



Policy on Sexual Misconduct by Clergy

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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.

God created every person in his image and likeness (cf. Gen 1:26), and our Lord and Saviour Jesus Christ died for us while we were still his enemies through sin (cf. Rom 5:8-10), that we might become children of God (cf. 1 Jn 3:1). As God's children, and Christ's brothers and sisters, "all Christians, insofar as they have been baptized, are equal in dignity before the Lord."¹ Jesus said, "Let the little children come to me," which teaches us that we have a duty of care to the most vulnerable among us,² because "it is to such as these that the kingdom of heaven belongs" (Mt 19:14).

The Old Testament prophets persistently call us to practice justice toward the vulnerable: "let justice roll down like waters" (Amos 5:24); "seek justice, rescue the oppressed, defend the orphan, plead for the widow" (Is 1:17); "loose the bonds of injustice, undo the thongs of the yoke, let the oppressed go free" (Is 58:6).

We practice justice in the spirit of solidarity, so often articulated by Pope St. John Paul II; not as a struggle against others, but as a struggle with others against injustice as the enemy: "We are all really responsible for all."³ In this struggle, our focus on justice must be fearless. We take to heart the words of the Lord that "the gates of hell will not prevail" (Mt 16:18) against the Church, and that He is with us "to the end of the age" (Mt 28:20).

We are therefore committed both to compassion and justice in dealing with the grave evil of clerical sexual abuse and 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 nature of the Church as the Body of Christ. These procedures also intend 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 Pope 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."⁴

¹ Pope Francis, General Audience (19 November 2014):
http://www.vatican.va/content/francesco/en/audiences/2014/documents/papa-francesco_20141119_udienza-generale.html.

² Cf. *Catechism of the Catholic Church* 2222, 2265.

³ Pope St. John Paul II, *Sollicitudo Rei Socialis*, 38.

⁴ Pope Benedict XVI, Address to the Irish Bishops (28 October 2006).



B. United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child recognizes their human rights.⁵ The Archdiocese of Vancouver is committed to these principles.⁶

Article 3.1

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 19

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent (s), legal guardian (s) or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral; investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

C. Commitment by the Archbishop

As Archbishop of Vancouver, I will:

- create, enforce, support, and maintain the means for preventing sexual misconduct by clergy and for responding to reports of abuse;⁷
- make the fostering of a safe environment a priority in the pastoral activity of the Archdiocese;⁸
- take a collaborative approach to all policies and procedures involving safe environment, working toward a culture of dialogue and institutional practices that promote accountability, transparency, and responsibility;⁹

⁵ Cf. United Nations, *Convention on the Rights of the Child*:

https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en

⁶ Cf. Canadian Conference of Catholic Bishops, *Protecting Minors from Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*, CCCB Publications (2018):

https://www.cccb.ca/wp-content/uploads/2019/04/Protecting_Minors_2018.pdf, hereafter called "Protecting Minors," Appendix 3, n. 66.

⁷ Cf. <https://rcav.org/abuse-crisis/abuse-report>, hereafter called "Report on Clergy Sexual Abuse," recommendation 31; *Protecting Minors*, Part I, Chapter Three, 3.2, p. 64.

⁸ Cf. *Protecting Minors*, Appendix 3, n.25.

⁹ Cf. *Protecting Minors*, Appendix 3, nn. 62, 63, 69.



- model a pastoral attitude toward victims, rooted in repentance and conversion;¹⁰
- foster a pastoral attitude toward the clergy and lay people in my care, encouraging their personal growth, life-giving pastoral commitments,¹¹ and a spirit of co-responsibility for the protection of the most vulnerable;¹²
- remain well informed regarding the nature and effects of sexual abuse according to the most recent research;¹³
- keep well informed regarding the latest requirements of both secular and canon law and the work of the Canadian Conference of Catholic Bishops;¹⁴
- maintain regular communications with other bishops and major superiors, as well as other organizations within the Church, both to foster mutual improvements in policy and mechanisms of accountability, and to ensure that information about the suitability of individual clergy and consecrated persons for ministry is shared accurately and efficiently;
- strive not only for a safe environment in the Archdiocese of Vancouver, but also help other Church leaders and organizations do the same in their respective spheres of authority;¹⁵
- recommend that each of the Catholic entities situated within the Archdiocese create their own safe environment policies, and request that they provide copies of such policies for the Archdiocesan files;¹⁶
- promote wider efforts to understand and eliminate sexual abuse, such as the Annual Anglophone Safeguarding Conference and the Canadian Centre for Child Protection;¹⁷ and
- be guided by the 31 recommendations of the Archdiocese’s Case Review Committee as outlined in the *Report on Clergy Sexual Abuse* (2019).

D. Background

Since the extent of clerical sexual abuse became better known in Canada, the Archdiocese of Vancouver has issued successive policies to investigate and deal with such abuse.¹⁸ This latest Policy integrates the lessons learned.

¹⁰ Cf. *Protecting Minors*, Appendix 3, n. 64.

¹¹ Cf. *Protecting Minors*, Appendix 3, n. 39.

¹² Cf. *Protecting Minors*, Appendix 3, n. 67.

¹³ Cf. *Protecting Minors*, Appendix 3, n. 7.

¹⁴ Cf. *Protecting Minors*, Appendix 3, nn. 12, 55.

¹⁵ Cf. *Protecting Minors*, Appendix 3, nn. 10, 28, 65.

¹⁶ Cf. *Protecting Minors*, Appendix 3, n. 34.

¹⁷ Cf. *Protecting Minors*, Appendix 3, nn. 11, 13.

¹⁸ Cf. Interim Policy on Allegations of Sexual Misconduct (1989, promulgated 1990); *Policy Regarding Allegations of Clerical Sexual Abuse* (1994); *Policies and Procedures Regarding Allegations of Sexual Misconduct by Clerics* (2013); *Policy on Sexual Misconduct by Clergy* (2017, amended 2018).



