



Exercising Responsibility in Our  
Ministry:  
Safeguarding Minors  
& Vulnerable Persons

OMI LACOMBE CANADA  
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## Introduction

Norms and guiding principles for the conduct of our lives are contained in the writings of Sacred Scripture, the experience of our Christian tradition, and the Constitutions and Rules of the Missionary Oblates of Mary Immaculate. Each Oblate vowed to religious life and serving the Church in ministry, enjoys a vocation built not only on ethical conduct, but also on the moral imperatives of the Gospel of Jesus Christ.

Ministers of the Church enjoy a privileged position by reason of their role in society. Appropriate boundaries, consistent with the teachings of the Catholic Church and Christian principles of moral behavior must be recognized and observed by each Oblate in all interpersonal relationships.

Sexual abuse of Minors and Vulnerable Persons involves behaviour that is sinful and criminal. It should be noted that, following the *motu proprio* (“of one’s own volition) of Pope John Paul II, *Sacramentorum sanctitatis tutela* (“Safeguarding the Sanctity of the Sacraments”) [SST] of 30 April 2001, the sexual abuse of a Minor or Vulnerable Person by a cleric is a *delictum gravius* (“a more grave crime”) which must be addressed by the Congregation for the Doctrine of the Faith [CDF].

On 21 May 2010, the CDF issued revised *Normae de gravioribus delictis* (“Norms concerning the most serious crimes”) which explains that the more grave crime of clerical sexual abuse of a Minor or Vulnerable Person involves:

1. any victim who is under 18 years of age;
2. any person who habitually lacks the use of reason (who is considered in the *Normae* to be equivalent to a minor; and
3. 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.

With regard to the Criminal Code, sexual assault,<sup>1</sup> or sexual contact with a person under 18 by a person in a position of trust or authority,<sup>2</sup> or the making, possession, or distribution of pornographic images of minors under the age of 18<sup>3</sup> are indictable offences.

Civil society has also created measures to protect the rights of Minors and Vulnerable Persons. These include organizational risk management programs to minimize the occurrence of abuse and to mandate reporting of abuse claims. Cases involving abuse can result in criminal prosecution leading to imprisonment of the offender, as well as claims against Oblates and diocesan institutions. We, as citizens and as Oblates, are held accountable to civil law and to the moral standards which we ourselves profess.

The following policy is a statement of our commitment to uphold and safeguard the values we profess.

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<sup>1</sup> see *Criminal Code*, Sec. 271

<sup>2</sup> See *Criminal Code*, Sec 153

<sup>3</sup> See *Criminal Code*, Sec 163.1

## **A. Guiding Principles**

OMI Lacombe Canada is committed to implementing best practices to protect those Minors and Vulnerable Persons whom it serves in ministry. We are also committed to providing pastoral care and support to any person who has been physically, emotionally or sexually abused by a Member of our Province.

Any action on the part of any Member of OMI Lacombe Canada that is harmful to Minors or Vulnerable Persons is absolutely contrary to the mission of the Oblates. All abuse and neglect of Minors or Vulnerable Persons is contrary to the teachings of the Gospel and the mission of the Congregation of the Missionary Oblates of Mary Immaculate and the Church and is prohibited.

## **B. Ethical Responsibilities**

OMI Lacombe Canada is committed to the development and implementation of policy to minimize the risk of abuse through the creation of safe environments to protect the interests of Minors and other Vulnerable Persons. This is to be supported through the training and education of Oblates and employees of OMI Lacombe Canada, the reporting to and cooperation with civil authorities to ensure allegations of misconduct are dealt with justly, as well as through the support of all victims of misconduct.

In every situation or allegation of misconduct, OMI Lacombe Canada will respond in accordance with the principles and values of Christian and Catholic morality. The primary concern will always be the assurance of a safe environment for the protection of Minors and Vulnerable Persons for whom the Oblates have a particular concern. Care will be given for the well-being of all persons involved in an allegation.

The Oblates of OMI Lacombe Canada will act in accordance with the Code of Canon Law of the Church, the norms and policies established by the Canadian Conference of Catholic Bishops, the laws of Canada and those of the Provinces and Territories of Canada.

## **C. Policy Scope and Objectives**

This policy addresses the sexual abuse of Minors and Vulnerable Persons by Members of OMI Lacombe Canada. As well, its scope extends to other forms of the abuse of Minors and Vulnerable Persons.

