



A Safe Environment Policy
for the
Diocese of London

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DIOCESE OF LONDON

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7 October 2016
Feast of Our Lady of the Rosary

Dear Sisters and Brothers in Christ,

By virtue of this letter, I promulgate this third edition of *A Safe Environment Policy for the Diocese of London*, and order its publication and distribution throughout our diocese in print, and on our diocesan web-site.

Since becoming bishop of this diocese, it has been my goal to protect people against sexual abuse, to provide a way for dealing with allegations of abuse quickly and effectively and to prevent it from happening again. In a formal way, on 6 August 2006 at St. Ursula's Church in Chatham, I apologized to survivors and their families for the failure of the Church to protect them from this horrendous crime. As Bishop of London, I pledged to do my utmost to end the scourge of clergy sexual abuse in our diocese. This policy has helped to work toward that goal, and made us all accountable in the task of providing the safest possible place for all to be welcomed in our parishes and institutions.

The current version of the Policy builds on the work of previous iterations, going back to 1989. It has been developed to include not only priests but all clergy and lay ecclesial ministers, our countless volunteers, and staff in all our parishes and institutions. It is based on thorough consultation with our Safe Environment Advisory Committee and external experts who have generously given of their time to review and further this important work. I am grateful to all for their contributions.

I am heartened by the support of our diocesan community as we continue the work of protecting our children and other vulnerable people. Together, we send a clear message that sexual abuse will not be tolerated, and that all – especially the young and the vulnerable – are precious in God's eyes. May God pour out the gifts of the Holy Spirit upon our diocesan family, so that we may be guided and strengthened in this task.

Sincerely yours in Christ,

+ 
Most Rev. Ronald P. Fabbro, C.S.B.
Bishop of London

I PREAMBLE

Catholics believe that our Baptism makes us members of the People of God and members of the faith community we know as the Church. The protection of children and vulnerable persons is part of the very mission of the Church, because it enables all members of the community to practice their faith in a safe environment, confident that all the faithful are committed to their protection and well-being.

Sexual misconduct is always a tragedy and calls for the Diocese to respond with justice and compassion toward all those persons involved. Our primary concern must be for the victim.

The development and implementation of this policy has as its goals the prevention of sexual abuse, the protection of the vulnerable, the pastoral care of those wounded by misconduct, along with the acknowledgement of the legal rights of the accused and the appropriate action toward those who have committed sexual misconduct.

The Diocese expects its bishops, priests, deacons, lay personnel and volunteers to live chaste and moral lives, respecting in every way the integrity of others. Inappropriate sexual activity abuses the power and authority of the pastoral role of all who work for the people of God and serve them. For all to grow in personal holiness is the first goal of the Diocesan Pastoral Plan.

The Diocese will co-operate with the criminal and civil judicial systems, subject to the inviolability of the sacramental seal.

II APPLICATION

The person appointed by the Bishop known as the Bishop's Delegate is accountable to the Bishop for the application and implementation of this policy. The Bishop's Delegate is assisted in this work by the Deputy Delegate and the Director of Safe Environment Services.

This policy applies to all clergy with faculties to minister in the Diocese as well as to all employees and volunteers of the Diocese.

The policy is intended to inform clergy, employees and volunteers about their obligations and serves to ensure that they comply with civil, canonical, diocesan and other appropriate standards of conduct. Procedures and personnel are in place to deal in a timely fashion with any complaints of sexual misconduct as defined below whether current, recent, or in the distant past.

Nothing in this policy and its procedures, or their application, is intended to discourage or prevent anyone from seeking legal or ecclesiastical remedies.

This policy is reviewed every four years, or when necessary, by the Bishop's Delegate in consultation with the Safe Environment Advisory Committee.

