

# ROMAN CATHOLIC DIOCESE OF KAMLOOPS PROTOCOLS



## ORIENTATION AND TRAINING MATERIAL

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Roman Catholic Diocese of Kamloops  
The Chancery  
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## **STATEMENT OF PURPOSE**

All parishes in the Diocese of Kamloops offering programs and services owe a duty of care to provide a safe environment to parishioners, employees, volunteers, clergy, religious and the community at large.

Effective and appropriate management of everyone at the parish level is essential to the safe delivery of services and programs. The management of volunteers is as essential as the management of employees, clergy and religious.

**It is the purpose of the Roman Catholic Diocese of Kamloops:**

**1. To safeguard, in all respects, all those to whom we minister, especially a vulnerable person.**

A vulnerable person means a child or young person up to the age of 19 in British Columbia or an adult person who has difficulty protecting himself/herself from harm temporarily or permanently and is at risk because of age, disability, handicap, or circumstances such as emotional distress due to extreme crisis or trauma.

**2. To ensure the integrity, safety, and reputation of our volunteers/employees and clergy/religious.**

Our management program ensures that:

- Volunteers/employees and clergy/religious are working in an organized, structured, and safe environment.
- Policies and procedures outline employees and volunteers' rights as well as responsibilities, and how they will be supported if an incident occurs.
- Clergy and religious are working in a supported and safe environment.
- Policies and procedures outline clergy's canonical and civil rights and obligations and how they will be supported if an incident occurs.

**3. To ensure that, as a faith community, we fulfill our legal and canonical obligations.**

The development and implementation of screening policies and procedures is intended to meet our legal and canonical obligations, along with adequate screening measures to fulfill our ethical, moral, and spiritual responsibilities to promote trust, credibility, wholeness, accountability, and care in our ministries.

## **POLICY STATEMENT**

The Diocese of Kamloops recognizes the personal dignity and rights of minors and vulnerable persons towards whom it has a special responsibility and duty of care.

The Diocese of Kamloops undertakes to do everything in its power to create a safe environment for minors and vulnerable adults as well as clergy and religious, employees and volunteers in order to prevent any physical, sexual or emotional abuse.

The Diocese of Kamloops will work and communicate closely with civil ministries and agencies to ensure that any allegations of abuse are promptly and fairly dealt with, and perpetrators are held accountable.

The Diocese of Kamloops will support victims of volunteer, employee, clergy, or religious abuse. It will also support volunteers, employees, clergy, and religious who are found to be victims of false allegations and uphold their right to a good reputation.

Any person who has reasonable grounds to suspect that a vulnerable person is or may be in need of protection must report that suspicion to appropriate civil authorities.

Other concerns about the safety, well-being or welfare of minors and vulnerable adults may be referred to the Misconduct Policy Administrator (Alternate) of the Diocese of Kamloops.

**If a child is in immediate danger, call 9-1-1 or the local RCMP.**

If abuse of a minor is suspected call the **Children's Help Line: 310-1234 – any time night or day, call is free. No area code required.**

## **Allegations or Suspicion of Abuse, Neglect or Sexual Misconduct - Reporting Protocol**

### **A. IN THE CASE OF A MINOR UNDER 19 YEARS OF AGE:**

There is a statutory obligation to report a belief that a child needs protection from abuse.<sup>1</sup> Abuse means more than physical abuse and sexual abuse. It also includes emotional harm, that may be caused by showing lack of regard to the child by creating an unhealthy environment. In the event of the belief that a person under 19 needs protection, there are two steps to be taken.

Step 1: Personally, and immediately contact the local Ministry of Family and Children's Services (or Delegated Aboriginal Authority) to report the suspected neglect, abuse, sexual misconduct, or harm.

Step 2: Contact the Misconduct Policy Administrator (Alternate) and advise that a report to the Ministry of Family and Children's Service or delegated Aboriginal Authority has been made.

For the purposes of the term "emotional harm" noted above, some indicators of emotional harm will include demonstration by the child of severe anxiety, depression, withdrawal or self-destructive or aggressive behaviour.