This policy sets out the position of OMI Lacombe Canada as to what constitutes the sexual abuse of a Minor or Vulnerable Person, the procedures to be followed if a complaint of misconduct is made, and the discipline that may be imposed. This policy is intended to provide a fair, thorough, objective, accountable, transparent and compassionate response to all who are involved in an allegation. So far as is reasonably possible, complaints shall be received, investigated and determined in appropriate confidence in order to respect the privacy of those involved.

This policy shall be administered in accordance with Canadian and Canon law and shall reflect the beliefs and responsibilities of OMI Lacombe Canada as outlined under sections A&B above.

Aspects of this policy may also pertain to and be followed in the case of allegations of non-sexual abuse of Minors or Vulnerable Persons, harassment, or of exploitation in a ministerial relationship.

#### **D. Policy Not Exhaustive**

It is acknowledged that this policy does not and cannot cover all circumstances and instances, nor does it supplant Canadian law. Oblates, employees, and volunteers of OMI Lacombe Canada are expected to be familiar and to comply with applicable child protection reporting requirements in the Provinces/Territories of Canada. Persons suspecting that a Minor or Vulnerable Person may be in need of protection, as defined under the provincial/territorial laws of Canada, are required to report the matter to civil authorities.

In addition, the procedures outlined in this policy do not preclude a complainant from pursuing civil or criminal remedies, or from seeking legal counsel. If notice is received that there is a related civil and/or criminal proceeding, OMI Lacombe Canada may suspend its response under this Policy in whole or in part until such proceedings are completed.

#### **E. Confidentiality**

Subject to the requirements of civil and Canon law and what disclosure may be necessary for the implementation of this policy, OMI Lacombe Canada will make reasonable efforts to maintain the confidentiality of all information concerning or provided by the complainant and accused person.

#### **F. Definitions**

**Abuse:** any physical, verbal, emotional or sexual conduct towards a Minor or Vulnerable Person that causes that person to have concern or fear for his or her physical or emotional safety or well-being. Such activity may or may not be criminal in nature. Child abuse, as defined under the child protection legislation of each Canadian province or territory, constitutes abuse under this Policy.

**Exploitation of a ministerial relationship:** any abuse of power, betrayal of trust or exploitation of the power imbalance that is inherent in a relationship between a Member of OMI Lacombe Canada and a person with whom she or he has a ministerial relationship. Because of the imbalance of power between the people offering ministry and the person to whom ministry is offered, the apparent consent of a possible victim does not in itself determine whether there has been an abuse of power, breach of trust or exploitation.

**Harassment:** any unwelcome conduct that interferes with an individual's performance of his or her duties or creates an intimidating, hostile, or offensive environment.

**Member:** an Oblate Brother or Priest.

**Ministerial relationship:** a relationship involving trust and confidence that is based primarily upon the ministry offered by someone recognized or perceived to be a minister to another. Examples of ministry include counselling, spiritual guidance and the celebration of the sacraments.

**Minor:** anyone under the age of 18.

**Misconduct:** an over-arching term that encompasses:

1. Abuse (physical, sexual or emotional),
2. Harassment, and
3. Exploitation of a ministerial relationship.

**Oblate:** for the purpose of this Policy, a member is a professed religious of the Missionary Oblates of Mary Immaculate belonging to OMI Lacombe Canada or serving under the jurisdiction of this Province.

**Vulnerable Person:** an individual, 18 years or older, who has reduced capacity to look after their own interests, needs and wellbeing; this includes individuals with physical, sensory, mental health and intellectual disabilities, and includes persons subject to the exploitation of a ministerial relationship.

## Standards of Conduct for Ministry with Minors and Vulnerable Persons

The following standards are intended to assist the membership in making decisions about interactions with Minors and Vulnerable Persons in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families.

Canadian laws relating to sexual abuse of Minors, including the *Criminal Code*, must also be regarded.

### A. Training for Members Who Work with Minors

Members shall review the Policies of OMI Lacombe Canada Province for Maintaining Ethical Ministry with Minors and Vulnerable Persons, and shall agree in writing to comply with the Province Code of Ethics.

Members who work with Minors and Vulnerable Persons must participate in training, from the Oblate community or the entity employing the Members, which informs them of their legal and ethical duty to protect Minors and Vulnerable Persons.

### B. Physical Contact and Prohibited Behaviours

#### Physical Contact

Appropriate affection between Members and Minors and Vulnerable Persons constitutes a positive part of Church life and ministry. Appropriate acts of physical contact can also be inappropriate when motivated by a malicious intention or when they are not desired by another person. For example, there is a difference between washing a dirty face with a washcloth and inappropriate caressing of the face. Both the intention of the person and the action of the person must be “innocent”, and the wishes of the other person regarding physical contact must be respected.