III DEFINITION OF TERMS

Abuse

"Abuse" may consist of just one incident, or it may happen repeatedly, and is understood to mean any physical, verbal, emotional, or sexual behaviour by a representative of a Church entity that causes a person to fear for his or her physical, psychological or emotional safety and well-being. It occurs when the alleged perpetrator knew or ought to have reasonably known specific behaviour would cause a person to have concern for fear for his or her physical, psychological or emotional safety and well-being.

Sexual Abuse

"Sexual abuse" is the sexual involvement or attempted sexual involvement with a person identified by the local jurisdiction as a minor, understood in Ontario as a person younger than 18 years of age.

Sexual Exploitation

"Sexual exploitation" is use of one's position of power or trust to have sexual contact or attempted sexual contact with another person.

Sexual Harassment

"Sexual harassment" is unwanted sexualized conduct or language

with others. This conduct entails unwelcome sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's status such as employment, when it unreasonably interferes with an individual's performance or when it creates an intimidating, hostile or offensive environment.

Sexual Misconduct

"Sexual misconduct" is any act deemed a sexual offence according to Canon Law, the Criminal Code of Canada, and the laws of the province.

Grooming

"Grooming" is a wide variety of behaviours, such as spending large amounts of time with a particular person, affording special privileges, or providing gifts, trips and other expressions of special attention. These behaviours are often designed to establish a special bond of trust and affectionate understanding between the groomer and the person who is the object of his or her attraction. These behaviours can also lead the person to feel indebted to the groomer for all these kindnesses. Once this bond of trust and indebtedness is established, the stage may be set for sexual advances.

Pornographic Offense

"Pornographic offense" is the possession, creation or distribution of any photographic, film, video, or other visual representation that shows a person who is depicted as engaged in or is engaged in inappropriate sexual activity; and any written material that advocates or counsels inappropriate sexual activity.

Public Misconduct

"Public misconduct" is serious inappropriate activity that becomes known.

Vulnerable Adult

A "vulnerable adult" is a person who is defined as an adult by civil statutes (18 years of age or older), but who lacks an adult mental or emotional capacity and 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 to be considered equivalent to a minor according to Canon Law (see CIC/c.99 and CCEO/c.909) and for the purposes of this policy.

All of these terms will be included in the use of the term “misconduct” in this document.

IV REGARDING THE SEXUAL ABUSE OF MINORS

A victim always has a primary claim upon our pastoral concerns and support, especially when that victim is a minor. Studies indicate that minors are especially vulnerable, that their sexual abuse can be traumatic, damaging to their spiritual, moral, psychological, and interpersonal development, and of long-lasting duration. It can also alienate them from the Church and from religion.

Parents and siblings of victims often experience anger, shock, betrayal, and disillusionment. They too have a right to the pastoral concern and support of the Diocese.

Public authorities are obliged to enact and enforce appropriate legislation to protect minors from abuse. The Diocese will respect and comply with such legislation. Thus, knowledge of complaints involving minors always requires an immediate response.

V DUTY TO REPORT

There is a legal obligation to report a suspicion of abuse of a minor who is less than 16 years of age to the Children’s Aid Society. No clergy, diocesan employee or volunteer can absolve themselves from this duty to report directly to the Children’s Aid Society by rationalizing that they have no “firsthand information,” that the information is “hearsay,” or that someone else will make the report. Failure to report promptly on such complaints risks exposing the young person to harm, and exposes the individual who fails to report to prosecution. The provincial legislation concerning this is

the *Child and Family Services Act*, S.O. 1984 (c.55).

Clergy, lay employees or volunteers involved in any diocesan activity will report to the Bishop's Delegate all allegations of misconduct. Every allegation of sexual abuse by a member of the clergy, a non-ordained member of an institute of consecrated life, society of apostolic life or new ecclesial movement, or a layperson engaged in apostolic activities must be reported to the Bishop's Delegate or Deputy Delegate.