### **B. IN THE CASE OF AN ADULT:**

There are three separate circumstances, which require three distinct actions:

1. In the event the adult directly reports abuse, or alleges abuse, as a child, or as an adult, by a member of the Church (whether clergy, employee, or volunteer) the Misconduct Policy Administrator (Alternate) should be immediately contacted and advised of the alleged abuse or misconduct.
2. In the event of an indirect report or allegation of abuse, whether as a child or as an adult by a member of the Church (whether clergy or religious, employee or volunteer), the person who has made the report or allegation should be encouraged to consider reporting the abuse to an authority, particularly where the alleged abuser may still have an opportunity to abuse others.

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<sup>1</sup> *The Child, Family and Community Services Act* is the legislative authority for the Ministry of Children and Family Development's Child Protection Services. The Act requires (by legal obligation) that anyone who has reason to believe that a child may be abused, neglected, or is for any other reason in need of protection, must report it to the Director or delegated Social Worker.

3. In the event of the direct report of abuse, by someone who is clearly a vulnerable individual whether as a child or an adult, the Misconduct Policy Administrator (Alternate) should be immediately contacted and advised of the alleged abuse or misconduct.
4. In the event of an indirect report or allegation of abuse, by someone who is clearly a vulnerable individual whether as a child or an adult, the person who has made the report or allegation should be encouraged to consider reporting the abuse to an authority, particularly where the alleged abuser may still have an opportunity to abuse others.
5. In the event of a report of abuse by a competent adult where that abuse is alleged to have been committed by a person outside of the Church, confidentiality should be maintained unless assistance is **specifically** requested.
6. For the purposes of this policy, the interpretations of the terms “direct”, “indirect”, should be guided by the following:
  - (i) “Direct report” will include a report made directly by the alleged victim of the abuse to you in your office or capacity as clergy, employee, or Church volunteer.
  - (ii) “Indirect report” will include, but not be limited to, a report made by the alleged victim of the abuse to you during a counselling session, retreat, sharing session, discussion group or education session.

## CRISIS RESPONSE AND INTERVENTION

When a minor or vulnerable adult (or his/her guardian) discloses abuse to a parish official or volunteer, or when a parish official or volunteer suspects that a minor or vulnerable person may be in need of protection under the *BC Child and Family Service Act*, there is a duty to report, and the appropriate civil authorities must be notified forthwith in accordance with the law <sup>2</sup>.

Any person who has reasonable grounds to suspect that a minor or vulnerable person is or may be in need of protection must report that suspicion to appropriate authorities and the Misconduct Policy Administrator (or Alternate). Clergy and other professionals have special responsibility to report allegations of abuse.

**Definitions:** Abuse can encompass physical, emotional, and/or sexual abuse as well as sexual exploitation and neglect. For more detailed definitions of the different types of abuse, consult: *“Responding to Child Welfare Concerns: Your Role in Knowing When and What to Report”* by the Ministry of Child and Family Development.<sup>3</sup>

The final determination of intervention shall be made by the Social Workers of the Ministry of Children and Family Development.

1) If abuse is suspected:

The person who suspects abuse has an obligation to report directly to the Ministry of Children and Family Development by calling the **Helpline for Children at 310-1234 (no area code required) immediately.**

After informing the Ministry of Child and Family Development, the individual should then inform the Misconduct Policy Administrator (or Alternate) who acts as the delegate for reporting alleged abuse of minors and vulnerable persons.

In calling the Ministry of Children and Family Development, the reporter needs not have details or prior proof to calling, but he/she will be asked for as much information about the concern as he/she can provide such as:<sup>4</sup>

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<sup>2</sup> The Church Law’s statute of limitations on accusations of sexual abuse has been extended from 10 years after the alleged victim’s 18<sup>th</sup> birthday to 20 years. For several years, Vatican officials have been routinely granting exceptions to the 10 –year statute of limitations. Exceptions to the 20-year limit will be possible too.

