconduct and/or Abuse against Minors and Vulnerable Adults

- 8.1. Anyone may report information of sexual misconduct and/or abuse against minors and/or vulnerable adults in the Diocese through the following ways:
 - Alberta Children’s Services (1-800-387-5437);
 - the local police service;
 - the Diocesan information line (1-833-547-3860) which is called *If You Choose to Talk About it*;
 - the Diocese by contacting the Catholic Pastoral Centre and/or a parish; or
 - a member of the clergy, religious, a seminarian, a candidate to the permanent diaconate, a lay diocesan employee, or a volunteer, including the Bishop’s Delegates and members of the Advisory Committee.
- 8.2. Any complaints against bishops who are living who have committed sexual misconduct and/or abuse or have covered-up sexual abuse can be reported directly to the *Canadian Reporting System for Sexual Abuse or Cover-Up by A Catholic Bishop* at www.bishopreportingsystem.ca.
- 8.3. A report is any information received verbally or in writing. Verbal reports will be transcribed to writing immediately by the person receiving the information. It can be information about a possible act and does not need to be a formal complaint.
- 8.4. The report can be made by the person who is directly involved or someone on his or her behalf who has knowledge of such acts of abuse. It can be made at any time – there is no time limit for reporting sexual abuse. The information can be received and reported to civil authorities, through communications media, hearsay from credible sources or in any other adequate way. Great caution is to be exercised with anonymous reports but anonymous complaints must not be automatically dismissed. When a report of abuse is received in any of the above ways within the Diocese, it must be reported as soon as possible to the Bishop’s Delegate(s).
- 8.5. All reports received must be written and documented as thoroughly as possible, including the details of the circumstances, the names of places mentioned, the full names of persons involved, and their contact information. This document will officially become the incident report of the complaint received and will be the basis for the transfer of information to the Bishop’s Delegate.
- 8.6. The Diocese recognizes the possibility that the person who reports (the “Reporter”) an alleged abuse and the alleged victim may not be the same person.

9. How and When to Report Sexual Misconduct and/or Abuse of Adults

- 9.1. Anyone who believes they have been the victim of sexual misconduct or abuse by a diocesan personnel should immediately report the incident to their immediate Supervisor, the Human Resources Office, the Bishop's Delegate, or by calling the confidential diocesan information hotline, *If You Choose to Talk About It*, 1-833-547-8360.

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- 9.2. Any complaints against bishops who are living and who have committed sexual misconduct and/or abuse or have covered-up sexual abuse can be reported directly to the *Canadian Reporting System for Sexual Abuse or Cover-Up by A Catholic Bishop* at www.bishopreportingsystem.ca.

10. Diocesan Procedures for Handling Reports of Sexual Misconduct and/or Abuse

- 10.1. When the Diocese receives an allegation of sexual misconduct and/or abuse, the Bishop's Delegates must ensure that they meet with the Reporter immediately after receiving the information first hand or secondarily through an incident report submitted by another party that received the complaint. They will listen without judgment but with openness, compassion, and attention to the facts or information being shared. If the Bishop's Delegates are the ones receiving the complaint, they will be responsible for writing the incident report.
- 10.2. If the incident report discloses harm or the risk of harm to someone under 18, the Bishop's Delegates will comply with the obligations of the *Child, Youth and Family Enhancement Act* or will see to it that this had been fulfilled prior to receiving the incident report. If the report discloses harm to a vulnerable person, that person's caregivers will be notified immediately unless there are compelling reasons not to do so, in which case the police will be contacted.
- 10.3. The Reporter may be accompanied to the meeting by a family member or friend. The Reporter's right to privacy and confidentiality will be respected, as is legally possible. Referrals to professional and qualified counselling services will be offered to the Reporter and is extended to the Reporter's families if determined

necessary and beneficial. The Diocese will assume the financial responsibility for the counselling and review this obligation on a regular basis as to its continuance.

10.4. The Bishop's Delegates will explain to the Reporter and/or the victim-survivor the investigative process and procedures that the Diocese will follow, including the legal requirements of reporting to Children's Services and/or the police when the victim of the abuse is under the age of 18, how often updates will be provided to the Reporter and who will be able to answer any questions during the process of investigation.

