



PROTOCOLS FOR
RESPONSIBLE MINISTRY AND A
SAFE WORKING ENVIRONMENT IN THE

Diocese of Churchill Hudson Bay

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I INTRODUCTION

1.0 INTRODUCTION

1.1 Background

The Catholic church, inspired by the Gospel of Jesus Christ to bring the Good News to all the world, has maintained a presence in the Churchill, Manitoba / Nunavut territory (Diocese of Churchill Hudson Bay) since 1912.

The first mission was founded in Chesterfield Inlet under the leadership of Fr Arsène Turquetil, a member of the Oblates of Mary Immaculate. Fr Turquetil became its first Apostolic Vicar in 1925. Historically, the priests in the diocese have all been members of the Oblate order and the Sisters were associated with the Grey Nuns of Montreal. In recent years the clergy context has changed to include priests on loan from other religious congregations or Dioceses, as well as Diocesan priests. Sisters from various Congregations serve as pastoral agents.

The ministry of the Diocese, accomplished through various ministries, operates and adapts itself to the special conditions and cultural norms of the North. The majority of the Diocese is located in the territory of Nunavut, 85% indigenous (Inuit). In Nunavut most non-Inuit community members are transient with a certain number of residents, especially in the capital city of Iqaluit, staying a more significant length of time. In Churchill, MB the population is comprised of indigenous peoples (65%) - Cree, Dene, Inuit and Métis populations as well as non-indigenous residents, permanent and transient.

The demographics of Nunavut demonstrate a very young and growing population, one where families normally have a large number of children. These young children are given a much higher degree of local autonomy than the general population of southern Canada.

Many parishes have only one personnel member (priest, deacon, religious, or pastoral lay agent) residing in the residence provided for them. Recruitment of new personnel to live in remote Canadian locations is challenging. Clergy and other pastoral agents are separated from their colleagues by the lack of a road system between communities. Most communities have limited professional help locally available to them. Since the late 1960s local Catholic Inuit in Nunavut have participated, and in some cases have been officially mandated to deliver a variety of services, according to their gifts and time available. This includes lay leaders that preside over communion services in the absence of a priest.

As a local faith community of the Catholic Church, the Diocese of Churchill- Hudson Bay takes a stance of deep respect for all persons and commits itself to the well-being of all persons, especially those most vulnerable - the youth, adolescents, and vulnerable adults. All those who conduct pastoral ministry are called to commit themselves to the principles and values of Christian and Catholic morality.

In Canada during the last 30 years sexual abuse of minors by clergy, coaches, teachers and others has increasingly become public knowledge through both allegations and criminal convictions.

In a 2001 apology, Pope John Paul II called sexual abuse within the Church "a profound contradiction of the teaching and witness of Jesus Christ." In 2010 his successor Pope Benedict XVI expressed "his shame" at the evil of this abuse.

In 2014 Pope Francis invited six victims of sexual abuse from Ireland, Germany, and Britain to the Vatican for private meetings and an early-morning Mass. He strongly praised the victims' courage in speaking up and shedding "light on a terrible darkness," telling the attendees of the mass he is deeply aware of the victims' deep and unrelenting pain.

To assist Bishops and major superiors in Canada the Canadian Catholic Bishops (CCCB) issued a valuable document (2018) to be used as a resource and guideline, *Protecting Minors from Sexual Abuse: A Call*

to the Catholic Faithful in Canada for Healing, Reconciliation and Transformation.

www.cccb.a/site/images/stories/pdf/Protecting_Minors_2018.pdf

On June 1, 2021 under the leadership of Pope Francis the Vatican released a long-awaited update to Section Six of its Code of Canon Law effective December 8, 2021. Amongst the updates, sexual abuse of minors was put under a new section titled "*Offences Against Human Life, Dignity and liberty.*" The aim of the relevant updates in this Section is to re-affirm the gravity of this crime and the attention that must be reserved for victims. The changes are aimed at not only punishing those in the church (both clergy and lay people) who commit such crimes, but also at making it harder for church officials to cover up offenses by priests. As an example, it is now a crime under canon law to omit reporting abuse.

In 2011 the Diocese of Churchill-Hudson Bay developed *Protocols for Responsible Ministry* as one step to address issues of sexual abuse misconduct not only for minors but other potentially vulnerable groups. This 2021 document stands as the latest revision of these protocols, to be reviewed every 4 years.

