



**THE ARCHDIOCESE OF ST. JOHN'S
POLICY AND PROCEDURES REGARDING
COMPLAINTS OF SEXUAL ABUSE**

**THE ARCHDIOCESE OF ST. JOHN'S
POLICY AND PROCEDURES APPLY TO ALL CLERGY, SEMINARIANS
AND ALL LAY EMPLOYEES**

**THE MULTIDISCIPLINARY COMMITTEE ON SEXUAL ABUSE FOR
THE ROMAN CATHOLIC EPISCOPAL CORPORATION OF ST. JOHN'S**



**Roman Catholic Episcopal Corporation of St. John's
CHANCERY OFFICE
SCREENING POLICY FOR EMPLOYEES AND VOLUNTEERS**

**SECTION I
POLICY**

- I. All complaints of abuse made to the Archdiocese of St. John's, will be acted upon immediately. All legal requirements as outlined in the Child, Youth and Family Services Act, SNL 1998, Chapter C-12.1, Section 15, will be followed. "Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the matter to a director [the Director of Child, Youth and Family Services employed by a regional health authority], social worker or peace officer."

(Revised 07/2009)

Upon a complaint being made the accused will be removed temporarily from his or her position.

- II. Efforts will be made by pastoral care workers to address the needs of the alleged victims and their families, who will be offered counselling by qualified counsellors.

(Revised 07/2009)

III. DIOCESAN POLICY WHERE THERE IS ADMISSION OF GUILT OR CONVICTION:

The accused will be removed from his or her position and appropriate canonical penalties applied.

IV. DIOCESAN POLICY WHERE THERE IS DENIAL OF GUILT:

The accused will be removed temporarily from his or her position until an investigation is completed according to procedure.

1. If the complaint is substantiated by evidence:

The accused is removed from his or her position.

2. If the complaint is not substantiated by evidence:

The person is reinstated.

3. If the person is reinstated, but there is reasonable doubt regarding the veracity of the accusation:

The person's work performance will be monitored.



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V. DIOCESAN POLICY WHEN A COMPLAINT IS MADE AGAINST A RELIGIOUS:

1. The Religious Order or Congregation shall observe the local Diocesan Policy. It will have the option of following local diocesan procedures or its own procedures providing that they meet provincial legal requirements.

(Revised 07/2009)

2. The religious order or congregation shall notify the Vicar General or Chancellor of the Archdiocese of St. John's of the complaint and of the option being exercised.

(Revised 07/2009)



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**SECTION II
PROCEDURES**

I. PROCEDURES FOR RESPONDING TO COMPLAINTS OF ABUSE OF PERSONS OVER SIXTEEN

1. The person receiving the complaint reports to the Vicar General, or in his absence, the Chancellor, in writing and in person, outlining in detail the nature of the complaint. The Vicar General or Chancellor will inform the Archbishop of the complaint.

(Revised 07/2009)

2. The Vicar General or Chancellor instructs the **Investigative Liaison Person** to interview the **complainant**. This does not exclude discussion by phone, at the door, etc.

The **Investigative Liaison Person** will explain:

- i. That the complainant has **the right to report** directly to the Police and this is to be encouraged, i.e., prompt referral of complaints to the Director of Child, Youth and Family Services, a Social Worker or Peace Officer.

Permission will be requested to inform the complainant's parents or guardian (including the Director of Child, Youth and Family Services, a Social Worker or Peace Officer if the complainant is a ward of the Director) of the alleged abuse.

(Revised 07/2009)

- ii. That there are counselling resources available to him or her in the community, and particularly through Church supported agencies.
- iii. If there is a reasonable suspicion that the accused is in a position to pose a risk to children, a report will be made to the Director of Child, Youth and Family Services, since this is a legal obligation.

