Diocese of Pembroke

Chancery Office

DECREE

In the name of God.

MOST REVEREND GUY DESROCHERS C.Ss.R.
Bishop of Pembroke

In order to promote the pastoral care and safety of the People of God, I hereby decree

The Policy and Procedures for the Prevention and Management of Sexual Abuse of Minors and Adults who in Law are the Equivalent of Minors

be in effect as particular law within the Diocese of Pembroke.

Given at the curia of the Diocese on this 6th day of May, the memorial of St. François de Laval, two thousand and twenty one.

+ Guy Desrochers, CSSR

✠ Guy Desrochers, C.Ss.R.
Bishop of Pembroke

Chancellor

CURIA DIOECESIS PEMBROKENSIS

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May 6, 2021

Today, I have promulgated in the Diocese of Pembroke *The Policy and Procedures for the Prevention and Management of Sexual Abuse of Minors and Adults who in Law are the Equivalent of Minors*. This document replaces the *Protocol for Sexual Abuse Cases Involving Minors* that has been in force since 2007. This revision has taken place in accordance with the obligation and desire of the Bishops of Canada to embody the Catholic Church's teachings, laws and the Canadian Conference of Catholic Bishops' 2018 document *Protecting Minors from Sexual Abuse*. This revised protocol is the fruit of this commitment. Pastors are to review with, and document that, all parish employees and volunteers have read this revised document, which may be accessed on the diocesan website www.pembrokediocese.com.

In conjunction with our revised diocesan policy, I wish to apprise you that today, the CCCB unveiled the ClearView Reporting System, which is a centralized third-party mechanism to report allegations of abuse or the cover-up of abuse by bishops in Canada. The centralized ClearView Reporting System will ensure that allegations of abuse or the potential cover-up of abuse are conveyed to the proper ecclesiastical authority, as outlined in Pope Francis' 2019 motu proprio *Vos estis lux mundi*. This ClearView Reporting System may be accessed via www.cccb.ca or the link from our own diocesan website.

In *Vos estis lux mundi*, our Holy Father states "it is good that procedures be universally adopted to prevent and combat these crimes that betray the trust of the faithful'. Let us always pray for the healing of those who have suffered abuse and for the healing of their families. Let us work for the protection and well-being of all God's holy people.

+ Guy Desrochers, CSsR.

✠ Guy Desrochers, C.Ss.R.
Bishop of Pembroke

The Policy and Procedures for the Prevention and Management of Sexual Abuse of Minors and Adults who in Law are the Equivalent of Minors

Diocese of Pembroke

2021

The Policy and Procedures for the Prevention and Management of Sexual Abuse of Minors and Adults who in Law are the Equivalent of Minors (the "Policy") seeks to reconcile the obligations of the Diocese and its pastoral and canonical responsibilities and of those diocesan personnel in the exercise of their roles and responsibilities in the Diocese with the laws of Ontario, Quebec and Canada. It embodies the Catholic Church's teachings and laws and the Canadian Conference of Catholic Bishops' 2018 document *Protecting Minors from Sexual Abuse* and the *Code of Pastoral Conduct.*

The goal of the Policy is to ensure the just and timely resolution of allegations of sexual abuse involving minors and adults who in law are considered the equivalent of a minor. The Diocese seeks to provide meaningful assistance to those who have suffered as a result of sexual abuse and to support all the faithful.

POLICY

It is the policy of the Diocese to:

