



Exercising Responsibility in Our  
Ministry:  
Safeguarding Minors  
& Vulnerable Persons

OMI LACOMBE CANADA  
Policy Revised: December 2022

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## Preface

The sexual abuse of minors and vulnerable persons is a serious crime in society and in the Church. OMI Lacombe Canada unites with all persons of good will to eliminate this grave and evil misconduct.

On 20 August 2018, in a “Letter to the People of God,” Pope Francis addressed sexual abuse in a candid fashion:

“If one member suffers, all suffer together with it” (1 Cor 12:26). These words of Saint Paul forcefully echo in my heart as I acknowledge once more the suffering endured by many minors due to sexual abuse, the abuse of power and the abuse of conscience perpetrated by a significant number of clerics and consecrated persons. Crimes that inflict deep wounds of pain and powerlessness, primarily among the victims, but also in their family members and in the larger community of believers and nonbelievers alike. Looking back to the past, no effort to beg pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the future, no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated. The pain of the victims and their families is also our pain, and so it is urgent that we once more reaffirm our commitment to ensure the protection of minors and of vulnerable adults.<sup>1</sup>

Less than two years prior, on 10 October 2016 in Rome, at the last (36<sup>th</sup>) General Chapter of the Missionary Oblates of Mary Immaculate, the capitulars expressed the commitment to defend sexually abused persons:

We are committed to the defense of minors and the most vulnerable as we have been sensitized by the recent scandals in the Church and in society.<sup>2</sup>

That same day, the General Chapter approved the following “Proposal on the Safeguarding of Minors and Vulnerable Adults:”

The 36th General Chapter proposes that the Superior General appoint one member of the General Administration to monitor the implementation of the Units’ policies and procedures for the safeguarding of minors and vulnerable adults.

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<sup>1</sup> POPE FRANCIS, Letter to the People of God, 20 August 2018, at: [http://www.vatican.va/content/francesco/en/letters/2018/documents/papa-francesco\\_20180820\\_lettera-popolo-didio.html](http://www.vatican.va/content/francesco/en/letters/2018/documents/papa-francesco_20180820_lettera-popolo-didio.html)

<sup>2</sup> MISSIONARY OBLATES OF MARY IMMACULATE, Acts of the 36th General Chapter (2016), p. 6, at [https://www.omiworld.org/wp-content/uploads/acts-of-the-36th-general-chapter\\_1.pdf](https://www.omiworld.org/wp-content/uploads/acts-of-the-36th-general-chapter_1.pdf)

- Liaising with competent professionals and with other religious and Church authorities
- Developing the awareness of safeguarding throughout the Congregation
- Reviewing and evaluating current practices within Units to support and advise
- Planning a budget to cost this important responsibility.<sup>3</sup>

OMI Lacombe Canada is committed to pursuing measures to safeguard minors and vulnerable persons from the threat and trauma of sexual abuse – especially sexual abuse perpetrated by its Members, employees, and volunteers.

This Policy intends to be an instrument to promote the safeguarding of minors and vulnerable persons, and to respond effectively, objectively, and transparently to allegations of sexual abuse of them. It is a revision of an earlier similar Policy, modified in light of growing awareness of best practices and of ongoing changes in canon law.<sup>4</sup> Over the past few years, Pope Francis has mandated several changes in Church praxis which place the care of victim-survivors at the centre of the Church's safeguarding efforts, and which reflect an expanded awareness of the serious nature of sexual abuse:

Pope Francis has expanded the scope of the ecclesiastical *delict* of sexual abuse to include now activities “against the sixth commandment of the Decalogue consisting of: (1) forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts; (2) performing sexual acts with a minor or a vulnerable person; (3) 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.”<sup>5</sup>

He has expanded the *offenders* to include not only clerics (i.e., deacons, priests, and bishops) but now also men and women members of institutes of consecrated life or societies of apostolic life.<sup>6</sup>

He has expanded the *victims-survivors* of sexual abuse to include not only minors (i.e., persons under the age of 18, to whom are equated adults who habitually

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<sup>3</sup> Ibid., p. 31.

<sup>4</sup> Several sources of canon law pertain, as indicated in the footnotes of this Policy. See also:

POPE JOHN PAUL II, *Code of Canon Law*, 25 January 1983, at: [http://www.vatican.va/archive/cod-iuris-canonici/cic\\_index\\_en.html](http://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html)

VATICAN WEBSITE, Abuse of Minors: The Church's Response, at: [http://www.vatican.va/resources/index\\_en.htm](http://www.vatican.va/resources/index_en.htm)

<sup>5</sup> POPE FRANCIS, *motu proprio* apostolic letter *Vos estis lux mundi*, 7 May 2019, art. 1, § 1, a), at: [http://www.vatican.va/content/francesco/en/motu\\_proprio/documents/papa-francesco-motu-proprio-20190507\\_vos-estis-lux-mundi.html](http://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html)

<sup>6</sup> Ibid., art. 1.

have the imperfect use of reason) but now also “vulnerable persons” who are described as those “in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence.”<sup>7</sup>

This revised Policy also reflects the 2018 document issued by the Canadian Conference of Catholic Bishops, entitled *Protecting Minors from Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*.<sup>8</sup> and the norms issued by the Assembly of Catholic Bishops of Ontario (ACBO).

