

# *Diocese of Edmundston*



## **Governance Protocol in Cases of Allegations of Sexual Abuse Against a Child, Youth, or Vulnerable Adult and Other Types of Sexual Misconduct**

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## **Diocese of Edmundston**

# **Governance Protocol in Cases of Allegations of Sexual Abuse Against a Child, Youth, or Vulnerable Adult and Other Types of Sexual Misconduct**

## **Objectives of the Present Protocol**

1. To assure the fullest possible protection of children, youth, or vulnerable adults currently or potentially concerned in cases of sexual abuses.
2. To send out a clear message that this kind of behavior cannot be tolerated from anyone, least of all, from a bishop, a priest, a deacon, a pastoral associate.
3. To determine a plan of action which will allow to proceed quickly and efficaciously (in the case of an allegation of sexual abuse against a child, youth, or vulnerable adult) while respecting all persons and organizations concerned.
4. To specify the task and responsibility incumbent on each person (victim, accused, delegate, Bishop, or diocese) in the search for the best practices to deal with allegations of sexual abuse and sexual misconduct towards a minor or a vulnerable adult.
5. To assure the alleged victim of the legal and psychological assistance needed for the situation.
6. To assure the alleged abuser of the legal and psychological assistance needed for the situation.
7. This protocol applies to any instance of sexual abuse of a child, youth, or a vulnerable adult “by a representative of a Church entity, [that is to say] any physical, verbal, emotional or sexual behaviour (i) which causes a person to fear for his or her physical, psychological, or emotional safety and well-being; (ii) which the alleged perpetrator knew or ought to have reasonably known would cause that person to have concern or fear for his or her physical, psychological or emotional safety and well-being.” (Canadian Conference of Catholic Bishops (CCCCB) *Protecting Minors from Sexual Abuse* (PMSA), 2018, (S 2.1, p. 82).

## **Statement of Principles**

[Perpetrator and victim include male and female gender; in this document male gender is used.]

- 1 - Sexual abuse (sexual aggression, sexual bullying or sexual misconduct), is not only a morally condemnable act, but is also a criminal act.
- 2 - The perpetrator of sexual abuse is solely responsible for his acts; he must bear full responsibility and assume all consequences.
- 3 - The accused person is presumed innocent until proven to the contrary.
- 4 - The Diocese of Edmundston does not intend to take the place of the civil law nor to become accomplice in a criminal situation. Consequently, the Church invites all people and particularly priests, deacons and pastoral associates who have been informed about, or who have knowledge of a situation of sexual abuse or who have *reasonable grounds* to believe that a child, youth or vulnerable adult who needs protection, to assume their duty to report. [Appendix B].
- 5 - The priest, deacon, or the pastoral associate must never dismiss a complaint concerning sexual abuse vis à vis a child, youth or vulnerable adult, nor attempt to settle it amicably or cover up the situation. This complaint falls under the *Child and Youth Well-Being Act* [Appendix A] to whom it must be quickly referred for the protection of the child, youth or vulnerable adult.
- 6 - Both canonical and civil legislation will be respected in cases where the two systems are involved by avoiding all undue interference.
- 7 - Faithful to her teaching and tradition of hatred for the sin and love for the sinner, the Diocese of Edmundston wants to:
  - 7.1 support victims and their loved ones through attentive listening, adequate pastoral and psychological support if necessary.
  - 7.2 bring full collaboration to the personnel of Protection Services [Appendix B] if there were any suspicions of sexual abuse against a priest, deacon or pastoral worker.
  - 7.3 ensure the rights of all are respected.
  - 7.4 support in his rehabilitation, the person found to be guilty, or if the allegation determined to be unfounded, repair as far as possible any damage to the reputation.

8 - With concern for working and maintaining openness, transparency and accountability, the Diocese of Edmundston will:

- 8.1 continue its efforts aimed at preventing sexual abuse against children, youth and vulnerable adults.
- 8.2 train its priests, deacons and pastoral workers to detect the first manifestations of abuse.
- 8.3 continue, as required, offering orientation sessions using the Canadian Conference of Catholic Bishops (CCCB), *Protecting Minors from Sexual Abuse* (PMSA), CCCB Publications, Ottawa.
- 8.4 collaborate with local organizations to help people affected by the consequences of sexual abuse.

## **Definitions**

### **Advisory Committee**

Persons appointed by the Bishop to deal with matters relating to allegations of sexual abuse or misconduct, by priests, deacons, pastoral associates, or other mandated persons in the Diocese of Edmundston.