This Policy relies on local, national, and universal directives and recommendations about: the protection of minors and vulnerable adults from sexual abuse, the reception of reports of such abuse, the investigation of such reports, and the pastoral care of all those involved in the investigative process and its aftermath. Such documents include:

- Archdiocese of Vancouver, *Report on Clergy Sexual Abuse*, particularly the 31 recommendations of the Case Review Committee and subsequent responses;
- Canadian Conference of Catholic Bishops (CCCCB), *Protecting Minors from Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation* (Ottawa: St Joseph Communications, 2018);
- Congregation for the Doctrine of the Faith, *Normae de gravioribus delictis* (18 May 2001);¹⁹
- 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* (3 May 2011);²⁰
- Congregation for the Doctrine of the Faith, *Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics* (16 July 2020);²¹
- Previous versions of this Policy, from the first version published by the Archdiocese of Vancouver in 1994 until the April 2018 version that predates the *Report on Clergy Sexual Abuse* and the *Protecting Minors* documents; and
- Relevant federal and provincial legislation.

This 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). While this Policy is consistent with the juridical penal process provided by the Code of Canon Law, it does not incorporate its detailed procedures.

In keeping with the spirit of the Report on Clergy Sexual Abuse, this Policy takes care that the process of reporting and investigating accusations of sexual abuse by clergy is handled by

¹⁹ English translation: "Norms concerning the Most Serious Crimes."

²⁰ http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_abuso-minori_en.html

²¹ http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20200716_vademecum-casi-abuso_en.html, hereafter called "*Vademecum*."



independent organizations and by the laity rather than by clerics or Archdiocesan staff, wherever possible. While it is of paramount importance that reports of sexual abuse be handled with great care and thoroughness, it is also crucial that the entire process be transparent and free from undue outside influence.

It is to be hoped that this Policy and its procedures will help everyone to become ever more vigilant in their protection of all minors and vulnerable adults.

E. General Principles

1. The Archdiocese of Vancouver recognizes the obligation of acknowledging the grievous impact that sexual abuse and misconduct by clergy within the Church has on individuals, on families, on parishes, on the Archdiocese, and on society at large.
2. The Archdiocese also recognizes such sexual misconduct is a symptom of a disorder in a Church called to undergo a profound pastoral conversion and purification.²²
3. The Church must carry out the mission prescribed by the Lord, but it must do so with greater transparency and accountability than in the past, balancing these with confidentiality and due process. Clergy, consecrated persons, and laity must be mutually accountable to each other.²³ Sexual misconduct is neither a purely clerical problem, nor does it have a purely clerical solution.
4. The special focus of this Policy is the protection of minors and vulnerable adults. It gives priority to creating a safe environment in every circumstance in which their protection is imperative. This Policy may also be applied, where appropriate, to allegations of sexual misconduct from other than vulnerable adults.
5. The processes outlined in this Policy, from reporting through to investigation and resolution of a report, are all designed to encourage individuals to come forward with information and protect those who do.²⁴
6. Everything in this Policy is public. Its language is intended to be readily understood and the document must be easily accessible; it will be posted on the Archdiocesan website.²⁵
7. All members of the clergy engaged in ministry in the Archdiocese of Vancouver must familiarize themselves with this document.²⁶
8. All those engaged in ministry in the Archdiocese of Vancouver must understand how to put this Policy into practice in their particular ministries, with the goal of making all ministries safe environments for all those involved. The Archdiocese will continue developing its safe environment program toward this goal, based upon current best practices, the recommendations of the CCCB document *Protecting Minors*, the

²² Cf. *Protecting Minors*, Appendix 3, n. 61

²³ Cf. *Protecting Minors*, Appendix 3, nn. 61 and 68.

²⁴ Cf. *Report on Clergy Sexual Abuse*, recommendation 5.

²⁵ Cf. *Protecting Minors*, Appendix 3, n. 27.

²⁶ Cf. *Protecting Minors*, Part II, Section Four, §4.5, p. 97.



recommendations of the *Report on Clergy Sexual Abuse*, and input from parents, civil authorities, educators, and community organizations.²⁷

9. The Implementation Working Group will report to the Archbishop on a semi-annual basis, outlining progress made in implementing this Policy and its procedures. These reports will be made public.²⁸
10. The Archbishop shall appoint an Archdiocesan spokesperson²⁹ who is responsible for relations with the media for all questions concerning allegations of sexual abuse and misconduct.

F. Responsibilities of the Archbishop

1. The Archbishop will appoint a Delegate to represent the Archdiocese in matters related to clerical sexual abuse and misconduct. Anyone who needs to contact the Delegate can do so through the Chancery.³⁰
2. The Delegate will serve as an overall coordinator of the faithful application of this Policy. The Delegate will be the face of the Archdiocese to reporters, victims, accused, the Office of Victim/Survivor Support, the independent investigators, and the Review Board for Sexual Misconduct. The Delegate will provide access to Archdiocesan resources where needed, and is responsible for keeping the Archbishop and Archdiocesan staff suitably informed, and for overseeing the management of Archdiocesan records regarding sexual misconduct in collaboration with the Archdiocesan Chancellor and the Archdiocesan archivist.
3. A Deputy Delegate may be appointed at the same time as the Delegate. In the absence or incapacity of the Delegate, the Deputy Delegate has the same role and functions as the Delegate. The Delegate may act personally or through the Deputy Delegate.³¹
4. The Archbishop will appoint a Review Board for Sexual Misconduct which is to respond to allegations of sexual misconduct.
5. In collaboration with the Review Board for Sexual Misconduct, the Implementation Working Group will review this Policy on a regular basis, new directives from the Canadian Conference of Catholic Bishops and the Holy See, recent research on sexual abuse, and changes to civil laws.³² Any person or group involved in the investigation of sexual abuse may suggest amendments to this Policy, which the Implementation

²⁷ Cf. *Protecting Minors*, Appendix 3, nn. 26, 31, and 32.

²⁸ Cf. Report on Clergy Sexual Abuse, recommendation 31.

²⁹ Cf. *Protecting Minors*, Part II, Section Four, §4.4, p. 96.

³⁰ Cf. Code of Canon Law, c. 1717 §1; Code of Canons of Oriental Churches, c. 1468. See also *Protecting Minors*, Part II, Section Four, §4.1, p. 93.

³¹ Cf. c. 1717 §1; CCCB, *Protecting Minors*, Part II, Section Four, §4.1, p. 93.

³² Cf. *Protecting Minors*, Appendix 3, n. 33.



Working Group or the Review Board for Sexual Misconduct will consider and draft for consideration.³³ Amendments take effect only after their approval by the Archbishop.