1.2 Policy Objectives

Code of Conduct Policy:

The goal of the Code of Conduct is the prevention of actual abuse, or falling into compromising circumstances and false accusations.

Misconduct Policy:

We are deeply aware of the continuing weakness of human beings and the sinfulness of humanity. Knowing that, we must take seriously the possibility of misconduct among our own clergy, deacons, religious, personnel and volunteers.

The Diocese has put in place the policies and procedures outlined in this document, to assist us in responding with charity, justice and fairness to situations that might involve such misconduct or allegations of misconduct.

This Policy sets out the position of the Diocese of Churchill Hudson Bay as to

1) what constitutes misconduct by a clergyman, religious, member of the personnel or volunteer in the Diocese, 2) the procedures to be followed if a complaint of misconduct is made, and 3) the discipline that may be imposed. Complaints shall, so far as is reasonably possible and in accordance with applicable laws, be received, investigated and determined in confidence in order to respect the privacy of those involved. This Policy shall be administered in accordance with Canadian and Canon Law and shall reflect the beliefs of the Diocese as outlined below.

1.3 Guiding Principles

This policy is founded on the following principles:

1. The primary concern will be for the **well-being of all persons involved**; the one(s) who suffer the effects of misconduct, and the person(s) who might be guilty of misconduct. The Diocese has a particular concern about the health and well-being of children, adolescents and vulnerable adults who might be affected.
2. In a spirit of cooperation, respect and support every reasonable effort will be made to resolve complaints to the mutual satisfaction of all parties involved.
3. The Diocese will act in accordance with the **laws of Canada and of Nunavut and Manitoba**, except where these laws require a priest to violate the seal of the confessional.
We will respect the provisions of the Canon Law of the Catholic Church.
4. It is the **responsibility of all Diocesan personnel and volunteers to report** allegations of misconduct.
5. There is a **presumption of innocence** until the accused party admits guilt, or until it has been proven otherwise. At the same time,

care and appropriate steps will be taken to protect others, beginning from the time an allegation is reported.

6. The Diocese of Churchill Hudson Bay will maintain the **confidentiality** of the complainant and the accused person at all times during the processes covered by this Policy to the extent this is possible. However, should the complaint or the circumstances surrounding it become public, the Misconduct Policy Administrator may, after consultation with the Bishop act as, or wish to appoint a media spokesperson to represent and speak on behalf of the Diocese.

2.0 DEFINITIONS

2.1 Misconduct: a term that encompasses:

- **Abuse (physical, sexual or verbal)**
- **Sexual Harassment**
- **Pornographic Offence**
- **Exploitation of a ministerial relationship**

2.1.1 Abuse: Any physical, verbal, emotional or sexual conduct towards any person that causes that person to have concern or fear for his or her physical or emotional safety or well-being. Such activity may or may not be criminal in nature.

Minor / Child abuse, as defined under the child protection legislation of Nunavut and Manitoba, also constitutes abuse under this Policy. **[see 2.2 for definitions of minors and children in the MB and Nunavut jurisdictions]**

Sexual abuse is comprised of contacts or interactions between a minor/child and an adult when a child is being used as an object of sexual gratification for the adult, whether or not this activity involves explicit force or contact.

2.1.2 Sexual Harassment: Any unwanted or inappropriate sexual conduct or language with others.

2.1.3 Pornographic Offence is the possession, creation or distribution of any photographic, film, video or other visual representation that shows a person who is depicted as engaged in inappropriate sexual activity; and any written material that advocates or counsels inappropriate sexual activity. This could include public misconduct actions that are considered to be crimes, such as indecent exposure or lewd activity.

2.1.4 Exploitation of a ministerial relationship: A ministerial relationship involves trust and confidence that is based primarily upon the ministry offered by a priest or other pastoral agent to another person. Examples of ministry include counselling, spiritual guidance and the celebration of the sacraments. Exploitation is any betrayal of trust or exploitation of the power imbalance that is inherent in a relationship between a member of the personnel (clergy, religious, lay) or volunteer of the Diocese of Churchill Hudson Bay and the person with whom he or she has a ministerial relationship.

2.2 Minor - Child, Adolescent

A minor is normally considered to be any person under the age of 18 years old or the age which follows the legal definition of the prevailing govt jurisdiction.