### **Child**

A male or female person who has not yet reached the age of eighteen (18) years, (Pope Francis, *Vos estis lux mundi*, 3, n.1, & 2 a) or considered as such by the law. New Brunswick statute: 'child' is defined a person who is under 16 years of age.

### **Delegate**

A priest or a person appointed by the Bishop to represent him in matters relating to allegations of sexual abuse.

### **Minor**

"for the purposes of these Guidelines , any person under the age of eighteen years or other such age which in accordance with the prevalent secular, canonical, and social norms." (PMSA, S 2.4, p. 84)

### **Pastoral Associate**

For purposes of the present document, a non-ordained person, mandated by the Bishop for pastoral ministry in the diocese.

## **Spokesperson**

A person responsible for media relations on matters relating to allegation of sexual abuse.

## **Resource Person**

A person, not a member of the advisory committee, who is charged with acting on behalf of, and in the name of, the advisory committee by virtue of a specific expertise.

## **Sexual abuse**

This term covers any contact or interaction between an adult and a child, youth or a vulnerable adult who serves as the object of sexual gratification for the adult. A child, youth or a vulnerable adult is a victim of sexual abuse regardless of whether he was apparently coerced into participating, whether or not there was physical or genital contact, whether the activity was initiated or not by him, whether or not the activity had apparent harmful effects.

Sexual abuse is “any physical, verbal, emotional or sexual behaviour (i) which causes a person to fear for his or her physical, psychological, or emotional safety and well-being; (ii) which the alleged perpetrator knew or ought to have reasonably known would cause that person to have concern or fear for his or her physical, psychological or emotional safety and well-being.” (Canadian Conference of Catholic Bishops (CCCB) *Protecting Minors from Sexual Abuse* (PMSA), 2018, (S 2.1, p. 82).

“Abuse within ministerial relationships” is considered to be any abuse of power, betrayal of trust, or exploitation of the imbalance of power inherent in a ministerial relationship between a representative of a Church entity and the person with whom a ministerial relationship exists.” (S 2.3, p. 83).

The following actions can be qualified as sexual abuse (Congregation for the Doctrine of the Faith, *Vademecum on some procedural points in the treatment of cases of sexual abuse of minors committed by clerics* 2020: VM, 22):

- 1) Sexual relationships with a minor with or without consent (rape\*);
- 2) Physical contact with a sexual ulterior motive;
- 3) Exhibitionism by masturbation or otherwise;
- 4) Incitement to prostitution;
- 5) Conversations or advances of a sexual nature, even on social networks;
- 6) Production, exhibition, possession or distribution of child pornography, even by computer;
- 7) Incitement of a minor or vulnerable person recruited to participate in pornographic acts.  
(Pope Francis, *Vos estis lux mundi*, 2019, 1a.3).

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\*In the 1983 amendments to the *Criminal Code* of Canada, [Bill C52] under S. 271, the term ‘rape’ was amended to ‘sexual assault’—focus on violence rather than sex. The Criminal Code defines sexual assault as: “any unwanted sexual act done by one person to another or sexual activity without one person’s consent or voluntary agreement.”

### **Sexual Harassment**

Shocking and humiliating behaviours based on the sex of the victim as well as behaviors of a sexual nature that contribute to making the workplace intimidating, hostile or “unliveable” or which could reasonably give the impression that the person has to comply with sexual activity to retain or seek employment or exercise a role within the diocese. These may include asking questions and having discussions about a person’s sex life, insisting on dating after a refusal, or writing sexually-oriented messages or notes. Sexual harassment often occurs in workplaces where there is an imbalance of power between the protagonists.

### **Substitute/Assistant**

A priest, deacon or a lay person appointed by the Bishop to replace his delegate in matters of sexual abuse, when the Bishop is absent or unable to act.

### **Victim**

A child, youth or vulnerable adult who alleges to have been sexually abused by a priest, deacon, pastoral worker or an adult, who was abused while he was a child or in a situation of economic or psychological weakness.

### **Vulnerable person**

A person susceptible to being injured, assaulted. A person in a weakened physical or mental state whose ability to defend himself or herself is limited. A person in fear for their physical, psychological or emotional safety and well-being. A person under the responsibility of another person.

“A vulnerable adult refers to a person who is defined as an adult by secular statutes but who lacks an adult mental capacity or who, by reason of advanced age, physical illness, mental disorder, or disability at the time the alleged abuse occurred, was or might be unable to protect himself or herself from significant harm or exploitation. Therefore, an adult who habitually lacks the use of reason is considered incapable of personal responsibility and is deemed to be equivalent to a minor according to canon law.” (PMSA, S 2.5, p. 84).

