



Policy on Sexual Misconduct by Clergy

Table of Contents

A.	Introduction
B.	Definitions
C.	General Provisions
D.	Clergy
E.	Candidates for Ordained Ministry
F.	Reporting Procedure
G.	The Investigation
H.	Care for Complainants
I.	Relations with the Respondent
J.	Additional Provisions
Appendix I:	Obligation to Report
Appendix II:	Contact Resources
Appendix III:	Policy on Pastoral Conduct for Priests and Deacons



A. Introduction

In keeping with the Church's teaching and mission, the Archdiocese of Vancouver believes that the effective protection of minors and vulnerable adults, as well as a pastoral concern for their human and spiritual development, are integral to the Gospel message.

We are committed to both compassion and justice in dealing with the grave evil of sexual misconduct in the Church. The procedures outlined in this Policy are aimed at promoting the protection of minors and vulnerable adults in harmony with the Church's nature. These procedures are also intended to repair any harm done, to show compassion to victims, to ensure justice for all, and to prevent, by every possible means, the recurrence of such incidents in the future.

In the words of Benedict XVI, the safeguarding of minors requires us "to establish the truth of what happened in the past, to take whatever steps are necessary to prevent it from occurring again, to ensure that the principles of justice are fully respected and, above all, to bring healing to the victims and to all those affected by these egregious crimes" (Address to the Irish Bishops [28 October 2006]).

This revised Policy and its procedures address three matters to be attended to whenever an incident involves alleged clerical sexual misconduct. First, they provide procedures for the reporting and investigation of such misconduct. Second, they protect the rights of all the faithful as guaranteed by the Code of Canon Law (cf. canons 96 and 208ff). Finally, they explain how the Archdiocese will deal with allegations without prejudice to the civil law and its formal processes.

The procedures outlined call for an immediate response when information concerning alleged sexual misconduct against a minor or vulnerable adult is received. They respect and include the observance of the requirements of civil and criminal law. The Archdiocese of Vancouver also follows the canonical procedures that are outlined in the penal process of the Code of Canon Law (cf. Book VII, part IV).

Let us pray that this Policy and its procedures will help all of us to become ever more vigilant in our protection of all minors and vulnerable adults.



B. Definitions

Advisory Committee for Sexual Misconduct: the group of qualified persons appointed by the Archbishop to assist the Delegate or Deputy Delegate in assessing the legitimacy and nature of an allegation of sexual misconduct.

Archbishop: the Roman Catholic Archbishop of Vancouver appointed as such pursuant to the Canon Law of the Roman Catholic Church, or, in his absence or incapacity, the lawful administrator of the Archdiocese elected or appointed in accordance with the Code of Canon Law. The Archbishop is also a corporation sole civilly incorporated by private statute in the Province of British Columbia.

Archdiocese: the Roman Catholic Archdiocese of Vancouver, a voluntary association of the Roman Catholic faithful resident within the canonically defined territory of the Archdiocese under the governance of the Archbishop of Vancouver in accordance with the Code of Canon Law of the Roman Catholic Church.

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

Clergy: the ordained ministers – deacons, priests and bishops – of the Catholic Church. The singular form is “cleric”.

Code of Canon Law: the 1983 code of law governing the Latin Church, promulgated by Saint John Paul II in 1983. Individual laws are referred to as canons.

Complainant: the person who alleges having suffered because of sexual misconduct by a member of the clergy.

Delegate: the person appointed by the Archbishop to deal with matters of sexual misconduct as described in this Policy. Depending on the circumstances of the case, the Delegate may convoke a meeting of the Advisory Committee for sexual misconduct and facilitate its work until the case is closed. The Delegate has the duty to keep the Archbishop and the Archdiocesan Spokesperson informed.

Deputy Delegate: the person appointed by the Archbishop to assist the Delegate in the management of this Policy. In the absence or incapacity of the Delegate, the Deputy Delegate has the same role and functions as the Delegate.

Ecclesiastical Notary: the person named by ecclesiastical authority to authenticate ecclesiastical documents by his or her signature. Canon 482 §3 provides that the Chancellor and the Vice-Chancellor are automatically ecclesiastical notaries.

Faculties: the granting by a higher ecclesiastical authority to a priest or deacon of certain abilities and powers (e.g., to hear confessions).

