

Archdiocese of Halifax-Yarmouth

**Responsible Ministry
and
Safe Environment
Protocol**

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ARCHDIOCESE OF HALIFAX

P.O. BOX 1527 HALIFAX N.S. B3J 2Y3

February 15, 2010

To: Priests, Deacons, Religious and Lay Faithful of the Archdiocese of Halifax
and the Diocese of Yarmouth

During the past six months, the Churches of Halifax and Yarmouth have been living through difficult times. We are continuing to deal with the effects of the allegations of sexual abuse and the consequences of the situation which arose in the Diocese of Antigonish. The emotional and spiritual suffering experienced by so many of the faithful in the aftermath of all these matters has been the occasion for much soul searching and reflection.

Since last November, I have consulted with the clergy, religious and laity of our church for their reactions, insights and recommendations. Consistently, the messages I have received have been a call for a more transparent, open and accountable church. To assist me to develop an adequate response to all of these concerns, I engaged the services of a professional human resources firm.

The concrete outcome of all these factors is the present protocol on Responsible Ministry and Safe Environment which goes into effect immediately. No doubt time will be necessary for all of us to become familiar with this protocol and we will take the time required to apply it well. With this step, I want to assure all our Catholic faithful and, indeed, the whole community of our intention to improve and maintain a safe environment for a more responsible ministry as well as develop a more effective process of accountability respectful of the needs of all.

Sincerely in Christ,

Anthony Mancini, Archbishop of Halifax

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Introduction

Responsible Ministry and Safe Environment Protocol

Guiding Principles

The archdiocese has a moral, spiritual and legal obligation to safeguard, in all respects, all of those to whom we minister (Matthew 18.6). It is committed to exemplifying integrity and accountability as well as acting with justice and mercy. It expects its clergy, employees and volunteers to be outstanding individuals of high moral and ethical standards. Those engaged in ministry are required to be faithful members of the church. The Archdiocese opposes all forms of misconduct, and pledges to offer an environment free from misconduct for all of its spiritual and pastoral activities. This protocol encompasses an approach that focuses on prevention and education, intervention and healing. It offers clear procedures and protocols to prevent and respond to all forms of abuse.

This Protocol on Responsible Ministry and Safe Environment (RMSEP) is directed at enhancing the well being and safety of all who participate in the Church's programs and services, demonstrating care for the faith community and the society in which we live. The Archdiocese of Halifax-Yarmouth value all who serve in Ministry and commit to providing an environment where everyone is treated with respect and dignity. This protocol asserts the Church's commitment to conduct responsible faith ministry, in a spirit of openness, transparency and accountability.

It establishes a code of conduct for all engaged in Ministry. It speaks to the responsibility of the Church to address issues of misconduct. It includes policies related to appropriate conduct by all who serve and addresses the specific issues of preventing abuse of children, youth, vulnerable adults as well as other inappropriate behaviour. It provides a credible fact finding and decision making process for dealing with the allegations and accusations, and prescribes prevention programs including education and screening.

It is our collective responsibility to ensure that all our environments are free from inappropriate behaviours and it is our commitment to ensure zero tolerance for any behaviour, which puts individuals, families or the faith community at risk. All are expected to help meet this obligation and to help maintain a healthy and caring environment consistent with the spirit of the Gospel of Jesus Christ. We are, therefore, identifying standards of responsible ministry and pastoral care which we believe will enhance the respect and dignity of all.

This Protocol applies to all engaged in the Ministry of the Church within the jurisdiction of the Archdiocese of Halifax-Yarmouth including those who minister in this Archdiocese but are the subjects of another bishop or religious authority. Specifically it is intended to cover those in the following: Staff in the parishes and the Catholic Pastoral Centre of the Archdiocese of Halifax-Yarmouth; volunteers

who come into contact with children, youth and vulnerable adults; volunteers who participate in a financial role within a parish, i.e. counters, finance council, etc. It is also the reference for all instances of misconduct whether current, recent or in the distant past. (See Section 2.2 for Definition of Misconduct) Anyone who is subjected to misconduct has the full support of the Church to put an end to it.

This Protocol intends to demonstrate compassion for persons bringing a complaint and for persons about whom an allegation is made, the respondent. All that is contained within this document is to conform to the teachings and discipline of the Roman Catholic Church.

It complies with the existing laws of the Province of Nova Scotia, and of Canada in particular the Child Abuse Reporting and Adult Protection Reporting Laws. This Protocol is subject in all respects to the *Code of Canon Law*, including the inviolability of the sacramental seal (See Appendix II for Canon Law References).

Although the Church may be required to postpone its investigation of complaints where a police or insurance investigation is or may be involved, the Church is not precluded from making its own inquiry and arriving at its own findings with respect to the future employment or assignment of a respondent (See Appendix I for definition of Respondent).

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

This protocol and its policies and procedures will be reviewed at least every two years by the Diocesan Responsible Ministry Coordinator (DRMC) in consultation with the Advisory Committee on Responsible Ministry and Safe Environment (ACRM) and the Parish Responsible Ministry Coordinators (PRMCs).

In addition it is part of a broader framework which is being developed and which will contain an educational component to assist staff and volunteers¹ to fulfill their obligations to each other and to the entire faith community in the enhancement of a safe environment and respectful culture of service to others. (See Appendices XIV, XV and XVI for helpful information on Police Criminal Records Check, Understanding Child/Youth/Vulnerable Adult Abuse, and on Dealing with Reports of Abuse).

¹ Staff and Volunteers include all clergy, religious and lay persons whether paid or unpaid acting on behalf of the Archdiocese of Halifax-Yarmouth, a parish or a program or service of the Archdiocese of Halifax-Yarmouth. (This includes programs that are not of the Archdiocese but have been sanctioned and approved by the Archbishop)

1. Administrative Structure

The Archbishop for the Archdiocese of Halifax-Yarmouth has identified the Archdiocese Human Resources Manager as the person responsible for the overall design, implementation and management of the Responsible Ministry Protocol (RMP). He/She will be called the Diocesan Responsible Ministry (DRM) Coordinator. The designated Pastor for each parish will identify a person responsible for the implementation and management of the Responsible Ministry (RMP) in their respective parish. This person will be referred to as the Parish Responsible Ministry (PRM) Coordinator. An Advisory Committee for the Responsible Ministry and Safe Environment Protocol will advise the Archbishop on the overall design, implementation and management of the Protocol. The DRM Coordinator will appoint members of this committee.

1.1 Archbishop's Delegate/Associate Delegate, Diocesan Responsible Ministry (DRM) Coordinator

Selection and Role

The Archbishop shall appoint a person who will represent him in receiving complaints of misconduct and conducting investigations of alleged misconduct (abuse) where it would be deemed a conflict of interest to have the DRM Coordinator take the lead role. The DRM Coordinator will be responsible for the administration and implementation of this Protocol and its policies and procedures. An alternate delegate will be appointed and will have the same duties and functions as the delegate in the latter's absence or incapacity. One of these positions may be assigned the responsibility of managing the communication plan on a misconduct case. Please see "Appendix V1" for steps to be taken by the Archbishop's delegate/alternate.

Neither the DRM Coordinator, nor the ADRM Coordinator shall be the Judicial Vicar. This safeguard is intended to ensure that if a process of canonical adjudication is initiated, the Judicial Vicar will not have been directly involved in the preliminary procedures.

Responsibilities

The DRM Coordinator shall be the Church's contact person in all matters relating to an allegation of misconduct made against a priest, religious, cleric, lay employee, or volunteer ('a Respondent') of the Church.

The DRM Coordinator shall manage the Diocesan response to a complaint of misconduct from the time a complaint is received until it is resolved.

The DRM Coordinator shall ensure any applicable child and vulnerable adult laws are complied with and will cooperate with the police and judicial authorities conducting their separate investigations. The DRM Coordinator will designate persons to do the internal investigation of the complaint. These persons will be provided with the necessary resources.

The DRM Coordinator will notify the appropriate insurance carriers concerning a potential claim.

The DRM Coordinator may, at any time, make use of such consultants as may be considered necessary, including medical doctors, psychologists, mental health professionals, canonists, and legal counsel to the Archdiocese of Halifax-Yarmouth.

The DRM Coordinator will be responsible for the record keeping. In the area of misconduct particularly, it is important that the Diocese maintain full and complete records to ensure the knowledge is not lost over time. Records of this sort will be kept indefinitely in a safe secure area at the Diocese archives.

1.2 Advisory Committee for the Responsible Ministry and Safe Environment Protocol

The Advisory Committee is appointed by and chaired by the Diocesan Responsible Ministry Coordinator for the Archdiocese of Halifax.

The purpose of this committee:

- to provide the Archbishop through the DRM Coordinator with strategic advice and direction for the Responsible Ministry and Safe Environment Protocol
- to oversee the implementation of the Protocol at the Dioceses and Parish level including monitoring and evaluation
- to review and comment on any annual and final reports
- to advise and/or provide communication regarding the Protocol and its implementation
- to support the parish coordinators in meeting the protocol goals and objectives, timelines and reporting requirements

The Committee meets at least once a year and its membership is comprised of 5-7 people including the chair. Members represent a Diocese, parish coordinators, youth ministry, or have a background in areas such as policing, the helping professions and/or the insurance industry. (See Appendix III for Terms of Reference for this Committee).

1.3 Parish Responsible Ministry Coordinator

Pastors/Administrators in each parish will appoint a Parish Responsible Ministry Coordinator who is accountable and responsible for the day-to-day administration of the Responsible Ministry and Safe Environment Protocol within the parish. He/she works closely with the DRM Coordinator.