As expressed so well at the 36<sup>th</sup> General Chapter in 2016 for entire Congregation, so OMI Lacombe Canada also proclaims that the Province is “committed to the defense of minors and the most vulnerable as we have been sensitized by the recent scandals in the Church and in society.”<sup>9</sup>

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<sup>7</sup> Ibid., art. 1, § 2, b).

<sup>8</sup> CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Protecting Minors from Sexual Abuse: A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*, Ottawa, CCCB Publications, 2018, at: [https://www.cccb.ca/wp-content/uploads/2019/04/Protecting\\_Minors\\_2018.pdf](https://www.cccb.ca/wp-content/uploads/2019/04/Protecting_Minors_2018.pdf)

<sup>9</sup> This Policy is precisely about the sexual abuse of minors and vulnerable persons. Nonetheless, some aspects of it may also be followed in addressing allegations of non-sexual abuse or neglect of minors or vulnerable persons, of harassment, or of exploitation of anyone by Members, employees, and volunteers.

## Introduction

### A. Guiding Principles

This Policy focuses on sexual abuse of minors and vulnerable persons by any Member, employee, or volunteer of OMI Lacombe Canada. Safeguarding minors and vulnerable persons is central to our ministry. OMI Lacombe Canada is committed to establishing and sustaining an environment where all persons are free from the *threat* and *trauma* of sexual abuse.

Any sexual abuse of minors or vulnerable persons by any Member, employee, or volunteer of OMI Lacombe Canada is absolutely contrary to the work and witness of the Oblates. It gravely violates the message of the Gospel and the mission of the Congregation of the Missionary Oblates of Mary Immaculate and the Church. It is strictly prohibited.

This Policy presents best practices to safeguard those minors and vulnerable persons whom OMI Lacombe Canada serves. It confirms the commitment of OMI Lacombe Canada to provide pastoral care and support to any person who has been physically, emotionally, or sexually abused by a Member, employee, or volunteer of our Province.

Members, employees, and volunteers of OMI Lacombe Canada, Inc. are also subject to the regulations, protocols, and norms of the safeguarding policies of the arch/diocese in which they work.

The local diocesan arch/bishop and the provincial superior will inform each other of allegations against a Member, employee, or volunteer of OMI Lacombe Canada, Inc. They will also keep each other abreast of the investigation of the allegation and of any subsequent actions/decisions made about the Member by the competent ecclesiastical authority.<sup>10</sup>

### 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 environments to safeguard minors and vulnerable persons. This is to be achieved through (1) the training and education of Members, employees, and volunteers of OMI Lacombe Canada, (2) the reporting to and cooperation with civil authorities to ensure allegations of sexual abuse are dealt with justly, and most importantly, (3) the care of all minors and vulnerable persons who have been sexually abused by Members, employees, or volunteers.

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<sup>10</sup> See POPE FRANCIS, *Vos estis lux mundi*, art. 2 § 3.

In every situation of alleged sexual abuse, 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 an environment for the safeguarding 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 canon law of the Church, the norms and policies established by the Canadian Conference of Catholic Bishops, and the federal and provincial/territorial laws of Canada.

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

This Policy addresses the sexual abuse of minors and vulnerable persons by Members, employees, and volunteers of OMI Lacombe Canada. It sets out the position of OMI Lacombe Canada on (1) what constitutes the sexual abuse of a minor or vulnerable person, (2) the procedures to be followed if an allegation of sexual abuse is made, and (3) the sanction 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, allegations 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 the laws of Canada and the Catholic Church and shall reflect the “Guiding Principles” and “Ethical Responsibilities” beliefs and responsibilities of OMI Lacombe Canada, as articulated above.

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

It is acknowledged that this Policy does not and cannot cover all circumstances and instances, nor does it supplant the laws of Canada or the Catholic Church. Oblates, employees, and volunteers of OMI Lacombe Canada are expected to be familiar and to comply with applicable child protection and criminal 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 secular authorities.

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

While this Policy articulates how OMI Lacombe Canada will address the sexual abuse of minors and vulnerable persons by its Members, employees, and volunteers, it is possible that other proceedings pursuant to secular or canon law may occur after, or simultaneously with, an investigation under this policy.

## E. Confidentiality

Subject to the requirements of secular law 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 related to, or provided by, the complainant and accused person.

Under no circumstances will an obligation of silence be imposed on any person concerning the report of an allegation of sexual abuse.<sup>11</sup>

Under no circumstances will OMI Lacombe Canada, Inc., initiate the use of any settlement documents that contain a confidentiality clause. **(ACBO, 10)**

## F. Definitions

**Child pornography (in canon law):** “any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes”<sup>12</sup>

**Delict of sexual abuse of a minor or vulnerable person by a cleric or a male/female religious (in canon law):**<sup>13</sup> activities “against the sixth commandment of the Decalogue consisting of: (1) forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts; (2) performing sexual acts with a minor or a vulnerable person; (3) 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.”<sup>14</sup>

<sup>11</sup> POPE FRANCIS, *Vos estis lux mundi*, art. 4 § 3.

<sup>12</sup> POPE FRANCIS, *Vos estis lux mundi*, art 1, § 2, c).

<sup>13</sup> At the present time, canon law does not treat sexual abuse of a minor or vulnerable person as an ecclesiastical delict when committed by a lay person.