### **Youth**

New Brunswick statute: a person who is between 16 and 19 years of age, inclusive.

## Sources

1. *Reform on the Penal Sanctions in the Church*, Book VI, 2021- *Code of Canon Law* (CIC) of 1983. [Appendix C].
2. *Criminal Code* of Canada (CCC), s. 271.
3. Laws, Government of New Brunswick, *Child and Youth Well-Being Act*.
4. Canadian Conference of Catholic Bishops (CCCB), *Protecting Minors from Sexual Abuse – A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and transformation* (PMSA) CCCB Publications, Ottawa. 2018.
5. Congregation for the Doctrine of the Faith, *Vademecum on some procedural points in the treatment of cases of sexual abuse of minors committed by clerics. (VM)*, July 16, 2020.
6. The Standards on Crimes Reserved for the Congregation for the Doctrine of the Faith of 2010, published by the motu proprio of John Paul II, *Sacramentorum Sanctitatis Tutela* (SST) and amended by the *Rescripta ex Audientia* of 3 and 6 December 2019.
7. Pope Francis, motu proprio *Vos Estis lux mundi* (VELM) of 2019.

## Abbreviations Used

<b>c.:</b>	Canon
<b>cc.:</b>	Canons
<b>CCCB:</b>	Canadian Conference of Catholic Bishops
<b>C.C.C.:</b>	<i>Criminal Code</i> of Canada
<b>R.S.N.B.</b>	Revised Statutes of New Brunswick
<b>C.Y.W.B.</b>	<i>Child and Youth Well-Being Act</i>
<b>P.S.</b>	Protection Services
<b>PMSA</b>	<i>Protection of Minors from Sexual Abuse</i> , CCCB
<b>VELM</b>	<i>Vos Estis lux mundi</i>



# 1 – Preliminary Considerations

## 1. Responsibility of the Bishop: appointment of a Delegate and establishment of an Advisory Committee

- 1.1 To preserve his freedom of judgment, decision and action, the Bishop authorizes one of his priests (apart from the Vicar General) or a competent lay person to intervene in situations of allegations of sexual abuse of a child, youth, or vulnerable adult. This person will then act as his delegate.
- 1.2 The Bishop forms an Advisory Committee of at least three people to advise the delegate on these matters. This committee will be under the responsibility of the delegate. Each member of this committee contributes to the fulfillment of the Committee's mandate, which is to help the delegate respond as quickly as possible to allegations of sexual abuse and misconduct (see Appendix E). Members will receive an official mandate from the Bishop to serve on this Committee. The terms of office will be for three (3) years and renewable.
- 1.3 The Bishop:
  - 1.3.1 designates a person to deal with the media: the spokesperson.
  - 1.3.2 informs all the priests, deacons, and pastoral associates about the existence of this committee.
  - 1.3.3 makes public his contact details as well as the contact details of the delegate and Advisory Committee to allow any alleged victim to report any incident of sexual abuse and sexual misconduct more easily towards a child, youth, or vulnerable adult.
  - 1.3.4 establishes collaborative relationships with people, organizations and resources who deal with sexual abusers of children, youth and vulnerable adults.
  - 1.3.5 pays particular pastoral attention to the environment affected by allegations of sexual abuse or sexual misconduct.
  - 1.3.6 studies the means to improve, if necessary, the selection and accompaniment of pastoral workers and candidates for ordained or instituted ministries (acolyte and lector).

## **2. Delegate and the Advisory Committee**

Assisted by the advisory committee, the delegate must ensure in the event of allegations of sexual abuse committed by a priest, a deacon or a person appointed in pastoral ministry that:

- 2.1 all parties are treated with respect, care, compassion, without prejudice, that is, with transparency and respect for the presumption of innocence and for the fundamental rights of everyone to a good reputation.
- 2.2 a fraternal welcome in the Church and attentive listening be accessible to each victim of sexual abuse. The delegate reminds the victim of his right to report sexual abuse or sexual misconduct to the police and of his own obligation to do so if the complainant is still a child or youth.
- 2.3 individualized support be provided to any child, youth, or vulnerable adult who is allegedly the victim of sexual abuse by a priest, deacon or a person appointed in pastoral care, as soon as the investigation carried out by the competent civil authorities has concluded that it is a well-founded allegation. The support does not imply, at this stage, any admission as to be guilty of the accused.
- 2.4 the accused person will be received and helped fraternally in the Church. If necessary, he will have access to an independent canonical counselor and to psychological support.
- 2.5 the diocese must obtain insurance coverage regarding its civil liability in this matter.
- 2.6 permanent registers , never to be destroyed, be maintained at the diocesan centre of all allegations of sexual abuse and misconduct filed against any member of the staff of the diocese, including the clergy, those in charge of pastoral ministry and paid employees.