The Parish Responsible Ministry (PRM) Coordinator's general areas of responsibility include:

- providing orientation and education on the Responsible Ministry Protocol to parishioners
- management of processing documents for screening staff and volunteers within their parish, and sending documents to the DRM Coordinator. (See Appendix V for detailed step by step Procedure List for Parish Coordinators)
- assisting in the complaint process and maintaining a record of processing complaints within their parish
- assisting in problem solving and evaluation of the Responsible Ministry Protocol
- ongoing training

(See Appendix IV for a position description for the Parish Coordinator)

2. Standards of Behaviour

2.1 Covenant of Care

The Covenant of Care makes clear the expectations of behaviour for staff and volunteers. The Archdiocese of Halifax-Yarmouth is responsible to provide a safe and secure environment for ministry. In providing religious support services, the staff and volunteers are placed in situations where they may have access to highly sensitive and confidential information. The specialized nature of Church work in many cases can place providers and recipients of pastoral services in a vulnerable situation as individuals are dependent upon the honesty and integrity of all staff and volunteers associated with the Church. This calls for responsibility and places the burden of adhering to the Covenant of Care on each staff and volunteer.

1. Staff and volunteers assume full responsibility for establishing and maintaining clear, appropriate boundaries in all ministry situations involving children, youth and vulnerable adults.

2. All physical contact between staff or volunteers and children, youth or vulnerable adults must be completely non-sexual and based only on the individual's needs. Avoid being alone with a child, youth or vulnerable adult, including in a vehicle. If in a situation where the staff member or volunteer is alone with a child, youth or vulnerable adult avoid physical contact.
3. Staff and volunteers will never be alone with a child, youth or vulnerable adult in a residence, sleeping facility, locker room, rest room, dressing facility, or other closed room or area that is inappropriate to a ministerial relationship. When one to one meetings are necessary they must take place in rooms and locations that are open to public view. Examples of activities include catechism instruction and youth group gatherings.
4. Staff and volunteers who learn of information indicating clear and imminent danger to a child, youth or vulnerable adult must act to protect the safety, health or wellbeing of the parties by disclosing the necessary information and must communicate such disclosures to their immediate superior. This may include reporting to police, child welfare or other authorities in keeping with the law.
5. Staff and volunteers shall not engage in the corporal punishment of children, youth or vulnerable adults in their care. Discipline problems will be handled in coordination with the immediate superior and the parents/care providers.
6. A degree of vulnerability exists when staff and volunteers minister alone with a child, youth or vulnerable adult, therefore a team approach of at least two unrelated adults or persons in managing activities involving them should ordinarily be used. For example there should be two persons present in addition to the communicant when bringing communion to those at home.
7. Staff and volunteers will never take photographs of a child, youth or a vulnerable adult while they are unclothed or dressing. No photographs, video or other electronic media of children may be published (this includes Facebook, twitter and other forms of social media) without the expressed written consent of the parent or guardian.
8. Staff and volunteers will never provide a child, youth or vulnerable adult with alcohol, tobacco, drugs or anything prohibited by law nor administer medication of any kind without written parental/care giver written permission and providing instructions on how and when to administer.
9. Staff and volunteers will not allow a single child, youth, or vulnerable adult who is not an immediate legal relative to stay overnight in their private accommodations or residence. Special precautions such as these are

necessary when overnight trips and other special events occur and require the planning and care of leadership.

2.2 Definition of Misconduct

Misconduct could be failure to provide responsible ministry. This includes such serious performance issues such as alcohol abuse, misappropriation or negligent handling of church funds, emotional or physical abuse of persons and other inappropriate behaviours.

All of these terms listed below will be included in the use of the term “misconduct” as referred to in this document.

General Harassment

Harassment is behaviour that a reasonable person would know to be unwelcome by the recipient(s) of the behaviour. It is a form of discrimination and is prohibited by law. (This policy on harassment is not meant to inhibit relationships based on mutual consent or normal social contact between employees.)

Harassment takes many forms, including any unwanted physical or verbal behaviour that offends, intimidates, or humiliates another person in the course of employment or in the provision of a service. Harassment is discrimination on the basis of personal characteristics such as race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability, irrational fear of contracting an illness or disease, or political belief or activity.

Harassment between clergy, employees and volunteers can occur at or away from the workplace. Harassment between a staff or volunteer and a non-employee can occur within the course of employment, in the provision of goods, services or facilities or at Church functions.

While the following is not an exhaustive list, harassment may include:

- Verbal abuse or threats
- Abuse, misconduct or threats via email or social media
- Unwelcome remarks, bullying, jokes, innuendos or taunting about a person’s body, attire, age, marital status, ethnic or national origin, religion, sex or sexual orientation
- Displaying of pornographic, racist or other offensive or derogatory material
- Practical jokes causing awkwardness or embarrassment
- Intimidation
- Unwelcome invitations or requests, whether indirect or explicit
- Leering or other gestures
- Condescension or paternalism, which undermines self-respect

- Unnecessary physical contact such as touching, patting, pinching, or punching (which may be considered assault in some instances)
- Physical assault
- Demands for sexual favours or sexual assault

For the purpose of this protocol, retaliation against an individual will be considered harassment. Any staff or volunteer found to have engaged in retaliation will be subject to disciplinary measures. Retaliation may occur for having:

- Invoked this protocol (on behalf of him or herself or another individual)
- Participated or cooperated in any investigation arising out of this policy
- Been associated with the person who was involved in this protocol or has participated in these procedures

Abuse

Abuse is the violation of the physical or psychological integrity or trust of another person. Abuse may consist of just one incident or it may happen repeatedly.

Sexual Abuse

Sexual abuse is the sexual involvement or attempted sexual involvement with a person identified by the local jurisdiction as a minor, understood in Nova Scotia as a person younger than 16 years of age.

Sexual Exploitation

Sexual exploitation is use of one's position of power or trust to have sexual contact or attempted sexual contact with another person. Sexual exploitation includes but is not limited to such activity as intercourse, kissing, touching of breasts or genitals, dating during the course of a counseling relationship, verbal suggestions of sexual involvement, or demeaning sexual comments. The apparent consent of a possible victim does not determine whether there has been sexual exploitation because the imbalance of power between the pastoral care giver and the person in a pastoral relationship undermines the validity of an apparent consent.

Sexual Harassment

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

Sexual harassment includes but is not limited to - sexually oriented humour or language, photos, cartoons, graphics, questions or comments or gestures about sexual behaviour or preference, unwelcomed or undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagement in a situation where there is an employment relationship or a collegial relationship.

Grooming

Grooming is a wide variety of behaviours, such as spending large amounts of time with a particular person, affording special privileges, or providing gifts, trips and other expressions of special attention. These behaviours are often designed to establish a special bond of trust and affectionate understanding between the groomer and the person who is the object of his/her attraction. These behaviours can also lead the person to feel indebted to the groomer for all these kindnesses. Once this bond of trust and indebtedness is established, the stage may be set for sexual advances. Because the pattern of grooming is made up of observable behaviours these behaviours need to be challenged or reported. Grooming, whether intentional or not, is by its very nature seductive behaviour. As well as being a signal of possible future sexual activity, grooming is in itself inappropriate.

Pornographic Offence

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

Public Misconduct

Public misconduct is misconduct that becomes public or known. This could include actions that are considered to be crimes, such as indecent exposure or lewd activity. It might also include immoral actions, that may not be crimes but which become known.

2.3 Anti-Harassment Policy (General)

Preamble

The Archdiocese of Halifax-Yarmouth values its staff and volunteers and is committed to providing an environment free from harassment where everyone is treated with respect and dignity. Harassment hurts and embarrasses its victims and affects us all. It is hard to endure and painful to bring up again in a formal complaint. In addition, some staff and volunteers mistakenly fear their jobs will be affected if they complain.

The Archdiocese of Halifax-Yarmouth has a responsibility to ensure our environment is free from harassment and will not tolerate it in any form. We expect all staff and volunteers to help us meet this obligation and help maintain our healthy and productive environment.

This Policy applies to all staff and volunteers and anyone who is subjected to such behaviour has the full support of the Church to put an end to it.

Management Responsibility

Anyone in management or who has staff and volunteers reporting to them has a legal responsibility to respond to a complaint of harassment or known situation.

Steps to Handle General Harassment

If a staff or volunteer believes they or someone else is being harassed, each incident should be documented including a description, date, time, place it occurred, and the names of any witnesses. These observations should be shared with the person being harassed. The staff or volunteer may wish to inform the harasser that he or she is documenting each offensive action.

The complainant may take ANY OR ALL of the following actions:

1. Confront the Harasser

As difficult as this action appears, it is a valuable step to regaining control of the situation. In most cases, the inappropriate behaviour will stop once the person realizes the negative impact the harassment has on the complainant.

The complainant may:

- Confront the harasser in person, informing him or her that they regard the behaviour as harassment and that it must stop. The complainant may want to have another person witness this action.
- Inform the harasser in writing if the complainant is uncomfortable with confronting him or her in person. The complainant should keep a copy of the letter for his/her files.

2. Lodge a Formal Complaint

A formal complaint is a process for making a written complaint to the office of the Archdiocese Responsible Ministry Coordinator. The office will assist and or provide the guidelines to the complainant so that a formal complaint is prepared. The complainant is strongly encouraged to file a formal complaint if they feel that either:

- The incident(s) is severe.
- The harassment issue was not resolved to their satisfaction through other options.

3. Request Mediation

Mediation is primarily an information gathering process that allows the complainant and the alleged harasser to discuss the complainant's perceptions of the problem confidentially with an independent professional co-ordinated through the office of the DRM Coordinator. Mediation is a chance to resolve the problem through communication.

If one is accused of harassment, mediation and a formal complaint investigation may be appropriate alternatives to consider, especially if one does not understand why the allegation of harassment has been made or believe it is unfounded.

The Archdiocese of Halifax-Yarmouth understands that it is difficult to come forward with a complaint of harassment and recognizes a complainant's interest in keeping the matter confidential.

Once the complaint is filed, the DRM Coordinator will do any or all of the following as applicable:

- arrange and set up an investigation team or request that the Archbishops Delegate handle the complaint
- request a written statement from the alleged harasser
- interview involved parties, including witnesses
- conduct any other necessary investigations
- hold a meeting with the complainant, alleged harasser, and any other appropriate parties

Confidentiality will be maintained throughout the investigation to protect the interests of the complainant, the alleged harasser, and any others who may report incidents of harassments.