<sup>14</sup> POPE FRANCIS, *Vos estis lux mundi*, art. 1, § 1, a).

This law became effective 1 June 2019. Before that date and since 30 April 2001, the delict of sexual abuse as committed only against minors (not against vulnerable persons, unless they were equated with minors due to habitually having the imperfect use of reason) and only by clergy (not by men and women religious). Careful attention must be given to the date of an alleged act of sexual abuse, to determine whether or not it was a delict for the accused person.



**Employee:** an individual who is paid to provide employment services to OMI Lacombe Canada.

**Law (canon):** “The ecclesiastical law of the Roman Catholic and Eastern Catholic Churches. The **universal law** applicable to Catholics is found in the *Code of Canon Law* (1983), the *Code of Canons of the Eastern Churches* (1990), and subsequent documents issued by the Holy See. **Particular law** is that which is applicable to a given territory, as, for instance, the legislation of the Canadian Conference of Catholic Bishops, which is applicable in Canada, [or by a diocesan bishop for his diocese], but not elsewhere. A third type of canon law is known as “**proper law**,” which is applicable to persons, no matter where they might reside. The most common example of proper law is the internal law governing institutes of consecrated life, societies of apostolic life, and other groups which have similar internal legislation governing their life and ministry.”<sup>15</sup>

**Law (secular):** “federal, provincial, and territorial laws in Canada, and encompasses the Common Law and Civil Law (Quebec). It is distinct from ecclesiastical [canon] law.”<sup>16</sup>

**Mandated reporter of sexual abuse of minors and vulnerable persons:** every cleric and member of an institute of consecrated life or a society of Apostolic Life who “has notice of, or well-founded motives to believe that” a delict against the sixth commandment has been committed “is obliged to report promptly the fact to the local Ordinary where the events are said to have occurred or to another Ordinary,” local or religious (see c. 134). “The report shall include as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts.”<sup>17</sup>

Further, all persons are bound to observe “the rights and obligations established in each place by [secular] laws, particularly those concerning any reporting obligations to the competent civil authorities.”<sup>18</sup>

**Member / Oblate:** for the purpose of this Policy, a Member / Oblate is a novice or a professed religious (brother, deacon, or priest) of the Missionary Oblates of Mary Immaculate belonging to OMI Lacombe Canada or serving under the jurisdiction of this Province.<sup>19</sup>

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<sup>15</sup> CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Protecting Minors from Sexual Abuse*, pp. 145-146. Emphasis in **bold** added.

<sup>16</sup> CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Protecting Minors from Sexual Abuse*, p. 151.

<sup>17</sup> POPE FRANCIS, *Vos estis lux mundi*, art. 3, § 1 and § 4.

<sup>18</sup> POPE FRANCIS, *Vos estis lux mundi*, art. 19.

<sup>19</sup> Oblates from other countries working in OMI Lacombe Canada Province shall be required to follow this Policy. They must have testimonial letters of suitability from their Provincial Superiors indicating whether they have had any allegations or been found guilty in a secular or canonical legal proceeding of any sexual abuse of either minors or vulnerable persons.

Oblates coming from cultures other than North America must take enculturation programs to raise their sensitivity to the issues of sexual abuse in this culture. What might be acceptable behaviours in another’s culture

**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 (in Canadian laws):** “In Canada, the definition of ‘a minor’ varies according to province. In the following five provinces, ‘a minor’ is a person under eighteen years: Alberta, Manitoba, Ontario, Quebec, and Prince Edward Island. In Saskatchewan ‘a minor’ is an unmarried person under sixteen years. In Newfoundland, ‘a minor’ is a person under sixteen years (youth defined as a person who is sixteen years or older, but under the age of eighteen). In the remaining three provinces and three territories “a minor” is defined as a person under nineteen years: British Columbia, New Brunswick, Nova Scotia, Nunavut, Northwest Territories, and Yukon.”<sup>20</sup>

**Minor (in canon law):** anyone under the age of 18, or someone who habitually has the imperfect use of reason; ignorance or error on the part of the cleric regarding the age of the minor does not constitute an extenuating or exonerating circumstance.<sup>21</sup>

**Sexual abuse of a minor or vulnerable person:** actual or threatened physical intrusion of a sexual nature against a minor or vulnerable person, whether by force or under unequal or coercive conditions.<sup>22</sup>

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may be inappropriate in Canada; for example, length of a hug, standing too close to another person, using words that may be interpreted as offensive, etc.

<sup>20</sup> CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Protecting Minors from Sexual Abuse*, p. 149.

<sup>21</sup> See CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Norms on Delicts Reserved to the Congregation for the Doctrine of the Faith*, 11 October 2021, art. 6, 1°, at:

[https://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20211011\\_norme-delittiriservati-cfaith\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20211011_norme-delittiriservati-cfaith_en.html)

<sup>22</sup> See UNITED NATIONS, *Glossary on Sexual Exploitation and Abuse*, 2<sup>nd</sup> ed., 24 July 2017, at:

[https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English\\_0.pdf](https://hr.un.org/sites/hr.un.org/files/SEA%20Glossary%20%20%5BSecond%20Edition%20-%202017%5D%20-%20English_0.pdf) Quoted in CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Protecting Minors from Sexual Abuse*

*A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*, Ottawa, CCCB

Publications, 2018, p. 151, at: [https://www.cccb.ca/wp-content/uploads/2019/04/Protecting\\_Minors\\_2018.pdf](https://www.cccb.ca/wp-content/uploads/2019/04/Protecting_Minors_2018.pdf)

The CCCB Policy continues about sexual abuse of minors: “‘Sexual abuse’ is a broad term, which includes a number of acts, including rape, sexual assault, sex with a minor, and sexual activity with a minor. All sexual penetration of a minor or sexual activity with a minor (i.e., use of a minor for sexual purposes) is prohibited. Mistaken belief in the age of the minor is not a defence.