6. The Archbishop will take a collaborative approach to fostering a safe environment, working toward a culture of dialogue and institutional practices that promote accountability, transparency, and responsibility.³⁴ Toward victims of sexual abuse he will model a pastoral attitude rooted in repentance and conversion.³⁵
7. A newly appointed Archbishop, with the assistance of the Delegate, shall acquaint himself with all past and present allegations of sexual misconduct allegedly or actually perpetrated in the Archdiocese of Vancouver by any Archdiocesan personnel: clergy, employees, or volunteers.

G. Care for Reporters

1. The following articles presume that the person making the report (the “reporter”) is also the alleged victim, although this may not be so in all cases.
2. Reporters and their families have the right to be treated with dignity and respect. They also have the right—should they request it—to be kept informed of the progress of their case and of its outcome.
3. The Office of Victim/Survivor Support will respond to an initial report as soon as possible, no later than by the end of the following business day, and the Office and/or the Archdiocese will maintain timely, substantive communication thereafter. Victims coming forward for the first time will be received by a trauma-trained individual in a non-judgmental pastoral encounter in which they are welcomed and commended for their courage.³⁶
4. The Archbishop or his delegate will appoint an independent resource person to help each victim navigate the investigative process until a resolution is reached.³⁷ The resource person will follow up with the reporter within one week of the initial report to give an update on progress, and regularly thereafter as requested by the reporter. All contact with the reporter will be thoroughly documented and added to the case documentation.
5. The Archbishop's Delegate may recommend to the Archbishop that individualized spiritual and psychological support be made immediately available to anyone bringing an allegation to the Delegate that has a semblance of truth. The Archdiocese will offer

³³ Cf. *Protecting Minors*, Appendix 3, n. 16 implies that the same multidisciplinary group that oversees investigations (the Review Board for Sexual Misconduct) would be in charge of proposing amendments to this Policy, but in the Archdiocese of Vancouver that task more logically falls to the Implementation Working Group.

³⁴ Cf. *Protecting Minors*, Appendix 3, nn. 62, 63.

³⁵ Cf. *Protecting Minors*, Appendix 3, n. 64.

³⁶ Cf. *Protecting Minors*, Appendix 3, nn. 1, 2, 3, 4 and 15. *Report on Clergy Sexual Abuse*, recommendation 1.

³⁷ Cf. *Report on Clergy Sexual Abuse*, recommendation 4.



the services of qualified persons to give spiritual and psychological assistance to the reporter and his or her family.³⁸

6. Because a reporter who seeks spiritual accompaniment may request a priest—even a particular priest—priests should receive sufficient formation to be able to recognize if they are not the right person for that role.³⁹
7. Support offered does not entail meetings with a legal minor who is a reporter unless proper authorization is obtained from the parents or guardians and, if necessary or advisable, from the police or civil authorities.
8. In all complaints involving children, the best interests of the child shall always be the primary consideration.⁴⁰
9. While the Archdiocese is bound to seek out the services of expert canonical and secular legal counsel,⁴¹ the overarching goal shall always be to redress injustice and foster Christian charity. The Archdiocese will not let legal or financial considerations interfere with a genuinely pastoral response. Any legal advice received by the Archdiocese will be placed at the service of the Gospel.⁴²
10. Help offered out of pastoral concern for the reporter is intended to be without prejudice of the allegation and without prejudice to any future civil actions. This should be communicated by the Delegate to the relevant parties. If the allegation is found to be false, the Archdiocese is not required to continue support.
11. The Archbishop, his Delegate and/or the relevant pastor, religious superior or responsible director, shall offer to the reporter, 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 wrongdoing, in keeping with the spirit of this section and provisions of the *Apology Act of British Columbia*.⁴³
12. Should a reporter 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 independent legal counsel, and with the understanding that such an agreement in no way attempts to limit any rights of the reporter flowing from criminal law.⁴⁴ It must also be made clear to the reporter that the Archdiocese cannot guarantee confidentiality if its records are subpoenaed or seized by civil authorities.

³⁸ Cf. Circular Letter, I. a., Report on Clergy Sexual Abuse, recommendation 1.

³⁹ Cf. *Report on Clergy Sexual Abuse*, recommendation 18.

⁴⁰ Cf. *Protecting Minors*, Appendix 3, n. 66.

⁴¹ Cf. *Protecting Minors*, Appendix 3, n. 54.

⁴² Cf. *Protecting Minors*, Appendix 3, nn. 56, 57.

⁴³ Cf. Apology Act [SBC 2006], ch. 19; http://www.bclaws.ca/civix/document/id/complete/statreg/00_06019_01.

⁴⁴ Cf. *Protecting Minors*, Appendix 3, n. 58.



H. Relations with the Respondent

1. The respondent is presumed to be innocent until proven guilty. The respondent has the right to be notified of the allegation and the evidence, and to be given the opportunity for defense⁴⁵ and to respond to the allegation. These rights are of great importance.
2. 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 without prejudice to public safety, since the allegation may be unfounded.⁴⁶
3. If the respondent is a diocesan priest, 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 Delegate and the Review Board for Sexual Misconduct—shall immediately place the person on administrative leave.⁴⁷ The Archbishop will make it clear to the respondent that his removal from ministry is precautionary and not penal, lest he think that he is being punished before a canonical trial has even begun.⁴⁸ The Delegate shall also inform the cleric's Bishop or major superior of the allegation and the outcome of the preliminary investigation.⁴⁹
5. While on leave, the respondent is provided with appropriate sustenance in accordance with the Code of Canon Law and may be offered therapeutic treatment and pastoral assistance that is reasonably requested.⁵⁰ The respondent may be assigned to a residence, or restricted as to residence, during the preliminary investigation.⁵¹ The Archbishop may take other measures that he deems appropriate in order to protect the freedom of witnesses and safeguard the course of justice.⁵²
6. The Archbishop will monitor any criminal or civil proceedings involving a cleric who has been accused of sexual misconduct, so that the Archdiocese is aware of what is going on in such proceedings. He may delegate this task.
7. A respondent who admits or is found to be culpable of behaviour constituting serious sexual misconduct will never return to active ministry—unless truly exceptional

⁴⁵ Cf. c. 1720 §1.

⁴⁶ Cf. Circular Letter, d, 3; cc. 220, 1717 §2, 1720 1°; *Protecting Minors*, Part II, Section Four, §3.5, p. 90, §4.9, p. 100, and Appendix 3, n. 19.