If the complaint is determined to be harassment, the harasser will be appropriately disciplined and the action taken will be documented. Disciplinary measures taken against the offender will be based on the circumstances surrounding the allegation of harassment and will be influenced by a variety of factors such as persistence, severity of behaviour, and the co-operation and willingness to change behaviour. Discipline may include dismissal from office or ministry role.

Details of the process, including any physical evidence, will be documented and kept by the DRM Coordinator.

All records of complaints, including contents of meetings, interviews, results or investigations, and other relevant material will be handled with discretion by the Archdiocese of Halifax-Yarmouth recognizing that in some instances disclosure may be required by a disciplinary or other remedial process.

The complainant will be advised by the DRM Coordinator of the outcome of the investigation. If the complainant is not satisfied with the steps taken by the Archdiocese of Halifax-Yarmouth they have the right to file a complaint with the Human Rights Commission.

3. Reporting and Complaint Processes for Misconduct

3.1 Legal Duty to Report: Reporting Obligations & Procedures

Child Abuse

The *Children and Family Services Act of Nova Scotia* imposes a legal obligation on all residents of the Province with respect to reporting child abuse. The Act defines a "child" as a person under the age of sixteen. (The abuse referred to would include physical, emotional as well as sexual abuse and neglect.)

The Archdiocese of Halifax-Yarmouth recognizes that, under the *Children & Family Services Act*, all persons have a duty and an obligation to report to the local child welfare agency all information of any real, potential or suspected physical, sexual, or emotional abuse and neglect of children under the age of sixteen.

Section 24 of the Act deals with duties of "Professionals and Officials" that perform duties with respect to children including members of the clergy and requires such persons to report to a child welfare agency whenever there are reasonable grounds to suspect that a child is or may be suffering or has suffered abuse. The abuse referred to would include physical as well as sexual abuse. The section provides that the duty to report applies **whether or not** the information obtained is "confidential or privileged". The section also provides that no action will lie against a person by reason of reporting under this section to a child welfare agency.

No clergy, diocesan employee or volunteer can absolve themselves from the duty to report directly to the local child welfare agency by rationalizing they have no "first hand information", that the information is

“hearsay” or that someone else will make the report. Failure to report promptly on such complaint risks exposing the young person to harm and exposes the individual who fails to report to prosecution. Priests remain subject to the sacramental seal when knowledge of child abuse is a matter of the Sacrament of Penance.

A religious, cleric, paid employee, or volunteer of the Church having any information indicating that a child is being abused or neglected shall give such information immediately to the local child welfare agency and the local Police Department for investigation

A religious, cleric, paid employee, or volunteer of the Church having any information indicating that a child is being abused or neglected shall complete the Responsible Ministry Protocol General Incident Report Form in Appendix VII and deliver it to the DRM Coordinator or the PRM Coordinator.

Past Child Abuse

A complaint of past child abuse involving a person who is now over 16 years of age need not be reported to the child welfare agency unless the alleged offender is still engaged in activities involving children. The matter should be reported immediately to the DRM Coordinator and a decision made in consultation with legal counsel as to whether the matter should be reported to the police.

The religious, cleric, paid employee, or volunteer of the Church having any information indicating that a child was abused or neglected in the past shall complete the Responsible Ministry Protocol (RMP) General Incident Report Form in Appendix VII and deliver it to the DRM Coordinator or the PRM Coordinator provided the child in question is currently under 16 years of age or is a vulnerable adult for purposes of this protocol. The legal requirements to report child abuse to the police and vulnerable adult abuse to the Department of Health remains.

Any information concerning misconduct by a religious, cleric, lay employee, or volunteer of the Church must be reported using the Responsible Ministry Protocol (RMP) General Incident Report Form in Appendix VIII and sent to the DRM Coordinator. If no report has been made to the child welfare or police authorities, the DRM Coordinator shall consult Diocesan legal counsel to determine if a legal duty to report exists; if so advised, the information shall be immediately forwarded to the police.

Regardless of the type of complaint, if the allegation involves a religious, the DRM Coordinator shall inform the competent Superior of the Respondent.

The DRM Coordinator shall consult with the Diocesan legal counsel to determine what steps must be taken to comply with applicable liability insurance reporting obligations, and he/she shall ensure that such requirements are met.

If a religious, cleric, lay employee, or volunteer reports suspected child abuse to the child welfare agency or to the police, the DRM Coordinator shall inform them that the services of legal counsel to the Archdiocese of Halifax-Yarmouth are available to the reporting person(s) for general advice and counsel.

Vulnerable Adult Abuse/Neglect

The *Adult Protection Act of Nova Scotia* imposes a legal obligation on all residents of the Province with respect to reporting abuse of vulnerable adults. It serves to protect people aged 16 years or older who are abused or neglected and cannot physically or mentally protect or care for themselves. It creates an obligation and legal responsibility for any person to report suspected abuse or neglect.

Specifically the Act defines a vulnerable adult as a person sixteen years of age or older in the premises where he/she resides, and (i) is incapable of protecting themselves therefrom by reason of physical disability or mental infirmity, and refuses, delays or is unable to make provision for his/her protection therefrom, or (ii) is not receiving adequate care and attention, is incapable of caring adequately for themselves by reason of physical disability or mental infirmity, and refuses, delays or is unable to make provision for his/her adequate care and attention.

Abuse is any act or failure to act that endangers the health and/or well being of the older person. Such action or inaction is especially harmful when it occurs within a relationship where there is an expectation of trust. The abuse referred to would include physical and financial as well as sexual abuse. For more information see Appendix XV.

The purpose of the Adult Protection Act is to provide a means whereby adults who lack the ability to care and fend adequately for themselves can be protected from abuse and neglect by providing them with access to services that will enhance their ability to care and fend for themselves or which will protect them from abuse or neglect.

The Archdiocese of Halifax-Yarmouth recognizes that, under the *Adult Protection Act, Section 5*, all persons have a duty and an obligation to

report to the Department of Health all information of any real, potential or suspected physical, sexual, financial or emotional abuse and neglect of vulnerable adults sixteen years or older.

Reporting known or suspected cases of abuse against a vulnerable adult is mandatory for all people in Nova Scotia. Therefore, staff and volunteers including members of the clergy² are required to report to the Department of Health whenever there are reasonable grounds to suspect that an adult is or may be suffering or has suffered abuse. The section protects the person who reports abuse to the Department of Health unless the information is given maliciously or without reasonable and probable cause.

No clergy, diocesan employee or volunteer can absolve themselves from the duty to report directly to the Nova Scotia Department of Health by rationalizing they have no "first hand information", that the information is "hearsay" or that someone else will make the report. Failure to report promptly on such complaint risks exposing the vulnerable adult to harm and exposes the individual who fails to report to prosecution.

A religious, cleric³, paid employee, or volunteer of the Church having any information indicating that a vulnerable adult is being abused or neglected shall give such information immediately to the Department of Health and the local Police Department for investigation.

A religious, cleric, paid employee, or volunteer of the Church having any information indicating that a vulnerable adult is being abused or neglected shall complete the Responsible Ministry Protocol (RMP) General Incident Report in Appendix VII and deliver it to the DRM Coordinator.

3.2 Internal Investigation of Misconduct

Upon receipt of a complaint of child sexual abuse or vulnerable adult abuse against a religious, cleric, employee, or volunteer and once the police have made initial contact, or where there is no police involvement, the DRM Coordinator shall request in writing with a clear statement of the reasons, that the Vicar General place the Respondent on an immediate leave of absence pending the preliminary report and recommendations to the Archbishop.

² Always limited by the sacramental seal

³ Always limited by the sacramental seal

In the case of complaint of other forms of misconduct (abuse), the Vicar General may place the Respondent on an immediate leave of absence pending the DRM Coordinator's preliminary report and recommendations to the Archbishop.

The DRM Coordinator shall instruct the Respondent to have no further contact, direct or indirect, with the person or persons alleged to have been abused and if appropriate, the complainant, if the complainant is a person other than a person alleged to have been abused.

At any time being advised by the police that the initial interview with the Respondent has taken place, or where there is no police involvement, the DRM Coordinator may proceed with the initial steps of a preliminary inquiry. However, the DRM Coordinator will confer with the Diocesan legal counsel to ensure that his or her inquiries or actions do not interfere with the investigations of either the police authorities or the insurers. This may require that the DRM Coordinator's investigation be postponed until the matter has been dealt with by the police authorities and the insurers. Alternatively, the DRM Coordinator may coordinate his investigation with that of the police authorities or insurers.

The objective of the DRM Coordinator's preliminary inquiry is to obtain information determining whether or not there are reasonable or probable grounds to believe that there has been misconduct.

The DRM Coordinator shall gather facts and information available in accordance with the premise of canonical law that a person is presumed innocent until proven otherwise.

For the purpose of canonical or administrative investigations, the Respondent may have the aid of a canonical advocate.

The Respondent shall be informed that anything said by him or her may be used against him in a secular criminal proceeding or any civil lawsuit.

Prior to any interview with the Respondent, the DRM Coordinator shall inform the Respondent that the Respondent is not bound to admit to alleged misconduct; nor may an oath be administered to the Respondent.

Upon information or an allegation of misconduct (abuse), neither the Archbishop, the Vicar General the Judicial Vicar, nor any priest involved in the administration of this protocol and its policies and procedures shall hear the Sacramental Confession of a Respondent, whether a Respondent is a religious, cleric, lay employee, or volunteer of the Church.

Priests are reminded that while the secrecy of sacramental confession cannot be broken, a penitent should be encouraged to make disclosure outside the confessional. The DRM Coordinator shall keep a written record of all steps taken from the moment the allegations are first received. Care is to be taken to protect the confidentiality of such documentation. It is recommended that such documentation be prefaced "Prepared for the benefit and assistance of Diocesan legal counsel" and stored in a locked metal file cabinet.

Where allegations involve a religious and a member of the Archdiocese of Halifax-Yarmouth the competent Superior shall notify the DRM Coordinator. When the religious institution's procedures for dealing with such matters are invoked, a report of the outcome shall be made to the DRM Coordinator and the Superior shall answer inquiries that the DRM Coordinator may have.