10.5. *REPORTS CONCERNING A BISHOP*

- If the Diocese of Calgary receives a report of sexual abuse against the Bishop of the Diocese, the person who receives the report will contact the Bishop's Delegates who will transmit it to the Metropolitan, in this case, the Archbishop of the Archdiocese of Edmonton, and to the Holy See through the Apostolic Nuncio at the Nunciature in Ottawa. This procedure is governed by the motu proprio, *Vos Estis Lux Mundi* ("VE"), calling for every diocese across the globe to establish reporting requirements for sexual abuse allegations and setting standards for accountability within the Church.
- Any reports submitted through www.bishopreportingsystem.ca will be received and assessed by a limited number Church authorities, the "authorized reviewers", specifically identified according to the prescriptions of the Apostolic Letter *Vos estis lux mundi* as follows:
 - a) The Metropolitan Archbishop and his Assistant Reviewer will receive all reports concerning any Bishop (active or retired) living within the territory of his ecclesiastical province, except for Eparchial Bishops.
 - b) The Senior Suffragan Bishop of the ecclesiastical province and his Assistant Reviewer will receive all reports concerning the Metropolitan Archbishop.
 - c) The Papal Representative will receive all reports concerning the Metropolitan Archbishop of Saint Boniface; the Archbishop of Winnipeg; any Bishop who, after serving in Canada, has moved to a foreign country; and the Eparchial Bishops of the following three Eastern Churches present in Canada: the Eparchy for the Catholic Armenians in Canada and the United States; the Apostolic Exarchate for Syro-Catholics in Canada; and the Eparchy for Maronite Catholics in Canada.

Note: the Assistant Reviewers are trusted persons appointed by each Metropolitan Archbishop and each Senior Suffragan Bishop. He/She is notified of all reports submitted through the system and has access to the reports so as to assist the Bishop-Reviewer. (Source: www.bishopreportingsystem.ca)

10.6. *REPORTS CONCERNING INCARDINATED CLERGY, RELIGIOUS, SEMINARIAN, CANDIDATE TO THE PERMANENT DIACONATE, LAY DIOCESAN EMPLOYEE OR VOLUNTEER SERVING IN THE DIOCESE*

- If the Diocese of Calgary receives a report of sexual misconduct and/or abuse allegedly committed by a cleric, religious, seminarian, candidate to the permanent diaconate, lay diocesan employee or volunteer, the Bishop will temporarily remove the accused from ministry or employment as a precautionary measure. The accused will be advised and prevented from having contact with the faithful in any capacity. The Bishop's Delegates will proceed with the guidance of Children's services and/or the police if applicable.

10.7. *REPORTS CONCERNING NON-INCARDINATED CLERGY OR RELIGIOUS SERVING IN THE DIOCESE*

- If the Diocese of Calgary receives a report of sexual misconduct and/or abuse allegedly committed by a cleric or a religious who is not incardinated in the Diocese of Calgary but serving in the Diocese, the Bishop of Calgary will temporarily remove the accused from ministry as a precautionary measure. The Bishop's Delegate(s) will also immediately inform the Bishop or Superior of the cleric or religious who will assume the responsibility for the investigation and follow their policy and procedures concerning allegations of sexual misconduct and abuse. The Diocese of Calgary will assist in their procedures through the Bishop's Delegate(s).

10.8. *REPORTS CONCERNING INCARDINATED CLERGY SERVING IN ANOTHER DIOCESE*

- If the Diocese of Calgary receives a report of sexual misconduct and/or abuse against a priest or deacon incardinated in the Diocese but serving in another diocese, the Bishop's Delegate will immediately inform the Bishop of Calgary and the Bishop of the diocese where the cleric is serving and recommend the temporary removal of the cleric from ministry. The Diocese of Calgary assumes the responsibility for the investigation and follow up.