1. Create, implement, and monitor procedures which prevent, curtail and prohibit acts of sexual abuse towards all who are in the spiritual and physical care of the Diocese, especially minors and adults who in law are considered the equivalent of a minor.
2. Foster an environment which promotes and upholds high pastoral, moral, and ethical standards of professional conduct where people feel safe to bring forward complaints by ensuring confidential and accessible avenues to report sexual abuse.
3. Respond to those who report sexual abuse with compassion and care by immediately placing them in contact with the Bishop's Delegate.
4. Investigate and manage reports of sexual abuse of those in the spiritual and physical care of the Diocese in accordance with the Policy.
5. Ensure that allegations pertaining to sexual abuse involving minors or adults who in law are considered the equivalent of a minor, by clergy, religious, seminarians, candidates to the diaconate, lay diocesan employees, and volunteers is received and investigated by the Diocese in accordance with the Policy.
6. Comply with civil and canonical reporting requirements and cooperate fully with federal and provincial authorities and the Congregation for the Doctrine of the Faith regarding substantial allegations of sexual abuse of minors and adults who in law are considered the equivalent of a minor.
7. Impose accountability measures in accordance with the Code of Canon Law, Criminal Code, applicable federal and provincial legislation, employment law, and the Policy for those individuals who have had credible and substantial allegations of sexual abuse of minors and adults who in law are considered the equivalent of a minor.
8. Ensure transparency and accountability by publishing clear guidelines, regularly updating and ensuring compliance with this Policy. Engage and involve lay members who serve on the Sexual Abuse Advisory Committee in advising the Diocese on appropriate measures to be taken to prevent abuse, to properly respond to reports of abuse against minors and adults who in law are considered the equivalent of a minor and recommend effective actions that bring justice and healing to the victim/survivors and to those who have committed acts of sexual abuse.
9. Respect the privacy rights of those who come forward claiming that they have been sexually abused, and those accused of sexual abuse by safeguarding personal or sensitive information and following responsible records management processes.
10. Ensure that all people impacted by sexual abuse – the victims/survivors, those who have committed the acts of abuse, those who have been falsely accused, their families, parishes, clergy, religious, and the faithful – are treated respectfully and justly.
11. Seek to respond to the spiritual needs of affected parishes at times in which such allegations become public.

APPLICATION

This Policy applies to clergy, religious, seminarians, candidates for the diaconate, lay diocesan employees, and volunteers in the Diocese.

This Policy does not apply to corporate bodies that have a Catholic identity such as Catholic schools and schools boards, social welfare agencies, and hospitals. Those entities have their own policies and applicable legislation.

This Policy is subject to the *Code of Canon Law*, and federal and provincial legislation. If any provision of the Policy or the Policy contravenes the *Code of Canon Law* or legislation, the *Code of Canon Law* and legislation prevail.

PREVENTION OF SEXUAL ABUSE OF MINORS AND ADULTS WHO IN LAW ARE CONSIDERED THE EQUIVALENT OF A MINOR

The Diocese is committed to the prevention of sexual abuse of minors and adults who in law are considered the equivalent of a minor by:

- conveying to clergy, religious, seminarians, candidates to the diaconate, lay diocesan employees, and volunteers to receive, understand, respect, and agree to abide by *The Code of Pastoral Conduct* (accessible at www.pembrokediocese.com/category/policies/);
- conveying to clergy, religious, seminarians, candidates for the diaconate, lay diocesan employees, and volunteers that they are to obey canonical, diocesan, civil, and other appropriate standards of conduct;
- providing ongoing formation for clergy, religious, seminarians, and candidates to the diaconate on professional and ministerial boundary issues, friendship, intimacy, mental health, wellness, healthy psychosexual development, religious chastity and celibacy, issues related to addiction and sobriety and the ongoing availability of counselling;
- informing all clergy, religious, seminarians, candidates to the diaconate, lay diocesan employees, and volunteers about this Policy;
- fostering of an environment in which people feel that they have safe, accessible, and confidential ways to report sexual abuse;
- appointing Bishop's Delegate(s) to respond to complaints and allegations of sexual abuse of minors and adults who in law are considered the equivalent of a minor by diocesan personnel;
- establishing a Sexual Abuse Advisory Committee;
- reviewing the Policy on a regular basis to ensure that complaints and allegations are effectively dealt with in a timely fashion, that the process of investigation achieves outcomes that are compassionate and just for those involved; and
- have a communication strategy that includes such actions as:

- informing the public, and in particular, members of all parishes in the Diocese, of the existence of *The Policy and Procedures for the Prevention and Management of Sexual Abuse of Minors and Adults who in Law are the Equivalent of Minors*;
- publicizing the Diocesan contact information for such reports;
- communicating with members of a parish where an allegation of sexual abuse is public knowledge in a manner that is appropriate to the situation.