3.3 External Investigation of Misconduct

If a police investigation is under way, or will take place, neither the DRM Coordinator nor competent Superior shall make any contact with the Respondent until notified by the Police that their initial contact with the Respondent has been made. It is the role of the police to determine the validity of criminal allegations and to decide whether charges will be laid.

A Respondent is encouraged to engage the services of a lawyer who shall not be the Diocesan lawyer. The costs of the respondent's legal fees will be the responsibility of the respondent.

Persons carrying out responsibilities under this Protocol shall, in consultation with the DRM Coordinator, co-operate with child welfare or police authorities carrying out their statutory responsibilities, subject only to the inviolability of the Seal of Confession.

3.4 Findings

Upon completion of his/her preliminary inquiry, the DRM Coordinator shall report the findings to the Vicar General. If the allegations involved a religious, the competent Superior shall also be informed.

The DRM Coordinator shall contact the local police department or insurer following the criminal investigation or insurance investigation to determine the status or outcome of the investigation(s).

After receiving the outcome of the completed police and/or insurance investigation, the DRM Coordinator shall make recommendations to the Vicar General as to whether further action is warranted, including medical and psychological evaluations and/or an administrative or canonical hearing.

Where the DRM Coordinator determines that the allegation is frivolous or unsubstantiated, the inquiry shall be terminated.

If there are no secular proceedings and if the Respondent admits the truth of the allegations, the DRM Coordinator shall immediately present a report to the Vicar General.

If there are no secular proceedings or the matter has been resolved before the secular courts and the Respondent denies the allegations, the DRM Coordinator may recommend the next stage in the preliminary canonical inquiry as prescribed by Canon 1717, if applicable. With respect to paid employees and volunteers, the DRM Coordinator shall make recommendations with respect to future employment status or participation as a volunteer within the Church.

If the child welfare agency and the police find no reason to proceed, or where the complainant retracts an allegation, the DRM Coordinator shall recommend to the Vicar General whether or not further action by the Church is necessary or advisable.

The Respondent will be informed of the findings of the DRM Coordinator and will be offered an opportunity to reply to the Archbishop.

3.5 False Accusations

Making a false accusation is a serious offence. Appropriate action will be taken if the allegation of misconduct is malicious and is determined to be intentionally false.

Appropriate action will be taken against anyone who knowingly provides false information in a misconduct investigation or removes or destroys documentary evidence crucial to the investigation.

3.6 Disposition of the Complaint

Upon hearing the report of the DRM Coordinator and any reply of the Respondent, the Vicar General may make a disposition, either interim or

permanent, regarding the Respondent's functions in the Archdiocese of Halifax-Yarmouth.

The Respondent may be given an immediate leave of absence or assigned duties where there is no contact with the person or persons alleged to have been abused or the complainant pending the outcome of any and all investigations: civil, criminal, administrative, and canonical.

The Respondent may not be returned to the ministry or employment where he or she was previously assigned pending the negative outcome of all investigations: civil, criminal, administrative, and canonical.

If the outcome for the Respondent was positive, and contentious, the Respondent would not return to his previous ministry or employment. If there is unusual situation or a need to be treated differently or as an exception then one would have to substantiate for the deviation.

In the case of a religious, or cleric under the Archbishop's jurisdiction, an appropriate residence may be assigned pending the outcome of the procedure.

In the case of an employee, if it has been determined that the complaint was without merit, the employee will be returned to his or her former position. Otherwise, disciplinary action up to and including dismissal may be initiated.

In the case of a volunteer, if it has been determined that the complaint was without merit, the volunteer, may be returned to his or her former ministry.

If the secular proceedings are taking place, no further canonical inquiry shall be made until the matter has been resolved before the secular court. Upon the recommendations of the DRM Coordinator and if the Respondent is a religious, or cleric under his jurisdiction, the Archbishop may immediately refer the Respondent to a selected treatment centre for medical and psychological evaluation.

Where the evaluation recommends a program of treatment for the Respondent, and:

- The Respondent is a religious, or cleric over whom the Archbishop has jurisdiction; the DRM Coordinator shall refer the Respondent to the treatment centre to begin the program of treatment.

- The Respondent is a religious or cleric belonging to a religious institute; the DRM Coordinator shall refer the evaluation to the competent Superior for action.
- The Respondent is an employee; the DRM Coordinator shall advise the Respondent of the recommendation and may make participation in treatment a condition of future employment or re-employment with the Church.
- The Respondent is a volunteer; the DRM Coordinator shall advise the Respondent of the recommendation and may make participation in treatment a condition of future participation in any Church ministry.

Where a program of treatment has been recommended, therapy completed and an assessment is available, the DRM Coordinator may recommend the return of a religious, or cleric to the ministry; the re-employment of lay personnel; or in the case of a volunteer, reassignment to the person's former ministry. In the case of child or vulnerable adult abuse each situation will be reviewed case by case.

The complainant and the person or persons abused or alleged to have been abused will be informed of the findings of the DRM Coordinator.

If the respondent is being transferred to other dioceses/parish, they must be informed of the findings of the investigation (administrative, canonical and/or legal) by the DRM Coordinator.

3.7 Supports for Parties to a Complaint of Misconduct (Abuse)

Every effort will be made by the Church to ensure that the victims of misconduct (abuse) and their families receive pastoral support during such a time of crisis.

The Respondent's ordinary or Superior shall ensure the Respondent has access to pastoral support.

4. Staff and Volunteers: Invitation to Service, Assignment, Process & Orientation

The Archdiocese of Halifax-Yarmouth is responsible to provide a safe and secure environment for ministry. Staff and volunteers are screened to ensure this high level of quality in our services and the record of a cleric

prospective employee or volunteer may be relevant in assessing the suitability of the person for a particular assignment.

4.1 Responsibilities

The Archdiocese of Halifax-Yarmouth has identified the Manager of Human Resources as the person responsible for the overall design, implementation and management of the Responsible Ministry Protocol (RMP) and he/she will be called the Diocesan Responsible Ministry (DRM) Coordinator. Each parish will also identify a person responsible for the implementation and management of the Responsible Ministry (RMP) in their respective parish. This person will be referred to as the Parish Responsible Ministry (PRM) Coordinator.

The Archdiocese of Halifax-Yarmouth will provide an Information Form and an agreement to comply with the police Criminal Record Check and Vulnerable Sector Check. An Information form is to be completed by staff and volunteers who have been invited into service. (See Appendix X for the form) The staff and volunteers will then undergo a Police Criminal Record Check (CRC), and a Vulnerable Sector Checks. The Police Criminal Record Check and the Vulnerable Sector Check are to be renewed for every three years of service. If a volunteer or staff member is moving to another parish within the Archdiocese and the forms were completed within the last 12 months, complete documentation may be waived.

1. Depending on the location of the assignment, the Parish or Diocesan Responsible Ministry Coordinator will provide general job descriptions for all new and existing staff and volunteers. They will also provide a plan for orientation and training of staff and volunteers.
2. The designated Diocesan RMP Coordinator and the Parish Responsible Ministry Coordinator (PRMC) will implement the orientation and training for all their respective Staff and Volunteers. Participation in this training is necessary for all staff and volunteers.
3. The Covenant of Care makes clear the expectations of behaviour for Staff and Volunteers. Responsibility for adherence to the Covenant of Care rests with each staff and volunteer. During orientation staff and volunteers will be asked to sign a Covenant of Care that will be filed in a secure area. (See Appendices VIII and IX). An individual whose actions are not in conformity with the Covenant of Care will be subject to remedial action by their appropriate immediate superior. Corrective action may take various forms from a verbal

warning to removal from the ministry, depending on the specific nature and circumstances of the offence and the extent of harm.

Staff and Volunteers in the Archdiocese of Halifax-Yarmouth must maintain confidentiality in all matters that come to their attention as a result of their activities. Maintaining confidentiality is a requirement to work or volunteer for the Archdiocese. In some volunteer roles a Confidentiality Agreement may be required.

Disclosure of such information without authorization is cause for dismissal.

Volunteers who violate confidentiality will be ineligible for continuing their assignment.

CF. Canon 220. The Code of Canon Law

“No one may unlawfully harm the good reputation which a person enjoys, or violate the right of every person to protect his or her privacy.”

4.2 Screening: Police Criminal Record Check and Vulnerable Sector Check

All prospective staff (Parish and Pastoral Centre) offered an assignment after will be required to consent to Police Criminal Record Check and Vulnerable Sector Check as a condition of their offer of assignment and/or continued employment. As well, those prospective volunteers who are assigned to working with children, youth or vulnerable adults and those volunteers working in a financial capacity, will be required to consent to a Police Criminal Record Check and Vulnerable Sector Check. Results of the checks are to be sent to the Diocesan (DRM) Coordinator. The onus will be on the staff and volunteers to complete this process with follow-up from the respective Diocesan Responsibility Ministry (DRM) Coordinator or Parish Responsibility Ministry (PRM) Coordinator.

4.3 Evaluation of Results

The Archdiocese of Halifax-Yarmouth recognizes that a candidate's record may or may not be relevant to the prospective staff or volunteers proposed assignment. Each record will be evaluated in relation to the prospective assignment. Consideration will be given to:

- The nature of the conviction
- The number of convictions
- The currency (prevalence or commonness) of convictions
- The risk

If the decision is made to contract a staff or volunteer with a criminal record or accept a volunteer with a criminal record for work, the Church may require that the staff or volunteer apply for a pardon and extinguish any record they may have. However, appropriate accommodative measures will be considered on a case-by-case basis where circumstances warrant such measures.

4.4 Management of Files and Confidential Information

The purpose of collecting personal information is a necessary measure to ensure the Responsible Ministry and Safe Environment Protocol with its policies and procedures are properly administered. Records that are of a personal confidential, nature will be kept in accordance with the Personal Information Protection and Electronic Documents Act (PIPEDA) Legislation and with the Archdiocese of Halifax-Yarmouth Policies for employees. The collected information is confidential and will only be used for the purpose for which it was collected, that is implementing and monitoring this Protocol.