11. The Preliminary Investigation on Allegations of Sexual Misconduct and/or Abuse

- 11.1. Once an incident report on an allegation of sexual misconduct and/or abuse has been received, and in cases involving minors and vulnerable adults the obligation to report sexual abuse of minors and vulnerable adults has been met (Sections 7, 8 and 13), a decree opening a preliminary investigation will be issued immediately by the Bishop of Calgary appointing his Delegate to lead the investigation.
- 11.2. For clerics, religious, seminarians, and candidates to the permanent diaconate, the Bishop meets with the accused and informs the individual of the allegation,

and hands the written decree which will place the accused on an administrative leave with the necessary restrictions imposed on the exercise of his or her ministry or other precautionary disciplinary measures. The accused will be afforded the necessary psychological and mental health resources both for the preservation of their safety and well-being and the assessment of their risk towards others.

- 11.3. The protection of the Reporter's privacy will always be respected and maintained in order to assure the prevention of any potential harassment, retaliation, or abuse.
- 11.4. When at any point the preliminary investigation has established the allegations to be manifestly unfounded, the investigation will be concluded and appropriate professional support will be provided if necessary for the well-being of both the Reporter and the accused. Steps will be taken to restore the good name of the accused if it had been publicly compromised.
- 11.5. The preliminary investigation is not a trial nor does it seek to attain moral certitude as to whether the alleged acts occurred. It serves to gather information for a more detailed examination of alleged acts of abuse, to determine the plausibility of the report such that there is a sufficient basis in both law and fact that the allegations have the semblance of truth.
- 11.6. The Diocese will provide a prejudice-free environment respecting the presumption of innocence, basic human rights and good reputation. Recourse to independent canonical counsel will also be afforded the accused.
- 11.7. INCIDENT REPORTS DEALING WITH MINORS AND/OR VULNERABLE ADULTS: At the beginning stages of the preliminary investigation when the reported allegations of sexual abuse of minors and/or vulnerable adults have a semblance of truth, the Bishop will release a public statement in the parish where the incidents are reported to have taken place and in all the other parishes or ministries where the accused has served. The public statement will ensure the protection of minors and vulnerable adults in the place of ministry where the incident has been alleged to have taken place and encourage other potential victims to report to Children's Services, the police, the Diocese, and/or any of the other ways of reporting outlined under the "How and When to Report Sexual Misconduct and/or Abuse against Minors and Vulnerable Adults" section of this policy.
- 11.8. Care must be taken, when issuing a public statement, to avoid inappropriate or illicit information being given to the public that could in any way prejudice further investigations or give the impression that the guilt of the accused has in fact been determined.

- 11.9. The Bishop's Delegates will carry out the investigation of the incidents as a matter of urgent priority, carefully detailing the facts and circumstances of the events that have been reported. They will interview the Reporter to gather detailed information. Care will be taken to respect the Reporter's privacy and the reputation of accused in these sensitive and preliminary acts of the investigation.
- 11.10. It is important to reconstruct, to the extent possible, the facts in which the allegations are based. These may include the number and times of the acts, the circumstances in which they took place and the general details about the alleged victims, together with a preliminary evaluation of the eventual physical, psychological, and moral harm experienced by the victims. Care should be also taken to determine any possible relation to the sacramental internal forum.
- 11.11. The facts reported concerning the incidents of alleged abuse will be thoroughly reviewed by the Bishop's Delegates to determine whether the report merits additional investigation, consultation with Children's Services (when involving minors and/or vulnerable adults), the police, and/or the Crown. It can be useful to receive the results of investigations and trials from civil authorities. The Bishop's Delegates will conduct this comprehensive review, consulting with the Advisory Committee and other professionals where appropriate.
- 11.12. The Bishop's Delegates will interview or speak to all witnesses named by the Reporter and the accused. If the alleged offender is deceased, the Bishop's Delegates will make every attempt to establish the facts from those who may have relevant information.
- 11.13. The Bishop's Delegate will have access to all relevant diocesan files.
- 11.14. The accused will be interviewed once the details and facts surrounding the incidents of the allegation are established. The accused has recourse to having a canonical advocate present for the interview with the Bishop's Delegates.
- 11.15. If the accused admits all or part of the facts and findings of the investigation or decides not to contest the findings presented, the Bishop's Delegate will confirm this admission or decision in writing.
- 11.16. When a report is made to the Children's Services and/or the police, the Diocese will suspend temporarily the preliminary investigation so not to interfere with the process. The preliminary investigation resumes once the investigation is completed.
- 11.17. The Bishop's Delegates and all involved in the investigation will cooperate with civil authorities, subject to any legal advice received and the inviolability of the sacramental seal.
- 11.18. Once the preliminary investigation report is completed, the Bishop will issue a decree closing the investigation.