When receiving a complaint, clergy, lay employees or volunteers should limit themselves to listening and giving assurance that the Diocese takes these complaints seriously. They should not attempt to interview the complainant but assure the person that a prompt and effective response will be forthcoming. They should inform the complainant that they do not have the authority to resolve such matters but must report the complaint to the Bishop's Delegate. They should not comment on the credibility of these complaints nor attempt to resolve the matter. They shall offer assistance in contacting the Bishop's Delegate.

Personal discretion is not to be exercised in fulfilling these reporting obligations.

VI CREATING AND SUSTAINING AN ENVIRONMENT OF AWARENESS AND PREVENTION

The Diocese is committed to preventing misconduct by all possible means including:

- regularly providing ongoing formation for all seminarians, candidates for the diaconate, deacons and priests on issues of friendship, intimacy, psychosexual development, and religious chastity and celibacy as well as issues related to addiction and sobriety;
- informing seminarians, candidates for the diaconate, deacons, priests, lay employees and volunteers about this diocesan policy and procedures governing all aspects of misconduct;
- ensuring that all seminarians, candidates for the diaconate, deacons, priests, lay employees and volunteers understand that

they must respect and obey canonical, diocesan, civil and other appropriate standards of conduct;

- regularly reviewing the procedures to deal effectively with complaints of misconduct in a timely fashion, and with the consequences of incidents of misconduct;
- the Bishop will ensure that the Major Superiors and members of institutes of consecrated life, apostolic societies and new ecclesial movements that are present in his diocese are aware of the “*Guidelines* issued by the Canadian Conference of Catholic Bishops to assist dioceses and religious Ordinaries in updating protocols” as well as this policy. In addition he will inquire about the existence of their own respective policy for the protection of minors and vulnerable persons and protocol for intervention, which provides for the efficient management and adequate response in the event of an allegation of sexual abuse of a minor committed in his diocese by members, staff or volunteers of these ecclesial entities.

VII SCREENING

Screening plays an essential role in preventing misconduct and the misuse of power.

St. Peter’s Seminary is responsible for developing and administering psychological and other screening processes for candidates for ordination and lay ecclesial ministry. The Seminary has a written protocol for psychological testing of seminarians, Master of Divinity candidates, and candidates for the permanent diaconate.

The diocesan Human Resources Office is responsible for developing and administering psychological and other screening processes for admission of any cleric ordained outside the Diocese who is seeking permission for long-term ministry or incardination, as well as for employees and volunteers.

The diocesan Human Resources Office has a written protocol, “Called, Gifted and Sent,” for diocesan and parochial employees and volunteers whose roles place them in high risk ministry. This document details a risk-management program. The Diocese

acknowledges that the design of facilities plays an essential role in the prevention of misconduct. This is addressed by the diocesan Building Commission in the approval of renovations and in the construction of new facilities.

VIII ROLES AND RESPONSIBILITIES

The Bishop will appoint:

- The Bishop's Delegate (may be a priest, a deacon or any other suitable person, male or female)
- The Deputy Delegate
- The Director of Safe Environment Services
- The Safe Environment Advisory Committee

The Bishop's Delegate shall:

- Report to the Bishop
- Meet regularly with the Director of Safe Environment Services and the Safe Environment Advisory committee
- Represent the Diocese in all legal matters
- Ensure that policies and procedures related to a safe environment have been implemented and complied with
- Respond to any allegation of misconduct against members of the clergy or lay ecclesial ministers
- Manage the diocesan response to a complaint of misconduct from the time the complaint is received until it is resolved
- Ensure that any applicable child protection laws are complied with and will co-operate with police and judicial authorities conducting a separate investigation
- Serve as chair of the Safe Environment Advisory committee, which shall meet at least three times each year

The Deputy Delegate shall:

- Represent the Bishop's Delegate in the absence of the Delegate or in the event of Delegate's incapacity

The Director of Safe Environment Services shall:

- Maintain indefinitely, full and complete records of meetings

of the Safe Environment Advisory Committee and all matters related to this policy