Files

The Archdiocese of Halifax-Yarmouth maintains a confidential file for each staff and volunteer under the control and care of the Diocesan Responsible Ministry (DRM) Coordinator who ensures that the files are in a secured area. This file contains documents such as:

1. Information Form
2. References (prior to August 2015)
3. Current Police Criminal Record Check and Vulnerable Sector Check
4. Acknowledgement of Receipt of a copy of the Protocol and reading of Archdiocesan Responsible Ministry Protocol, Policies and Procedures (Appendix VIII)
5. Correspondence between the staff or volunteer and the parish and the Archdiocese of Halifax-Yarmouth. List of items (such as keys) provided to the person during his or her church assignment
6. Covenant of Care
7. Confidentiality Agreement (if a requirement of the role)

The originals of these documents are to be held by the Diocesan Responsible Ministry (DRM) Coordinator. The Parish Responsible Ministry Parish (PRM) Coordinator does not keep the originals or copies of any documentation. **There is never to be a time where documents are held at the PRM's home.**

Confidentiality Assurance/Access

The actual records obtained by the Church pursuant to the Police Criminal Record Check will be kept locked, with access only by the Diocesan Responsible Ministry (DRM) Coordinator and his/her assistant. The information in the external file (e.g. parish) shall be limited to whether the staff or volunteer was approved, approved with conditions, or declined for consideration for particular assignment.

All files are considered confidential and the property of the Archdiocese of Halifax-Yarmouth for the purpose of their own administration. Records and files will be made available only to those persons authorized by the Archbishop of the Archdiocese of Halifax-Yarmouth with the consent of the person involved or as required by this protocol or law.

All staff and volunteers have the right to review their own file within the presence of the Diocesan Responsible Ministry (DRM) Coordinator or his/her assistant. When a staff or volunteer retires, resigns, or is terminated, the file will be retained in current files for seven years⁴ from the individual's departure date, and then held in archived files for a length of time in accordance with this protocol and legislation.

It is the responsibility of staff and volunteers to advise the Archdiocese of Halifax-Yarmouth of any change to his or her address, or other information pertinent to the proper maintenance of records.

Consent to Release Information

Protection of all staff and volunteers' personal information is of primary importance to the Archdiocese of Halifax-Yarmouth. Information will never be sold or traded. Short of legal requirements, a staff or volunteer's personal information will not be released to any third party without the expressed written consent of the staff or volunteer.

4.5 Orientation

During orientation, staff and volunteers will receive introduction to colleagues, a tour, and information covering:

1. Norms of behaviour for diocesan and parish staff and volunteers
2. Mission statement, goals, and policies of the Archdiocese of Halifax-Yarmouth
3. Job description
4. History and structure of the organization

⁴ Specific files may be kept longer depending on litigation and legal requirements

5. Review and signed acknowledgement of receipt and reading of Responsible Ministry and Safe Environment Protocol, Policies and Procedures and other information specific to the assignment

Appendix I

Terminology

Advisory Committee for Responsible Ministry Protocol (ACRMP): is appointed by the Diocesan Responsible Ministry Coordinator to have the overall responsibility for implementation of the Responsible Ministry and Safe Environment Protocol, policies and procedures, ensuring that parishes and other entities in the diocese know and implement the protocol with integrity and consistency. The Advisory Committee will meet at least once a year to review the Protocol and make recommendations as to amendments to the Protocol to meet the needs of the Church and society.

Archbishop's Delegate/Associate Delegate: Independent, arms length adjudicator appointed by the Archbishop.

Canon Law: A body of church law to be observed by members of the Catholic Church relating to persons, sacraments, material goods, and organizations.

Child: for the purpose of this policy a child is any person under the age of 16.

Clergy (Cleric): all persons who are ordained including bishops, priests, deacons.

Complainant: the person who makes the initial complaint of misconduct to the church.

Diocesan Responsible Ministry (DRM) Coordinator: is a person appointed by the Archbishop as his delegate to be responsible for the overall design, implementation, monitoring and evaluation of this Protocol and its policies and procedures including the education program. He/She chairs the Advisory Committee for Responsible Ministry (ACRM) and is responsible for the files related to the implementation and monitoring of this Protocol including personnel files.

Leader Position: a leadership role undertaken by church workers or volunteers in which there may be direct interaction with children, youth or vulnerable adults. Examples include: the positions of catechist, youth group leader, altar server coordinator, pastoral care worker, and visitor to shut-ins.

Ordinary: the Bishop and his extended

Parish Responsible Ministry (PRM) Coordinator: A person appointed by the parish priest (pastor) responsible for ensuring that this policy is properly implemented and monitored within the parish. He/she will provide input on the Protocol to the DRMC for Responsible Ministry (ACRM) on a regular basis.

Program (ministry): a structured series of similar activities or events governed and run by the parish or diocese which spans a period of weeks or months Example: weekly catechism classes; pastoral visitation at a hospital or nursing home, home visitation; weekly youth meetings; operation of a nursery or day care.

Religious: is a priest, deacon, lay person who is a member of a recognized religious community or order; a person in consecrated life.

Respondent: is a staff or volunteer responding to the reported allegation of misconduct.

Staff and Volunteers: include all clergy, religious and lay persons whether paid or unpaid acting on behalf of the Archdiocese of Halifax-Yarmouth in a parish or a program or service of the Archdiocese of Halifax-Yarmouth.

Volunteer: is a person who:

- Offers or is invited to undertake a ministry position, service or activity as an assignment whether occasionally, part-time or full-time
- Is not coerced or compelled to do this activity
- Does not receive a salary or wage for this service or ministry activity

Volunteer Helper: a person who is involved peripherally in programs with children, youth or vulnerable adults but is not the leader. Some examples include: someone who delivers cookies to a children's program; someone who collects and presents socks to homeless people at a shelter; someone who collects and distributes food bank items to families; or someone who provides or supervises distribution of materials at a religion class, etc.

Volunteer Leader: is a person of at least 18 years of age who devotes significant portions of his/her time and energy in service and who has gone through a time of orientation and training, in order to hold a leader

position. Examples include: catechism teacher, youth leader, pastoral care visitor, leader of a group for developmentally challenged adults, etc. Note: It is common practice in many organizations to use volunteer helpers who are between the ages of 12 and 18. Youthful leadership is to be encouraged and supported. However, it should be noted that when leaders are mentioned in this policy, we are referring to people of a least 18 years of age. Nevertheless, leaders under the age of 18 are expected to follow the policy when acting as leaders or volunteers helpers.

Vulnerable Adult: a person who, because of his/her age, a disability or other circumstances, whether temporary or permanent is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by a person or persons in positions of authority or trust relative to him/her. Other circumstances may include emotional stress due to extreme crisis or trauma.

Appendix II

Canon Law References

Canon 31. Within the limits of their competence, those who have executive power can issue general executor decrees, that is, decrees which define more precisely the manner of applying a law, or which urge the observance of law.

Canon 34. Instructions, namely, which set out the provisions of a law and develop the manner in which it is to be put into effect are given for the benefit of those whose duty it is to execute the law, and they bind them in executing the law. Those who have executive power may, within limits of their competence, lawfully publish such instructions.

Canon 383 H. In exercising his pastoral office, the diocesan Bishop is to be solicitous for all Christ's faithful entrusted to his care, whatever their age, condition or nationality, whether they live in the territory or are visiting there. He is to show an apostolic spirit also to those who, because of their condition of life, are not sufficiently able to benefit from ordinary pastoral care, and to those who have lapsed from religious practice.

Canon 384. He is to have a special concern for the priests, to whom he is to listen as his helpers and counselors. He is to defend their rights and ensure that they fulfill the obligations proper to their state.

Canon 521. 1. To be validly appointed a parish priest, one must be in the sacred order of priesthood.

2. He is also to be outstanding in sound doctrine and uprightness of character, endowed with zeal for souls and other virtues, and possessed of those qualities, which by universal or particular law are required for the care of the parish in question.

3. In order that one be appointed to the office of parish priest, his suitability must be clearly established, in a manner determined by the diocesan Bishop, even by examination.

Canon 1341. The Ordinary is to start a judicial or an administrative procedure for the imposition or the declaration of penalties only when he perceives that neither by fraternal correction or reproof, nor by any methods of pastoral care, can the scandal be sufficiently repaired, justice restored and the offender reformed.

Canon 1389. 1. A person who abuses an ecclesiastical power or function is to be punished according to the gravity of the act or omission not excluding privation from office, unless a law or precept has already established the penalty for the abuse.

2. A person who through calculable negligence illegitimately places or omits an act of ecclesiastical power, ministry or function with harm to another is to be punished with a just penalty.

Canon. 1446. 1. All Christ's faithful, and especially Bishops, are to strive earnestly, with due regard for justice, to ensure that disputes among the people of God are as far as possible avoided, and are settled promptly and without rancor.

2. In the early stages of litigation, and indeed at any other time as often as he discerns any hope of a successful outcome, the judge is not to fail to exhort and assist the parties to seek an equitable solution to their controversy in discussions with one another. He is to indicate to them suitable means to this end and avail himself of serious-minded persons to mediate.

3. If the issue is about the private good of the parties, the judge is to discern whether an agreement or a judgment by an arbitrator, in accordance with the norms of Canons 1717-1720, might usefully serve to resolve the controversy.

Canon 1717. 1. Whenever the Ordinary receives information, which has at least the semblance of truth, about an offence, he is to enquire carefully, either personally or through some suitable person, about the facts and circumstances, and about the imputability of the offence, unless this enquiry would appear to be entirely superfluous.

2. Care is to be taken that this investigation does not call into question anyone's good name.

3. The one who performs this investigation has the same powers and obligations as an auditor in a process. If, later, a judicial process is initiated, this person may not take part in it as a judge.

Canon 1718. 1. When the facts have been assembled, the Ordinary is to decide:

- Whether a process to impose or declare a penalty can be initiated;
- Whether this would be expedient, bearing in mind can. 1341;
- Whether a judicial process is to be used or, unless the law forbids it, whether the matter is to proceed by means of an extra-judicial decree.

2. The Ordinary is to revoke or change the decree mentioned in 1 whenever new facts indicate to him that a different decision should be made.