## **3. Confidentiality**

As far as possible, and according to the requirements of the laws in force, maximum confidentiality must be observed: confidential files, members of the advisory committee under professional secrecy, meeting reports preserving identity, etc.

## **4. Conflict of interest and right of recourse**

- 4.1 When a situation of sexual abuse is declared, the delegate must ensure to have sufficient physical and emotional distance from the people involved to properly deal with the situation. If not, the delegate, in consultation with the Bishop, will transfer responsibility to an alternate who is empowered to do so. This person can come from another diocese. Both the alternate and the delegate may intervene together depending on the circumstances.
- 4.2

- 4.3 The Bishop or his delegate offers the possibility of an accompanying person (priest or lay person) to the individual subject to the complaint, to assist the latter throughout the steps involved in the legal procedure undertaken and other procedures (financial power of attorney, CYWB Act, psychological assessment, detention center, contracts with the family, etc.).
- 4.4 The Bishop and the Vicar General must preserve their decision-making role and their right to resort to canonical sanctions. To this end, they cannot hear the confession of a person who is the subject of a complaint. They cannot intervene with victims without the approval of their legal advisor.
- 4.5 To avoid any ambiguity, as soon as a problematic situation is declared, it is ensured that the lawyer of the diocese is distinct from the lawyer of the person who is the subject of the complaint.

## **5 Reimbursement of costs**

- 5.1 The delegate ensures that the costs incurred by the delegate and the advisory committee are forwarded to whom it may concern and centralizes the invoices if necessary.
- 5.2 Depending on the situation, the delegate ensures that the person who is the subject of the complaint is made responsible by assuming the costs paid, in whole or in part.
- 5.3 If the pecuniary resources of the person complained of are insufficient, the Episcopal Corporation may grant him a loan with specific repayment terms which will be established in each case.

## **6 Withdrawal of the person who is the subject of the complaint and his return to ministry**

- 6.1 This question is delicate and requires great discernment. The advisory committee will discuss this matter and make its recommendations.
- 6.2 The Bishop may ask for professional evaluations and opinions that may answer certain questions.

## **2 – Procedure for allegations of sexual abuse**

### **Step 1 – Reported by the victim**

- 1.1 This situation may have been reported directly to the Bishop’s delegate or to the Bishop himself by the victim, his family, friends, his parish priest, his parish, or by the alleged abuser. The delegate and the Bishop must never dismiss a complaint that falls under the *Child and Youth Well-Being Act*, nor attempt to come to an amicable agreement; and this even if the Protection Services , the police or the media are not yet made aware of the complaint.
- 1.2 Any report that has reached the Bishop or any other diocesan authority directly will be forwarded to the delegate [Appendix D] as soon as possible for ad hoc follow-up of the report (Cf. PMSA,).

### **Step 2 – Reception of the complaint**

- 2.1 The Bishop’s delegate meets the complainant as soon as possible, if necessary with another person from the Advisory Committee on Sexual Assault, preferably a woman in certain cases; he ensures the seriousness of the complaint and the credibility of the complainant – a brief investigation may be necessary; he neither accepts nor withholds any material evidence (letters, photos, etc.)
- 2.2 The delegate must ensure that there are reasonable grounds within the meaning of section 35(1) of the *Child and Youth Well-Being Act*. [Appendix B]
- 2.3 The delegate informs the complainant of the following actions:
  - 2.3.1 The person who is the subject of the complaint will be met and listened to with attention and respect:
  - 2.3.2 The complaint will be reviewed by the advisory committee;
  - 2.3.3 If the advisory committee finds reasonable cause, the committee will be obliged to report the matter to Protection Services , *C.Y.W.B Act*, s. 35(1).
  - 2.3.4 Where applicable, the complainant is informed by the delegated person of his personal obligation to report the complaint and the complainant is invited to sign a document to this effect.
  - 2.3.5 The delegate opens a file, notes the chronology of events and records the minutes of the meeting.

### **Step 3 – Information to the Bishop and/or the competent religious superior**

The delegate informs the Bishop, and if necessary, the competent superior. This is an information stage only, not a decision.