Depending on the circumstances, the following forms of affection can be regarded as appropriate examples for Members in ministry roles:

Brief hugs; pats on the shoulder or back; handshakes; “high-fives”, hand slapping, or fist bumps; verbal praise; touching hands, faces, shoulders and arms; arms around shoulders; holding hands while walking with small children; sitting beside small children; kneeling or bending down for hugs with small children; holding hands during prayer; pats on the head when culturally appropriate (For example, this gesture should typically be avoided in some Asian communities).

Some forms of physical affection have been used by adults to initiate inappropriate contact with Minors and Vulnerable Persons. In order to maintain the safest possible environment, the following are examples of affection that are never to be used by Members in ministry roles with Minors and Vulnerable Persons:



Inappropriate or lengthy embraces; excessive touching; kissing on the mouth; holding persons on the lap; touching buttocks, chests or genital areas; showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms; touching knees or legs; wrestling; tickling; piggyback rides; massages; compliments to physique or body development; and any other form of unwanted affection

## Prohibited Behaviours

The following is a non-exhaustive list of prohibited behaviours when interacting with Minors and Vulnerable Persons:

1. Engaging in any sexual activity with Minors or Vulnerable Persons. For the purposes of this Policy, sexual activity includes any physical contact or communication by any method for the purpose of sexually arousing or gratifying either person;
2. Discussing sexual activities with Minors or Vulnerable Persons, unless it is a specific job requirement, or part of a lesson to convey the Church's teachings on these topics. In which case, the Oblate must be trained to discuss these matters;
3. Possessing, in the presence of Minors or Vulnerable Persons, or showing or distributing any sexually oriented or morally inappropriate materials (social media, websites, magazines, cards, videos, films, pictures, clothing, etc.);
4. Communicating to anyone in a way that is or could reasonably be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating;
5. Using alcohol, cannabis or illegal drugs while supervising Minors or Vulnerable Persons;
6. Providing or allowing Minors or Vulnerable Persons to consume illegal drugs, cannabis or alcohol;
7. Members should avoid being alone with Minors or Vulnerable Persons. This excludes the celebration of the Sacrament of Penance, though this should be conducted, if at all possible, in public view.
8. Members are prohibited from transporting Minors or Vulnerable Persons without written permission of their parent or guardian. When transporting Minors or Vulnerable Persons, Minors will be transported directly to their destination. No unplanned stops should be made.
9. Members are prohibited from having minors stay at their residence. Requests for exceptions will be submitted to the Provincial Superior in writing two weeks prior to the visit. During any such visit, Members are prohibited from allowing Minors or Vulnerable Persons from entering the Members bedroom, or sleeping in the same beds, sleeping bags, or small tents;
10. Changing and showering facilities or arrangements for Members must be separate from facilities or arrangements for Minors and Vulnerable Persons.
11. Members are prohibited from using physical discipline in any way for behaviour management of Minors and Vulnerable Persons. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours.

### **C. Supervision of Programs that Involve Minors or Vulnerable Persons**

Pastoral encounters involving Minors or Vulnerable Persons in one-to-one situations; for example, the Sacrament of Penance should be conducted, if at all possible, in public view. If the pastoral care of a Minor or Vulnerable Person necessitates meeting alone with them, such meetings should not be held in an isolated environment. The times and designated locations for meetings should allow for transparency and accountability (for example, be held in rooms with a clear glass panel or window, in buildings where other people are present, and with the door of the room left open). When meeting with a group of Minors in an enclosed room there must always be another adult present. Even in the sacristy, ensure that another adult is present or, at the least, that doors are open.

Any Member whose ministry involves significant interaction with Minors and Vulnerable Persons (for example the Provincial Vocation Director) will provide the Provincial and Council the norms and operating procedures for all his programs that involve Minors and Vulnerable Persons. The Provincial and Council will ensure these programs are reviewed regularly.

### **D. Oblates from Other Units Working in OMI Lacombe Canada Province**

Oblates from other countries working in OMI Lacombe Canada Province shall be required to follow this Policy.

Oblates coming from outside OMI Lacombe Canada Province must have Testimonial Letters of suitability from their provincial superiors indicating whether the Oblate has had any complaints, or been found guilty in a legal or administrative proceeding of any misconduct either with Minors or Vulnerable Persons.

Oblates coming from cultures other than North America must take enculturation programs to raise their sensitivity to the issues of misconduct in this culture. What might be acceptable behaviours in another's culture may be inappropriate in Canada; (for example, length of a hug, standing too close to a woman, using words that are interpreted as offensive, etc.).

## Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Persons

As each case of alleged sexual abuse may have unique circumstances, the following may be modified as necessary to fit the individual circumstances of each case where appropriate.

### A. Reporting

Excepting matters heard in the Sacrament of Penance,<sup>4</sup> Members shall report, within 24 hours, any allegation, suspicion or knowledge received or gained of the sexual abuse of Minors or Vulnerable Persons that may have been perpetrated by Members, shall be reported directly to the civil authorities, the alleged victim's parent or guardian, and the Misconduct Policy Administrator.

Anyone may make complaint of abuse by a member of OMI Lacombe Canada under this Policy by contacting the Misconduct Policy Administrator through the Provincial office (613-230-2225). The Misconduct Policy Administrator shall inform the Provincial Superior of all abuse allegations received.

Excepting matters heard in the Sacrament of Penance, the Provincial Superior shall report all credible abuse allegations to civil authorities. Pursuant to Canon Law a "credible" allegation is one which, under all the circumstances known at the time, would lead a prudent person to conclude that there is a "semblance of truth" in the allegation (see Can., c. 1717 § 1). Civil Law requires any person who has reasonable grounds to believe a minor to be in need of intervention to report to civil authorities.<sup>5</sup> A failure to report credible allegations to civil authorities may be an offence.

### B. Role of the Misconduct Policy Administrator

The Provincial Superior shall appoint a Misconduct Policy Administrator.

Upon receiving an allegation of abuse:

1. The Misconduct Policy Administrator is to conduct a preliminary assessment, which is to include/address the following:
  - a. descriptive information of the alleged victim: name, age, disability status (if any), contact information (of parent / guardian, as applicable);
  - b. descriptive information of accused;
  - c. relevant factual details of the alleged abuse;
  - d. the safety needs of impacted Minors and Vulnerable Persons;
  - e. status of report to civil authorities;

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<sup>4</sup> The inviolability of the seal of Sacramental Confession must be maintained (see Can. 983, #1)

<sup>5</sup> Please note that the circumstances in which reporting requirements are mandatory may differ from Province to Province. If unsure, consult with local authorities.

- f. the wishes of the complainant (if any);
  - g. the rights of all involved;
  - h. applicable laws, including Canon Law;
  - i. the Guiding Principles, Ethical Responsibilities and Objectives of this Policy; and
  - j. any other factor the Misconduct Policy Administrator considers relevant and appropriate.
2. If there is a complainant, the Misconduct Policy Administrator shall inform the complainant of this policy, and offer the complainant an opportunity to contact a support person and/or legal counsel.
  3. At the conclusion of the preliminary assessment, the Misconduct Policy Administrator shall issue a report to the Provincial Superior;
  4. In the event that the Misconduct Policy Administrator has a conflict in discharging their duties, an alternate shall be appointed by the Provincial Superior.
  5. Report decisions of the Provincial Superior regarding the status of any complaint to the alleged victim, complainant, and the accused Member;

The Misconduct Policy Administrator shall:

1. Offer to provide separate support persons to each as requested. Such support persons may address spiritual, emotional, or legal needs (including with regard to interpreting this Misconduct Policy).
2. Advise the accused that they may seek canonical and civil legal counsel before responding to the allegations, and that any such lawyer will be selected and compensated by the Province, though that lawyer will only represent the interests of the accused.
3. Cooperate fully with any investigation by civil or diocesan authorities, while safeguarding the legal and canonical rights of the alleged victim, accused, and complainant.
4. Work with the Provincial Superior to create a safety plan for the accused Member (see below at Supervision and Care of Members Removed from Public Ministry).

### **C. Role of the Provincial Superior**

1. The Provincial Superior shall appoint a Misconduct Policy Administrator.
2. Upon being notified of a complaint against a Member involving a Minor or Vulnerable Person, the Provincial Superior shall immediately remove the accused from contact with Minors, Vulnerable Persons, and the alleged victim, and, if applicable, place the individual on leave pending civil proceedings.
3. If there is an ongoing criminal or child protection investigation or proceeding, the Provincial Superior shall decree that any internal proceeding is held in abeyance until the other investigations or proceedings are concluded;
4. In the event that the Provincial Superior has a conflict in discharging his duties, the First Vicar Provincial Superior shall assume his responsibilities.

5. Upon completion of civil investigations/proceedings, convene a meeting of the Misconduct Advisory Team, which will make recommendations on the future ministry / Safety Plan of the member.
6. Report to the diocese regarding all proven allegations of abuse. Report to civil authorities regarding all proven allegations of abuse.