While most forms of sexual abuse against minors are contact abuse, sexual abuse of a minor can also be committed without physical contact (so-called ‘non-contact abuse’). Common examples of “non-contact sexual abuse” are sexual exploitation and sexual harassment, including such verbal harassment as unwanted sexual comments.

Regarding the use of the term ‘abuse of a minor’ vs. ‘child sexual abuse,’ the term ‘minor’ and ‘child’ are often used interchangeably when referring to a person under the age of majority.

**Volunteer:** an individual who provides services without pay to OMI Lacombe Canada.

**Vulnerable person (in canon law):** “any person [over the age of 18] in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits his or her ability to understand or to want or otherwise resist the offence”<sup>23</sup>

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The sexual abuse of minors is the primary focus of the present document and includes any misconduct or act deemed a sexual offence according to the Criminal Code of Canada, the laws of the province or territory in which the offence occurs, and canon law.”

<sup>23</sup> See POPE FRANCIS, *Vos estis lux mundi*, art. 1, § 2, b).

The CCCB, *Protecting Minors from Sexual Abuse*, p. 153 (which predates *Vos estis lux mundi*), describes “vulnerable adult” in this way: “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. 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....”

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

The following standards are intended to guide Members, employees, and volunteers of OMI Lacombe Canada 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 and vulnerable persons, including the *Criminal Code*, must also be regarded.

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

Members, employees, and volunteers shall review this Policy of OMI Lacombe Canada, entitled *Exercising Responsibility in Our Ministry: Safeguarding Minors and Vulnerable Persons*, and shall agree in writing to comply with it.

They must also participate in safeguarding training from OMI Lacombe Canada, 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 of Members, employees, and volunteers towards minors and vulnerable persons constitutes a positive part of Church life and ministry. Appropriate acts of physical contact can be inappropriate, however, when they are 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, employees, and volunteers, unless the other person does not desire such contact:

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)<sup>24</sup>

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, employees, or volunteers 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 *strictly 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 individual must be trained to discuss these matters).
3. Possessing, showing, or distributing any sexually oriented or morally inappropriate materials (social media, websites, magazines, cards, videos, films, pictures, clothing, etc.), in the presence of minors or vulnerable persons.
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 minors or vulnerable person with, or allowing them to consume, illegal drugs, cannabis, or alcohol.
7. 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).

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<sup>24</sup> This last gesture should be avoided in some Asian communities.

8. Transporting minors or vulnerable persons without written permission of their parent or guardian. When transporting minors or vulnerable persons, they will be transported directly to their destination. No unplanned stops should be made.
9. Having minors or vulnerable persons stay at their residence (requests for exceptions will be submitted to the Provincial Superior in writing two weeks prior to the visit).
10. Allowing minors or vulnerable persons to enter one's bedroom, or sleeping with them in the same beds, sleeping bags, or small tents.
11. Changing and showering facilities or arrangements not separated from those of minors and vulnerable persons.
12. 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, in the Sacrament of Penance) should be conducted, if at all possible, in public view. If the pastoral care of minors or vulnerable persons necessitates meeting alone with them privately, 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, meetings should be held in rooms with a clear glass panel or window, in buildings where other people are present, and in rooms with the door left open). When meeting with a group of minors or vulnerable persons in an enclosed room there must always be another adult present. Even in the sacristy, we must ensure that another adult is present or, at the least, that doors are open.

Any Member, employee, and volunteer whose work involves significant interaction with minors and vulnerable persons (for example the Provincial Vocation Director) will provide the Provincial Superior and Council the norms and operating procedures for all his or her programs that involve minors and vulnerable persons. He or she will also provide the Provincial Superior and Council with current police records and background checks focusing on alleged sexual abuse of minors and vulnerable persons. The Provincial Superior and Council will ensure these programs and record/checks are reviewed regularly.

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

Inasmuch as each case of alleged sexual abuse of a minor or vulnerable person has 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>25</sup> Members, employees, and volunteers 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, employees, or volunteers.<sup>26</sup> These reports are to be made to the Provincial Superior, the Misconduct Policy Administrator, and appropriate secular authorities (in accord with secular reporting requirements).

Anyone may make report of sexual abuse by a Member, employee, or volunteer of OMI Lacombe Canada under this policy by contacting the Provincial Superior or the Misconduct Policy Administrator through the Provincial office (613-230-2225).

The Misconduct Policy Administrator shall inform the Provincial Superior of all sexual abuse allegations received.

Excepting matters heard in the Sacrament of Penance, the Provincial Superior shall report all credible sexual abuse allegations to secular authorities and to the local Ordinary of the place where the sexual abuse is alleged to have occurred.