### **Step 4 – Meeting with the person subject to the complaint**

- 4.1 As soon as possible, the Bishop's delegate meets with the person who is the subject of the complaint, unless circumstances make such a meeting inappropriate.
- 4.2 Objectives of the meeting with the 'alleged' person:
  - 4.2.1 Transmit the complaint to the person of whom is complained;
  - 4.2.2 Ensure that his rights are respected (good reputation, defense, etc.);
  - 4.2.3 Offer the needed help (psychological, legal, material, pastoral, etc.);
  - 4.2.4 Inform him of the Bishop's obligations regarding reporting to Protection Services and the nature of this report;
  - 4.2.5 Inform him of the process to be followed;
  - 4.2.6 Prohibit him from all contact with the complainant, the alleged victim and his family;
  - 4.2.7 Invite him, if necessary, to withdraw from the ministry if he is an ordained minister or let him know that such a decision can be made.
- 4.2 The delegated person records the minutes of the meeting.
- 4.3 The Bishop is informed.
- 4.4 If necessary, the Bishop will recall by Decree the proposals of the delegate made to the person subject to the complaint.

## **Step 5 – Meeting of the advisory committee**

- 5.1 The Bishop’s delegate who held the meeting summons the Advisory Committee as soon as possible.
- 5.2 The Advisory Committee gives its opinion on the existence of reasonable grounds.
- 5.3 A report is prepared.
- 5.4 The Bishop is informed.

## **Step 6 – Report to Protection Services and civil authorities**

- 6.1 If there is *reasonable motive*, the delegate recommends that the complainant report the case to Protection Services. If the complainant accepts, he ensures that the report has been made as soon as possible. If the complainant refuses, the delegate takes care of it and notifies the complainant as well as the person complained of. It thus fulfills the reporting obligations imposed by secular law (Cf., PMSA, S.4.3, p. 94).
- 6.2 If the circumstances requires, the Bishop obliges the person of the complaint to temporarily relinquish his or her post and to hire a lawyer.
- 6.3 If it has been determined that there are no reasonable grounds:
  - 6.3.1 the delegate informs the complainant of the reason for this decision;
  - 6.3.2 the complainant is advised of his or her right, and even his duty, to report to civil and police authorities if he considers he has reasonable grounds;
  - 6.3.3 the person who is the subject of the complaint is also notified.

## **Step 7 – Investigation and decision of Protection Services**

- 7.1 This step is the responsibility of Protection Services.
- 7.2 Depending on the circumstances, the next step can be started.

## **Step 8 – Help offered by the Bishop**

The delegate meets with the Advisory Committee to propose concrete means of help to the Bishop:

8.1 To the victim and his relatives:

Ensure that the victim receives help and support, taking into account the directives of Protection Services or the police, if applicable.

8.2 To the person who is the subject of the complaint and his relatives:

Regardless of whether:

- the complaint was deemed admissible or not;
- the person confesses or denies;
- the situation is known or not to the public;
- the report was accepted or not.

8.3 The delegate informs the subject of the complaint that he can get help from a lawyer and a therapist.

8.4 To the community:

Ensure a listening and support service for people who are affected by this situation.

## **Step 9 – Monitoring by the delegate of developments in the situation**

9.1 With the victim and his relatives:

In collaboration with Protection Services, determine what type of pastoral support is possible.

9.2 To the person who is the subject of the complaint:

9.2.1 ensure his support network and financial resources;

9.2.2 assess the possibility of reinstatement in his functions if necessary.

9.3 With the community:

To listen, to welcome reactions.

## **Step 10 – Conclusion and evaluation**

The delegate ensures that all procedures have been completed, to the satisfaction of those involved, in particular: victim, person subject to the complaint, media, legal advisor, committee members, etc.

### **3 – Procedure in the situation of allegations of sexual abuse reported to the Diocese by the civil authorities**

The complaint falls under the *Child and Youth Well-Being Act* and it is first known to the authorities.

The Bishop is informed by Protection Services, by the police, by the media or otherwise.

Legal proceedings have already been launched against the person who is the subject of the complaint.

#### **Step 1 - Receipt of the complaint**

- 1.1 If necessary, the complaint is referred to the Bishop's delegate. If it is brought before the Bishop, the latter will refer it to the delegate.
- 1.2 In order not to interfere with the investigation, any request for confidentiality made by the civil authorities is respected.