#### **D. Outcomes and Sanctions**

1. Through consultation with Provincial Council, should the Provincial Superior determine sufficient evidence exists that a delict against the Sixth Commandment by a cleric is probable (per c. 1395 § 2), pertinent norms of Canon law shall be applied.
2. If, on a balance of probabilities, allegations of abuse are proven, the Provincial Superior may direct the following:
  - a. Ask the Member to submit voluntarily to psychological and medical assessment and intervention;
  - b. Place appropriate restrictions on community life and personal activities of the Member; and
  - c. Remove the Member from public ministry.
3. If, on a balance of probabilities, allegations of abuse are not proven, the Provincial Superior may direct the following:
  - a. reconciliation efforts be made among all parties and work towards repairing damage to reputations;<sup>6</sup>
  - b. Reinstate the accused to ministry;
4. In all instances, the Member has a right to appeal to the Superior General or to the Holy See, and a right to seek canonical redress in cases where he continues to maintain his innocence.

#### **E. Record Keeping**

The Misconduct Policy Administrator shall maintain a copy of all files, records, or reports pertaining to any complaint or investigation in the Provincial Superior's office.

All complaint and investigation records are the property of the Province, and shall remain with the office of the Provincial Superior following the appointment of a new Provincial Superior.

If an allegation of abuse is not proven against a Member, no notation about the complaint or investigation shall be kept in the member's personnel file. Instead, the Misconduct Policy Administrator shall maintain a confidential file with all investigation or complaint related records in the Provincial Superior's office.

The Provincial Superior may direct that any file be kept in the office of the Province's legal counsel.

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<sup>6</sup> see Code of Canon Law, Canon 1717 § 2

## Misconduct Advisory Team

### A. Establishment and Purpose

1. The Provincial Superior and the Provincial Council will establish a Province Misconduct Advisory Team for the purpose of providing advice to the Provincial Superior on the implementation and administration of the Misconduct Policy in individual cases. The Misconduct Advisory Team exists solely as an advisory body.
2. The Misconduct Advisory Team shall consist of at least three people: a Canon lawyer, a religious, and a professional from the social sciences (psychologist, counsellor, victim's advocate, social worker, etc.). One member must also be a member of the Province. Misconduct Advisory Team members may not be employees of OMI Lacombe Canada.
3. The Misconduct Advisory Team shall meet at least once annually, to review the Safety Plans of the members of OMI Lacombe Canada.

### B. Appointment and Removal of Members

1. Prospective Misconduct Advisory Team members shall undergo a criminal records check to determine suitability for service and shall sign a confidentiality agreement.
2. All appointments to and removals from the Misconduct Advisory Team shall be approved by Provincial Council.
3. Misconduct Advisory Team members shall serve a 3-year term, and may be reappointed to subsequent terms. Should a mid-term vacancy occur, Provincial Council shall appoint a member to fill the vacancy to the end of the original term.

### C. Officers

1. The Misconduct Advisory Team shall elect a Chairperson from amongst themselves who shall serve for a term of one year and may be re-elected to subsequent terms. The Chairperson shall call and chair meetings of the Misconduct Advisory Team, ensure that the work of the Advisory Team is properly documented and communicated to the Provincial Superior, and appoint other ad hoc officers and assistants from among the other Misconduct Advisory Team members as may be required to accomplish their work.
2. At the beginning of each meeting of the Misconduct Advisory Team, the Chairperson shall appoint a recording secretary to record the decisions and other relevant actions of the Misconduct Advisory Team during that meeting.

#### **D. Record Keeping and Confidentiality**

1. The files of the Misconduct Advisory Team are the property of the Province. Only the Provincial Superior and all current Misconduct Advisory Team members shall have access to the Misconduct Advisory Team's files. The Misconduct Advisory Team's files shall be stored at a place designated by the Provincial Superior. The Provincial may decide that some files be kept in the office of the Province's lawyer.
2. The Misconduct Advisor Team shall create a file on each case or matter it considers. Each file shall contain a written description of the matter presented to the Misconduct Advisory Team, a written summary of the advice given by the Misconduct Advisory Team, a written summary of the action ultimately taken by the Provincial Superior in light of the Misconduct Advisory Team's advice, and such other information as the Misconduct Advisory Team determines to be relevant to any future consideration of the case or matter by the Misconduct Advisory Team or the Province.
3. The records and other information received by the Misconduct Advisory Team shall be treated as confidential, subject to the requirements of law.
4. The Misconduct Advisory Team's advice to the Provincial Superior regarding particular cases shall be confidential.
5. The Province recognizes that the Misconduct Advisory Team may receive confidential and sensitive information that could be used to injure the reputations of individuals. At the same time, the Province recognizes that the Misconduct Advisory Team's records may contain information relevant to civil and criminal law investigations.
6. It is the policy of the Province to cooperate fully with all legal requirements and law enforcement agencies while, at the same time, respecting any applicable civil and canonical rights and requirements concerning confidentiality and privacy.
7. The law of certain Provinces/Territories and of Canada prohibits the disclosure of certain information, such as mental health communications, substance abuse and alcohol treatment records, and HIV testing and AIDS treatment records. The Misconduct Advisory Team shall protect the confidentiality of such information, which it may receive by way of appropriate releases of information, to the fullest extent of the law.