12. Consultation with the Advisory Committee

- 12.1. At any time during the preliminary investigation and in drafting of the preliminary investigation report, the Bishop's Delegate(s) can seek advice from the Advisory Committee on the procedures and the next steps. The Bishop's Delegates will update the Chair of the Committee and its members if advisable during the investigative process. The Advisory Committee may provide feedback to the Bishop at this stage of the investigation.
- 12.2. When the preliminary investigation is complete, the Bishop's Delegate will provide the Advisory Committee a copy of the preliminary investigation report, the response to the allegations, the investigation, and the questions and recommendations for the Advisory Committee to consider. The Advisory Committee will review the report and provide a written feedback to the Bishop.
- 12.3. The Bishop is obligated to receive the preliminary investigation report and the written feedback of the Advisory Committee. Observations and recommendations of the Advisory Committee may assist the Bishop in the formation of his evaluation of the results of the investigation when the appropriate Congregation or Dicastery of the Roman Curia has to be engaged.

13. Canonical Procedures Involving Minors and/or Vulnerable Adults

- 13.1. *The Code of Canon Law and the norms of the motu proprio Sacramentorum Sanctitatis Tutela ("SST")* govern the response of a Bishop or Superior to substantiated allegations of abuse against minors and vulnerable adults. Once sufficient evidence has been collected through a preliminary investigation that an offence has been committed and documented in the report, the Bishop must then report this to the CDF.
- 13.2. The CDF will then determine the next canonical steps to be taken. SST establishes norms that require reporting substantiated allegations against the sacraments and certain grave immoral acts.
- 13.3. Those of the delicta graviora reserved to the CDF are:
 - Delicts against the sanctity of the Sacrament of Penance:
 - Absolution of an accomplice in the sin against the sixth commandment of the Decalogue ([CIC can.1378 §1; CCEO can. 1457](#)).
 - Solicitation to sin with the confessor against the sixth commandment of the Decalogue, in the act of, context, of or pretext of the Sacrament of Penance ([CIC can. 1387; CCEO can. 1458](#)).
 - Direct violation of the Sacramental seal ([CIC can. 1388 §1; CCEO can. 1456](#)).

- Delicts against morality:
 - The violation of the sixth commandment of the Decalogue, committed by a cleric with a minor under the age of 18.
 - The acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology.

13.4. VE further elaborated on the delicts against the sixth commandment:

- Delicts against the sixth commandment of the Decalogue consisting of:
 - forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
 - performing sexual acts with a minor or a vulnerable person; and
 - the production, exhibition, possession, or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions.

14. Privacy and Confidentiality

- 14.1. The procedures outlined in this Policy address sensitive and personal matters which require the highest standard of privacy and confidentiality while fulfilling all legal and canonical requirements.
- 14.2. The Diocese of Calgary will not propose a confidentiality clause in any settlement documents – all civil resolutions of allegations against the Diocese and its personnel and volunteers will be considered public.

15. Seal of Confession

- 15.1. Priests are reminded that the Confessional Seal is inviolable (Can. 983, 984) in any and all circumstances. What is revealed in confession is subject to the Seal and cannot be revealed. What is revealed outside of the Sacrament of Confession is subject to the requirements of civil law including the *Child, Youth and Family Enhancement Act*.
- 15.2. In the situation where an act of sexual abuse is sacramentally confessed by a cleric, religious, seminarian, candidate to the permanent diaconate, lay diocesan employee, or volunteer in the Diocese, the priest confessor may not reveal the information under any circumstances. The Seal of Confession, defined as the grave duty of the priest to keep absolutely secret all sins that are confessed in the Sacrament of Penance and any other matter that is spoken by the penitent and is related to the act of confession, must remain inviolate.