THE BISHOP'S DELEGATES

The Bishop will appoint a Delegate and a Deputy Delegate.

The Bishop's Delegate will:

- respond to all reports of sexual abuse of minors and adults who in law are considered the equivalent of a minor committed by clergy, religious, seminarians, candidates to the diaconate, lay diocesan employees, and volunteers in coordination with the Bishop (and if applicable, the superior of a religious order or institute where the allegation is against a member of that religious order or institute);
- be responsible to following up and investigating these reports until a resolution is reached and to cooperate with the police and the Crown;
- report to the respective Children's Aid Society information received concerning an allegation of sexual abuse of anyone under the age of 18 years;
- encourage all those 18 years of age and over, who report sexual abuse, to also report to the police;
- immediately report any and all sexual abuse allegations to the Bishop;
- provide the Advisory Committee with the Preliminary Investigation report when allegations of sexual abuse involve minors and/or an adult who in law is considered the equivalent of a minor, which details the investigation undertaken, information received, the findings, and other considerations;
- work with diocesan legal counsel, investigators, communication consultants, counsellors and therapeutic treatment providers, when and where necessary;
- be aware of and fulfill the obligation of the Diocese to comply with child protection laws, the Criminal Code, this Policy and all applicable procedures;
- where the Bishop's Delegate is a priest he will not hear the sacramental confession of the person reporting the abuse, any alleged victims and witnesses, or any person who is alleged to have committed the act of sexual abuse.

ADVISORY COMMITTEE

The Bishop will appoint the Advisory Committee to review all matters related to allegations of sexual abuse of minors and adults who in law are considered the equivalent of a minor, by clergy, religious, seminarians, candidates to the diaconate, lay diocesan employees, and volunteers.

The role and purpose of the Advisory Committee is outlined in its mandate which is to review the preliminary investigation reports from the Bishop's Delegate about allegations of sexual abuse of

minors and adults who in law are considered the equivalent of a minor and make recommendations to the Bishop through his Delegates on the appropriate and necessary actions to be taken by the Diocese in response to both the victims/survivors and those alleged to have committed the acts of sexual abuse.

THE OBLIGATION TO REPORT SEXUAL ABUSE AGAINST MINORS AND ADULTS WHO IN LAW ARE CONSIDERED THE EQUIVALENT OF A MINOR

In Ontario and Quebec, a minor is a person under 18 years of age.

In Canon Law, a minor is a person under 18 years of age. An adult who in law is the equivalent of a minor is also governed by the same provisions in Canon Law.

In the respective provincial territories of the Diocese, the Diocese and its representatives must comply with section 125 of the *Ontario Child, Youth and Family Services Act* (Ontario) and sections 39 and 39.1 of the *Youth Protection Act* (Quebec) which places urgent reporting obligations on anyone who has reasonable grounds to suspect that a minor has, is, or may be suffering abuse or is otherwise at risk of abuse or exploitation.

If a person making an allegation is over the age of 16, the Delegate will inform that person of his or her right to report their allegation to the police, and assist with such a report, if requested to do so.

The acquisition, possession (even temporary) or distribution of pornographic images of minors are "delicts" according to Canon Law which must be reported.

Where clergy, religious, seminarians, candidates to the diaconate, lay diocesan employees, and volunteers have reasonable grounds to suspect that a person currently under the age of 18 years is or may be suffering or may have suffered abuse, that person must immediately report the suspicion and the information upon which it is based to Children's Services in the jurisdiction where the abuse is alleged to have occurred. The obligation to report arises again if a person has additional reasonable grounds for the suspicion, even if the person has made a previous report with respect to the child.