<sup>3</sup> Government of BC website: [http://www.mcf.bc.ca/child\\_protection/pdf/child\\_welfare\\_role\\_role.pdf](http://www.mcf.bc.ca/child_protection/pdf/child_welfare_role_role.pdf)

<sup>4</sup> Government of BC website: [http://www.mcf.gov.bc.ca/child\\_protection/reportabuse.htm](http://www.mcf.gov.bc.ca/child_protection/reportabuse.htm)

- His/her name and phone number (although the person may call anonymously)
- Relationship to minor
- Any immediate concerns about the minor's safety

Appendix 1 Cont'd

- The location of the minor/vulnerable person
- The minor's/vulnerable person's age
- Information on the situation including all physical and behavioural indicators observed
- Information about the family, parents, and alleged offenders
- The nature of the minor's/vulnerable person's disabilities if any
- The name of a key support person
- Other minor(s) or vulnerable person(s) who may be affected
- Information about other persons or agencies closely involved with the minor/vulnerable person and/or family
- Any other relevant information concerning the minor/vulnerable person and/or family such as language and culture

The Child protection worker will:

- Determine if the minor/vulnerable person needs protection
- Contact the police if a criminal investigation is required
- Coordinate a response with other agencies, if necessary
- If a minor/vulnerable person is in immediate danger, police should be called to intervene, and a child protection social worker should be contacted to determine whether the child is in need of protection

It is helpful for an incident report to be completed and sent to the Misconduct Policy Administrator (Alternate).

## **Reporting of all Other Instances of Abuse and Misconduct**

Allegations of abuse or misconduct on the part of clergy/religious, volunteer/employee of the Diocese are to be referred directly to the Misconduct Policy Administrator (Alternate). Contact information for the Misconduct Policy Administrator (Alternate) can be obtained through the Chancery Office: 250-376-3351 or any parish office.

The Misconduct Policy Administrator (Alternate) may initiate an Initial Assessment (p 34), in whole or part, where abuse or misconduct is suspected, and no official complaint or report has come forward.

Counselling, legal, and canonical services are provided (See Care for the Complainant and Accused, p. 15 & p. 16).

If an allegation is made against a cleric or member of a religious community, the Bishop will immediately inform the competent Superior.

If an allegation is made against a non-incardinated cleric, the Bishop will immediately inform the competent ecclesiastical authority of the non-incardinated cleric.

### **14.0 Initial Assessment of Allegations and Canonical Considerations**

#### **Initial Assessment**

The Initial Assessment may be temporarily postponed by the Bishop in cases where an allegation has come to the attention of the Diocese as a result of the filing of criminal charges where it may prejudice the rights of the Complainant or Accused.

While criminal charges are pending, great care will be exercised in any inquires lest they create even the appearance of interference with civil law.

Unless appearing to be entirely superfluous (Canon 1717, 1), upon receiving a complaint of alleged misconduct, the Misconduct Policy Administrator (Alternate) shall make an Initial Assessment. In doing so, the following shall be observed:

- a) The Misconduct Policy Administrator (Alternate) shall immediately inform the Bishop in writing of the allegation and begin the Initial Assessment.
- b) The Misconduct Policy Administrator (Alternate) shall seek on-going legal counsel to respect the interests of all parties and receive advice on secular law and possible litigation throughout any and all stages of involvement.
- c) The Misconduct Policy Administrator (Alternate) will immediately inform the Misconduct Advisory Committee in writing of the beginning of the Initial Assessment and convened the said Committee when sufficient information is obtained.