#### **Step 2 - Meeting with the person who is the subject of the complaint**

- 2.1 As soon as possible, in accordance with the law subject to the *Child and Youth Well-Being Act*, the Bishop's delegate contacts the person who is the subject of the complaint.
- 2.2 Objectives:
  - 2.2.1 To transmit the complaint to the alleged accused person;
  - 2.2.2 To ensure that his rights are respected (good reputation, defense, etc.);
  - 2.2.3 To offer him the help he needs (psychological, legal, material, pastoral, etc.);
  - 2.2.4 To inform him of the process that will be followed;
  - 2.2.5 To inform him that any contact with the alleged victim and his family is prohibited;
  - 2.2.6 Invite him, if the circumstances indicate it, to leave his environment and cease the exercise of his ministry. He will receive a notice from the Bishop compelling him to leave if he refuses to do so voluntarily.



- 2.3 The delegate should orient the meeting considering the following four prescriptions established by case law:
  - 2.3.1 The voluntary nature of the meeting;
  - 2.3.2 Respect for the freedom of the complainant and of the person complained according to their respective truths;
  - 2.3.3 Frank discussion of the content of their version without promise or threats or allusion to either;
  - 2.3.4 An intention to act devoid of interest than that of achieving justice, and;
  - 2.3.5 that one follow this way of proceedings and the goal pursued.

### **Step 3 - Information to the Bishop and the competent superior, if applicable**

- 3.1 By the delegate.
- 3.2 The Bishop obliges the person who is subject of the complaint to leave the workplace and not to exercise ministry.

### **Step 4 - Meeting of the advisory committee**

The purpose of this meeting is to ensure that nothing is omitted in the entire intervention process.

### **Step 5 - Assistance offered to the victim(s) and to the person who is subject of the complaint**

- 5.1 To the victim:
  - 5.1.1 to ensure that the victim receives help and support, considering the directives of Protection Services or the police, if applicable.
- 5.2 To the person who is the subject of the complaint and his relatives:
  - 5.2.1 to offer support, depending on the circumstances;
  - 5.2.2 to inform him that he can have the help of a lawyer and a therapist.

5.3 To the community:

5.3.1 to ensure a listening and support service for people who are affected by the situation.

## **Step 6 - Monitoring of developments in the situation by the Delegate**

6.1 With the victim and his relatives:

6.1.1 in collaboration with Protection Services determine what type of pastoral accompaniment is possible.

6.2 With the person who is the subject of the complaint and his relatives:

6.2.1 ensure his support network and financial resources;

6.2.2 assess the possibility of reinstatement in his functions.

6.3 With the community:

6.3.1 By listening, welcoming reactions.

## **Step 7 - Conclusion and evaluation**

The delegate makes sure that all the procedures have been completed to the satisfaction of those involved, in particular: victim, person subject to the complaint, media, legal advisor, committee members, etc.

## **4 – Other situations**

1. There are other situations that may arise, such as the disclosure of acts which, even if they are not contrary to the *Criminal Code*, are contrary to clerical obligations (*Canon Law*). Let us note among other situations: offenses against the sixth commandment of the Decalogue, the fact of producing, exhibiting, possessing or distributing, even by computer means, pornographic material, as well as, recruiting or inciting a person to participate in pornographic exhibitions, etc. (CF. The Apostolic Letter *Vos estis lux mundi* from Pope Francis, N. 1).
2. These situations can be brought to the attention of the Bishop by a complainant, by the police or by the media.
3. Depending on the concrete circumstances of the case, the delegate refers to the procedures outlined in the preceding two sections, removing all reference to Protection Services.

4. The delegate evaluates the outcome, with the advisory committee.
5. When the offense(s) involved pertain to the obligations of the Church, and the civil authorities have no competence in the matter, the delegate with the advisory committee, evaluates the procedure to follow keeping in mind the dictates of *Canon Law*, particularly canons 1717 – 1718 and 1720 and following.
6. In all of these situations, assistance to the victim(s) and the accused must be the object of constant consideration.
7. It can happen that it is a priest, a deacon, an authorized person working in the diocese who is the victim or the object of sexual harassment. In this case, it is necessary to implement a policy defining the course of action to be taken in order to protect the person.

## 5 – Media relations

### 1. General principles respecting:

- 1.1 the role of the media
- 1.2 the right of the public to information
- 1.3 the right of a good name
- 1.4 the judicial process
- 1.5 the right to confidentiality, and
- 1.6 ensuring transparency

### 2. Do's and Dont's

- 2.1 A person (the spokesperson), other than the delegate of the Bishop, is responsible for providing the appropriate information as soon as possible.
- 2.2 The information thus given should be as brief as possible, avoiding sensationalism and debate of a judicial nature.
- 2.3 The details of meetings with the complainant and the person complained of must be considered confidential and not usable.
- 2.4 When a situation becomes public, the spokesperson may inform about:
  - 2.4.1 the process followed or to be followed.
  - 2.4.2 whether or not there has been a report or a complaint to the police.