This obligation to report is not satisfied by simply reporting to the Bishop's Delegate or another representative of the Bishop. This responsibility is personal and cannot be delegated to another person. If the person is a member of the clergy, a religious, a seminarian, a candidate to the diaconate, a lay diocesan employee, or a volunteer, he or she will also inform the Bishop's Delegate after the report is made to Children's Services.

The Bishop's Delegate will inform the following persons that a report has been made to Children's Services, the Bishop, and then the Superior, if the alleged offender is a cleric or religious belonging to a Religious order or institute.

An adult who in law is considered a minor is "a person defined as an adult by secular statutes, but who lacks an adult mental capacity or who, by reason of advanced age, physical illness, mental disorder, or disability at the time the alleged abuse occurred, was or might be unable to protect himself or herself from significant harm or exploitation." The term "vulnerable adult" is used in *Protecting Minors from Sexual Abuse* (Canadian Conference of Catholic Bishops).

If the victim is an adult who in law is considered the equivalent of a minor, that person's caregiver will be notified immediately unless there is good and sufficient reason not to do so, such as in the case when the allegation is against the person's caregiver; in which case the victim will be encouraged to report the abuse to the police. If requested, the Bishop's Delegates will offer to accompany the person in making contact with the police.

Although the *Ontario Child, Youth and Family Services Act* (Ontario) and *Youth Protection Act* (Quebec) do not apply to adults who in law are considered the equivalent of a minor, the Diocese, when dealing with such an adult, will strive to afford the individual the same or similar protections given to minors or children by the law.

HOW AND WHEN TO REPORT

Anyone may report information of sexual abuse in the Diocese through the following ways:

- the local Child and Family Services agency;
- the local police service;
- the Diocese of Pembroke (613.732.7933 ext. 2 1 4)
- a member of the clergy, a religious, a seminarian, a candidate to the diaconate, a lay diocesan employee, including the Bishop's Delegates and members of the Advisory Committee.

A report is any information received verbally or in writing. Verbal reports will be transcribed to writing immediately by the person receiving the information. It can be information about a possible act and does not need to be a formal complaint.

The report can be made by the person who is directly involved or someone on his or her behalf who has knowledge of such acts of abuse. It can be made at any time – there is no time limit for reporting sexual abuse of a minor or an adult who in law is considered the equivalent of a minor. The information can be received and reported to civil authorities, through communications media, hearsay from credible sources or in any other adequate way. When a report of abuse is received in any of the above ways within the Diocese, it must be reported as soon as possible to the Bishop's Delegate(s).

The Diocese recognizes the possibility that the person who reports (the "Reporter") an alleged abuse and the alleged victim may not be the same person.

DIOCESAN PROCEDURES FOR HANDLING REPORTS OF SEXUAL ABUSE OF MINORS AND ADULTS WHO IN LAW ARE CONSIDERED THE EQUIVALENT OF A MINOR

When the Diocese is notified of an allegation of sexual abuse of a minor or an adult who in law is considered the equivalent of a minor, the Bishop's Delegate must ensure that a meeting with the Reporter takes place immediately after receiving the report. The Delegate will listen without judgment but with openness, compassion and attention to the facts or information being shared. These details must be recorded in writing.

If the report discloses harm or the risk of harm to someone under 18, the Bishop's Delegate will comply with the obligations of the *Ontario Child, Youth and Family Services Act* (Ontario) and/or *Youth Protection Act* (Quebec). If the report discloses harm to a person, that person's caregivers will be notified immediately unless there are compelling reasons not to do so, in which case the police will be contacted.

The Reporter may be accompanied to the meeting by a family member or friend. The Reporter's right to privacy and confidentiality will be respected, as is legally possible. Referrals to professional and qualified counselling services will be offered to the Reporter and is extended to the Reporter's families if determined necessary and beneficial.