#### **E. Operating Procedures**

1. A meeting of the Misconduct Advisory Team shall be convened by the Chairperson at the request of the Provincial Superior.
2. The Chairperson shall call the meeting to order and introduce the Provincial Superior and/or his delegate to present the matter(s) brought before the Misconduct Advisory Team.
3. Any advice provided by the Misconduct Advisory Team shall be summarized in writing and a document shall be signed by the Chairperson on behalf of the full team.
4. After final disposition of the case, all records will be transferred to the Provincial Superior. Copies of all files, records or reports pertaining to the complaint and any investigation shall also be maintained in the Misconduct Policy Administrator's records.

5. The Provincial Superior shall share recommendations of the Misconduct Advisory Team with the Provincial Council as needed.
6. Misconduct Advisory Team members shall be provided with an industry standard per diem, as well as reimbursement for reasonably incurred expenses.

#### **F. Conflicts of Interest**

1. Any Misconduct Advisory Team member who is related by blood or marriage, or is in any kind of employment, financial or business relationship, or in any kind of professional or spiritual counseling relationship, or who would have any other conflict of interest or the appearance of a conflict of interest with the alleged victim, the accused or complainant, shall inform the Chairperson of the conflict and will be excused from all deliberations concerning the particular matter in question.
2. Any Misconduct Advisory Team member, who determines that he or she has a conflict of interest or the appearance of a conflict of interest with the Province itself or with the work of the Misconduct Advisory Team, shall inform the Provincial Superior and the Chairperson of the conflict.

#### **G. Conditions of Membership for the Misconduct Advisory Committee**

1. The Province indemnifies and holds harmless all Misconduct Advisory Team members for any and all claims, lawsuits, damages or other actions, including but not limited to reasonable costs of defense, which may arise from their service on the Advisory Team. However, the Province does not indemnify Misconduct Advisory Team members for intentional tortuous or criminal acts, or acts committed in bad faith.



## Supervision and Care of Members Removed from Public Ministry

This section identifies the elements of a pastoral care framework which will be developed for each Member of the Province (1) about whom a credible accusation of sexual abuse of a Minor or Vulnerable Person has been made (pending its resolution); (2) who has admitted to having sexually abused a Minor or Vulnerable Person; or (3) who has been found guilty in a court of law or on the basis of the preponderance of evidence against him of sexual abuse of a Minor or Vulnerable Person.

Any restrictions imposed on a member will be lifted if the allegation is later determined to be unproven. In such cases, every reasonable effort will be made to restore the good reputation of the falsely accused Member. All members are presumed innocent unless and until guilt is either admitted or determined by due process. It is to be clearly understood that while the matter is pending and the Member is on leave from his assigned ministry, no admission of guilt is implied. Unless and until guilt has been admitted or proven, the accused should not be referred to or treated as an offender.

The purpose of this framework is to:

- a. maintain a safe environment for the protection of Minors and Vulnerable Persons, above all else;
- b. assure the Church and the public, especially parents of abused Minors and Vulnerable Persons, that OMI Lacombe Canada is taking all reasonable measures to prevent the occurrence of sexual abuse;
- c. provide a structure within which the Member can continue his life in OMI Lacombe Canada as a perpetually vowed member of a religious community;
- d. provide appropriate care for the Member and the opportunity for such personal conversion and rehabilitation as may be needed;
- e. guide superiors, the Member, and others in determining work, place of residence, and other activities;
- f. encourage local communities in welcoming and supporting the Member in his desire to continue his life as a Member within this framework;
- g. assure community members of both the proper care and appropriate limits with respect to their brothers in the Province.