Grooming: conduct that is designed to select and prepare potential victims for abuse.

Incardination: the action by which a cleric, at his diaconal ordination or by a decree thereafter, becomes affiliated with the Archdiocese and becomes subject to the Archbishop.



Minor (child): for the purposes of this policy , a minor is any person under the age of 19, as defined by the Age of Majority Act of the Province of British Columbia.¹

Regular Ministry: by clergy present in the Archdiocese with a clerical assignment, or engaged in the usual, frequent or repeated exercise of clerical faculties or responsibilities, including visitors of more than two weeks cumulatively per annum.

Religious Community: an independent and self-governing Institute of Consecrated Life, Society of Apostolic Life, or Secular Institute that is recognized by the Catholic Church and governed by her laws.

Respondent: a member of the clergy alleged to have committed an act of sexual misconduct.

Semblance of Truth: not necessarily believed true but objectively or reasonably possible, even if improbable, and without consideration of subjective elements in favour or to the contrary.

Sexual Misconduct: wrongful or illicit sexual or sexualized behaviour or communication, whether actual, threatened or attempted, and whether or not apparent harm arises from that conduct, including grooming and any act deemed a sexual offence according to Canon Law, the Criminal Code of Canada, or the law of the province or territory concerned; such behaviour is inclusive of improper electronic communications, possession of or dealing with pornographic materials depicting persons under the age of 19 and any form of sexual abuse.

Superior: the regional head of a Religious Community that is ministering to the faithful of the Archdiocese of Vancouver with the permission of the Archbishop.

Vulnerable Adult: the person who is defined as an adult by civil statutes (19 or older), but who lacks an adult mental or emotional capacity or who, by reasons of advanced age, physical illness, mental disorder or disability, was or might be unable to protect himself or herself from significant harm or exploitation. An adult who habitually lacks the use of reason is considered incapable of personal responsibility and is to be considered equivalent to a minor according to Canon Law (cf. canon 99).

¹ Cf. *Age of Majority Act* [RSBA 1996], ch. 7; <http://www.bclaws.ca/civix/document/id/complete/statreg/9600701>.



C. General Provisions

1. The Archdiocese of Vancouver recognizes the obligation of acknowledging the grievous impact that sexual misconduct within the Church has on individuals, on families, on parishes, on the Archdiocese, and on society at large.
2. The Archbishop of Vancouver pledges to create, enforce, support, and maintain the means for preventing sexual misconduct and responding to complaints of abuse.²
3. The special focus of this Policy is the protection of minors and vulnerable adults. It gives priority to creating a safe environment in any circumstances in which their protection is imperative. This policy may also apply to allegations of sexual misconduct made by adults.
4. Transparency, accountability and commitment to the truth are guiding principles of this Policy. Confidentiality and due process in this sensitive area are of utmost importance and must be protected, to the extent possible.
5. This Policy follows the newly released directives and recommendations provided by the Canadian Conference of Catholic Bishops (CCCB).³ They also comply with *Normae de gravioribus delictis* (18 May 2001)⁴ and with the additional provisions of the Congregation for the Doctrine of the Faith in their *Circular Letter To Assist Episcopal Conferences In Developing Guidelines For Dealing With Cases Of Sexual Abuses Of Minors Perpetrated By Clerics* (3 May 2011), and with Canadian legislation.
6. The Archbishop will appoint a Delegate to address issues related to sexual misconduct.⁵
7. A Deputy Delegate should be appointed at the same time as the Delegate, and in the absence or incapacity of the Delegate, the Deputy Delegate has the same role and functions as the Delegate.
8. An Archdiocesan Spokesperson shall be appointed for individual cases.⁶ The Archdiocesan Spokesperson is responsible for relations with the media for all questions concerning allegations of sexual misconduct.
9. The Archbishop will appoint an Advisory Committee for Sexual Misconduct which, under the authority of the Delegate, is to assist the Delegate in matters relating to the prevention of sexual misconduct and in responding to allegations of sexual misconduct.
10. The Advisory Committee is also mandated to provide advice on the preparation and updating of the procedures relating to sexual misconduct, as well as their interpretation

² Cf. Canadian Conference of Catholic Bishops, *Moving Towards Healing and Renewal – The Canadian Experience: Guidelines, Recommendations and Commitments for the Protection of Minors and the Prevention of Sexual Abuse of Minors*, Plenary Assembly (26-30 September 2016), Part Two, 2.1.2.

³ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.1.2.

⁴ English translation: "Norms concerning the Most Serious Crimes."

⁵ Cf. Code of Canon Law, c. 1717 §1; c. 1468.

⁶ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.4.4.



and proper application⁷ and shall conduct a comprehensive review of these procedures every four years.⁸

11. At least once per year, the Archbishop will meet with his Delegate, Deputy Delegate, and the Advisory Committee to review this Policy. Amendments to this Policy may be proposed at anytime by this group. They take effect only after approval by the Archbishop.
12. Information contained in this Policy is public. In addition to members of the clergy, all those engaged in ministry in the Archdiocese of Vancouver must familiarize themselves with this document.⁹
13. Upon receipt of an originating complaint the Delegate shall immediately open a case file with a unique file number. A complete written record of the allegation(s) of sexual misconduct and of all steps taken from the moment the allegation was first received until the matter is finalized is to be maintained permanently in it.¹⁰ Records should not be altered or destroyed, even subsequent to the death of the respondent, notwithstanding canon 489 §2.¹¹ The record may be used to show that procedure was followed, that the complainant was treated fairly, and that the respondent's civil and canonical rights were respected. Care is to be taken to protect the confidentiality of such documentation.
14. A newly appointed Archbishop, with the assistance of the Delegate, shall acquaint himself with all allegations of sexual misconduct allegedly or actually perpetrated in the Archdiocese of Vancouver by any member of Church personnel, including clergy, employees and volunteers.

D. Clergy

1. A Criminal Record Check with a Vulnerable Sector Search is required for all bishops, priests, and deacons before they undertake regular ministry in the Archdiocese of Vancouver. In addition, every cleric shall read, sign and provide the requisite Code of Conduct for Clergy.¹² The Record Check and Code of Conduct shall be renewed every five years.
2. Clergy formation and professional development shall be provided on a continuing basis including attending a mandatory Archdiocesan Safe Environment training seminar annually.
3. A copy of this Policy will be given to every cleric incardinated, domiciled or regularly ministering in the Archdiocese, who will acknowledge receipt in writing.

⁷ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.4.2.

⁸ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.6.

⁹ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.4.5.

¹⁰ Cf. Code of Canon Law, c. 1719.

¹¹ Cf. Code of Canon Law, c. 489 §2.

¹² See Appendix III: Policy on Pastoral Conduct for Priests and Deacons.



4. All clergy regularly ministering in the Archdiocese of Vancouver must become familiar with this Policy and be bound by it. They are responsible for reviewing it on an annual basis.
5. When an incardinated priest or deacon of the Archdiocese of Vancouver is ministering outside the Archdiocese and becomes the subject of an allegation of sexual misconduct, the Archdiocese will notify the local Bishop or Major Superior that an allegation has been made against that priest or deacon presently serving within his jurisdiction.
6. Clergy from other dioceses and Religious Communities in Canada will not be accepted for regular ministry in the Archdiocese of Vancouver until a Statement of Suitability is received from the Bishop or Major Superior of their respective Religious Community or Diocese, along with a Criminal Record Check with a Vulnerable Sector Search. Clergy from outside of Canada must have their Bishop or Major Superior provide a Statement of Suitability and a Criminal Record Check with a Vulnerable Sector Search, or the equivalent (and, if possible, an Interpol check) *prior to their arrival in Canada*.
7. All clergy raised, educated, and ordained outside Canada or the United States of America holding assignments in the Archdiocese of Vancouver must participate in an approved enculturation program to become familiar with Canadian culture.¹³
8. A cleric from another Diocese, Eparchy, or Religious Community who is the subject of a pending or a confirmed allegation of sexual misconduct will not be admitted for ministry in the Archdiocese of Vancouver.
9. A cleric incardinated in the Archdiocese of Vancouver who is the subject of a pending or a confirmed allegation of sexual misconduct will not be permitted to transfer to another Diocese, Eparchy, or Religious Community without a full disclosure of the facts surrounding the allegation.