3. In making the decrees referred to in 1 and 2, the Ordinary, if he considers it prudent, is to consult two judges or other legal experts.

4. Before making a decision in accordance with 1, the Ordinary is to consider whether, to avoid useless trials, it would be expedient, with the parties' consent, for himself or the investigator to make a decision, according to what is good and equitable, about the question of harm.

Canon 1719. The acts of the investigation, the decrees of the Ordinary by which the investigation was opened and closed, and all those matters which preceded the investigation, are to be kept in the secret curial archive, unless they are necessary for the penal process.

Canon 1720. If the Ordinary believes that the matter should proceed by way of an extra-judicial decree:

- He is to notify the accused of the allegation and the evidence, and give an opportunity for defense, unless the accused, having been lawfully summoned, has failed to appear;
- Together with two assessors, he is accurately to weigh all the evidence and arguments;
- If the offence is certainly proven and the time for criminal action has not elapsed, he is to issue a decree in accordance with canon 1342-1350, outlining at least in summary form the reasons in law and in fact.

Appendix III

Advisory Group for the Responsible Ministry and Safe Environment Protocol, Terms of Reference

Purpose:

- To provide strategic advice and direction for the Responsible Ministry and Safe Environment Protocol including the prevention programs (screening and educational)
- To over see the implementation of the Protocol at the Diocesan and Parish level, including monitoring and evaluation.
- To provide sign-off on any annual and final reports
- To advise and/or provide communication regarding the Protocol and implementation
- To support the Parish Coordinators in meeting the protocol goals and objectives, timelines and reporting requirements

Membership:

Chairperson Diocesan Responsible Ministry Coordinator
Chancellor
Lay Member Halifax (Parish Coordinator)
Lay Member (Insurance Business)
Lay Member Yarmouth (Parish Coordinator)
Coordinator of Youth Ministry
Pastoral Member
Administrative Support

Other experts may be invited as needed.

Member Responsibility:

Members will provide the Chairperson with agenda items ten (10) working days in advance of scheduled meetings.

The Chairperson will provide an agenda and supporting information five (5) working days in advance of scheduled meetings

Each member is responsible for being prepared for discussions.

Each member is responsible for sharing information with the appropriate stakeholders within his or her jurisdiction.

Communication Mechanisms:

The following practices are important to facilitate communication:

- Each agenda includes a status report on the implementation of the protocol.
- A one page briefing summary highlighting meeting outcomes and actions will be distributed to members within two (2) working days.
- Minutes of the meeting will be shared within a reasonable time frame.

Reporting Relationships:

The advisory group is accountable to the Archbishop.

Meeting Frequency

The advisory group will meet annually or more often as necessary. There will be no less than one meeting per year.

Date of issue: 01/12/15

DD/MM/YY

Appendix IV

Parish Responsible Ministry Coordinator, Position Description

NATURE & SCOPE

The Parish Responsible Ministry Coordinator will be accountable and responsible for the Administration of the Responsible Ministry Protocol within the Parish, working closely with the Diocesan Responsible Ministry Coordinator.

ACCOUNTABILITIES

The Parish Responsible Ministry Coordinator will:

- Attend the Diocesan Training Program to become fully knowledgeable of the contents of the Responsible Ministry Program, as well as any refresher programs that may be held.
- Provide all existing and prospective parish clergy, volunteers and staff with copies of the Protocol or location on the website.
- Inform all existing and prospective clergy, volunteers, and staff within the Parish of the documentation required by the Diocese under the Responsible Ministry Protocol and assist them in preparing the necessary documentation.
- Ensure that all documentation required under the Protocol be obtained in a timely manner.
- Ensure that all information obtained and all documentation is forwarded to the Diocesan Coordinator.
- Maintain a record of all complaints that come to their awareness, whether written or verbal, initiated under the Responsible Ministry Protocol, and immediately forward the complaint or information to the Diocesan Responsible Ministry Coordinator who will review and initiate an investigation if appropriate.
- Meet as necessary with other Parish Responsible Ministry Coordinators and the Diocesan Responsible Ministry Coordinator to identify concerns and issues that arise with this Protocol.
- Maintain up-to-date knowledge of the contents of the Protocol and any changes that arise through regular communication with the Diocesan Coordinator.
- Advise the Diocesan Coordinator of any difficulties in the administration of the Protocol, including any refusal to obtain the

required documentation by clergy, staff, and volunteers or, in the alternative, if documentation requires review and interpretation.

- Respond to all general questions involving the Protocol, and, if necessary, seek guidance from the Diocesan Responsible Ministry Coordinator.

Date of Issue 01/12/15
DD/MM/YY

Appendix V

Responsible Ministry and Safe Environment Protocol Parish Coordinator Procedure (To Do) List

The Parish Responsible Ministry Coordinator will:

- Orient volunteer to the Responsible Ministry and Safe Environment Protocol.
- Provide a copy of the Responsible Ministry and Safe Environment Protocol or advise on where to find it on the website; including the Covenant of Care, and obtain Covenant of Care signature (Appendix VIII).
- Provides an outline of the volunteer duties and responsibilities.
- Provide a Request for Information Form from Appendix X to be completed by each volunteer who works with children, youth 16 – 18, and vulnerable adults.
- Provide an explanation of how to obtain the Police Criminal Record Check with the Vulnerable Sector Check through their local police force or RCMP detachment or through MyBackCheck.com and explain the payment process for these checks. The explanations are as follows:
 - If the volunteer resides within HRM – bring the authorization from the parish indicating that the individual is volunteering for the Archdiocese of Halifax-Yarmouth and therefore entitled to a lower fee. That detachment will then complete the request and notify the volunteer that it is complete at which time the volunteer will pick it up & send it to the Diocesan Responsible Ministry (DRM) Coordinator & notify the Parish Responsibility Ministry (PRM) Coordinator that this has been done. The volunteer will have to pay for the check initially, obtain a receipt from the police and take it to the parish office for reimbursement.
 - If the volunteer resides outside of HRM – there is currently no billing system or form that all these other forces/detachments use. Therefore we ask that the volunteer go to the force/detachment where the volunteer resides and request a Police Criminal Records Check including the Vulnerable Sector Check. There may or may not be a fee associated with this request. If there is a fee, the volunteer is asked to bring the

receipt to their Parish Responsible Ministry (PRM) Coordinator or Parish Office for reimbursement.

- Using the online mybackcheck.com process: This is only available currently in parishes within the Halifax Regional Municipality. The Parish Responsible Ministry Coordinator through their login with MyBackCheck.com will send to the volunteer or staff member an "invitation". There are some parishes that have signed up to use the option of direct billing to their parish. If the parish does not have this the volunteer or staff member using their "invitation" will login into mybackcheck.com and work through the process of the application. This will include paying for the check to be done using a credit card or through PayPal. They can then print a receipt for this and turn the receipt into the parish office for reimbursement. Typically the check is completed within 48 hours and the applicant and the Diocesan Responsible Ministry Coordinator will receive notification that it is complete. The Vulnerable Sector Search takes an additional 3-7 days and an email with the Vulnerable Sector Search attached and a code will be sent to the applicant from the Halifax Regional Police. The Vulnerable Sector Search is NOT sent to the Archdiocese. The applicant must go back into their account and enter the code and indicate **SHARE** to the Archdiocese of Halifax-Yarmouth, or forward the email with the attachment to the Diocesan Responsible Ministry Coordinator in order to complete the process.
- Request the volunteer, upon obtaining their completed Police Criminal Record Check with the Vulnerable Sector Check, to forward the original of the results to the Diocesan Responsible Ministry (DRM) Coordinator.
- Forward the originals of these forms (Information Form, and the signed Acknowledgement and Receipt of Responsible Ministry and Safe Environment Protocol form including the Covenant of Care) to the Diocesan Responsible Ministry Office at the Chancery office in Halifax.
- Allow 10 business days after sending the documentation to review parish on-line records to ensure that all records have been received and all records are complete before the staff/volunteer commences their duties.

Note: All forms are available on the website www.halifaxyarmouth.org or from the parish secretary

Appendix VI

Archbishop's Delegate/Alternate

The Archbishop's Delegate or Alternate, respecting all Government legislation and regulations, will immediately conduct an investigation of the allegation by:

- gathering the facts and circumstances to assess the credibility of the alleged offence
- notifying the alleged perpetrator of the allegation
- notifying the Chancellor that an investigation is proceeding
- The Chancellor will:
 - Immediately take any and all steps to prevent further abuse as follows:
 - ✓ Employee – suspend with pay until the investigation has been completed to a maximum of 6 months
 - ✓ Volunteer – suspend from ministry until the investigation has been completed
 - ✓ Clergy – his canonical faculties are suspended, he is relieved of all his duties and any public ministry until the investigation has been completed. Room and Board at the standard rate will continue; salary will be reduced to 50% after 90 days when a determination has not been made on the complaint.

The Archbishop's Delegate will:

- conduct a complete investigation by interviewing all parties concerned
- Provide a written report with recommendations to the Archbishop
- Should the investigation support the victims allegations, steps will be taken immediately based on the recommendations of the Archbishop's Delegate/Alternate which could include taking civil action; referring to local police authorities or both.
- If it has been determined that the allegation of abuse cannot be supported, the Chancellor will:
 - Inform both the alleged victim and alleged perpetrator that the allegation has been investigated and no further steps will be taken.

Appendix VII

Responsible Ministry Protocol Incident Report Form General Incident Report Form CONFIDENTIAL

Parish or Program Name: _____

Geographical Location: _____

Report date: _____ Time of report: _____ AM/PM
(DD/MM/YR)

Full Name of child/youth/adult: _____

Age/Grade: _____ (Not necessary for adult)

Date of Birth/Approximate Age _____ Gender: M F

Home Address: _____

Phone Number: _____ E-mail: _____

Mobile Cell Number: _____

Name of Parent/Guardian (for child/youth) or caregiver (for adult): _____

Notified: Yes No IF yes, date/time of notification: _____
DD/MM/YR
TIME

Mailing Address: _____

(If different from above)

Date/time and location of incident: _____

DD/MM/YR

TIME

LOCATION

Description of incident(s): (If additional space is required attach additional sheet(s))

Names/contact information of witnesses:

NAME	HOME PHONE #	CELL #
NAME	HOME PHONE #	CELL #

Description of injuries sustained:

Description of action taken:

Additional information you think is relevant:

Direct quotes from child/youth/adult: (Note: If this is an abuse allegations, do not interview the child/youth but report only the comments they share with you.)