- Meet regularly with the Bishop's Delegate and the Safe Environment Advisory Committee
- Assist the Bishop's Delegate in the management of the diocesan response to a complaint of misconduct from the time the complaint is received until it is resolved
- With the Bishop's Delegate, ensure that any applicable child protection laws are complied with and will co-operate with police and judicial authorities conducting their separate investigation.
- Represent the Diocese in the absence of the Bishop's Delegate and Deputy Delegate

The Safe Environment Advisory Committee will be comprised of:

- The Bishop's Delegate as chair to call and preside over meetings of the Committee
- The Director of Safe Environment Services
- A canonist to advise the Committee on Canon Law
- A civil lawyer to advise the Committee on Civil Law
- A mental health professional to advise on possible diagnoses and treatment options available
- Other members of the community from related backgrounds or experience in dealing with emotionally charged issues

The Committee:

- Shall meet at least three times each year to review proceedings and the status of any current matters, and to monitor compliance with this policy
- Shall review all allegations of misconduct and advise the Bishop's Delegate on a course of action
- Shall keep records of meetings and proceedings
- May also assist, at the request of the Bishop's Delegate, with outreach to the parish where the misconduct has occurred
- Shall review this policy every four years

IX PROTOCOL FOR RESPONDING TO COMPLAINTS REGARDING ALLEGATIONS OF MISCONDUCT

1. A complaint is received by the Bishop's Delegate, Deputy Delegate or Director of Safe Environment Services.
2. The Bishop's Delegate will designate persons to do a preliminary investigation of the complaint.
3. At the initial interview, the designated persons will offer compassionate regard for the individual and his or her situation; gather information about the individual's experience; commit to providing a response on behalf of the Diocese within a reasonable time; and offer pastoral care.
4. The designated persons will document the interview and will submit a written report to the Bishop's Delegate.
5. The Bishop's Delegate will notify the appropriate insurance carriers and the diocesan lawyers.
6. The Bishop's Delegate, with the advice of the Safe Environment Advisory Committee, will determine the diocesan response and will direct the designated persons to inform the complainant.
7. The Bishop's Delegate, with the assistance of the appropriate member of the Human Resources Personnel Team will conduct the internal investigation of an accused individual. They will advise the accused individual of his or her right to be represented by civil and canonical counsel and inform the accused in writing as to the name of the accuser and the exact nature of the complaint. The Bishop's Delegate will instruct the accused that he or she should not attempt to contact the complainant, the complainant's family, known witnesses, or the complainant's counsel. They will also instruct the accused individual that any contact with the parish with which the complaint is associated must first be vetted with the Bishop's Delegate.
8. The Bishop's Delegate and the Safe Environment Advisory Committee will come to a recommendation to be presented to the Bishop as to whether an accused person should be temporarily removed. The recommendation may also include the need for psychological assessment of an alleged abuser, the need for prompt removal of the alleged abuser from any situation in which an offense might be repeated, transfer to a suitable environment pending investigation, and any suggested penalty

for abuse. The penalty, in accordance with the Code of Canon Law, may include a petition for dismissal from the clerical state in the case of ordained clergy.

9. During the preliminary investigation, the accused has a right to just and fit sustenance.
10. When the accused is found not guilty in a criminal court, the ordinary expectation is reassignment to previous responsibilities, if all suspicions have been removed. However, sometimes information is known to the police or diocesan officials which is not admissible as evidence in a court of law, but which creates serious concern about the culpability of the accused. It is important to understand that a finding of “not guilty” is not the same finding of innocence, and therefore, the reassignment of an individual following an acquittal is not automatic, but will be determined by the Bishop in consultation with the Bishop’s Delegate and the Vicar for Personnel. It is for the Bishop to determine any eventual return to active ministry.
11. When it has been determined that serious misconduct has occurred, there will be no re-entry to ministry. The Diocese’s firm commitment to ensuring safe environments is the overriding consideration and no one will be permitted to return to public ministry if such ministry is a potential danger for minors or a cause of scandal for the community. When an accused priest, deacon, or lay ecclesial minister admits that he or she has sexually abused a minor, or if found guilty of sexual abuse of a minor in a court of law, he or she will not be returned to active ministry and a plan for his or her future activities will be determined by the Bishop in consultation with the Bishop’s Delegate and the Vicar for Personnel.
12. The Communications Coordinator will manage the communications plan for the Diocese concerning a misconduct case. As far as is feasible, only this person shall discuss the case with the media or communicate in any other public context. The Bishop’s Delegate could also fill this role.
13. Anonymous complaints will be documented and investigated to the extent possible.