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

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

The Bishop's Delegate upon receiving the report of sexual abuse of a minor or an adult who in law is considered the equivalent of a minor, will inform the Bishop who will immediately remove the accused cleric, religious, seminarian, candidate to the diaconate, lay diocesan employee or volunteer from ministry or employment as a precautionary measure. The accused will be prevented from having contact in any capacity especially with minors or adults who in law are considered the equivalent of a minor. The Bishop's Delegates will proceed with the guidance of Children's Services and the police as applicable.

REPORTS CONCERNING A BISHOP

If a report of misconduct or abuse is being made against the Bishop of the Diocese, the person who receives the report will contact the Bishop's Delegate who will transmit it to the Metropolitan, in this case, the Archbishop of the Archdiocese of Ottawa-Cornwall, and to the Holy See through the Apostolic Nuncio at the Nunciature in Ottawa.

This procedure is governed by the motu proprio, *Vos Estis Lux Mundi,* calling for every diocese across the globe to establish reporting requirements for sexual abuse allegations and setting standards for accountability within the Church.

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

If the Diocese of Pembroke receives a report of sexual abuse by a priest, deacon, or a religious who is not incardinated in the Diocese of Pembroke but serving in the Diocese, the Bishop of Pembroke will immediately remove the cleric from ministry as a precautionary measure. The Bishop's Delegate will also immediately inform the Bishop or Superior of the cleric or religious who will assume the responsibility for the investigation and follow their Policy and Procedures concerning allegations of sexual misconduct and abuse. The Diocese of Pembroke will assist in their procedures through the Bishop's Delegate.

REPORTS CONCERNING INCARDINATED CLERGY SERVING IN ANOTHER DIOCESE

If the Diocese of Pembroke receives a report of sexual abuse against a priest or deacon incardinated in the Diocese but serving in another diocese, the Bishop's Delegate will immediately inform the Bishop of Pembroke and the Bishop of the diocese where the cleric is serving retaining responsibility for the investigation and follow up.

THE PRELIMINARY INVESTIGATION

Once an allegation has been received, a decree opening a Preliminary Investigation will be issued immediately by the Bishop of Pembroke appointing his Delegate to lead the investigation. The decree will officially place the cleric, religious, seminarian, candidate to the diaconate, lay diocesan employee or volunteer on an administrative leave with restrictions imposed on the exercise of his or her ministry and other precautionary disciplinary measures.

The preliminary investigation is not a trial nor does it seek to attain moral certitude as to whether the alleged acts occurred. It serves to gather information for a more detailed examination of alleged acts of abuse, to determine the plausibility of the report such that there is a sufficient basis in both law and fact that the accusations have the semblance of truth.

The Diocese will provide a prejudice-free environment respecting the presumption of innocence, basic human rights and good reputation. Recourse to independent canonical counsel will also be afforded the accused.

The Diocese will recognize any investigation undertaken by Children's Services and/or the police by halting the preliminary investigation until their investigation is completed, to the extent practicable in the circumstances.

The Bishop's Delegate and all involved in the investigation will cooperate with civil authorities, subject to any legal advice received and the inviolability of the sacramental seal. The preliminary investigation of the Diocese resumes once the investigation by Children's Services, the police and/or Crown is completed.

In the beginning stages of the preliminary investigation when the reported allegations of sexual abuse of a minor and/or an adult who in law is considered the equivalent of a minor are considered to have a semblance of truth, the Bishop will inform the accused of this development and issue a public statement in the parish where the incidents are reported to have taken place and in all the other parishes where the cleric or religious has served.

In communicating public statements, care must be taken to avoid inappropriate or illicit information being given to the public that could in any way prejudice further investigations or give the impression that the guilt of the accused has in fact been determined.

The Bishop's Delegate will carry out the investigation of the incidents as a matter of urgent priority, carefully detailing the facts and circumstances of the events that have been reported. They will interview the Reporter to gather detailed information. Care will be taken to respect the Reporter's privacy and the reputation of accused in these sensitive and preliminary acts of the investigation.

It is important to reconstruct, to the extent possible, the facts in which the accusation is based. These may include the number and times of the acts, the circumstances in which they took place and the general details about the alleged victims, together with a preliminary evaluation of the eventual physical, psychological and moral harm experienced by the victims. Care should be also be taken to determine any possible relation to the sacramental internal forum.