In **Nunavut** a person under the age of 19 is defined as a minor (18 years and younger). A child is a person under 16 years of age.

In **Manitoba** every person ceases to be a minor, on attaining the age of 18 years. A child is a person under 16 years of age.

An adolescent is a less specific term, normally referring to a teenager 16 to 19 years of age.

2.3 Vulnerable person(s)

A vulnerable person is anyone of any age who might easily be exploited by another. In the context of this document, we are mainly referring to adults whose vulnerability may be caused by anything that a) limits mature judgement (e.g. mentally challenged; emotionally susceptible, either temporarily due to extreme crisis or

trauma or on a more permanent basis) and b) limits free activity (e.g. physically handicapped).

Grooming: Vulnerable persons may be particularly susceptible to what is called “Grooming”. Grooming includes a wide variety of behaviours, such as spending large amounts of time with a particular person alone, affording special privileges or providing gifts, trips and other expressions of special attention. Grooming behaviour can lead the person to feel indebted to the groomer for all these kindnesses. Whether the grooming behaviour is innocent and unintentional or intended as a means to be able to do something wrong later, it is by its very nature seductive behaviour. Everyone should be alert to signs of grooming that have the potential to lead to sexual misconduct or other forms of abuse.

2.4 Allegation

An allegation is a statement of the facts intended to be relied on in support of an accusation.

II PREVENTION

3.0 ORIENTATION

Protocols of Conduct and Misconduct for the Diocese of Churchill Hudson Bay

The Bishop will endeavour to be well informed on the nature and effects of misconduct (including sexual abuse) by drawing from the experience of victims and from the growing field of human, psychological, and social sciences in this area. He will promote that each encounter with a victim conveys the respect, compassion, and solicitude proper to pastoral leadership.

[see pp. 132-133 *Protecting Minors from Sexual Abuse: a call to the Catholic Faithful in Canada for Healing Reconciliation, and Transformation*, CCCB, 2018]

Every new member of the personnel will receive an orientation session on the Code of Conduct and Code of Misconduct policies of the Diocese.

Code of Conduct

For Diocesan personnel (ministers, religious brothers and sisters, deacons, lay pastoral agents) and volunteers in contact with parish and community members, especially with minors - young children, adolescents, and the vulnerable.

Recreational and Catechetical Programs:

1. For children, adolescents, and vulnerable adults, all recreational and catechetical programs, including the preparation for the sacraments, should be done in a group format with two adults present. If there are extraordinary situations where the presence of two adults is not possible, a minimum of 3 children must be in attendance.

Sacrament of Reconciliation

2. The celebration of the sacrament of reconciliation is to be done in a space that allows the penitent and the priest to be in view of others (e.g. if a separate room is used, the door needs to be partially open or there needs to be a window in the door), or in a traditional confessional with 2 separate units. For a child, adolescent or a vulnerable person this should be done with the nearby presence of a parent, or adult.

3. For new constructions or renovations, special attention will be taken to consider the best set-up to provide for public view (e.g. location, glass panels or windows on doors).

Counselling

4. One-on-one counseling is to be conducted in a space that is easily accessed or viewed by the public, with no closed doors.

Restricting access to Private Quarters

5. Access to rectories is to be restricted. Where an office/kitchen (for coffee) is located in a combined church / residence structure, care must be taken to prevent access and view to one's private quarters,

especially bedrooms. No members of the personnel or volunteers are to be alone with a child, an adolescent or a vulnerable adult in his/her private living quarters.

Respecting personal boundaries:

6. No member of the pastoral personnel shall be alone in a washroom with a child, adolescent or vulnerable adult. Where special assistance is needed on an ongoing basis, an agreement shall be made between the parents/guardian and the volunteer or Diocesan personnel member.

7. All Diocesan personnel are expected to set appropriate boundaries in his or her relationships with others. It is not up to the person coming for help to set the boundaries, but the personnel must set the appropriate boundaries. e.g. Requests for one-on-one counseling at unusual times or situations are to be redirected to appropriate times and situations, except under a crisis situation.

8. A member of the Diocesan personnel is not to take a child, adolescent or any vulnerable person on personal trips or vacations. Off-site programs conducted by the church will be conducted with parental/guardian permission.

9. Expensive gifts or money are not to be given to or accepted from a child, an adolescent or a vulnerable adult. Personnel are not to be involved in assuming a guardianship role, Executor, or power of attorney (POA) for parishioners, including youth.