E. Candidates for Ordained Ministry

1. As required by the Office of Vocations and Seminarians of the Archdiocese of Vancouver, all potential seminarians undergo psychological screening before acceptance as candidates for the priesthood. In addition, regular evaluations of maturity and commitment to celibacy, as well as education about maintaining appropriate boundaries, are an integral part of the formation process throughout the candidates' years of training and study. A formal assessment of the progress and development of the candidate in these areas is required at the completion of each year of formation and prior to Ordination to the Diaconate.
2. In the case of applicants for the permanent diaconate, psychological screening is arranged by the Archdiocesan Permanent Diaconate Office. As with seminarians, evaluations of maturity, commitment to celibacy (for unmarried candidates) or marriage vows, and personal boundaries are an integral part of the formation process throughout the diaconal

¹³ A four-week program is provided by Newman Theological College in Edmonton as of the date of this document.



candidates' formation. Formal assessments of the progress and development of the candidates in these areas are required throughout formation and prior to Ordination.¹⁴

3. A Criminal Record Check with a Vulnerable Sector Search is required by the Archdiocese for all candidates prior to beginning their studies for ordained ministry.

F. Reporting Procedure

1. Any person, including a member of the clergy, a member of a Religious Community, an employee, or a volunteer of the Archdiocese, who has reasonable grounds to suspect that any person under 19 years of age is in need of protection due to abuse or neglect, or who receives an allegation of such by any person, has an obligation to report it.¹⁵ Reports may be made to a child welfare worker by phoning 1-800-663-9122 (a provincial child-abuse hotline) at any hour.¹⁶
2. Reports of sexual misconduct by a member of the clergy can be made directly to the Archdiocese through its offices:

4885 Saint John Paul II Way
Vancouver, BC V5Z 0G3
Phone: (604) 683-0281.

Such a report should be made to the Archbishop's Delegate or Deputy Delegate or a designated contact person.¹⁷

3. Any employee or member of the clergy who is informed about an allegation of sexual misconduct regarding a member of the clergy must immediately report the allegation to the Archbishop's Delegate or Deputy Delegate or a designated contact person.
4. All members of the clergy incardinated in, ministering in, or who ministered at a time relevant to an allegation in the Archdiocese of Vancouver who becomes aware of an actual or potential allegation against themselves of sexual misconduct, must notify the Archbishop's delegate of the same together with any contact information he may have for the complainant, investigating body or any other known intermediary. Such bare notice shall not constitute an admission of misconduct. The right to dispute or defend against the allegation is preserved unless expressly waived by the respondent.
5. If the complainant is a legal minor then a parent or legal guardian must be notified and kept informed unless, and upon the Archdiocesan solicitor's advice, there is an overriding reason not to do so.

¹⁴ Cf. *Directory for the Formation of Permanent Deacons in the Archdiocese of Vancouver*, nn. 95-96: [http://rcav.org/wp-content/uploads/Directory for the Formation of Deacons.pdf](http://rcav.org/wp-content/uploads/Directory%20for%20the%20Formation%20of%20Deacons.pdf).

¹⁵ Cf. Child, Family, and Community Service Act, RSBC 1996, c. 46, 3.1.13: "When protection is needed" and 3.1.14: "Duty to report need for protection". See Appendix II. For more information see <http://www2.gov.bc.ca/gov/content/safety/public-safety/protecting-children/reporting-child-abuse>.

¹⁶ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.4.3.

¹⁷ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.4.5. Further contact information may be found at: <http://rcav.org/safe-environment-reporting/>.



6. The Archdiocese will listen attentively to complainants and their families and always treat them with dignity and respect. This includes acknowledgement of an originating complaint given as soon as possible, no later than by the end of the following business day, and timely substantive communication thereafter.
7. The Archdiocese will also fully comply with the reporting obligations imposed by civil law, cooperate with the police, and not interfere with their investigation.¹⁸