- d) The Misconduct Policy Administrator (Alternate) will inform the Accused of the allegations and provide an opportunity, if the Accused so chooses, to make comment through the process of an interview. The Accused shall be informed of his/her right not to offer comment and to immediately seek legal and/or canonical representation. The Accused also has the right to provide other such persons who may be witnesses or have knowledge of facts relating to the allegation. The above-mentioned contact, comment and testimony received shall be recorded by the Misconduct Policy Administrator (Alternate).
- e) The Misconduct Policy Administrator (Alternate) will explain to the Accused the procedures that shall be followed in the Policy and provide a copy of the Care for Accused and Complainant. (p. 16 & p. 17)
- f) The Misconduct Policy Administrator (Alternate) will interview the Complainant and then meet individually with other such persons as may be witnesses or have knowledge of facts relating to the allegation. Such contact, comment and testimony shall be recorded by the Misconduct Policy Administrator (Alternate).
- g) The Misconduct Policy Administrator (Alternate) will explain to the Complainant the procedures that shall be followed in the Policy and provide a copy of the Care for Complainant and Accused. (p. 15 - p. 17)
- h) Should the Complainant be a third party, the Alleged Victim shall be informed of the allegations made by the Complainant and the Alleged Victim shall determine whether or not to proceed with a complaint.
- i) If the Alleged Victim is deceased, the Initial Assessment will proceed as far as possible with all reasonable efforts to seek confirmation of the facts from sources that reasonably would be expected to have information about this matter.
- j) The Misconduct Policy Administrator (Alternate) will have access to all files and archives pertaining to the Complainant, Alleged Victim and Accused.
- k) Upon completion of interviews and other relevant information, the Misconduct Policy Administrator (Alternate) shall prepare a written report and recommendations to be submitted to the Misconduct Advisory Committee. In preparing this report, the Misconduct Policy Administrator (Alternate) shall consider:
  - i) The seriousness of the allegations.
  - ii) The credibility of the parties and/or witnesses involved.
  - iii) The wishes of the Complainant.
  - iv) Potential or actual scandal.
  - v) Credibility of parochial or diocesan ministry.
  - vi) Welfare of the Complainant and Accused and other affected parties.
  - vii) The Guiding Principles, Ethical Responsibilities and Objectives of the Policy.
  - viii) Applicable Secular and Canon law.

- ix) Any other factors the Misconduct Policy Administrator (Alternate) deems relevant and/or appropriate.
- l) Both the written report/recommendations of the Misconduct Policy Administrator (Alternate) submitted to the Misconduct Advisory Committee, and the written report/recommendations of the Misconduct Advisory Committee shall be presented to the Bishop. Upon further review, the Bishop shall meet with the Misconduct Policy Administrator, Alternate and the Misconduct Advisory Committee. If the allegation is substantiated, both the Complainant and Accused will be informed in writing of the next steps.
- m) If the allegation is determined to be unfounded, the inquiry will be closed. The Misconduct Policy Administrator (Alternate) will record such a closure and will send written confirmation to the Complainant and Accused. All documentation will be sealed and placed in the secret archive of the curia (Canon 1719). The Accused/Complainant retains the right to all canonical and civil recourse for any damages to reputation.
- n) At any time, before or during or after the Initial Assessment any and all canonical action relating to residence, faculties or exercise of ministry to protect the parties involved or to safeguard against scandal shall be considered and where deemed appropriate or required, shall be exercised. The Misconduct Policy Administrator (Alternate) may inform the Accused in writing to have no further contact direct or indirect, with certain individuals or places.
- o) Where the Accused admits part or all the allegation or indicates the allegation will not be contested, in addition to the steps possible under (n), above:
  - i) The Misconduct Policy Administrator (Alternate) will, in the company of a witness, confirm such an admission or non-contestation and record same.
  - ii) The Bishop may refer the Accused immediately to a selected treatment facility for evaluation. Where the evaluation recommends a program of treatment, the Bishop, in consultation with the Misconduct Policy Administrator (Alternate) and Misconduct Advisory Committee, may refer the Accused to a treatment Centre.
  - iii) Successful completion of the program or programs will not automatically restore the Accused to ministry or employment.
- p) Where the Accused denies the allegation, the Misconduct Policy Administrator (Alternate), in consultation with the Misconduct Advisory Committee, may determine further action is warranted in order to determine the facts. The Bishop may appoint an additional investigator assisted by one or two assessors. In such a case, the additional investigator will prepare a written report and recommendations to be forwarded to the Misconduct Policy Administrator (Alternate) and the Misconduct Advisory Committee. Upon review of this report, a written report will be presented to the Bishop. Upon further review, the Bishop will meet with the Misconduct Policy Administrator (Alternate) and the Misconduct Advisory Committee to determine the next steps. Such an investigation may also be initiated when serious concerns about

the culpability of an accused remain, even after the finding of “not guilty” in a criminal court, as in cases where information about the Accused was not admissible.