Signature:

Name	Position of Person Making the Report
------	--------------------------------------

I hereby confirm that the information provided in this report is accurate to the best of my knowledge.

Name of Person making report (please print): _____

Home Phone/Cell Phone: _____

Home Mailing Address: _____

E mail Address: _____

Signature of Person making report: _____

Date: _____

DD/MM/YR

NOTE: The person filing this report must submit the original to the Diocesan Responsible Ministry Coordinator, Halifax within 24 hours during the regular work week (Monday-Friday and exclusive of holidays). The person reporting the incident should keep one copy for their personal records. If this is an allegation of abuse of a person under 16 years of age, it must be reported immediately to a protection agency or police. (See section on reporting procedure.)

Appendix VIII

Acknowledgement of Understanding of the Responsible Ministry and Safe Environment Protocol Including Covenant of Care for the Archdiocese of Halifax-Yarmouth

Name _____ (Please Print)

Name of Parish _____

Location of Parish _____

"The archdiocese has a moral, spiritual and legal obligation to safeguard, in all respects, all of those to whom we minister (Matthew 18:6). It is committed to exemplifying integrity and accountability as well as acting with justice and mercy. It expects its clergy, employees and volunteers to be outstanding individuals of high moral and ethical standards. Those engaged in ministry are required to be faithful members of the church. The archdiocese opposes all forms of misconduct, and pledges to offer an environment free from misconduct for all of its spiritual and pastoral activities. This protocol encompasses an approach that focuses on prevention and education, intervention and healing. It offers clear procedures and protocols to prevent and respond to all forms of abuse." This has been taken from the introduction to the Responsible Ministry and Safe Environment Protocol Guiding Principles.

I acknowledge the paramount importance of safeguarding, in all respects, all of those to whom we minister, especially children, youth and vulnerable adults, by:

- Following all the directives in the Responsible Ministry and Safe Environment Protocol, Policies and Procedures for the Archdiocese of Halifax-Yarmouth including the Covenant of Care;
- Using appropriate language;
- Within our ecclesiastical mandate show no bias on account of gender, sexual orientation, ethnic background, skin colour, intelligence, age, religion, or socio-economic status, or level of education;
- Respecting confidentiality and privacy, unless a child, youth, or vulnerable adult is in danger, then I will report in the case of a child/youth to a child protection agency or the police and in the case of a vulnerable adult then I will report to the Department of Health.

I agree to the following:

[] to complete and sign the Staff/Volunteer Request for Information Form

[] to comply with obtaining a police Criminal Record Check and a Vulnerable Sector Check

Signature: _____ Date: _____

Witnessed by: _____ Date: _____

Appendix VIII a

Youth Covenant of Care for the Archdiocese of Halifax-Yarmouth

Name _____ (Please Print)

Name of Parish _____

Location of Parish _____

I acknowledge the paramount importance of safeguarding, in all respects, all of those to whom we minister, especially children, youth and vulnerable adults, by:

- Following all the directives in the Responsible Ministry and Safe Environment Protocol, Policies and Procedures for the Archdiocese of Halifax-Yarmouth including the Covenant of Care;
- Complying with the information given in my orientation;
- Using appropriate language and boundaries;
- Show no bias on account of gender, sexual orientation, ethnic background, skin colour, intelligence, age, religion, or socio-economic status, or level of education;
- Respecting confidentiality and privacy. If I feel a child, youth, or vulnerable adult is in danger, then I will report this to my immediate supervisor within the parish.

I have included:

[] my completed and signed Youth Volunteer Permission Letter that has been signed by my parent/guardian.

Signature: _____ Date: _____

Witnessed by: _____ Date: _____

Appendix IX

Priest Acknowledgement and Receipt of Responsible Ministry and Safe Environment Protocol Including Covenant of Care for the Archdiocese of Halifax-Yarmouth

Name of Parish _____

Location of Parish _____

I acknowledge the paramount importance of safeguarding, in all respects, all of those to whom we minister, especially children, youth and vulnerable adults, by:

- Following all the directives in the Responsible Ministry and Safe Environment Protocol, Policies and Procedures for the Archdiocese of Halifax-Yarmouth including the Covenant of Care;
- Using appropriate language;
- Within our ecclesiastical mandate show no bias on account of gender, sexual orientation, ethnic background, skin colour, intelligence, age, religion, or socio-economic status, or level of education;
- Respecting confidentiality and privacy, unless a child, youth, or vulnerable adult is in danger, then I will report in the case of a child/youth to a child protection agency or the police and in the case of a vulnerable adult then I will report to the Department of Health;
- I understand that what I learn under the Seal of Confession in a Sacramental Confession remains absolutely inviolable

I have included:

my agreement to comply with obtaining the police Criminal Record Check and a Vulnerable Sector Check

Signature: _____ Date: _____

Witnessed by: _____ Date: _____

Appendix X

Staff/Volunteer Request for Information Form PLEASE PRINT

Parish Name and Location: _____

Name:(Please Print) _____

Address: _____

City/Town: _____ Province: _____ Postal Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

Email: _____

Please provide a Contact in case of an Emergency:

Name: _____ Phone: _____

Relationship: _____ Cell Phone: _____

Have you held a staff or volunteer position with another organization/Parish?

Yes No If Yes describe:

How long have you been a member of your parish community?

I certify that the information provided in this document is true and complete and that this information will remain confidential and is property of the Archdiocese of Halifax-Yarmouth. I agree to comply with the requirement to obtain a Criminal Record Check and Vulnerable Sector Search. I understand that I represent the Archdiocese /Parish as a staff/volunteer only when I am functioning as described in the Archdiocese/Parish Assignment Description. I agree to keep confidential any information that I may come across regarding the affairs of this parish, its clergy, other volunteers, and parishioners, unless otherwise directed by law or by authorities of the Archdiocese. As well, I understand that my name and contact information will be given to the appropriate Responsible Ministry Coordinator in the Diocese/ Parish so that she/he may contact me.

Signature: _____ Date: _____

Appendix XI
YOUTH VOLUNTEER PERMISSION LETTER
(Please Print)

Name of Youth Volunteer _____
(Please print full name)

Name of Parent/Guardian _____
(Please print full name)

Parish _____

Volunteer Role of the Youth _____

I am the parent/legal guardian of _____ and give my permission for him/her to be involved in volunteer ministry at the parish. My child and I are aware of and have reviewed the Responsible Ministry and Safe Environment Protocol of the Archdiocese of Halifax-Yarmouth. My child has received and signed the Covenant of Care (Appendix VIII a). We agree to conform to the requirements of that protocol.

Parent/Guardian Signature

Date

Youth Volunteer Signature

Date

Parent/Volunteer Address: _____

Phone: Home _____ Cell: _____

Parent/Guardian email _____

Appendix XII

Requirements for Visiting Clergy, Religious and Lay Persons to Minister in the Archdiocese of Halifax-Yarmouth

Principles:

It is the responsibility of the Archbishop to assure the proper Catholic teaching of the faith; the authentic celebration of the sacraments and the proper governance of those entrusted to his pastoral care. In this episcopal ministry, he counts on his collaborators, the priests, deacons and mandated lay ministers of the Archdiocese.

These persons are officially recognized and authorized by the bishop's appointment to exercise their ministries in the Church of Halifax-Yarmouth.

Any other ministers coming into the Archdiocese, to do any ministry of any kind, no matter who they are, require the authorization of the Archbishop. This authorization must be obtained **BEFORE** any promotional material is distributed or an event is publicized.

Process:

The person who is coming to offer his/her services must be cleared through the office of the Chancellor before that person or team of persons can be formally invited into the Archdiocese and given the authorization to exercise ministry in Halifax-Yarmouth. This ministry includes but is not limited to baptisms, weddings (for weddings please see below item #11) , retreats, parish missions, prayer meetings, youth ministry, healing services, etc.

The Chancellor is to be notified in writing at least 90 days prior to the planned event to allow time for required documentation and clearance. Among the documents required are those related to the Responsible Ministry and Safe Environment Protocol, the approval of the invitee's bishop or religious superior and clear information from an invitee who proposed to teach as to the content of the materials being presented in the Archdiocese of Halifax-Yarmouth. The Archdiocese of Halifax-Yarmouth may require additional information from such invitees.

The Archbishop will need to be satisfied that the matters to be presented can receive his nihil obstat. ⁵

To obtain a nihil obstat and authorization for a visiting minister (priest, deacon, religious or lay person):

- 1) It is the responsibility of the one inviting to contact the Chancellor and verify if the person or persons in question have previously been cleared and authorized to minister in the Archdiocese of Halifax-Yarmouth. (if yes proceed to No. 4, if no proceed to No. 2)
- 2) Whoever extends an invitation for ministry in the Archdiocese of Halifax-Yarmouth must provide the Chancellor with the name and contact information of the person being invited along with information on the nature, dates and locations for the proposed event (s) or service.
- 3) The Chancellor will inform the prospective invitee about the requirements of the Archdiocese of Halifax-Yarmouth, Responsible Ministry and Safe Environment Protocol. The Protocol expects that the person coming to minister in the Church of Halifax-Yarmouth will:
 - Familiarize him/her self with the Protocol's content (available at www.halifaxyarmouth.org);
 - Agree to enter into a Covenant of Care (see Protocol)
 - Provide a Criminal Record with Vulnerable Sector Check;
 - Provide a *Certificate of Approval for a Cleric, Religious, or Lay Person to do Ministry* from their bishop or religious superior in the case of a member of a religious order or congregation.
- 4) For clergy the Archbishop (or his delegate) must provide the cleric with faculties to minister within the Archdiocese of Halifax-Yarmouth without which, the cleric does not have jurisdiction.
- 5) The invitee will provide suitable information describing the ministry to be performed as well as a brief on the content of its teaching.
- 6) Subject to final clearance in accord with the Responsible Ministry and Safe Environment Protocol a *nihil obstat* will be provided by the Archbishop (or his delegate) to those who are leading retreats, missions and any other presentation on faith or morals.
- 7) Once clearance has been given the Chancellor will advise the concerned parties of the decision. The clearance and authorization will be valid for

⁵ Nihil Obstat – Latin term which literally means “nothing obstructs,” refers to the approval granted by the officially appointed censor of books to a written work that required the permission of Church authorities for publication. The *nihil obstat* precedes and is required for the *imprimatur*, which is the permission of the competent authority to publish (cf. Canon 830).