Personnel as stewards of diocesan/parish resources:

10. The diocesan material resources (i.e. buildings and contents) and financial resources (i.e. donations, collections) are the result of the generosity and good will of benefactors and parishioners. All personnel and volunteers are stewards of these resources whose use is restricted to authorized purposes and activities.

Formation

The Diocese will promote and make available online courses/workshops from the Child Protection Agency of Canada.

615 Academy Rd, Winnipeg, MB R3N 0E7 1-204-560-2083
www.protectchildren.ca

4.0 SELECTION AND SCREENING OF THOSE WHO ENGAGE IN MINISTRY

The Bishop will endeavour to implement safe recruiting procedures. Selection and screening of potential new personnel prior to engaging them is considered to be one way to prevent abuse or misconduct.

All new members of the personnel will be given the Protocols for Conduct and Misconduct in the Diocese of Churchill Hudson Bay prior to being engaged in the Diocese.

4.1 Ministry Application Form: All clergy, religious, personnel and volunteers engaged in ministry with children, adolescents or vulnerable adults will be required to fill out and sign a Ministry Application Form.

For new personnel coming to the North this is to be done prior to relocating to a community in the Diocese.

4.2 Criminal Record Check: All clergy, religious, personnel and volunteers who work with children, adolescents or vulnerable adults will have an up-to-date *Criminal Record Check* (every five years). In Churchill and Nunavut this can be done at the RCMP detachment. The Criminal Record check must include an additional request for a *Vulnerable Sector Check for children and vulnerable adults*.

* Acquiring an up-to-date Criminal Record check is the responsibility of the individual involved. The current fee is \$25.00 and the application process requires showing two official forms of identification (I.D.), one containing a photograph.

4.3 Reference checks: All clergy, religious, and personnel who work with children, adolescents or vulnerable adults will have two reference

checks done on him/her. These reference check names will be first selected from the Ministry Suitability Form.

- 4.4 Failure to comply:** If prospective candidates for ministry with children, adolescents or vulnerable adults refuses to comply with any of the above (4.1 4.2, 4.3), **or if they have criminal abuse violations**, they will not be allowed to work, under any circumstances in a Parish or the Diocese.

III INTERVENTION

5.0 ADMINISTRATORS OF THE POLICY

5.1 Bishop

The Bishop shall appoint a Misconduct Policy Administrator to administer this Policy. The Bishop shall not participate in the investigation or the review of any complaint under this Policy prior to receiving the Misconduct Policy Administrator's final report.

The Bishop shall be the final adjudicator of any complaint that is brought before him and shall be responsible for determining what action, if any, will be taken under this Policy. All parties involved will carry out the investigation in accord with the appropriate Codes of Canon law.

Accusations against a currently serving Bishop (or *Bishop Emeritus*)

If a living Bishop is himself accused of misconduct, a separate system of reporting to Church authorities is to be used. This has been established with *ClearView Connects*, an independent and confidential ethics reporting service provided and financed by the Bishops of Canada.

The below mentioned telephone or online system of reporting is to be used specifically for the following misconduct:

Sexual abuse, *or*
Other sexual misconduct

(e.g. sexual harassment or possession of child pornography), or
Whose actions or omissions intended to interfere with or avoid civil or
canonical investigations regarding sexual abuse

The accusation is to be directly referred to the
Canadian Reporting System for Sexual Abuse or Cover-up by a
Catholic Bishop

Online: www.bishopreportingsystem.ca

Toll free telephone: 1-866-892-3737

Reports submitted through this system are sent directly to the
appropriate Church authority and the accuser is made aware that
they are free to contact their local police and/or child protection
service, and are legally required to do so if a minor is in danger. As
part of the process he informant may choose the option to not
disclose their name.

5.2 Misconduct Policy Administrator

5.2.1 The Misconduct Policy Administrator shall administer this Policy
as it relates to all personnel associated with the church except
for accusations against a Bishop (see 5.1)

*** All complaints of alleged misconduct under this Policy
shall be made or forwarded to the Misconduct Policy
Administrator.**

5.2.2 The Misconduct Policy Administrator shall conduct an
independent assessment of a complaint pursuant to the Policy.
This will be conducted with the assistance of an Advisory Team.
He is not the adjudicator of any complaint under the Policy. **He
shall make recommendations to the Bishop as to what
action, if any, should be taken at the completion of his
investigation.**

5.2.3 If he determines it necessary, he shall also conduct, or appoint
an Investigator to conduct, an independent investigation into
the complaint pursuant to the guidelines of this Policy.