It is intended that all of the following elements be adapted in a safety plan for each member who has sexually abused a Minor or Vulnerable Person. Each safety plan will take into account such factors as severity of the accusation(s), age and health of the Member, the recommendations of the Province's Misconduct Advisory Team. Safety plans may be revised as facts or circumstances change, and is otherwise subject to annual review.

The safety plan will be reviewed by the Misconduct Advisory Team, and shared with the Member, his superiors, and, as appropriate, Members of his local community. The safety plan shall be signed by the Member, his monitor and the Provincial Superior.

## **A. Evaluation and Therapy**

1. A Member about whom a potentially credible accusation has been made will be asked to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation by professionals mutually acceptable to the Provincial Superior and the accused.
2. The Member is free not to undergo an evaluation. If the Member agrees to undergo an evaluation, the Provincial Superior or his delegate will arrange for the evaluation. An evaluation is necessary for any therapy entered into and a refusal of an evaluation will have consequences for the safety plan of the Member.
3. Subsequent to that evaluation, the Member may be asked to participate in such in-patient and/or out-patient treatment as recommended by the evaluating professionals. The physical, psychological, and spiritual information resulting from such evaluation, treatment and correspondence is the property of the Member. He may agree or decline to make it available to the Provincial. However, refusal to do so may have consequences for the Member's safety plan.
4. Rehabilitation may be recommended by such professionals or by the Misconduct Advisory Team, as well by as the terms of his safety plan.
5. The Member may be required to report to the Provincial Superior in writing periodically (e.g., monthly, quarterly, or annually, as appropriate to the situation) describing his progress in terms of work, therapy, spiritual direction, community life, and such other matters as may be appropriate.
6. A Member may further agree to have the information made available to the Misconduct Advisory Team.
7. Any information about a Member against whom an allegation of sexual abuse has been made shall be kept confidential by those receiving it, except as required by civil or Canon law.

## **B. Removal from Public Ministry**

1. An ordained Member who has been found guilty of or admitted to sexually abusing a Minor or Vulnerable Person is not allowed to function publicly as a priest or deacon, including public celebration of the sacraments, or to use the title "Father" or "Reverend" in public.
2. A non-ordained Member in temporary vows who has been found guilty of or admitted to sexually abusing a Minor or Vulnerable Person is not allowed to continue in Formation.
3. A non-ordained Member in perpetual vows who has been found guilty of or admitted to sexually abusing a Minor or Vulnerable Person is not allowed to function publicly in external ministry associated with a religious institute (e.g., school teaching, coaching, and parish staff work). He will not be allowed to use the title "Brother" in public.
4. No clerical or distinctive religious attire is allowed for a Member who has sexually abused a Minor or Vulnerable Person.
5. Any permanent penalties must be approved by the Holy See.

### **C. Appropriate Work for a Member Removed from Public Ministry**

1. If physically and mentally able, the Member who has been removed from public ministry should engage in appropriate work in support of the ministries of the Province or in other service to people in need. Such employment might include the following:
  - a. internal work in a community of the Province, such as a place of retirement or administrative work for the Province;
  - b. remunerative non-ministerial work to support the ministries of the Province;
  - c. service to people in need, such as writing to prisoners or telephone reassurance programs for shut-ins, working in a food bank or soup kitchen, or some other form of supervised social services.
2. Where appropriate, Members removed from public ministry may need vocational assessment and/or occupational counselling to assist in determining meaningful and useful work. The Provincial Superior should consult with the Member to determine his interests and capacities and to promote his initiative in developing appropriate work opportunities.
3. In all cases, the service of prayer for the Congregation and the Church will be a valuable contribution.

### **D. Place of Residence of a Member Removed from Public Ministry**

1. Any Oblate removed from public ministry shall be allowed to live only in an established Oblate community or other appropriate supervised place of residence, as determined by the Provincial Superior and with the approval of the diocesan Bishop, who must be notified.
2. No separate apartment, private home, or other domicile shall be allowed as a permanent residence for an Oblate removed from public ministry.

### **E. Community Support for, and Community Roles of, Members Removed from Public Ministry**

1. The local community can and should play an important part in helping a Member who has been removed from public ministry and who wishes to continue his life as a Member.
2. Local Oblate communities will welcome the Member as a brother.
3. The Provincial will appoint a Monitor for the Member to assist and support him in his efforts to maintain his program of care and treatment.
4. Upon the recommendation of the Provincial Superior, the local Superior may, as appropriate, inform the community in which such a Member shall live of the fact that a Member is so restricted and the appropriate specific terms of his safety plan, so that the community can assist him in achieving his goals.
5. Communities may need the advice and consultation of appropriate professionals to assist with receiving the Member removed from public ministry and providing him with the necessary care and support.