Pursuant to the Code of 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 “at least a semblance of truth” in the allegation. Such a “credible” allegation requires a subsequent canonical preliminary investigation (cc. 1717-1719).

Secular laws require any person who has reasonable grounds to believe a minor to be in need of intervention to report to secular authorities.<sup>27</sup> A failure to report credible allegations to secular authorities may be an offence.

All those making reports will be treated with respect, dignity, and compassion, in accord with the directive of Pope Francis:

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<sup>25</sup> The inviolability of the seal of Sacramental Confession must be maintained (see c. 983 § 1).

<sup>26</sup> See POPE FRANCIS, *Vos estis lux mundi*, art. 3 § 1; canon 1371 § 6.

<sup>27</sup> Please note that secular mandatory reporting requirements may differ from province/territory to province/territory. If unsure, consult with local authorities.

The ecclesiastical authorities shall commit themselves to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect, and, in particular, are to be:

- a) welcomed, listened to and supported, including through provision of specific services;
- b) offered spiritual assistance;
- c) offered medical assistance, including therapeutic and psychological assistance, as required by the specific case.

The good name and the privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected.<sup>28</sup> **(ACBO, 4)**

## **B. Role of the Misconduct Policy Administrator**

The Provincial Superior shall appoint a Misconduct Policy Administrator.

The Congregation for the Doctrine of the Faith directs that the responsibility for the preliminary investigation rests with the local Ordinary of the place where the alleged sexual abuse is said to have occurred. In a given case, however, the local Ordinary and the Provincial Superior may agree mutually that the preliminary investigation will be conducted by the Provincial Superior (i.e., through the service of the Misconduct Policy Administrator who will investigate the allegation according to the directives of, and guidance of, the Provincial Superior: see c. 1717 § 3).<sup>29</sup>

Whether the preliminary investigation is conducted by the local Ordinary or the Provincial Superior, each will keep the other completely and regularly informed of all events related to it. In full transparency, each will provide the other with any and all information about the accusation – including information about the origin of the allegation (i.e., the complainant), the alleged victim, and the alleged offender (including the accused’s personnel files and related matters).

When the Misconduct Policy Administrator performs the preliminary investigation on behalf of the Provincial Superior, the following applies:

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<sup>28</sup> POPE FRANCIS, *Vos estis lux mundi*, art. 5.

<sup>29</sup> DICASTERY FOR THE DOCTRINE OF THE FAITH, *Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics*, Version 2.0, 5 June 2022, at:

[https://www.vatican.va/roman\\_curia/congregations/cfaith/ddf/rc\\_ddf\\_doc\\_20220605\\_vademecum-casi-abuso-2.0\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/ddf/rc_ddf_doc_20220605_vademecum-casi-abuso-2.0_en.html)

*Vademecum*, art. 22: “This task [of doing the penal preliminary investigation] belongs to the Ordinary or Hierarch of incardination or ascription of the accused cleric or, if different, the Ordinary or Hierarch of the place where the alleged delicts took place. In the latter case, it will naturally be helpful for there to be communication and cooperation between the different Ordinaries involved, in order to avoid conflicts of competence or the duplication of labour, particularly if the cleric is a religious (cf. n. 31).” Pertinent also is *Vademecum*, art. 71: “Whenever the Ordinary who carried out the preliminary investigation is not the Ordinary of the place where the alleged delict was committed, he is to communicate to the latter the results of the investigation.”



1. The preliminary investigation 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 secular authorities;
  - f. the wishes of the complainant (if any);
  - g. the rights of all involved;
  - h. applicable laws, including secular and canonical;
  - i. this Policy, entitled *Exercising Responsibility in our Ministry: Safeguarding Minors and Vulnerable Persons*; and
  - j. any other factor that the Provincial Superior or the Misconduct Policy Administrator considers relevant and appropriate.
2. At the conclusion of the preliminary investigation, the Misconduct Policy Administrator shall issue a report to the Provincial Superior, who will promptly share it with the local Ordinary.
3. 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, secular or canonical.
4. In the event that the Misconduct Policy Administrator has a conflict in discharging his or her duties, an alternate shall be appointed by the Provincial Superior.
5. The Misconduct Policy Administrator shall report decisions of the Provincial Superior regarding the status of any allegation to the alleged victim, the complainant, and the accused Member, employee, or volunteer.
6. Unless another person has been designated on an *ad hoc* basis by the Provincial Superior, the Misconduct Policy Administrator will be responsible to deal with inquiries from all media sources, and, as appropriate after the allegation has become public, will inform the public and recipients of the accused person's services (i.e., parishes, institutions, etc.) of the allegation. **(ACBO, 6)**
7. The Misconduct Policy Administrator will make provision for the spiritual needs of the faith community after an allegation of sexual abuse has become public. **(ACBO, 12)**

When a "credible" allegation has been received, at the direction of the Provincial Superior, the Misconduct Policy Administrator shall:

1. Offer to provide separate support persons to the alleged victim, the accused, the complainant, and others, as appropriate and as requested. Such support persons may address spiritual, emotional, or legal needs (including with regard to interpreting this Policy).