16. Financial Costs

- 16.1. A diocesan cleric will be required to personally cover costs associated with defense proceedings in a criminal or civil action arising from an allegation of sexual misconduct and/or abuse. This prevents the Diocese from entering into a situation where a conflict of interest may occur during the civil proceedings.
- 16.2. Once the civil court proceedings have been concluded, the Diocese will consider offering financial assistance to the accused diocesan cleric if he is in financial difficulty as governed by the following canons in Canon Law:
 - Can. 1350 §1 In imposing penalties on a cleric, except in the case of dismissal from the clerical state, care must always be taken that he does not lack what is necessary for his worthy support.
 - §2 If a person is truly in need because he has been dismissed from the clerical state, the Ordinary is to provide in the best way possible.

17. Files and Record Retention

- 17.1. A record will be kept of all steps taken from when a report is first received. The record will include, but not be limited to, everything given by the Reporter, notes made by the Bishop's Delegate(s) and other diocesan personnel and volunteers, recordings, and all other record of media reports made by the Diocese during the investigation and the completion of the Report for the file.
- 17.2. A record of reports alleging sexual misconduct and/or abuse will not be destroyed at any time, even after the death of the persons involved. The written record will be stored in a file accessible to the Bishop, Chancellor, Vicar General, Judicial Vicar, and Bishop's Delegate. The Chancellor will record any removal of a file or documents within a file, noting the date and reason for the removal and the person who removed the document of file.
- 17.3. If the common good is endangered then the release of information about the report of the existence of an accusation does not necessarily constitute the violation of a person's good name. The persons involved are to be informed if the civil authorities present a subpoena for the judicial seizure of the Report of the acts of the investigation. In this case it will no longer be possible for the Diocese to guarantee the confidentiality of the information acquired in the interviews, depositions and documentation acquired from the canonical Preliminary Investigation.

18. Review of the Policy and Files of the Reports of Misconduct and Abuse

- 18.1. This Policy will be reviewed regularly (a minimum of every three years) by the Diocesan Curia and the Advisory Committee.

- 18.2. The record of reports alleging sexual misconduct and/or abuse that are on file within the Diocese will be reviewed by the Bishop's Delegates and the Advisory Committee on an annual basis. The Bishop is also accountable to review the record of the files alleging sexual misconduct and/or abuse with the Bishop's Delegates so that he is aware of and knowledgeable of the historic cases and the current files.
- 18.3. The newly appointed Bishop of the Diocese of Calgary, after installation, will meet within the first year of his episcopacy with the Bishop's Delegate to review the record of the files of sexual misconduct and/or abuse.
- 18.4. Every five years, third party auditors will review the record of the files of sexual misconduct and/or abuse and make recommendations to ensure compliance with this Policy in receiving reports, conducting the preliminary investigation, and the review process undertaken by the Advisory Committee.

19. Related Policies & Applicable Documents

- 19.1. Child, Youth and Family Enhancement Act
- 19.2. Human Resources – Code of Pastoral Conduct and Accountability
 - Clergy & Religious
 - Lay Diocesan Employees
 - Volunteers
 - Youth Working with Younger Children
- 19.3. Human Resources – Strengthening Our Parish Communities (SOPC) Program
- 19.4. The Mandate of the Advisory Committee for the Prevention and Management of Sexual Misconduct and Abuse
- 19.5. Sustenance Allowance for Incardinated Priests Not in Ministry
- 19.6. Protecting Minors from Sexual Abuse, Canadian Conference of Catholic Bishops, 2018
- 19.7. Bishop Reporting System, www.bishopreportingsystem.ca
- 19.8. Code of Canon Law, 1983
- 19.9. Sacramentorum Sanctitatis Tutela, Motu Proprio, year
- 19.10. Vos Estis Lux Mundi, Motu Proprio, year