## **F. Contact with Minors or Vulnerable Persons**

1. Under absolutely no circumstances whatsoever will a Member credibly accused of abuse of a Minor or Vulnerable Person be allowed to be in contact with such persons without the ongoing supervision of other adults.

## **G. Travel, Vacation, Retreat**

1. Travel and vacations will be determined with the Provincial Superior and defined in the member's safety plan.
2. For an Oblate credibly accused or found guilty of abuse of a Minor or Vulnerable Person, vacation alone or with Minors or Vulnerable Persons, even supervised, would not be permitted. Vacation should be restricted to Oblate communities or travel with other Oblates. In the event an accused Oblate vacations with his biological family, a member of his family would be appraised of the accusations(s) and the specific behaviour restrictions in place. For permission to vacation with biological family to be granted, that family member would have to assume responsibility for the supervision of the Oblate during any family activities.
3. Retreats in locations alone will not be permitted. Retreats will be restricted to Oblate or other Catholic retreat facilities or Oblate communities and must be approved by the Provincial Superior.
4. Other travel may be restricted by the Provincial Superior to that related to assigned work or family visits; if appropriate, a Member companion for travel also may be required.
5. The local Superior or Director should refer any doubts about specific travel to the Provincial Superior.

## **H. Driving**

1. Restrictions may be placed on driving alone or having use of a personal vehicle.
2. Some Members removed from public ministry may be required to request specific permission for use of house cars from the local Superior or Director, to keep a driving log, or to drive only with another Member.

## **I. Publications and Publicity Involving a Member Removed from Public Ministry**

1. Restrictions on publications, letters to the editor, web pages, radio and television appearances, social media accounts, e-mail may be appropriate.
2. Sensitivity for victims dictates caution with regard to photographs of Members removed from public ministry displayed in Province publications and institutions, especially those in service to Minors or Vulnerable Persons.
3. In some cases, use of mail, telephone, and Internet may need to be regulated.

## **J. Information for Members and Others Concerning a Member Removed from Public Ministry**

1. The Provincial Superior, in consultation with his Provincial Council, will determine whether and/or how to inform the Province membership of those Members who have been removed from public ministry.
2. The Provincial Superior will inform the Bishop of the diocese in which the ordained Oblate resides.
3. The Provincial Superior, in consultation with the Misconduct Advisory Team, will determine whether and/or how to inform others who may have a need to know of Members who have been removed from public ministry. This could include all the Members of the community in which the Member is stationed, and employees or volunteers with whom he may come in contact.

## CONCLUSION

These procedures reflect the seriousness with which the Missionary Oblates of OMI Lacombe Canada will undertake their responsibility in this sensitive area of pastoral care. The commitment of the Oblates of Mary Immaculate to Gospel values requires no less a response on the part of OMI Lacombe Canada in dealing with its own institutions and Members.

The procedures outlined above have as their purpose to respect the rights of all involved, to respond to complaints in a timely and systematic manner, and to take steps to protect all members of the community and especially Minors and Vulnerable Persons.

The spiritual well-being of all persons affected by misconduct is of primary concern *Salus animarum suprema lex* (The salvation of souls is the supreme law of the church) (Canon 1752).

Nothing in this policy prevents amendment according to circumstances or to deal with the specifics of unforeseen or foreseen incidents, save except those matters dealt with involving the Holy See.

This policy takes effect when OMI Lacombe Canada Provincial in Council approves it.

This policy shall be reviewed biennially and revised as necessary to ensure compliance with secular and Canon law.



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Very Reverend Father Provincial, OMI  
OMI Lacombe Canada Province  
96 Empress Ave,  
Ottawa, Ontario, K1R 7G3

Reverend Father Provincial:

This is to testify that I have received and read the document: *Exercising Responsibility in Our Ministry: Safeguarding Minors & Vulnerable Persons*.

I understand that these documents constitute the procedures of OMI Lacombe Canada Province for the alleged misconduct by an Oblate Priest or Brother and that these procedures have been approved by OMI Lacombe Canada Provincial in Council on September 14, 2017.

I further understand that those accused of misconduct are presumed innocent until proven otherwise and that the *Exercising Responsibility in Our Ministry: Safeguarding Minors & Vulnerable Persons* provides those accused of misconduct with a fair opportunity to respond to the allegations.

Finally, I am aware of the implications of these procedures and, where applicable, of my obligation to report allegations of sexual misconduct with Minors and Vulnerable Persons to the appropriate secular authorities as well as to the Provincial or his delegate.

Signed on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name