G. The Investigation

1. Upon receiving the report of an allegation which may have a semblance of truth, the duly appointed Delegate, accompanied by a Deputy Delegate, if the Delegate judges it opportune, meets with the complainant and with the respondent, in that order.
2. The Delegate will seek legal counsel from the Archdiocesan solicitor within 24 hours in all cases.
3. The Delegate may act personally or through the Deputy Delegate.¹⁹
4. If the named respondent has died or is otherwise incapacitated at the time of the complaint, or at any relevant time thereafter, the Delegate shall apprise his executor or personal representative, if there be one, of the complaint and continue the process. If there is no one willing or available to protect the reputation or rightful interest of the respondent or his estate, the Archbishop, in consultation with the Archdiocesan solicitor, may appoint a suitable person for the limited purpose of ensuring a full and fair exposition of the facts and issues of the complaint and its resolution within the scope of this Policy.
5. In the first meeting with the complainant, if the situation does not require mandatory reporting to the civil authorities, the Delegate will nevertheless advise the complainant of his or her right to contact the police and other civil authorities at any time.²⁰
6. After the meeting, the Delegate will immediately report to the Archbishop. If the Archbishop determines that an allegation has at least the semblance of truth, he is to issue a decree opening a preliminary investigation. The Delegate or another person will be duly appointed to investigate the allegation.²¹
7. The Delegate will decide whether the circumstances indicate that calling a meeting of the Advisory Committee is required.
8. It is preferable that a complaint be made in writing, signed by the complainant, dated, and then notarized by an ecclesiastical notary.
9. If the complaint is reported anonymously, it will be investigated to the extent possible.

¹⁸ Cf. Congregation for the Doctrine of the Faith; *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics* (1 May 2011) III g; *Moving Towards Healing and Renewal*, Part Two, 2.4.3.

¹⁹ Cf. Code of Canon Law, c. 1717 §1; CCCB, *Moving Towards Healing and Renewal*, Part Two, 2.4.1.

²⁰ *Moving Towards Healing and Renewal*, Part Two, 2.4.3.

²¹ Cf. Code of Canon Law, cc. 1717 §1, 1718 §1; CCCB, *Moving Towards Healing and Renewal*, Part Two, 2.3.3



10. Where an allegation of sexual misconduct has been reported publicly, the Delegate will coordinate with the Archdiocesan Spokesperson to inform and support the parish that has been affected. The response offered will be determined by the circumstances on a case by case basis.
11. Even if the allegation is not made public, all necessary persons need to be aware of sufficient facts to prevent any similar or further risk.
12. It may not be possible to provide all information because of the involvement of law enforcement officials, or a complainant's request for anonymity or confidentiality.
13. When a preliminary investigation has been decreed, the Archbishop's Delegate, or other person if so appointed, will immediately inquire into the allegation as a matter of urgent priority. He will inquire carefully about the facts and the circumstances and present his findings to the Archbishop who will decide on the next course of action. Care is to be taken that this does not violate the privacy of the complainant or call into question anyone's good name.²²
14. If the matter is before the courts, the Archbishop may suspend the preliminary investigation. A formal canonical inquiry, which may be deferred until after any criminal and civil proceedings have been concluded, shall otherwise proceed in a timely manner. The Delegate may incorporate into the canonical inquiry relevant information and evidence obtained in any court process.
15. When the preliminary investigation has been completed, the Archbishop will notify the Congregation for the Doctrine of the Faith of all reportable findings of fact and any determination regarding culpability as soon as possible.²³

H. Care for Complainants

1. When a complaint is made, and found to have a semblance of truth, the Archbishop's Delegate may recommend that individualized support be made available to the complainant immediately. The Archdiocese will offer the services of qualified persons to give spiritual and psychological assistance to the complainant and his or her family.²⁴
2. Such support does not entail meetings with a legal minor who is a complainant unless proper authorization is obtained from the parents or guardians and, if necessary or advisable, from the police or civil authorities.
3. If the allegation is found to be false, the Delegate may terminate the support immediately.
4. Help offered out of pastoral concern for the complainant is intended to be without prejudgment of the allegation and without prejudice to any future civil actions. This should be communicated by the Archbishop's Delegate to the relevant parties.

²² Cf. Code of Canon Law, cc. 220, 1717 §2.

²³ Cf. *Normae de gravioribus delictis*, art. 16 and 26 §1; CCCB, *Moving Towards Healing and Renewal*, Part Two, 2.3.3.

²⁴ Cf. *Circular Letter*, I. a.