⁴⁷ Cf. c. 1718 §4.

⁴⁸ Cf. *Vademecum*, n. 61.

⁴⁹ Cf. *Report on Sexual Abuse*, recommendation 30.

⁵⁰ Cf. *Protecting Minors*, Part II, Section Four, §4.8, p. 98, Appendix 3, nn. 22, 23.

⁵¹ Cf. Circular Letter, III, h; *Protecting Minors*, Part II, Section Four, §4.8, p. 98.

⁵² Cf. *Protecting Minors*, Part II, Section Four, §4.8, p. 98.



circumstances exist and are acknowledged by the Archbishop and the Review Board—and may be dismissed from the clerical state in accordance with the Code of Canon Law.

8. If a respondent is found not guilty of all criminal charges, and if no culpability for behaviour constituting sexual misconduct is determined in a civil action, the Archbishop, with the help of the Review Board and the Archbishop's Delegate, will carefully review the matter of the cleric's future.
9. The aforementioned review will determine:
 - whether there exists sufficient credible evidence of sexual misconduct by the respondent, or some other reason that he should not be allowed to return to ministry;
 - 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
 - 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 Review Board 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, a culpable respondent should assume some share of the financial burden.⁵³
12. An offender will be given the opportunity to participate in a restorative justice process conducted by qualified persons, particularly if requested by the reporter.
13. "Where the cleric 1) has taken responsibility for sexual abuse or harassment, 2) has demonstrated remorse and 3) accepts the consequences of his actions, [he will be given the opportunity to participate in] a process modeled after Circles of Support and Accountability (CoSA) for offending clerics. Participation should not be obligatory. Nor does participation influence a return to ministry."⁵⁴

I. Reporting Procedure

1. The process for the public to report sexual misconduct by clergy in the Archdiocese will be well publicized, easy to understand, and effective.⁵⁵
2. The Office of Victim/Survivor Support is the official point of contact for allegations of sexual misconduct by clergy, whether against a minor, a vulnerable adult, or other

⁵³ Archdiocese of Vancouver, *Policy on Sexual Misconduct by Clergy* (2018), paragraph I.11.

⁵⁴ *Report on Clergy Sexual Abuse*, recommendation 22.

⁵⁵ Cf. *Protecting Minors*, Appendix 3, n. 14.



- adult.⁵⁶ The Office operates at arm's length and staff, versed in trauma-informed practice,⁵⁷ will include neither clerics nor employees of the Archdiocese.⁵⁸
3. The Office will be responsible for receiving allegations from reporters, documenting the allegations, and ensuring that every allegation, with its accompanying documentation, is sent in a timely manner to the Archbishop, the Delegate, the Chair of the Review Board, and the Archdiocesan General Counsel for evaluation. The documentation will indicate whether the reporter is requesting assistance with counselling, advocacy, spiritual support, or other services. The Office will document and forward all complaints involving a cleric. It is not the task of the Office of Victim/Survivor Support to evaluate allegations and decide which should be investigated.⁵⁹
 4. A complaint can come from a variety of sources: it can be formally presented to the Office of Victim/Survivor Support, orally or in writing, by the alleged victim, his or her guardian(s) or other person(s) claiming to have knowledge about the matter; it can become known to the Archdiocesan Safe Environment Office through the exercise of its duty for vigilance; it can be reported to the Archdiocese by the civil authorities through channels provided for by local legislation; it can be publicized through the communications media (including social media); it can come to light through hearsay, or in any other suitable way.⁶⁰
 5. If the reporter requests spiritual counselling, the Office will seek to connect the reporter with one of a select group of trauma-informed individuals.⁶¹
 6. If the person who receives the report has reasonable grounds to suspect that a person under 19 years of age is in need of protection due to abuse or neglect, he or she has an obligation to report it.⁶² Reports to a child welfare worker may be made by phoning 1-800-663-9122 (a provincial child-abuse hotline) at any hour.⁶³ If the Archdiocese communicates with the person bringing forward the allegation, it will report to the same authorities if any new information regarding victims and/or alleged offender becomes available.
 7. If the reporter is a legal minor, then a parent or legal guardian must be notified and kept informed unless, and upon legal advice, there is an overriding reason not to do so.
 8. 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 Office of Victim/Survivor Support.

⁵⁶ Cf. *Report on Clergy Sexual Abuse*, recommendation 16.

⁵⁷ Cf. *Protecting Minors*, Appendix 3, n. 3.

⁵⁸ Cf. *Report on Clergy Sexual Abuse*, recommendation 1, wherein the Office is called an "Intake Office".

⁵⁹ Cf. *Report on Clergy Sexual Abuse*, recommendation 16.

⁶⁰ Cf. *Vademecum*, n. 10.

⁶¹ Cf. *Report on Clergy Sexual Abuse*, recommendation 18.

⁶² 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://www.bclaws.ca/civix/document/id/complete/statreg/96046_01#section13.

⁶³ Cf. *Protecting Minors*, Part II, Section Four, §4.3, p. 95.



9. Any member of the clergy incardinated in, ministering in, or who has ministered at a time relevant to an allegation in the Archdiocese of Vancouver who becomes aware of an actual or potential allegation against himself of sexual misconduct, must notify the Office of Victim/Survivor Support of the same together with any contact information he may have for the reporter, investigating body or any other known intermediary. Such notice shall not constitute an admission of misconduct.
10. Reports of sexual misconduct will be well documented from their reception, through their investigation, to their resolution. This documentation will be disseminated and stored according to the policies laid out in section K. Record Keeping and Auditing.⁶⁴
11. At no point in the course of the reporting or investigation of a report will the knowledge that the report exists rest solely with a cleric or employee of the Archdiocese of Vancouver in such a way that the report could “fall through the cracks,” regardless of whether such an omission is intentional or accidental.
12. The Archdiocese will fully comply with the reporting obligations imposed by civil and canon law, cooperate with the law enforcement, and not interfere with their investigation.⁶⁵
13. If the reporter reports abuse that occurred in another diocese by a cleric who is not currently residing in the Archdiocese of Vancouver, then the Office of Victim/Survivor Support will document the report as for any other report and forward the report as outlined in I.3. The only action on such reports will be to forward them to the respondent’s Ordinary and then to inform the reporter that such was done. The Archdiocese of Vancouver has no power to take direct action against clerics that are not incardinated here and not physically residing here. All legal reporting requirements will be followed regardless of the jurisdiction in which the abuse is alleged to have occurred.
14. On a case-by-case basis, the Archdiocese may choose to provide counselling services or other services to reporters reporting abuse that is alleged to have happened in another diocese at the hands of a priest incardinated elsewhere and residing elsewhere. The Archdiocese may choose to recover the costs of such services from the other diocese.