2. Advise the accused that they may seek secular and canonical legal counsel before responding to the allegations.
3. Cooperate fully with any investigation by secular or diocesan authorities, while safeguarding the secular and canonical rights of the alleged victim, the accused, and the complainant.
4. Work with the Provincial Superior to create a Safety Plan for the accused Member to observe while pending the outcome of the investigation (see below at Supervision and Care of Members Removed from Public Ministry) or, in the case of an accused employee or volunteer, to consider whether the accused individual's services and activities performed on behalf of OMI Lacombe Canada should be restricted or suspended pending the outcome of the investigation.
5. Remain current on the status of any secular (criminal or civil) trials involving Members, employees, and volunteers. **(ACBO, 9)**

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

1. The Provincial Superior shall appoint a Misconduct Policy Administrator.
2. Upon being notified of a credible allegation against a Member, employee, or volunteer involving a minor or vulnerable person, the Provincial Superior shall immediately (1) inform the local Ordinary of the place where the sexual abuse is alleged to have occurred; (2) report the credible allegation to secular authorities; and (3) remove the accused from contact with minors, vulnerable persons, and the alleged victim, and, if applicable, place the individual on leave pending secular proceedings.
3. If there is an ongoing criminal or child protection investigation or proceeding, the Provincial Superior may decree that any internal proceeding is held in abeyance until the other investigations or proceedings are concluded,<sup>30</sup> with due regard for canon law and the decision of the local Ordinary;
4. In the event that the Provincial Superior has a conflict in discharging his duties, including when the Provincial Superior himself is accused of sexual abuse **(ACBO, 18)**, the Vicar Provincial Superior shall assume his responsibilities.
5. Upon completion of secular investigations/proceedings, in the case of Members guilty of sexual abuse of minors or vulnerable persons, convene a meeting of the Misconduct Advisory Team, which will make recommendations on the future ministry (Safety Plan) of the Member.

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<sup>30</sup> DDF, *Vademecum*, art. 26: "The preliminary canonical investigation must be carried out independently of any corresponding investigation by the civil authorities. In those cases where state legislation prohibits investigations parallel to its own, the ecclesiastical authorities should refrain from initiating the preliminary investigation and report the accusation to the DDF, including any useful documentation. In cases where it seems appropriate to await the conclusion of the civil investigations in order to acquire their results, or for other reasons, the Ordinary or Hierarch would do well to seek the advice of the DDF in this regard."

#### **D. Record Keeping**

The Misconduct Policy Administrator shall maintain a copy of all files, records, or reports pertaining to any allegation 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, employee, or volunteer, no notation about the allegation or investigation shall be kept in the personnel file of the accused person. Instead, the Misconduct Policy Administrator shall maintain a confidential file with all investigation or complaint-related records in the Provincial Superior's office.

Under no circumstances will files, records, or reports of sexual abuse be cleaned or destroyed subsequent to the death of any Member, employee, or volunteer. **(ACBO, 13)**

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

#### **E. Informing the New Provincial Superior**

The Misconduct Policy Administrator will inform every newly appointed Provincial Superior of all allegations of sexual abuse, proven and not proven, true and false, made against Members, employees, and volunteers. **(ACBO, 15)**

## Misconduct Advisory Team

### E. Establishment and Purpose

1. The Provincial Superior and the Provincial Council will establish a Misconduct Advisory Team for the purpose of providing advice to the Provincial Superior on the implementation and administration of this 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 persons: 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 or volunteers 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.

### F. Appointment and Removal of Misconduct Advisory Team Members

1. Prospective Misconduct Advisory Team members shall undergo a background 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, renewable. Persons continue beyond the 3-year term until they are informed that their term has ended. Should a mid-term vacancy occur, Provincial Council shall appoint someone to fill the vacancy to the end of the original term.

### G. Officers

1. The Misconduct Advisory Team shall elect a Chairperson from amongst themselves who shall serve for a term of one year, renewable. The Chairperson shall call and chair meetings of the Misconduct Advisory Team, and shall ensure that its work is properly documented and communicated to the Provincial Superior. The Chairperson may appoint other ad hoc officers and assistants from among the other Misconduct Advisory Team members as may be required to accomplish its 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.

## **H. 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. These files shall be stored at a place designated by the Provincial Superior. The Provincial Superior may decide that some files be kept in the office of the Province's secular legal counsel.
2. The Misconduct Advisory Team shall create a file on each case or matter it considers. Each file shall contain a written description of the case or 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 secular and canon 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 secular and canonical 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 secular and canonical rights and requirements concerning confidentiality and privacy.
7. Federal and provincial/territorial laws may prohibit 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.

## **I. 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 who will 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 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 allegation 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.

#### **J. 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 case or 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.

#### **K. 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.
2. However, the Province does not indemnify Misconduct Advisory Team members for intentional tortuous or criminal acts, or acts committed in bad faith.

## The Canonical Process for Oblate Members Accused of Sexual Abuse of Minors or Vulnerable Persons

### A. Initiating Penal Preliminary Investigation

When the Provincial Superior “has knowledge, which at least seems true, of a delict [committed by any Member], he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an investigation seems entirely superfluous” (c. 1717 § 1). During this penal preliminary investigation, “care must be taken so that the good name of anyone is not endangered from this investigation” (c. 1717 § 2).

Certainly, the Provincial Superior will reply upon the advice of the Misconduct Advisory Team in assessing aspects of the penal preliminary investigation.