The facts reported concerning the incidents of alleged abuse will be thoroughly reviewed by the Bishop's Delegate to determine whether the report merits additional investigation, consultation with Children's Services, the police, and/or the Crown. It can be useful to receive the results of investigations and trials from civil authorities. The Bishop's Delegate will conduct this comprehensive review, consulting with the Advisory Committee and other professionals where appropriate.

The Bishop's Delegate will interview or speak to all witnesses named by the Reporter and the accused. If the alleged offender is deceased, the Bishop's Delegate will make every attempt to confirm the facts from those who may have relevant information.

The Bishop's Delegate will have access to all relevant diocesan files.

The accused will be interviewed once the details and facts surrounding the incidents of the allegation are established. He or she has recourse to having an advocate present for the interview with the Bishop's Delegates.

If the alleged offender admits all or part of the facts and findings of the investigation or decides not to contest the findings presented, the Bishop's Delegate will confirm this admission or decision in writing.

Once the preliminary investigation report is completed, the Bishop will issue a decree closing the Investigation.

When, however, the preliminary investigation has established the allegations to be manifestly unfounded, the procedure will come to a conclusion and appropriate professional support will be provided if necessary for the well-being of both the reporter and the accused. Every effort must be made to publicly restore the good name of the accused and facilitate the return to ministry.

CONSULTATION WITH THE ADVISORY COMMITTEE

At any time during the preliminary investigation and in drafting of the preliminary investigation report, the Bishop's Delegate may seek advice from the Advisory Committee on the procedures and the next steps when dealing with a report of sex abuse against minors and adults who in law are considered the equivalent of a minor. The Bishop's Delegate will update the Chair of the Committee and its members if advisable during the investigative process.

When the preliminary investigation is complete, the Bishop's Delegate will provide the Advisory Committee a copy of the preliminary investigation report containing the details of the allegation, the response to the allegation, the investigation, and questions/recommendations for the Advisory Committee to consider. The Advisory Committee will review the report and provide feedback to the Bishop.

When the accused is an incardinated cleric, the Bishop is then obligated to receive the preliminary investigation report and the comments of the Advisory Committee which forms an authentic copy of the relative acts of the preliminary investigation and to submit the case to the Congregation for the Doctrine of the Faith along with his own evaluation of the results of the investigation (*acta*).

CANONICAL PROCEDURES

The Code of Canon Law (CIC) and the norms of the motu proprio *Sacramentorum Sanctitatis Tutela* govern the response of a bishop or superior to substantiated allegations of abuse against a minor or an adult who in law is considered the equivalent of a minor. Once sufficient evidence has been collected through a preliminary investigation that an offence has been committed and documented in the Report, the Bishop must then report this to the Congregation for the Doctrine for the Faith.

The Congregation for the Doctrine for the Faith will then determine the next canonical steps to be taken. *Sacramentorum Sanctitatis Tutela* establishes norms that require reporting substantiated allegations against the sacraments and certain grave immoral acts.

Those of the *delicta graviora* reserved to the Congregation for the Doctrine of the Faith are:

Delicts against the sanctity of the Sacrament of Penance:

1. Absolution of an accomplice in the sin against the sixth commandment of the Decalogue (CIC can. 1378 § 1)
2. Solicitation to sin with the confessor against the sixth commandment of the Decalogue, in the act of, context, of or pretext of the Sacrament of Penance (CIC can. 1387).
3. Direct violation of the Sacramental seal (CIC can. 1388 § 1).

Delicts against morality:

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

The motu proprio *Vos Estis Lux Mundi* further elaborates on the delicts against the sixth commandment:

a) delicts against the sixth commandment of the Decalogue consisting of:

i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;

ii. performing sexual acts with a minor or a vulnerable person;

iii. the production, exhibition, possession, or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions.