J. Preliminary Investigation

1. The Archdiocese has established a Review Board for Sexual Misconduct.

⁶⁴ Cf. *Report on Clergy Sexual Abuse*, recommendation 1.

⁶⁵ 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. Protecting Minors, Part II, Section Four, §4.3, p. 95.

Ibid., Appendix 3, nn. 15, 16, 18.

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://www.bclaws.ca/civix/document/id/complete/statreg/96046_01#section13.



2. The majority of members of the Review Board consists of laypeople, and the Board is always chaired by a lay person. It is composed of qualified women and men of diverse ethnic, professional and faith backgrounds.⁶⁶ Names and brief descriptions of the members of the Review Board will be made public on the Archdiocesan website.
3. Upon receiving the report of an allegation from the Office of Victim/Survivor Support, the Delegate will:
 - verify that the Archbishop, the Review Board Chair, and Archdiocesan General Counsel have been notified of the allegation; and
 - verify that civil authorities have been contacted if necessary and, if this has not been done, make the required contact.
4. Upon receiving the report of an allegation from the Office of Victim/Survivor Support, the Review Board Chair will:
 - verify that the Delegate and Archdiocesan General Counsel have been notified of the allegation; and
 - meet with the Archbishop or his Delegate and the Archdiocesan General Counsel to discuss whether the Chair should call a meeting of the Review Board or, if this is not possible or the case is not time-sensitive, the case should be put on the agenda for the next Review Board meeting.
5. Archdiocesan staff and the Archdiocesan General Counsel will gather background information about the respondent from Archdiocesan files and review all information that may be relevant to the report. This may include interviewing all parties involved.
6. The Delegate will advise the Review Board of relevant legal opinions, or the Review Board may solicit them independently. In either case, both the Review Board and the Archdiocese will put such legal advice at the service of the Gospel and strive for a transparent process that yields accountability and a sense of closure for all concerned.⁶⁷
7. At the meeting, the Review Board will decide whether the report has a semblance of truth based upon the substance of the report and the information gathered about the respondent. If it so decides, and the Archbishop has not already commissioned a preliminary investigation, then the Review Board will advise the Archbishop, through his Delegate, to proceed with such an investigation.⁶⁸
8. If the Archbishop agrees with the Review Board that the report has a semblance of truth, then he must proceed with a more thorough preliminary investigation,⁶⁹ and will issue a decree mandating that the independent investigator(s) conduct it.

⁶⁶ Cf. Report on Clergy Sexual Abuse, recommendation 2.

⁶⁷ Cf. *Protecting Minors*, Appendix 3, nn. 57, 59.

⁶⁸ Cf. cc. 1717 §1, 1718 §1; CCCB, *Protecting Minors*, Part II, Section Four, §3.3, p. 88.

⁶⁹ Cf. *Protecting Minors*, Part II, Section Four, §3.3, p. 88.



9. The independent investigator(s) will:
 - Investigate and document the report, following the norms of canon law⁷⁰, with the aim of deciding whether or not it is credible.
 - Provide the victim/survivor with the opportunity to present their allegations in their own words.
 - Contact the respondent and inform him of the allegation, and his rights under this Policy, especially the right to legal counsel,⁷¹ and the right to be presumed innocent until proven otherwise.⁷²
 - Provide the respondent with the opportunity to contest the allegation.⁷³
10. In the first meeting with the reporter, if the situation does not require mandatory reporting to the civil authorities, the independent investigator(s) will nonetheless advise the reporter of his or her right to contact the police and other civil authorities at any time.⁷⁴
11. If the report is reported anonymously and is deemed to have a semblance of truth, it will be investigated to the extent possible. The anonymity of the source should not automatically lead to considering the report as false, although great caution should be exercised in investigating this type of report.⁷⁵
12. If the named respondent has died or is otherwise incapacitated at the time of the report, or at any relevant time thereafter, the independent investigator(s) shall apprise his executor or personal representative, if there be one, of the report. 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 solicitors, may appoint a suitable person for the limited purpose of ensuring a full and fair exposition of the facts and issues of the report and its resolution within the scope of this Policy.
13. Where an allegation of sexual misconduct has been reported publicly, the Delegate will coordinate with the Archdiocesan spokesperson to inform and support the parish(es) and communities that may be affected. The response offered will be determined by the circumstances on a case by case basis.
14. Even if the allegation is not made public, all necessary persons need to be aware of sufficient facts to prevent any further harm to the community. Although it may not be possible to provide all information because of the involvement of law enforcement officials, or a reporter's request for anonymity or confidentiality.

⁷⁰ The results of the investigation may be entered as evidence in a canonical trial, and so must be gathered in accordance with the norms of Canon Law.

⁷¹ Cf. *Protecting Minors*, Appendix 3, n. 17.

⁷² Cf. *Protecting Minors*, Appendix 3, n. 19.

⁷³ Cf. *Report on Clergy Sexual Abuse*, recommendation 2.

⁷⁴ Cf. *Protecting Minors*, Part II, Section Four, §4.3, p. 95.

⁷⁵ Cf. *Vademecum*, n. 10.