Normally, the accused Member will be informed of the allegation. He will be invited to secure secular and canonical legal counsel, and any such counsel will be selected and compensated by the Province OMI Lacombe Canada, though that council will only represent the interests of the accused. It is also very likely that he will be asked to refrain from public ministry pending the outcome of the preliminary investigation and, if it should occur, any subsequent penal process (see c. 1722).

### B. After the Penal Preliminary Investigation of a Cleric Member Accused of Sexually Abusing a Minor

When the penal preliminary investigation is completed after sufficient elements have been collected, if the accused Member is a *cleric* and the alleged victim is a *minor*:

The Provincial Superior must forward “without delay an authentic copy of the relative acts [of the preliminary investigation] to the Dicastery the Doctrine of the Faith.”<sup>31</sup> Moreover, “he is to provide his own evaluation of the results of the investigation (*votum*) and to offer any suggestions he may have on how to proceed (if, for example, he considers it appropriate to initiate a penal procedure and of what kind; if he considers sufficient the penalty imposed by the civil authorities; if the application of administrative measures by the [Provincial Superior] is preferable; if the prescription of the delict should be declared or its derogation granted).”<sup>32</sup> The Provincial Superior is also to send all these same documents to the Superior General, who is the authority “with whom the DDF will ordinarily communicate thereafter.”<sup>33</sup>

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<sup>31</sup> DDF, *Vademecum*, art. 69.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*, art. 70.

The Congregation for the Doctrine of the Faith will communicate with the Superior General concerning next steps – e.g., any penal process to be initiated.

**C. After the Penal Preliminary Investigation of (1) a Cleric Member Accused of Sexually Abusing a Vulnerable Person, or (2) a Non-Cleric Member Accused of Sexually Abusing a Minor or Vulnerable Person**

When the penal preliminary investigation is completed after sufficient elements have been collected, (1) if the accused Member is a *cleric* and the alleged victim is a *vulnerable person* (i.e., not a minor or one equated to a minor who habitually has the imperfect use of reason), or (2) if the accused Member is *not* a cleric and the alleged victim is either a *minor* or a *vulnerable person*:

The Provincial Superior must decide: (1) whether or not to initiate a penal process; (2) whether or not such a process is expedient in order to “sufficiently repair the scandal, restore justice, reform the offender” (c. 1341); and (3) whether or not the penal process should be judicial or extrajudicial (c. 1718 § 1). The Provincial Superior may consider it prudent to rely on canonical judges or other experts of the law in making these decisions (c. 1718 § 3).

Thereafter, any penal process is handled within the province, according to the norms of the *Code of Canon Law* (see especially cc. 1720-1731.)

When the penal process is completed within the province, the accused Member has the right to appeal the sentence in the judicial penal process, or to take recourse against the decree in the extrajudicial penal process. Such appeal or recourse has “suspensive effect” – that is, the penalty is not imposed pending the conclusion of the appeal or recourse.

**D. Conclusions of the Penal Process**

Following the penal process, whether juridical or extrajudicial, three possibilities exist concerning the accused Member, according to the norm of law.

- *conviction (“constat”)*, if with moral certainty the guilt of the accused is established with regard to the delict ascribed to him. In this case, the decision must indicate specifically the type of canonical sanction imposed or declared.
- *acquittal (“constat de non”)*, if with moral certainty the innocence of the accused is established, inasmuch as no offence was committed, the accused did not commit the offence, the offence is not deemed a delict by the law or was committed by a person who is not imputable.



- *dismissal* (“*non constat*”), whenever it has not been possible to attain moral certainty with regard to the guilt of the accused, due to lack of evidence or to insufficient or conflicting evidence that the offence was in fact committed, that the accused committed the offence, or that the delict was committed by a person who is not imputable.

It is possible to provide for the public good or for the welfare of the person accused through appropriate warnings, penal remedies, and other means of pastoral solicitude (cf. c. 1348).

The decision (issued by sentence or by decree) must refer to one of these three types, so that it is clear whether “*constat*,” “*constat de non*,” or “*non constat*.”<sup>34</sup>

When the accused Member is not found guilty of the alleged delict, the Provincial Superior may direct that reconciliation efforts be made among all parties. He will work towards repairing damage to reputations through the appropriate means available. He will reinstate the Member to public ministry.

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<sup>34</sup> DDF, *Vademecum*, art. 84.

## Supervision and Care of Oblate Members Removed from Public Ministry

This section identifies the elements of a pastoral care framework which will be developed for each Member of the OMI Lacombe Canada (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 secular or canonical process, 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 of the Member;
- f. encourage local communities in welcoming and supporting the Member in his desire to continue his life as a Member within this framework;
- g. ensure 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 Misconduct Advisory Team, etc. Safety Plans may be revised as facts or circumstances change.

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 Internal Monitor, and the Provincial Superior.

#### **A. Evaluation and Therapy**

1. A Member about whom a 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 Superior. 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 secular or canon law.

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

1. Upon being notified of an allegation against a Member, involving sexual abuse of a minor or vulnerable person, the Provincial Superior shall immediately remove the accused from contact with minors, vulnerable persons, and the alleged victim. Further, if applicable, the Provincial Superior may place the Member on leave pending secular proceedings.