- q) Where a case proceeds to a canonical investigation, all applicable norms are to be followed.
- r) The above-mentioned procedures shall be documented, sealed, and kept in the secret archive of the curia (Canon 1719).

Where a case involves allegations of sexual misconduct against a cleric involving someone under the canonical age (Canon 97) of an adult (18), in addition to the due process of criminal law, canonical norms will be followed. These canonical provisions (Canon 1717 ff.) may be temporarily postponed by the Bishop in cases where an allegation has come to the attention of the Diocese as a result of the filing of criminal charges or may prejudice the rights of the Complainant or Accused.

## Care for Complainant

No complainant should ever be discouraged or pressured to refrain from reporting an allegation of sexual abuse/misconduct to law enforcement agencies or child welfare authorities, or from seeking legal advice. In the case of minors or vulnerable adults, allegations **must** be reported to the Ministry of Family Services **immediately**.

Any interview with a complainant over 19 years of age will be done compassionately and prudently by the Misconduct Policy Administrator (Alternate), recognizing that telling their account of what happened may, to some extent, renew the hurt experienced at the time of the alleged abuse or misconduct.

At the time of the interview (or disclosure) in the case of minors or vulnerable adults, the appropriate form will be completed: Incident Report Form for Allegations of Abuse of Minors/Vulnerable Adults (*Appendix 3*)

Both the complainant and/or Misconduct Policy Administrator (Alternate) may choose to have another person present to serve as a witness and/or support.

The interview will take place at a mutually convenient time and place as soon as possible after the Misconduct Policy Administrator (Alternate) has received the initial complaint.

The Misconduct Policy Administrator (Alternate) will explain the next steps in the process and how confidentiality and the complainant's privacy will be preserved. If the complainant has not chosen to approach civil authorities in cases involving vulnerable persons, the Misconduct Policy Administrator (Alternate) will remind the person of their obligation to do so. In cases involving adults the Misconduct Policy Administrator (Alternate) will remind complainant of his/her right to approach civil authorities.

Where the Misconduct Policy Administrator (Alternate) determines that there may be substance to the allegation of abuse or misconduct, he will immediately offer the complainant assistance in obtaining qualified professional counselling services. The Misconduct Advisory Committee will provide assistance to the Misconduct Policy Administrator (Alternate) in this regard. Such counselling will be provided for a reasonable duration of time or until the allegation is not substantiated. The Misconduct Policy Administrator (Alternate) will advise the insurance company that an allegation has been made that may give rise to a claim.

If requested, the complainant will receive pastoral care and spiritual guidance.

## Care for Accused

No accused should ever be discouraged or pressured to refrain from seeking legal and/or canonical advice.

Any interview with the accused will be done compassionately and prudently by the Misconduct Policy Administrator (Alternate), recognizing that the alleged account of what happened may, to some extent, be painful.

At the time of the interview the appropriate form will be completed: Abuse, Sexual Abuse, Harassment, or Exploitation Incident Form (*Appendix 4*) noting the responses of the accused.

Both the accused and/or Misconduct Policy Administrator (Alternate) may choose to have another person present to serve as a witness and/or support.

The interview will take place at a mutually convenient time and place as soon as possible after the Misconduct Policy Administrator (Alternate) has received the initial complaint.

The accused individual has a constitutional right to his/her own legal defense.

If requested by the accused, the Misconduct Policy Administrator (Alternate) will immediately provide assistance in obtaining qualified professional counselling service. Such counselling will be provided for a reasonable duration of time or until the allegation is not substantiated. The Misconduct Policy Administrator (Alternate) will advise the insurance company that an allegation has been made that may give rise to a claim.

If requested, the accused will receive pastoral care and spiritual guidance.

In situations where civil authorities are likely to act or have already intervened, the accused individual will be advised to seek legal counsel so that he/she is properly informed about his/her responsibilities and rights. At the request of the accused a competent canon lawyer will be made available and will have access to information regarding the accusation(s), evidence, and information about canonical rights. (Canon 221)