15. The independent investigator(s) and the Review Board will take care that the investigative process does not unnecessarily violate the privacy of the reporter or respondent, or unnecessarily call into question anyone's good name.⁷⁶ Nonetheless, in the course of investigating the report, it may be necessary to reveal the identities of the reporter and the respondent and other contextual information for the sake of public safety, and to make witness testimony possible.
16. When the independent investigator(s) finish their work, they will pass their report to the Archbishop, the Delegate, the Chair of the Review Board, and the Archdiocesan General Counsel. The report will consist of the evidence collected in the case, along with a recommendation as to its truth and severity.
17. The Review Board will examine the report of the independent investigator(s), make its own determination, and report its conclusions and recommendations to the Archbishop.
18. The Archbishop will notify the Congregation for the Doctrine of the Faith as soon as the Review Board has finished its preliminary investigation and made its report. He will inform the Congregation of all reportable findings of fact, and any conclusions or recommendations of the Review Board that the Archbishop decides would be helpful.⁷⁷
19. The Archbishop will send all cases involving minors (as defined by local, civil law) and vulnerable adults (according to the most generous interpretation of civil law) to the Congregation for the Doctrine of the Faith. Even though local, civil law defines a person of 18 years of age as a "minor" while the CDF does not, and the CDF's definition of "vulnerable adult" is more restrictive than that commonly in use locally. It will be up to the CDF to decide whether it wishes to handle the case or not.⁷⁸
20. The only cases that the Archbishop will not send to the Congregation for the Doctrine of the Faith will be those involving a cleric and a non-vulnerable adult, and those cases that the Review Board concludes are unfounded.
21. If the matter is in the hands of law enforcement, the Review Board may advise the Archbishop to suspend the preliminary investigation. The Congregation for the Doctrine of the Faith may start a formal canonical inquiry, which, while it 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 civil court process.
22. The Review Board may recommend that the respondent be removed from ministry if he has not already been so removed. If such a recommendation is made, the Vicar General's Office will prepare a history of when and where the respondent served, including parishes, movements, ministries, schools, other dioceses, and other countries.

⁷⁶ Cf. cc. 220, 1717 §2.

⁷⁷ Cf. *Normae de gravioribus delictis*, art. 16 and 26 §1; CCCB, *Protecting Minors*, Part II, Section Four, §3.3, p. 88.

⁷⁸ See the definition of "Vulnerable Adult" in Appendix IV: Definitions for a discussion of the differences in the definition of this term between the various jurisdictions.



23. If the respondent is removed from ministry before canonical proceedings begin, it will be made clear to the respondent that his removal from ministry is precautionary, not penal in nature.⁷⁹
24. The Review Board will include, as part of its recommendations to the Archbishop, a decision as to whether the name of the respondent should be made public. The Review Board will base its decision upon:
 - the culpability of the accused,
 - whether the accused has been found guilty in a criminal, civil, or canonical trial,
 - whether the accused has admitted to committing abuse,
 - the requirements of privacy legislation,
 - and any legal advice that the Archdiocese has received regarding the publishing of names.

The Archbishop will take the Review Board's recommendation into account and will make the final decision as to whether a name will be published.⁸⁰

"Information that should be published includes:

- The cleric's full name and all names he has been known by, his date and place of birth and ordination;
- A timeline, including dates and places of the cleric's current and previous assignments;
- A brief summary of the type of abuse where possible;
- Photos of the cleric;
- The number of known victims, their gender, and whether they were minors or adults; and
- Terms of any judgement on the cleric (including restrictions on ability to minister, wear clerical garb, etc.)."⁸¹

K. Record Keeping and Auditing

1. Upon receipt of a report the Delegate shall 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.⁸²

⁷⁹ Cf. *Vademecum*, n. 61.

⁸⁰ Cf. *Report on Sexual Abuse*, recommendation 7.

⁸¹ *Report on Sexual Abuse*, recommendation 7.

⁸² Cf. c. 1719.



2. When a case is finalized, records shall be consolidated and stored in the Archdiocese's confidential files.⁸³ Records shall not be altered or destroyed, even subsequent to the death of the respondent, notwithstanding canon 489 §2.⁸⁴ The record may be used to show that procedure was followed, that the reporter was treated fairly, and that the respondent's civil and canonical rights were respected. Great care is to be taken to protect the confidentiality of such documentation.
3. When a case is finalized, a second physical copy will be made of all records in the case. This second copy will be placed in an enclosure sealed in such a way that it cannot be reopened without breaking the seal. This second copy will be stored in a different, secured location (such as the confidential files of another diocese) so that it can be recovered in case of some disaster which destroys the Archdiocesan files.
4. Case records will not be scanned, transmitted, or stored electronically except as may be necessary to comply with court orders or to cooperate with other agencies involved in the case. When case records must be shared electronically, every effort shall be made to use effective security methods to prevent their access by unauthorized parties.
5. All Archdiocesan policies and processes surrounding safe environment and reports of sexual misconduct shall be audited by a third party every four years. This includes the processes outlined in this document, as well as screening and vetting procedures for clergy and consecrated persons coming to the Archdiocese, and for volunteers and staff at Archdiocesan parishes and institutes.⁸⁵

L. Care for the Body of Christ

1. The Archbishop, through his Delegate and the Archdiocesan spokesperson, shall keep the Archdiocesan community, and especially the communities of potentially affected parishes, informed in a timely manner of developments during the investigation, while observing the obligations of due process and confidentiality.⁸⁶
2. In deciding when and whether to release information to the wider community, the Archbishop shall balance the following often-competing interests: concern for public safety;⁸⁷ the possibility of additional victims and witnesses who might come forward with information if they knew that an investigation were underway; the right of the respondent to be presumed innocent until proven guilty; and the possibility of damage to the respondent's good name should he be found innocent of the accusations.

⁸³ Cf. *Report on Sexual Abuse*, recommendation 6.

⁸⁴ Cf. c. 489 §2: "Each year documents of criminal cases concerning moral matters are to be destroyed whenever the guilty parties have died, or ten years have elapsed since a condemnatory sentence concluded the affair. A short summary of the facts is to be kept, together with the text of the definitive judgement."

⁸⁵ Cf. *Protecting Minors*, Appendix 3, nn. 29, 50.

⁸⁶ Cf. *Protecting Minors*, Appendix 3, n. 20.

⁸⁷ Cf. *Protecting Minors*, Appendix 3, n. 21.