- 5.24 **Support Persons:** The Misconduct Policy Administrator in consultation with the Bishop will have available to him Support persons. Support is defined as emotional support (not counselling), spiritual support, assistance with communications, and assistance with understanding this Policy, including procedures with respect to responding to or making an allegation of misconduct. The Support person shall not take part in the investigation except as a resource for the person to whom he or she is providing support. The Support person may be a different person for the complainant and accused, as requested.
- 5.2.5 **Specific Assistance:** The Diocese of Churchill-Hudson Bay shall offer to provide specific care for complainants and accused persons during the investigation of a complaint under this Policy, within the discretion of the Misconduct Policy Administrator. This may include therapy fees for the complainant(s) and assistance with therapy or legal fees for the accused person(s). Such assistance shall be provided for pastoral reasons and does not constitute an admission of responsibility or an admission that the facts as alleged occurred. The complainant shall acknowledge this in writing prior to receiving such assistance.
- 5.2.6 **Civil / Criminal cases:** The procedures outlined in this Policy do not preclude a complainant from pursuing civil or criminal remedies, or from seeking legal counsel. If notice is received that the complainant intends to seek a civil or criminal remedy, the response of the Diocese of Churchill Hudson Bay under this Policy may be suspended in whole or in part.
- 5.2.7 **Conflict of Interest:** In cases where there is a conflict of interest (actual or perceived) or for other compelling reasons, the Bishop may appoint an Alternate person to function as the Misconduct Policy Administrator, whether this be on his own initiative or upon the request of the Misconduct Policy

Administrator, the complainant or the accused,. The Alternate shall, as directed by the Bishop, either:

- (a) act as a consultant to the Misconduct Policy Administrator; or
- (b) act in place of or on behalf of the Misconduct Policy Administrator.

5.3 Misconduct Advisory Team

The Bishop shall appoint a team of three or more persons who are qualified by training and experience to act as advisors to the Misconduct Policy Administrator and the Bishop in the administration of the Policy. The Misconduct Policy Administrator may consult with the Misconduct Advisory Team as provided for under this Policy.

6.0 PROCEDURE FOR COMPLAINTS

6.1 Complaints/Initiating the Process

Where a person wishes to make a complaint of misconduct on the part of a clergyman or employee or volunteer of the Diocese of Churchill-Hudson Bay under this Policy, he or she may do so by contacting the Misconduct Policy Administrator. Complaints of misconduct received by anyone else under this Policy shall be referred forthwith to the Misconduct Policy Administrator. A complaint may also be initiated by the Diocese or by its employees or volunteers where misconduct is suspected or has been reported but no complainant has come forward. Any such complaint shall also be referred forthwith to the Misconduct Policy Administrator. The allegation will be brought to the attention of the insurance company so that an investigation can begin from early on in the process and that counselling services will be available to all concerned parties as coverage is provided in the policy.

6.2 Preliminary Assessment

Upon receiving a complaint of alleged misconduct, the Misconduct Policy Administrator (MPA) shall make a preliminary assessment of

the complaint in order to determine whether or not to initiate an investigation. In doing so, the Misconduct Policy Administrator shall:

explain to the complainant the procedures that shall be followed under this Policy;

obtain information about the complaint from the complainant, using the form provided; and

ensure that the complainant receives an opportunity to consult with a Support person and/or legal counsel if he or she so chooses.

(d) should the MPA decide to proceed with an investigation, he should immediately inform the Diocesan insurer.

In determining whether an investigation should proceed, the Misconduct Policy Administrator shall consider:

- the credibility of the complainant;
- the seriousness of the allegations;
- the wishes of the complainant;
- the safety of the Diocese's ministries;
- the interests of the Diocese and its members;
- applicable laws, including Canon Law;
- the Guiding Principles, Ethical Responsibilities and Objectives of the Policy; and any other factor the Misconduct Policy Administrator deems relevant and appropriate.