2. An ordained Member who has been found guilty of or admitted to sexual abuse of 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 or private.
3. A novice or 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.
4. 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., teaching, coaching, parish staff work, etc.) He will not be allowed to use the title “Brother” in public or private.
5. No clerical or distinctive religious attire is allowed for a Member who has sexually abused a minor or vulnerable person.
6. Any permanent penalties must be approved by the Holy See, or may be imposed by the Holy See.

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

1. If physically and mentally able, the Member 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, 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 is 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 Superior will appoint for the Member both an "Internal Monitor" and an "External Monitor" (see Section F, below).
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. Internal and External Monitors**

1. The Provincial Superior shall appoint a fellow Oblate as an "Internal Monitor" for every Member who has been removed from public ministry.
  - a. The task of the Internal Mentor is to assist and support the Member in his efforts to maintain his program of care and treatment by the Member's on-going compliance with the terms of his specific Safety Plan.
  - b. The Internal Monitor has a joint monthly meeting with the Member and the External Monitor.
  - c. The Internal Monitor will share with the External Monitor any concerns about the Member's compliance with his specific Safety Plan.
2. The Provincial Superior shall appoint an independent, third-party "External Monitor" for every Member who has been removed from public ministry.
  - a. The task of the External Monitor is to question the Member whether or not he is complying fully with his specific Safety Plan. The External Monitor may need to seek clarifications and/or additional information from the Member.
  - b. The External Monitor arranges the joint monthly meeting with the Member and Internal Monitor. The Internal Monitor supports the Member's honest self-revelation to the External Monitor.

- c. The External Monitor shall prepare a written summary of every meeting (including its date and place) between the External Monitor and the Member. The summary will report the Member's compliance (or non-compliance) with his Safety Plan, the presence of the Internal Monitor, and any other related issues. The External Monitor shares this written summary with the Misconduct Advisory Team along with the Misconduct Policy Administrator's own comments, if appropriate.

## **G. 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.
2. Supervised contact may be unacceptable when it is inconsistent with any criminal or internal sanctions and protective orders, secular or canonical.

## **H. 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 sexual abuse of a minor or vulnerable person, vacation alone or with minors or vulnerable persons, even supervised, is strictly not 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. Private retreats in locations alone will not be permitted. Retreats will be restricted to Oblate or other Catholic retreat facilities or Oblate communities, and they 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.

## **I. 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.

**J. 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, and 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 be regulated.

**K. 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 removed 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.

## **The Canonical Process for Employee and Volunteers Accused of Sexual Abuse of Minors or Vulnerable Persons**

When an allegation of sexual abuse of a minor or vulnerable person is made against an employee or volunteer of OMI Lacombe Canada, the procedures outlined in this Policy pertain: see “Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Persons.”

During the investigation of the allegation by the Misconduct Policy Administrator, the Provincial Minister may “consider whether the accused individual’s services and activities performed on behalf of OMI Lacombe Canada should be restricted or suspended pending the outcome of the investigation.”<sup>35</sup>

In all cases, 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 secular proceedings.”<sup>36</sup>

If the investigation, or any subsequent penal process (secular or canonical) leads to the conclusion that the alleged sexual abuse of a minor or vulnerable person did indeed occur, the Provincial Superior will direct that the appropriate sanctions and outcomes be imposed, which may include termination of the individual’s relationship with OMI Lacombe Canada as an employee or volunteer.

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<sup>35</sup> “Responding to Incidents and Allegations of Sexual Abuse of Minors or Vulnerable Persons,” B, 4.

<sup>36</sup> Ibid., C, 2.



## Conclusion

This Policy reflects the seriousness with which the Missionary Oblates of OMI Lacombe Canada will undertake responsibility in safeguarding minors and vulnerable persons from the threat and trauma of sexual abuse, especially when perpetrated by its Members, employees, and volunteers.

The procedures outlined in this Policy have as their purpose to respect the rights of all involved, to respond to allegations in a timely and systematic manner, and to take steps to safeguard all minors and vulnerable persons.

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

This Policy takes effect when OMI Lacombe Canada Provincial Superior in Council approves it. Every five years, it is subject to an independent audit which will ensure that the policy is current and implemented. **(ACBO, 18)**

Nothing in this Policy shall be understood to contradict secular or canon law, even as such law may change from time to time. This Policy shall be reviewed biennially and revised as necessary to ensure compliance with secular and canon law.



291 NELSON STREET  
 OTTAWA ON K1N 7S1  
 TEL: (613) 230-2225  
 FAX: (613) 230-2948

Reverend Father Provincial Superior,

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

I understand that this Policy constitutes the procedures of OMI Lacombe Canada Province for the alleged sexual abuse of a minor or vulnerable person by an Oblate Priest or Brother, an employee, or a volunteer, and that these procedures have been approved by OMI Lacombe Canada Provincial in Council on November 23, 2022.

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

I also am aware that this Policy may be modified from time to time, especially in order to update "best practices" and modifications in canon law. The most current version of the Policy will appear on the website of OMI Lacombe Canada Province.

Finally, I am aware of the implications of these procedures and, where applicable, of my obligation to report allegations of sexual abuse of minors and vulnerable persons by Members, employees, or volunteers to the appropriate secular authorities as well as to the Provincial Superior, or his delegate.

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

\_\_\_\_\_  
 Signature

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