X SUPPORTING COMPLAINANTS

No complainant should ever be discouraged or pressured to refrain from reporting the misconduct to law enforcement agencies or child welfare authorities, or from seeking legal advice or compensation through civil action.

The Diocese will arrange and fund an initial assessment by a certified practitioner recommended by the Safe Environment Advisory Committee. This assessment shall include the scope and recommendation for treatment. In helping to set up financial remuneration for therapy with the complainant and therapist, the Bishop's Delegate will, based on the assessment, set a reasonable duration (three to five years) for the prescribed protocol of treatment. The Diocese will fund professional treatment by a certified counsellor using evidence-based therapies. Financial remuneration will be at a rate which is congruent with the guidelines for fees established by the individual's professional college. If further treatment is required, the Diocese may extend treatment or ask for another assessment.

The complainant is given the freedom to choose a therapist from a diocesan-approved list of professional certified counsellors who are members of provincially legislated regulatory bodies such as the Ontario College of Social Workers and Social Service Workers, the College of Psychologists of Ontario or the Ontario Psychiatric Association. Counselling at the expense of the Diocese may also be extended to affected family members of the complainant. In such cases an initial assessment will be required.

XI SUPPORTING PARISHES

Misconduct may have ramifications within a particular parish or parishes. This would arise where the misconduct has taken place at the premises of a particular parish, or during an activity conducted by or involving members of the parish, or because the person accused of misconduct or the victim has a present or past association with the parish. Members of the parish may have questions and concerns with respect to the nature of the misconduct, how it is going to be addressed, the response to the victim, re-assignment of personnel, the implementation of precautionary

measures, and how such occurrences may be prevented in the future.

Where misconduct has been reported, the Bishop's Delegate will coordinate, with the Episcopal Vicar of that deanery, a means of addressing the questions and concerns of parishioners. The nature of this response will depend upon the particulars of each case, and it may not be possible to provide information because of the involvement of law enforcement officials or because of the complainant's reasonable request for confidentiality. The response may include information sessions, distribution of written information, and support for the family members of those who are directly affected. The assistance of the Safe Environment Advisory Committee may also be sought.

XII CODE OF CONDUCT

1. The implementation of the “two deep” rule is to be the common practice. Clergy, lay ecclesial ministers, staff, and volunteers are not to be alone with a child.
2. Access to priests’ living quarters is to be restricted. Priests are not to be alone with minors in their living quarters or in a motor vehicle.
3. Clergy and lay ecclesial ministers will never take a person under 18 years of age on personal trips or vacations.
4. Expensive gifts are not to be given to or accepted from a child or young or vulnerable person.
5. Clergy, lay ecclesial ministers and staff will accept the responsibility to set reasonable boundaries in their relationships with others.
6. One-on-one private meetings with adults are to be conducted in a space with clear glass openings in doors or walls.
7. Two adults are to be present for recreational programs. “Called, Gifted & Sent” protocols for clergy, employees and volunteers in the Diocese, are to be followed.
8. The preparation of children for the celebration of the sacraments of first Penance, first Communion and Confirmation is to be conducted in a group format. One-on-one instruction is not allowed.
9. The celebration of the sacrament of Penance with minors is to be celebrated in an open space that allows the penitent and the priest to be in full view of others or in a traditional confessional with a clear glass opening in the door or wall.
10. The location of reconciliation rooms is to be in a high traffic area of the church building. Any new construction or renovation of reconciliation rooms is to provide for clear glass openings.