- 2.5 No further comment is made so as not to interfere in the investigation of Protection Services or the police and/or in the judicial process.
- 2.6 If the person accused has been invited to leave his workplace and not to exercise ministry, this fact can be confirmed, and the persons concerned (for example that parish) informed.

### **3. Attitudes to be developed by the person who responds to the media**

- 3.1 Accessibility
- 3.2 Knowledge of the file
- 3.3 Transparency
- 3.4 Prudence
- 3.5 Firmness

## DECREE OF APPROVAL

By my ordinary authority, I approve and declare approved the Protocol for Governance in Cases of Allegations of Sexual Abuse Against a Child, Youth, or Vulnerable Adult and Other Types of Sexual Misconduct set out above, and I declare null and void any previous version.

Given at Edmundston, New Brunswick under our signature, the seal of the Diocese and the countersignature of the Chancellor, this \_\_\_\_\_ day of the month of \_\_\_\_\_ of the Year two thousand twenty-three.

*+ Claude Champagne o.m.i.*

+ Claude Champagne, o.m.i.  
Bishop of Edmundston

*Ronilla Sirois, r.h.s.j.*

Sr. Ronilla Sirois, r.h.s.j.  
Chancellor

## **APPENDICES**

### **Appendix A**

#### **Province of New Brunswick *Child and Youth Well-Being Act***

pdf link – (bilingual): <https://laws.gnb.ca/en/ShowPdf/cs/2022-c.35.pdf>

#### **PART 1 DEFINITIONS AND INTERPRETATION**

##### **Definitions**

1 The following definitions apply in this Act.

“child”, except when used only to indicate a child parent relationship, means a person who is under 16 years of age.

“youth” means a person who is between 16 and 19 years of age, inclusive.

“protection services” means investigations, services, agreements, applications and orders under Part 5 that are protective in nature and any other protection services prescribed by regulation.

### **Appendix B**

#### ***Child and Youth Well-Being Act* , Part 5 - PROTECTION SERVICES Division**

##### **Duty to report**

**35(1)** Any person who has reason to believe that the well-being of a child or youth is in danger shall inform the Minister without delay regardless of whether the person has acquired the information

- (a) in the performance or exercise of the person’s duties or powers, or
- (b) within a confidential relationship.

**35(2)** If a person required to report acquires information in the performance of their duties or in the exercise of their powers that should reasonably cause them to suspect that the well-being of a child or youth is in danger, the person required to report shall inform the Minister directly without delay.

**35(3)** A person required to report who violates or fails to comply with subsection (2) commits an offence.

## **Appendix C**

**Code of Canon Law BOOK VI – PENAL SANCTIONS IN THE CHURCH** (\*Promulgated by Pope Francis 23 May 2021).

**Can. 1398** — § 1. A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he:

1° commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognises equal protection;

2° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognises equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;

3° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.

§ 2. A member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful who enjoys a dignity or performs an office or function in the Church, who commits an offence mentioned in § 1 or in can. 1395 § 3 is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

## **Appendix D**

**Bishop's delegate:** for information, contact the diocesan centre:  
60 René-Bouchard Street, Edmundston, N.B. E3V 3K1  
Tel.: (506) 735-5578 Fax: (506) 735-4271  
Email: [diocese@nbnet.nb.ca](mailto:diocese@nbnet.nb.ca)  
Internet: [www.diocese-edmundston.ca](http://www.diocese-edmundston.ca)

## **Appendix E**

## **Mandate of the Advisory Committee**

1. The Advisory Committee is instituted by the Bishop for the purpose of dealing with all questions related to sexual abuse and sexual misconduct. This is understood to mean sexual abuse of children, youth, or of vulnerable adults including past abuses, even if the alleged victims are now adults, by priests, deacons, men and women religious, pastoral workers appointed by the Bishop.
2. Diligently and carefully follow up on cases of sexual abuse brought forward.
3. Propose an intervention plan and strategies while ensuring, where necessary, support of those involved.
4. Ensure application and update of the protocol approved by the Bishop.
5. Request the services of resource people as required.
6. Propose means of prevention and educating the faithful and everyone involved in ministry of the problem of sexual abuse. Suggest ways to intervene when a situation of this nature regrettably occurs.
7. Accurately inform the person responsible for media relations about the unfolding course of action.