5. The Archbishop, his Delegate and/or the relevant pastor, religious Superior or responsible director, shall offer to the complainant, and those directly adversely affected, a proper, sincere and meaningful, apology at the earliest advisable opportunity after any determination of serious misconduct or other significant wrong doing, in keeping with the spirit of this section and provisions of the Apology Act of British Columbia.²⁵
6. Should a complainant seek, temporarily or in any final agreement, a confidentiality provision, it is to be absolutely clear that this would be entered into only at his or her request, with the representation of an independent legal counsel, and with the understanding that such an agreement in no way attempts to limit any rights of the complainant flowing from criminal law.

I. Relations with the Respondent

1. The respondent is presumed to be innocent until proven guilty. The fact that either formal or informal procedures have been initiated does not create an inference of guilt. The application of this Policy will be such that the good name of the respondent is protected, to the extent possible, since an allegation may be unfounded.²⁶
2. A respondent's right of defense is of great importance. The respondent has the right to be notified of the allegation, the evidence, and to be given the opportunity for defense²⁷ and to respond to the allegation.
3. The Archbishop will appoint a priest who is not involved in the preliminary investigation to provide appropriate fraternal support to the respondent. This priest should not, however, discuss the case with the respondent, mindful that their conversations are not privileged.
4. If the allegation of sexual misconduct is brought against a member of a Religious Community or a priest who is currently on assignment in the Archdiocese of Vancouver, whether incardinated or not in the Archdiocese of Vancouver, the Archbishop – with the advice of the Archbishop's Delegate and the Advisory Committee on Sexual Misconduct – shall place the person on administrative leave immediately.²⁸ The Archbishop's Delegate shall also inform the cleric's Bishop or Major Superior of the allegation and the outcome of the preliminary investigation.
5. While on leave, the respondent is provided with sustenance in accordance with the Code of Canon Law and may be offered therapeutic treatment and pastoral assistance that is reasonably requested.²⁹ The respondent may be assigned to a residence, or restricted as to residence, during the preliminary investigation.³⁰ The Archbishop may take other

²⁵ Cf. Apology Act [SBC 2006], ch. 19; http://www.bclaws.ca/Recon/document/ID/freeside/00_06019_01

²⁶ Cf. *Circular Letter*, d, 3; Code of Canon Law, cc. 220, 1717 §2, 1720, 1°; *Moving Towards Healing and Renewal*, Part Two, 2.3.5, 2.4.7 and 2.4.9

²⁷ Cf. Code of Canon Law, c. 1720 §1.

²⁸ Cf. Code of Canon Law, c. 1718 §4.

²⁹ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.4.8.

³⁰ Cf. *Circular Letter*, Ill, h; *Moving Towards Healing and Renewal*, Part Two, 2.4.8.



measures that he deems appropriate in order to protect the freedom of witnesses and safeguard the course of justice.³¹

6. The Archbishop of Vancouver will assign an observer for the Archdiocese to monitor any criminal or civil procedures involving a cleric who has been accused of sexual misconduct.
7. Unless truly exceptional circumstances exist, and are acknowledged by the Archbishop and the Advisory Committee, a respondent who admits or is found to be culpable of behaviour constituting sexual misconduct will not return to active ministry, and the penalty may include dismissal from the clerical state, in accordance with the Code of Canon Law.
8. If all criminal charges against the respondent are stayed or he is found not guilty in a criminal trial, and if no culpability for behaviour constituting sexual misconduct is assessed in a civil action, the Archbishop, with the help of the Advisory Committee and the Archbishop's Delegate, will carefully review the matter of the cleric's future.
9. The aforementioned review is to be *in camera* and will determine:
 - a. if there exists sufficient credible evidence of sexual misconduct by the respondent, or justifying for some other reason, that he may or may not be allowed to return to ministry,
 - b. on the available evidence, if any limitations or conditions on a return to ministry may be in the best interest of the respondent or other parties concerned or may be otherwise appropriate, and
 - c. how best to assist the respondent in any return to ministry including the restoration of his reputation if falsely accused.
10. The respondent may be invited by the Delegate to address specific questions or issues arising, or the matters generally, and such responses shall be considered confidential during the review and be retained in the permanent record.
11. The Archdiocese may offer financial assistance for the legal fees of the respondent, if it seems appropriate. However, if possible, the respondent should assume some share of the financial burden.
12. At the complainant's request, the respondent will be given the opportunity to participate in a restorative justice process conducted by qualified persons.