Appendix 1 - Prayer for Healing for Victims of Abuse

Praise to you, Father of our Lord Jesus Christ,
source of all consolation and hope.

By your Son's dying and rising
he remains our light in every darkness,
our strength in every weakness.

Be the refuge and guardian
of all who suffer from abuse and violence.

Comfort them and send healing
for their wounds of body, soul and spirit.

Rescue them from bitterness and shame
and refresh them with your love.

Heal the brokenness in all victims of abuse
and revive the spirits of all who lament this sin.

Help us to follow Jesus
in drawing good from evil, life from death.

Make us one with you in your love for justice
as we deepen our respect for the dignity of every
human life.

Giver of peace,
make us one in celebrating your praise,
both now and forever.

Amen.

2002, Diocese of St. Cloud. Used with permission.

Appendix 2 - Progress Update

1989

The Diocese of London implements a Sexual Abuse Policy (one of the first in Canada to do so). A Sexual Abuse Committee is formed, consisting of a civil lawyer, a licensed psychologist, a canon lawyer, a director of education, and a priest.

1992

The Canadian Conference of Catholic Bishops (CCCCB) releases *From Pain to Hope - Report from the Ad Hoc Committee on Child Sexual Abuse*.

1993

The Diocese implements a “Sexual Harassment Policy”, incorporated as an addendum to the Personnel Policy Manual.

1994

The Diocese reviews its policy in the light of the CCCC document, *From Pain to Hope*. No revisions were necessary.

1996

An alternate dispute resolution process is adopted to reach settlements in civil suits pertaining to incidents of clergy sexual misconduct.

1998

The Most Rev. John M. Sherlock, Bishop of London (1978 - 2002), makes a public commitment to support victims of sexual misconduct by paying for counselling.

1999

Bishop Sherlock writes a letter to the priests and people of the Diocese acknowledging incidents of sexual abuse by clergy. He states such behaviour must be condemned, urges support for victims and acknowledges the negative impact of clergy sexual misconduct on the majority of priests who serve faithfully and well.

2001

The Diocese implements “Called, Gifted and Sent”, a protocol for screening clergy, employees and volunteers in parishes of the Diocese, and in all diocesan offices and organizations, aimed at

providing a safe environment for children and other vulnerable persons. The protocol also deals with recruiting and training volunteers.

2002

Bishop Sherlock makes a public apology to victims and the people of the Diocese. A full screening program, including police checks, is completed and filed for all persons who minister in Diocese.

2004

The Most Rev. Ronald P. Fabbro, C.S.B., Bishop of London (2002-), agrees to dispense with the “confidentiality clause” in legal settlements for all persons who request it. The “Sexual Harassment Policy” is updated.

2005

The Diocese begins a process of reviewing its sexual misconduct policy. A special CCCB task force submits its report on the review of *From Pain to Hope*.

2006

Bishop Fabbro delivers a public apology to victims of abuse and announces his decision to apply for the dismissal of certain priests from the clerical state. Bishop Fabbro brings his experience to the discussion of clergy sexual abuse during the Canadian Bishops’ plenary assembly.

2008

Revisions to the original sexual abuse policy are completed, resulting in the promulgation and publication of *A Safe Environment Policy for the Diocese of London* by Bishop Fabbro.

2014

Minor updates are made to the policy.

2016

Bishop Fabbro decrees that a special Mass be celebrated in every parish of the Diocese on 15 September, the Memorial of Our Lady of Sorrows, for the intentions of victim-survivors of clergy sexual abuse, for healing of families and communities, and for reparation for the sins of abusers. *A Safe Environment Policy for the Diocese of London* is reviewed and updated.

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