## **Appendix F**

### **Canonical considerations**

1. When the Ecclesiastical Authority must intervene in situations of sexual abuse, it must be remembered that the Church very often acts on two levels: that of Canonical Law and that of the law of the State (criminal or civil). The Canonical inquiry is to be conducted independently of the corresponding inquiry by Civil authorities. (*Vademecum*, 26)
2. Naturally, the law is not the only nor the most important preoccupation that must be undertaken in a matter of sexual abuse but it provides the framework for other interventions and guides the search for the truths involved.
3. The Ecclesiastical Authority must render justice to the Church herself, to the alleged victims, to the accused and to the suspects. At the same time, she is committed to collaborating, as it should, with the civil law. This presupposes from the beginning a collaboration between canonists and lawyers, as well as a *reasonable reservation vis à vis* civil proceedings. It is also to be remembered that the Ecclesiastical Authority has no duty or legal competence to conduct an investigation which belongs to civil attorneys.



4. While wishing to collaborate with the civil law, there will be vigilance in protecting, as much as possible according to the prescriptions of the laws in effect, the greatest confidentiality for all written documents linked to an accusation of sexual abuses brought against a priest, a deacon or a person mandated in ministry. For this reason, a diocesan policy will be established regarding the maintenance of archives to prevent grave errors (*Vademecum*, 73; cc. 1475 et 1719).
5. In a case which is public, immediate dispositions must be taken, setting limits as to what is necessary and doing nothing that is definitive. Care must be taken to see that these dispositions do not compromise anyone's good name. (c. 1717§2) Depending on the situation, the Ecclesiastical Authority can and even should act in various ways out of consideration for the accused:
  - 5.1 Or through a purely personal intervention, by avoiding creation of conflicting implications with regard to the civil and canonical law; we are reminded that the civil law does not systematically exempt from testimony those who have knowledge of the pertinent facts, writings or confidences by virtue of their office. According to Canon 1341, this personal intervention may call for fraternal correction, reprimand or other means to re-establish justice.
  - 5.2 Or through the imposition of a canonical precept to do or to omit something (c. 49)
  - 5.3 Or through an administrative procedure (decree without a trial: Canon 1720): when admissible, this administrative procedure is far preferable to the judicial process.
  - 5.4 Or even, according to the prescriptions of the law (c.1721), through a canonical judicial process.
6. In certain cases, the accused may be appointed to an office where he will not exercise public ministry and where there will be less risk of recidivism. That will permit the regulation of urgent situations without compromising anything before there are definitive decisions and will permit the justification, for a time, of remuneration of the person concerned, which might encourage a greater will to collaborate. If the person concerned refused such an appointment, without a valid reason, there would be justification for suspending him from the exercise of his faculties (Cf. c. 1333; 1336).
7. The right of the accused to a defense should be integrally respected (cf.cc.221§1, 1720§1). For that reason, if the Ecclesiastical Authority has recourse to a canonical judicial process

against the accused, it would be good to consult a canonist experienced in this type of process to ensure that the rights of all persons involved are truly respected.

8. When the Ecclesiastical Authority wants to take measures that are called for, it is necessary to look at what constitutes a canonical proof (cf. c. 1527), for without such a proof, the presumption of innocence is imperative. A decision by a civil tribunal does not necessarily constitute a proof for a canonical procedure. For various reasons an innocent person could be condemned by the civil tribunal, or a guilty person acquitted.
9. If later on an accused wanted recourse to a civil tribunal against a canonical decision by the Bishop or his delegate, jurisprudence is currently such that the canonical procedure thus attacked would be considered by the civil judge, in as much as the procedure has been carried out according to the pertinent canonical laws. Otherwise, there would be a strong risk of the recourse being received by the tribunal.
10. Before there is a definitive canonical decision, a definitive statement regarding the fate of a cleric or a pastoral associate is avoided. This is when the fate of the guilty will be determined, or everything will be done to restore the good name and the status of the innocent.
11. The allocation of costs and damages, as with the sharing of expenses between the diocese and the accused will depend on his or her guilt or innocence, as well as decisions of the tribunals.

## **Appendix G:**

**Canons reference list: 49, 221, 1311 – 1316, 1321 – 1322, 1326, 1331, 1333 – 1336, 1341 – 1350, 1362, 1385, 1394 – 1395, 1398, 1475, 1502 – 1504, 1527, 1717 – 1721.**