3. Within the confines of what is permitted by law and the demands of justice, the Delegate, through the Archdiocesan spokesperson, will respond readily and openly to appropriate requests for information about an offender or a respondent under investigation.⁸⁸
4. The Delegate will work together with the Archdiocesan spokesperson to release information in the way most helpful to those directly and indirectly affected by the actions of the respondent. The Archdiocesan spokesperson will have the necessary training to speak publicly on behalf of the Archdiocese regarding any cases of alleged or proven sexual abuse.⁸⁹
5. The Archdiocese will make information about past cases publicly and permanently available, within the limits imposed by the rule of law and the demands of justice.⁹⁰
6. The Archdiocese will actively minister to those indirectly affected by sexual abuse—especially clerical sexual abuse—recognizing that the entire Body of Christ experiences revulsion, betrayal, alienation and shame because of past and present incidents of sexual abuse within the Church. Such a ministry may take many forms, from the public and collective efforts such as workshops and study days, to private efforts such as spiritual direction.⁹¹
7. The Archdiocese will provide clergy and staff directly affected by clergy sexual abuse with opportunities for counselling and personal healing.⁹²
8. The Archdiocese will encourage forms of ministry that involve co-responsibility and mutual support among clergy, consecrated persons, and laity, both with an eye to creating a culture of safety within each parish and with an understanding that greater involvement by the laity has a healing effect upon the wounded Body of Christ.⁹³
9. Where a cleric has been publicly recognized by a plaque, award, scholarship or other public honour and is later found to be a sexual offender, then the truth of their “mixed legacy” shall be made publicly known, or the plaque, award, or scholarship shall be removed, or both.⁹⁴
10. The Archdiocese will not allow any cleric accused of sexual abuse or misconduct to be publicly praised in communications media under Archdiocesan control.⁹⁵

⁸⁸ Cf. *Protecting Minors*, Appendix 3, n. 24.

⁸⁹ Cf. *Report on Clergy Sexual Abuse*, recommendation 3.

⁹⁰ Cf. *Report on Clergy Sexual Abuse*, recommendation 21.

⁹¹ Cf. *Protecting Minors*, Appendix 3, nn. 35, 36, 60.

⁹² Cf. *Protecting Minors*, Appendix 3, n. 37.

⁹³ Cf. *Protecting Minors*, Appendix 3, nn. 40, 41.

⁹⁴ Cf. *Report on Clergy Sexual Abuse*, recommendation 8.

⁹⁵ Cf. *Report on Clergy Sexual Abuse*, recommendation 9.



M. Requirements for Ministry

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.⁹⁶ The Record Check and Code of Conduct shall be renewed every five years.
2. The Criminal Record Check with Vulnerable Sector Search or best equivalent will be performed in the place the cleric lived before coming to Vancouver. If possible, those arriving from outside Canada shall also provide an Interpol check.
3. A cleric coming to minister in the Archdiocese of Vancouver will have his file reviewed by his home diocese or religious community. The file will be verified against a checklist of potential problems supplied by the Archdiocese of Vancouver, and the Bishop or religious superior will sign that the file has been reviewed and that none of the items on the checklist was found. A letter stating simply that the individual is fit for ministry is insufficient.⁹⁷
4. A cleric coming to minister in the Archdiocese of Vancouver will receive adequate training regarding safe environment, anti-bullying, and anti-abuse protocols, including expectations surrounding personal boundaries, and their duty to report inappropriate or suspicious behaviour in others.⁹⁸
5. Clergy formation and professional development shall be provided on a continuing basis including attending a mandatory Archdiocesan safe environment training seminar annually.
6. 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. Every cleric regularly ministering in the Archdiocese of Vancouver must become familiar with this Policy and be bound by it. He is responsible for reviewing it on an annual basis.⁹⁹
8. 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 here in the Archdiocese, 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.
9. Any cleric coming to the Archdiocese from a significantly different cultural milieu and with little or no previous experience ministering in Canada or the United States will be shortlisted to attend an approved enculturation program so as to become familiar with

⁹⁶ Cf. Appendix III: Policy on Pastoral Conduct for Priests and Deacons. Also *Protecting Minors*, Appendix 3, n. 9.

⁹⁷ Cf. *Report on Clergy Sexual Abuse*, recommendation 13.

⁹⁸ Cf. *Protecting Minors*, Appendix 3, 53.

⁹⁹ Cf. *Report on Clergy Sexual Abuse*, recommendation 17.



- Canadian culture.¹⁰⁰ The Archdiocese will also offer to clerics who demonstrate a need for an increased understanding of particular aspects of Canadian culture, such as First Nations culture or the role of women in society, mentoring in the area in question.
10. Every cleric from another diocese, eparchy, institute of consecrated life, or society of apostolic life 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.
 11. Every 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.
 12. In the case that a cleric fathers one or more children, the Review Board will determine the degree to which he should be restricted from active ministry and whether he should be encouraged to seek laicization.¹⁰¹
 13. A regular, formal review process will be developed in which every cleric ministering in the Archdiocese of Vancouver will participate. The review committee may include clerics and consecrated persons, but must include lay men and women.¹⁰²
 14. The purpose of the performance review is to aid the cleric in his personal development and his ministry by identifying strengths and areas for improvement. The review must include some discussion of maintenance of interpersonal boundaries, appropriate leadership style, and the use/abuse of status and authority.¹⁰³
 15. The Archdiocese commits itself to caring for the mental and spiritual health of clergy, and to encouraging life-giving pastoral commitments despite challenging conditions, healthy and wholesome friendships, time for regular prayer, and a sense of community among clergy and consecrated persons.¹⁰⁴
 16. In part through the aforementioned review process, the Archdiocese will watch for signs of isolation, burnout, and concomitant symptoms such as substance abuse or pornography usage,¹⁰⁵ and offer the necessary help to those who begin to suffer from such symptoms. Among religious priests, this will be a cooperative effort between the Archdiocese and the institute involved.

¹⁰⁰ A four-week program is provided by Newman Theological College in Edmonton as of the date of this document.

¹⁰¹ Cf. *Report on Clergy Sexual Abuse*, recommendation 11. The intent of this policy is not merely punitive, but also to ensure that the man be available to fulfill his responsibilities toward the children. In such cases, the best interests of the child will prevail.

¹⁰² Cf. *Report on Clergy Sexual Abuse*, recommendation 15.

¹⁰³ Cf. *Protecting Minors*, Appendix 3, no 52. See also, *Report on Clerical Sexual Abuse*, recommendation 25.

¹⁰⁴ Cf. *Protecting Minors*, Appendix 3, nn. 39, 42, and 48.

¹⁰⁵ Cf. *Protecting Minors*, Appendix 3, n. 43.