From the outset of any allegation, the Diocese has the obligation to inform the individual of the right to canonical counsel.

FINANCIAL COSTS

A diocesan cleric will be required to make, where possible, a financial contribution to the costs associated with defense proceedings in a criminal or civil action arising from an allegation of sexual abuse of a minor or an adult who in law is considered the equivalent of a minor.

PRIVACY AND CONFIDENTIALITY

The procedures outlined in this Policy address sensitive and personal matters which require the highest standard of privacy and confidentiality while fulfilling all legal and canonical requirements. The Diocese of Pembroke will not initiate the use of settlement documents that contain a confidentiality clause.

COMMUNICATION FOLLOWING RECEIPT OF A REPORT

Under the guidance of the Bishop, the Diocese will decide how to assist the community affected by a report of sexual abuse of a minor or an adult who in law is considered the equivalent of a minor by a cleric, religious, seminarian, candidate to the diaconate, lay diocesan employee, or volunteer. Any public statement that is released by the Diocese will take care not to interfere with any ongoing investigation by Children's Services, the police and/or the Crown.

MEDIA COMMUNICATION

The guidelines for media relations are to be as follows:

- protect the right of the accused to a fair trial;
- protect the ability of the Crown to proceed to a fair trial;
- be available; and
- present the truth.

SEAL OF CONFESSION

Priests are reminded that the Confessional Seal is inviolable (c.983, 984) in any and all circumstances. What is revealed in confession is subject to the Seal and cannot be revealed. What is revealed outside of the sacrament of confession is subject to the requirements of civil law including the *Ontario Child, Youth and Family Services Act (Ontario)* and/or *Youth Protection Act (Quebec)*.

In the situation where an act of sexual abuse is sacramentally confessed by a cleric, religious, seminarian, candidate to the permanent diaconate, lay diocesan employee, or volunteer in the Diocese, the priest confessor may not reveal the information under any circumstances. The Seal of Confession, defined as the grave duty of the priest to keep absolutely secret all sins that are confessed in the Sacrament of Penance and any other matter that is spoken by the penitent and is related to the act of confession, must remain inviolate.

FILES AND RECORD RETENTION

A record will be kept of all steps taken from when a report is first received. The record will include, but not be limited to, everything given by the Reporter, notes made by the Bishop's Delegate and other Diocesan personnel and volunteers, recordings, and all other record of media reports made by the Diocese during the Investigation and the completion of the Report for the file.

A record of reports alleging sexual abuse of a minor or an adult who in law is considered the equivalent of a minor, will not be destroyed at any time, even after the death of the persons involved.

If the common good is endangered then the release of information about the report of the existence of an accusation does not necessarily constitute the violation of a person's good name. The persons

involved are to be informed if the civil authorities present a subpoena for the judicial seizure of the Report of the acts of the investigation. In this case it will no longer be possible for the Diocese to guarantee the confidentiality of the information acquired in the interviews, depositions and documentation acquired from the canonical Preliminary Investigation.

REVIEW OF THE POLICY AND FILES OF THE REPORTS OF ABUSE

This Policy will be reviewed every five years by the Diocesan Curia and the Advisory Committee.

The record of reports alleging sexual abuse involving minors and adults who in law are considered the equivalent of a minor that are on file within the Diocese will be reviewed by the Bishop's Delegates and the Advisory Committee on an annual basis. The Bishop is also accountable to review the record of the files alleging sexual abuse of minors and adults who in law are the equivalent of minors with the Bishop's Delegate so that he is aware of and knowledgeable of the historic cases and the current files.

The newly appointed Bishop of the Diocese of Pembroke, after installation, will meet within the first year of his episcopacy with the Bishop's Delegate to review the record of the files related to the abuse of minors or adults who in law are the equivalent of minors.

ENDNOTES

References and Definitions:

Unless otherwise defined herein, capitalized terms used herein shall have the meanings given to them by definition under the Canadian Conference of Catholic Bishops publication "*Protecting Minors from Sexual Abuse: A call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*" (2018).