6.3 Abuse of Minors / Children

If the complaint involves allegations of abuse of minors / children, the Misconduct Policy Administrator shall:

if the complaint involves a child currently in need of protection as defined under applicable child protection legislation, report the allegations to the appropriate authorities immediately in accordance with the applicable law;

ensure that the Diocese of Churchill-Hudson Bay co-operates fully with any investigation by appropriate authorities;

not conduct an internal investigation until any criminal or child protection investigation is completed;

if it appears that other children or vulnerable persons may be currently at risk, take such action as is appropriate in the circumstances and in accordance with this Policy and applicable law, or recommend such action to the Bishop;

if warranted, notify the Misconduct Advisory Team and keep them informed of the investigation, recommendations and any resolution of the complaint; and

inform the Bishop of the complaint and the steps taken by the Misconduct Policy Administrator.

6.3.1 Any clergyman or employee or volunteer of the Diocese who **suspects that a minor / child may be in need of protection** as defined under applicable territorial or provincial laws must report this suspicion to the appropriate authorities. If the alleged abuser is a member of the Diocese or an employee or volunteer of the Diocese, then the Misconduct Policy Administrator must also be advised of the allegations.

6.3.2 Any clergyman, employee or volunteer of the Diocese **who is accused of abuse of a minor / child** must notify the Misconduct Policy Administrator immediately. The Bishop shall immediately remove anyone accused of child abuse from contact with children or other vulnerable persons and, if the accused is a clergyman or an employee of the Diocese, place him or her on administrative leave pending the outcome of any investigation by police or child protection workers. In the case of a member of the clergy being accused further precautionary measures outlined in canon 1722 may be imposed pending the outcome of all processes of investigation. This includes the potential to be prohibited from residence in a given place or public participation in the Eucharist.

6.4 Harassment or Exploitation of a Ministerial Relationship (see 2.1.4)

Where a complaint involves harassment or exploitation of a ministerial relationship by a clergyman, pending the outcome of the Misconduct Policy Administrator's investigation, where he considers it to be in the interests of the good order of the Diocese of Churchill-Hudson Bay, or in the best interests of the accused and the complainant, the Misconduct Policy Administrator may recommend to the Bishop that he:

place the accused on administrative leave; or
place the accused in an alternate ministry either with or without restrictions depending on the circumstances (this option is limited in the Diocese of Churchill Hudson Bay due to its pastoral focus of operation) .

6.5 Where No Investigation Proceeds

If the Misconduct Policy Administrator determines that an investigation should not proceed, he shall so advise the complainant and make a report to the Bishop, setting out the nature of the complaint and the reasons why an investigation did not proceed. The complainant shall be informed that if dissatisfied with the Misconduct Policy Administrator's decision, he or she may request the Bishop to review the decision. If the Bishop then decides an investigation should proceed, he shall delegate the matter to an Alternate administrator /entity to conduct the investigation.

6.6 Investigation

Where an investigation proceeds, the Misconduct Policy Administrator shall:

advise the complainant that an investigation shall be conducted and refer the complainant to the services of a Support Person;

advise the accused person of the nature of the complaint and that an investigation under this Policy is proceeding, and refer the accused person to a Support Person;

obtain any available insurance policies in effect at the time during which the alleged misconduct was to have occurred and notify the insurer of the potential claim;

interview or arrange for the interview of the complainant and any other individuals who may assist in the investigation and collect other relevant evidence;

after giving the accused person a reasonable opportunity to consider the complaint and, if so desired, to consult with a Support Person and/or legal counsel, interview or arrange for the interview of the accused person;

as deemed advisable and within the law, record audio/digital proceedings of the investigation;

(g) if the Misconduct Policy Administrator considers it desirable, consult with the Misconduct Advisory Team or other professional advisors; and

(h) upon completion of the investigation, prepare a written report to the Bishop that contains details of the complaint, a description of the evidence gathered, and recommendations as to what action, if any, should be taken by the Bishop. A copy of the written report shall be provided both to the complainant and to the accused.

6.7 Informal Resolution of Harassment Claims

In cases of alleged harassment, the Misconduct Policy Administrator shall consider whether an informal resolution is possible and, if both the complainant and the accused person agree to participate, the Misconduct Policy Administrator shall arrange an informal resolution process. Such a process may take the form of a “without prejudice” facilitated discussion between the complainant and the accused person or other type of mediation, as agreed to by the parties and approved by the Misconduct Policy Administrator. If such a process does not result in a resolution of the complaint, a formal investigation may then proceed, although at any time during the course of the

investigation, if the Misconduct Policy Administrator deems it appropriate and the parties agree, further informal resolution meetings may take place. All informal resolution discussions arranged by, or which occur with the approval of, the Misconduct Policy Administrator, shall be “without prejudice” and not be used or referred to in any investigation or report. If a resolution is achieved, a resolution agreement shall be drawn up, signed by both parties and ratified by the Misconduct Policy Administrator. A copy of the agreement shall be maintained in the file of the Misconduct Policy Administrator.