J. Additional Provisions

1. In all cases and without exception, the Seal of the Sacrament of Confession is inviolable. However, the penitent should be strongly encouraged by the confessor to report an allegation of misconduct outside the confessional to civil and Church authorities.

³¹ Cf. *Moving Towards Healing and Renewal*, Part Two, 2.4.8



2. The Archbishop, the Delegate, a Deputy Delegate, or any other priest involved in a case pursuant to this Policy and procedure shall not hear the sacramental Confession of the complainant or the respondent.
3. This Policy is also applied to a violation of the Cleric's Agreement which forms part of the Policy on Pastoral Conduct for Priests and Deacons.

Approved: April 8, 2018

Divine Mercy Sunday

+ J. Michael Miller CSB

† J. Michael Miller, CSB

Archbishop of Vancouver

The following policy is hereby **SUPERSEDED**:
Policy on Sexual Misconduct by Clergy, effective August 28, 2017



Appendix I: Obligation to Report

The duty to report is contained in Part 3, Division 1, section 14, subsections 1 to 5 thereof, of the Child, Family and Community Service Act³² which is quoted as follows:

- “14. (1) A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.
- (2) Subsection (1) applies even if the information on which the belief is based
- (a) is privileged, except as a result of a solicitor-client relationship, or
 - (b) is confidential and its disclosure is prohibited under another Act.
- (3) A person who contravenes subsection (1) commits an offence.
- (4) A person who knowingly reports to a director, or a person designated by a director, false information that a child needs protection commits an offence.
- (5) No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.”

A director means a person designated by the Minister under section 91.

In section 13 of the statute, "needs protection" is defined as follows:

- “13. (1) A child needs protection in the following circumstances:
- (a) if the child has been, or is likely to be, physically harmed by the child’s parent;
 - (b) if the child has been, or is likely to be, sexually abused or exploited by the child’s parent;
 - (c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child’s parent is unwilling or unable to protect the child;
 - (d) if the child has been, or is likely to be, physically harmed because of neglect by the child’s parent;
 - (e) if the child is emotionally harmed by the parent’s conduct;
 - (f) if the child is deprived of necessary health care;
 - (g) if the child’s development is likely to be seriously impaired by a treatable condition and the child’s parent refuses to provide or consent to treatment;
 - (h) if the child’s parent is unable or unwilling to care for the child and has not made adequate provision for the child’s care;
 - (i) if the child is or has been absent from home in circumstances that endanger the child’s safety or well-being;

³² Cf. *Child, Family and Community Service Act*, RSBC 1996, c. 46, 3.1.13: "When protection is needed" and 3.1.14: "Duty to report need for protection".



- (j) if the child's parent is dead and adequate provision has not been made for the child's care;
 - (k) if the child has been abandoned and adequate provision has not been made for the child's care;
 - (l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force;
- (1.1) For the purpose of subsection (1) (b) and (c) and section 14 (1)
- (a) but without limiting the meaning of 'sexually abused' or 'sexually exploited', a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be,
 - (b) encouraged or helped to engage in prostitution, or
 - (c) coerced or inveigled into engaging in prostitution.
- (2) For the purpose of subsection (1) (e), a child is emotionally harmed if the child demonstrates severe
- (a) anxiety,
 - (b) depression,
 - (c) withdrawal, or
 - (d) self-destructive or aggressive behaviour."



Appendix II: Contact Resources

To report to the Ministry of Children and Family Development of British Columbia a child (anyone under the age of 19) in need of protection, due to abuse or neglect, please contact:

Helpline for Children

- 310-1234 (no area code needed)
- Monday-Friday: 4:30 pm- 8:30 am, and
- All-day Saturday, Sunday, and on statutory holidays

After Hours Line

For emergencies outside office hours:

- Vancouver, North Shore, and Richmond: 604-660-4927
- Lower Mainland, Burnaby, Delta, Maple Ridge, Langley: 604-660-8180
- For anywhere in the province: 1-800-663-9122



Appendix III: Policy on Pastoral Conduct for Priests and Deacons

Please refer to the Archdiocese of Vancouver's *Policy on Pastoral Conduct for Priests and Deacons* for additional information.