(Revised 07/2009)



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- iv. The complainant and his or her family will be offered the services of pastoral care workers.
 - v. The complainant is informed of the procedures the Archdiocese will follow to further address the complaint.
3. Notes will be kept on file documenting in detail that the procedure has been followed. The **Investigative Liaison Person** will sign the document and invite the complainant to also sign. The complainant will be informed that the document will be kept on file.
4. The **Investigative Liaison Person** will report on the interview at the earliest opportunity, to the Vicar General or Chancellor.
5. i.) In all cases, care being taken to avoid interfering with any Police investigation The **Investigative Liaison Person** will consult with the Police before any contact is made with the accused.
- ii.) When a decision is made to do an Internal Investigation, the **Investigative Liaison Person**:
- a) Will inform the accused that a complaint has been made and the possible consequences under Civil, Criminal and Canon Law.
 - b) Will inform the accused of his or her legal rights, for example to legal counsel, and of the fact that the information imparted is not confidential and could be used in a Court of Law.
 - c) Will pose to the accused a series of questions to help determine the validity of the complaint against the accused.
 - d) The **Investigative Liaison Person** will advise the accused that the Archbishop and the Multidisciplinary Committee will be informed of the interview.
 - e) The **Investigative Liaison Person** consults with the Vicar General or the Chancellor.
6. The Vicar General or Chancellor communicates to the Archbishop in writing and in person, regarding the investigation.



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7. A meeting of the Multidisciplinary Committee is convened by the Vicar General or Chancellor for the following purposes:
 - i. To review the steps that have been taken.
 - ii. To ensure that the proper procedure has been followed.
 - iii. To discuss the results of the investigation.
 - iv. To recommend the course of action to be taken.
8. The Archbishop will consider the recommendations and take appropriate action in keeping with the Archdiocesan Policy.

**II. PROCEDURES FOR RESPONDING TO COMPLAINTS OF ABUSE
OF PERSONS UNDER SIXTEEN:**

1. The person receiving the complaint reports according to the stipulations of the Child, Youth and Family Services Act, SNL 1998, Chapter C-12.1, Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the matter to a director, (the Director of Child, Youth and Family Services employed by a Regional Health Authority), Social Worker or Peace Officer.

(Revised 07/2009)

2. The person receiving the complaint reports to the Vicar General or Chancellor, in writing and in person, outlining in detail the nature of the complaint and the action to be taken. The Vicar General or Chancellor will inform the Archbishop of the complaint immediately.
3. The Vicar General or Chancellor will inform the **Investigative Liaison Person**.
4. The **Investigative Liaison Person** contacts the parents/guardians of the alleged victim to offer pastoral care and to inform them of the procedures that the Archdiocese will follow to further address the complaint.



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5. After consultation with the Director of Child, Youth and Family Services, a Social Worker or the Police in all cases, the accused will be interviewed by the **Investigative Liaison Person** as soon as possible (not before two days, to allow time for Police investigation to commence), with the following procedures:

(Revised 07/2009)

The Investigative Liaison Person

- i. Will inform the accused that a complaint has been made, and that the stipulations of the Child, Youth and Family Services Act, SNL 1998, Chapter C-12.1, Section 15, have been observed.
(Revised 07/ 2009)
 - ii. Will inform the accused of legal rights, for example, to legal counsel, and of the fact that the information imparted is not confidential and could be used in a Court of Law.
 - iii. The accused will be offered the services of pastoral care workers.
 - iv. The **Investigative Liaison Person** will advise the accused that a report will be made to the Vicar General or Chancellor.
6. The Vicar General or Chancellor communicates to the Archbishop, in writing and in person regarding the investigation.
7. A meeting of the Multidisciplinary Committee is convened by the Vicar General or Chancellor for the following purposes:
- a) To review the steps which have been taken.
 - b) To ensure that the proper procedure has been followed.
 - c) To discuss the results of the investigation.
 - d) To recommend the course of action to be taken.



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GLOSSARY

1. “Clergy”

In this policy, “clergy”, in accordance with Canon Law, denotes Catholic Bishops, Priests, and Deacons.

2. “Investigative Liaison Person”

An adult, male or female, who has adequate knowledge, experience and skills, and who has been appointed in advance, for the task of investigating complaints of sexual abuse.

The primary function of this person is to conduct an internal (Church) investigation regarding the validity of complaints without interfering with or impeding any legal investigation and to insure that all appropriate authorities are informed of the situation and that the victim and the victim’s parents/guardian are made aware of available services.

3. “Pastoral Care Workers”

Adults, male or female, especially qualified and appointed, to initiate and enable ministry to the specific persons involved in each case; complainants and their families, the accused and their families.

4. “Multidisciplinary Committee”

This committee is appointed by the Archbishop, and is comprised of the Vicar(s) General, the Chancellor (Canon Lawyer), the Archdiocesan Attorney, a Psychiatrist, a Social Worker, and such other persons as the Archbishop may from time to time determine.

(Revised 07/2009)