N. Candidates for Ordained Ministry

1. The Office of Vocations and Seminarians of the Archdiocese of Vancouver will continue its longstanding requirement that 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, will continue to be 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 as a deacon and prior to ordination as a priest.¹⁰⁶
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 candidates' formation. Formal assessments of the progress and development of the candidates in these areas are required throughout formation and prior to ordination.¹⁰⁷
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.
4. The Archdiocese will work with seminaries within its geographical boundaries to ensure that formation programs place an adequate emphasis on psychosexual maturity, interpersonal boundaries, leadership and service in ministry, with a specific focus on how these skills bear on the ministries of spiritual and pastoral counselling, and on the abuse of status and authority.¹⁰⁸

O. Education

1. The Archdiocese is committed to holistic ongoing formation—spiritual, intellectual, human, and pastoral—for all its clergy.¹⁰⁹
2. Formation includes training on the nature and effects of sexual abuse with a view to fostering compassion for victims, correcting myths, and overcoming the stigma associated with being a victim of sexual violence.¹¹⁰ Such training should include material to help participants understand the impact of sexual abuse on victims, families, and communities.¹¹¹

¹⁰⁶ Cf. *Protecting Minors*, Appendix 3, nn. 9, 49

¹⁰⁷ Cf. *Directory for the Formation of Permanent Deacons in the Archdiocese of Vancouver*, nn. 42, 30, 19-22, 95-96: <https://rcav.org/policies/251>.

¹⁰⁸ Cf. *Protecting Minors*, Appendix 3, nn. 44, 52. Also, *Report on Clergy Sexual Abuse*, recommendation 20.

¹⁰⁹ Cf. *Protecting Minors*, Appendix 3, n. 45.

¹¹⁰ Cf. *Protecting Minors*, Appendix 3, nn. 5, 8.

¹¹¹ Cf. *Protecting Minors*, Appendix 3, n. 46.




3. All clergy must be trained in safe environment practices and skills, including maintaining appropriate boundaries, how to spot behaviour that is or appears to be abusive, how to spot grooming for sexual abuse, and how to report such behaviour according to the policies outlined in preceding sections.¹¹² This training will be adapted to suit particular audiences.
4. Clergy shall be educated on the role of clergy in society and the spiritual underpinnings necessary for healthy ministry.¹¹³
5. Clergy shall be educated on the proper place of clerical status and authority within the Church, and about its abuses, which can be summarized under the term, "clericalism".¹¹⁴
6. The Safe Environment Coordinator will evaluate these training programs against contemporary best practices. The Safe Environment Coordinator will report on a regular basis to the Implementation Working Group the state of training programs, and incorporate feedback from the Group as necessary.¹¹⁵

P. 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 to civil and Church authorities.¹¹⁶
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 reporter 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: 31 March 2021
Wednesday of Holy Week


† J. Michael Miller, CSB
Archbishop of Vancouver

The following policy is hereby **SUPERSEDED**:
Policy on Sexual Misconduct by Clergy, issued April 8, 2018

¹¹² Cf. *Protecting Minors*, Appendix 3, nn. 26, 30, 47. See also *Report on Clergy Sexual Abuse*, recommendation 14.

¹¹³ Cf. *Protecting Minors*, Appendix 3, n. 38.

¹¹⁴ Cf. *Report on Clerical Sexual Abuse*, recommendation 25; *Protecting Minors*, Appendix 3, n. 47.

¹¹⁵ Cf. *Protecting Minors*, Appendix 3, n. 51.

¹¹⁶ Cf. *Vademecum*, n. 14.



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 Act¹¹⁷ 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;

¹¹⁷ 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.



Appendix IV: Definitions

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.

Delegate: the person appointed by the Archbishop to coordinate the faithful application of these policies. The Delegate represents the Archbishop to reporters, victims, the accused, and all those involved in the reporting and investigation of sexual abuse. The Delegate has the duty to keep the Archbishop and the Archdiocesan Spokesperson informed of progress, and to oversee the management and preservation of case files.

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.

Implementation Working Group: A group created by the Archbishop to implement the recommendations contained in the *Report on Clergy Sexual Abuse*, and to conduct ongoing review of Archdiocesan policies on sexual 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.

Independent investigators: people contracted by the Archdiocese to make preliminary investigations of sexual abuse claims at arm’s length, and who are therefore neither clerics nor



employees of the Archdiocese. The independent investigators will conduct interviews and collect evidence, which will be passed to the Delegate and the Review Board for Sexual Misconduct and may be used in a canonical trial.

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.¹¹⁸

Preliminary Investigation: An investigation carried out by Independent Investigators and evaluated by the Review Board for Sexual Misconduct, to decide whether an accusation of sexual abuse has the semblance of truth, and therefore warrants escalation to the Congregation for the Doctrine of the Faith. The CDF may order a canonical trial based upon the information gathered in the preliminary investigation.

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: in almost all cases, an autonomous and self-governing Institute of Consecrated Life that is recognized by the Catholic Church and governed by her laws. Societies of Apostolic Life and Secular Institutes are similar despite some differences.

Reporter: the person who alleges having suffered because of sexual misconduct by a member of the clergy. In other dioceses, this person is called the “complainant”.¹¹⁹

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

Review Board for Sexual Misconduct: the group of qualified persons appointed by the Archbishop to assess the legitimacy and nature of allegations 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.

¹¹⁸ The Age of Majority Act [RSBA 1996], ch. 7; http://www.bclaws.ca/civix/document/id/complete/statreg/96007_01, defines a “minor” as a person who has not reached the age of majority of 19 years. The substantive norms of the *Motu Proprio Sacramentorum Sanctitatis Tutela* (April 30, 2001), article 4 paragraph 1 define a “minor” as a person “below the age of 18 years”. This *Vademecum* adopts the latter definition. This Policy uses the higher age of 19 years stipulated by local civil law.

¹¹⁹ In a review of available Policies in January 2021, the following dioceses used the term “complainant”: Calgary, Kingston Ontario, London Ontario, New York, Toronto, and Winnipeg. The Archdiocese of Dallas used the term “person making a report”. Seattle and Prince George used “reporter”. Prince George also used the terms “alleged victim” and “the party making the complaint”. The Diocese of Nelson used the term “victim”.



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). Vulnerable adults also include those deprived of personal liberty.¹²⁰

¹²⁰ The *Vademecum*, paragraph 5, defines a “vulnerable adult” as “any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally limits their ability to understand or to want or otherwise resist the offence”. The British Columbia Guidelines for Police Information Checks defines a “vulnerable person” as anyone who is temporarily or permanently “in a position of dependence on others” or is “otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.” This Policy adopts the language of the *Vademecum*.