6.8 Bishop’s Adjudication

Sexual abuse allegations – clergy member

Referrals to the *Congregation for the Doctrine of Faith*

Once a preliminary investigation concerning an alleged sexual abuse by a clergy member is completed, **if the Bishop determines the complaint is credible the Church requires the case be referred by the Bishop to the *Congregation for the Doctrine of Faith (CDF)***. This notification must be made whether the accused has admitted to the allegation or has denied it.

Upon receipt of a Misconduct Policy Administrator’s written report:

- 1) the Bishop shall make a final determination regarding the complaint and any action to be taken. This determination shall be made on the balance of probabilities, with the safety of children and vulnerable persons as a primary guiding principle. The determination shall be documented in writing and provided to the complainant and the accused person. Where practical, the accused and complainant shall be informed in person of the decision by the Bishop.
- 2) if he considers it desirable, the Bishop will consult with legal counsel for the Diocese of Churchill-Hudson Bay, members of

the Misconduct Advisory Team, or any other appropriate professionals.

6.9 Records where No Misconduct is Proven

If the Bishop determines that no misconduct has been proven, no notation about the investigation or complaint shall be kept in the clergyman, employee or volunteer's personnel file. The Misconduct Policy Administrator shall, however, maintain a copy of the report and the Bishop's decision in a confidential file in the Misconduct Policy Administrator's care.

6.10 Permanent Removal Where Minor / Child Abuse Is Determined

The Bishop shall permanently remove from any ministry or work with children or adolescents any person found guilty of abuse of a minor or child.

6.11 Discipline

If any determination of misconduct is found to have occurred (*as defined in 2.1), the Bishop shall determine the appropriate discipline. Discipline may include the following, depending on the circumstances:

- **Caution:** The Bishop gives an oral caution to the person and notes it on the person's file.
- **Warning:** The Bishop gives a warning in writing with a copy of the warning going into the person's file.
- **Reprimand:** The person appears before the Bishop and is given a reprimand in writing with a copy of the reprimand going into the person's file.
- **Censure:** The person appears before the Bishop, is given a reprimand in writing, with a copy of the reprimand going into the person's file; opportunities for rehabilitation are provided as

needed; and ongoing reports are given to the Bishop for at least one year after resuming work.

- **Administrative leave:** the person found guilty of misconduct is suspended from the exercise of ministry, employment or volunteer work until there is clear evidence to the Bishop of rehabilitation and restoration.
- **Termination:** the person's appointment, employment, or volunteer work is terminated.

6.12 Appeal

Permanent members of the Diocese of Churchill Hudson Bay have the right to appeal the disciplines of "Administrative Leave" or "Termination" according to the juridical norms of the Diocese and the provisions of Canon Law. The same right applies to employees of the Diocese according to the laws of the Nunavut and Manitoba.

7.0 OTHER MATTERS

7.1 Records of Complaints

Any complaint received by the Misconduct Policy Administrator, whether or not an investigation is conducted, shall be maintained in the Misconduct Policy Administrator's confidential records. Copies of all files, records or reports pertaining to any complaint and investigation shall also be maintained in the Misconduct Policy Administrator's records.

7.2 Payment of Accused Person's Counsel Fees

Because of his incardination, where the accused under this Policy is a clergyman of the Diocese of Churchill Hudson Bay, the Diocese shall pay the reasonable fees of his independent legal counsel to defend a complaint. Depending upon the circumstances, the Diocese may also choose to pay some or all of the reasonable counsel fees of their employees, religious, non-incardinated priests or volunteers in defending a complaint under this Policy.

7.3 Misconduct Policy Administrator's Annual Report

On an annual basis, the Misconduct Policy Administrator shall make a brief year-end report to the Bishop on the activities conducted under this Policy. This report may also include any of the Misconduct Policy Administrator's recommendations about the workings of the Policy or suggestions for improvements to the Policy.