- twelve months unless otherwise revoked. A copy of this will be kept on file.
- 8) In a situation where the prospective invitee is acting as an agent for a separately incorporated non-ecclesial for profit or non profit organization (that is not under the direct authority of a diocesan bishop or a religious superior) the presenter shall be required to provide proof of liability insurance in the amount of \$2,000,000.00 Canadian per incident.
 - 9) The use of the Archdiocesan or the Archbishop's coat of arms, or an image of the person of the Archbishop or any other image implying a diocesan endorsement may not be used except with written permission of the Chancery office.
 - 10) To facilitate this process, e-mail communication is satisfactory. However, in due course, the original documents are to be submitted to the Chancery.

NOTE regarding Weddings:

- 11) Clergy coming into the Archdiocese to preside at weddings: Our recent experience in obtaining the Nova Scotia civil license to preside at weddings is that it is taking considerably longer than in the past. We used to have a turn around time of less than 2 weeks and is now taking 2-4 months. When you become aware that a priest or deacon is coming from another civil jurisdiction to preside at a wedding notify the Chancery immediately. Please provide their name, full address and email address (if the cleric has one). The Diocesan Responsible Ministry Coordinator will proceed with the responsible ministry documentation. Once that has been completed we request the license for the presider and the ordinary grants the ecclesial faculty. With a minimum three month notice to the Chancery we will be able to avoid panic in the few days prior to a wedding.

Revised: August 7, 2015

Appendix XIII
Certificate of Approval for a Cleric, Religious or Lay Person to perform
Ministry in the Archdiocese of Halifax-Yarmouth

The Chancellor
Archdiocese of Halifax-Yarmouth
1531 Grafton Street
P.O. Box 1527
Halifax, Nova Scotia B3J 2Y3

This is to certify that _____ is a person in good
(Name of person being recommended)
standing in the _____
(Name of community, Institute, diocese, etc.)

Having reviewed the personal file and checked with the persons with whom he/she has worked in previous assignments and from my personal knowledge I am able to certify that this person has (*indicate agreement by checking each box that applies*):

- Never been suspended or canonically disciplined
- Never has had a criminal record
- Not manifested behavioral problems in the past that would indicate a tendency to deal with minors in an inappropriate manner
- Never been involved in an incident which called into question his/her fitness or suitability to fulfill the responsibilities and duties of pastoral ministry due to alcohol, substance abuse, financial impropriety or other causes
- No particular emotional or physical attribute or condition and/or past situation that would adversely affect his/her pastoral ministry
- Good health and is not in need of unusual medical treatment

I am able to state that _____ is of good character and qualified to do pastoral ministry in any other diocese.

(For clergy only: I hereby grant permission for _____ to be away from our diocese/community with the understanding that his is temporary and not in view of incardination.)

Name of Official: _____

OFFICIAL STAMP

Title of Official: _____

Signature of Official: _____

Date Signed: _____

Appendix XIV

Helpful Information on police Criminal Records Check

How is a police Criminal Records Check carried out?

To conduct a CRC, the local police query the Canadian Police Information Centre (CPIC) database. CPIC was an initiative of the RCMP, who maintains the network. Individual policing regions maintain their own information within the system and have access to the entire database. From this database police can determine if a person has outstanding charges or convictions. Information collected in the CPIC database includes individuals who:

- Have a criminal record for any Criminal Code or other Federal Statute offence and/or
- Have been judged not criminally responsible for an offence because of mental disorder and/or
- Have federal and/or provincial charges pending and/or
- Are on probation or subject to a Probation Order.

In addition, police agencies compile information, when warranted, about all complaints they receive. Examples of complaints include:

- Abuse of children.
- Allegations of offences where charges were not laid.

These may or may not be revealed by police in a CRC. Note that a CRC cannot be conducted without the individual's written consent. In some cases the CRC must be obtained in person. Since 2001, as a result of amendments to the Criminal Records Act, Criminal records of pardoned sex offenders can be identified and made available to organizations that work with vulnerable people. A search of the CPIC database for pardoned sexual offences cannot be conducted without the individual's consent.

What if you have a criminal record?

If the information obtained by the police indicates that you have a criminal record, does that mean you cannot volunteer? Not necessarily. Organizations may look at the following factors when considering your application:

- The nature of the organization and its work.
- The nature of the offence.
- The relevance of the criminal record to the position you are applying for. Sometimes it will be deemed wise to deny the individual a leadership position with children/youth/vulnerable

adults. Sometimes it will be deemed wise to urge the person to accept a position that indirectly supports children/youth/vulnerable adults. Sometimes it will be deemed wise to always have an individual working with another adult.

Are there limits to CRCs?

There are some limits. CRCs can be a positive deterrent in discouraging nefarious individuals from applying for leadership or volunteer positions with children, youth and vulnerable adults.

However, the fact still remains that limitations exist of CRCs:

- They are only good up to the day of checking and based on the information provided.
- A person may use a false name, driver's license, or birth date, so there are no matches found in their record.
- If a conviction occurred when the person was a youth, the information is protected under the Youth Criminal Justice Act; therefore, you will not have access to this information after a certain time period.
- Some sex offenders and abusers have never been charged or convicted of a crime, so there will be no record to review.

Appendix XVI

Helpful Information on Understanding Child/Youth/Vulnerable Adult Abuse

This policy has zero tolerance for abuse in any form. This includes abuse that happens to a child/youth/vulnerable adult by a staff member or volunteer. There is also a need for the adult in the place of worship to be sensitive to incidents of abuse that may be happening in the home or social life of a child/youth/vulnerable adult. Any person who has reasonable grounds to suspect that a child/youth is or may be in need of protection must report the suspicion to a protective agency or police. Clergy and other professionals such as physicians, nurses, social workers, psychologists and teachers have a special responsibility to report allegations of abuse. A professional who hears an allegation of abuse should confide this to a designated leader in the organization. A high ranking official in the organization should be identified as the contact for reporting all cases.

In order to understand and recognize child abuse, the following definitions and indications of emotional, physical and sexual abuse or neglect are listed. Some of the following also apply to vulnerable adults. A more complete description of abuse of vulnerable adults is found below.

What is Child/Youth Abuse?

(Source: Department of Justice Canada;
<http://canada.justice.gc.ca/en/ps/fm/childafs.html>)

The term "child abuse" refers to the violence, mistreatment or neglect that a child or adolescent may experience while in the care of someone they either trust or depend on, such as a parent, sibling, other relative, caregiver or guardian. Abuse may take place anywhere and may occur, for example, within the child's home or that of someone known to the child.

There are many different forms of abuse and a child may be subjected to more than one form:

- **Physical abuse** may consist of just one incident or it may happen repeatedly. It involves deliberately using force against a child in such a way that the child is either injured or is at risk of being injured. Physical abuse includes beating, hitting, shaking, pushing, choking, biting, burning, kicking or assaulting a child with a weapon. It also includes holding a child under water or any other dangerous or harmful use of force or restraint. Female genital mutilation is another form of physical abuse.
- **Sexual abuse** and exploitation involves using a child for sexual purposes. Examples of child sexual abuse include fondling, inviting a child to touch or be touched sexually, intercourse, rape, incest, sodomy, exhibitionism, or involving a child in prostitution or pornography.

- **Neglect** is often chronic, and it usually involves repeated incidents. It involves failing to provide what a child needs for his or her physical, psychological or emotional development and well being. For example, neglect includes failing to provide a child with food, clothing, shelter, cleanliness, medical care or protection from harm. Emotional neglect includes failing to provide a child with love, safety, and a sense of worth.
- **Emotional abuse** involves harming a child's sense of self. It includes acts (or omissions) that result in, or place a child at risk or result in the child having serious behaviour, cognitive, emotional, or mental health problems. For example, emotional abuse may include aggressive verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes terrorizing a child, or exposing them to family violence.

An abuser may use a number of different tactics to gain access to a child, exert power and control over them, and prevent them from telling anyone about the abuse or seeking support. A child who is being abused is usually in a position of dependence on the person who is abusing them. Abuse is a misuse of power and a violation of trust. The abuse may happen once or it may occur in a repeated and escalating pattern over a period of months or years. The abuse may change form over time.

Abuse of Vulnerable Adults

The most extensive body of literature on abuse of vulnerable adults can be found under "abuse of the elderly". While some factors may not apply to all vulnerable adults (e.g. the developmentally challenged), most characteristics are equally applicable to all vulnerable adults. Although individuals may be abused at virtually any life stage – childhood, adolescence, young adulthood, middle age or old age – the nature and consequences of abuse may differ depending on an individual's situation. Older adults' experiences of abuse, for example, may be related to their living arrangement (they may be living alone, with family members or others, or in an institution). Their experiences may also be linked to their level of reliance on others, including family members or other care providers, for assistance and support in daily living.

Abuse of older adults is sometimes described as a misuse of power and a violation of trust. Abusers may use a number of different tactics to exert power and control over their victims. Abuse may happen once or it may occur in a repeated and escalating pattern over months or years. The abuse may take many different forms, which may change over time.

Types of Abuse

Psychological abuse includes attempts to dehumanize or intimidate older adults. Any verbal or non-verbal act that reduces their sense of self-worth or dignity and threatens their psychological and emotional integrity is abuse. This type of abuse may include, for example:

- Threatening to use violence
- Threatening to abandon the person
- Intentionally frightening the person
- Making the person fear that they will not receive the food or care they need

- Lying to the person
- Failing to check the person's or someone else allegations of abuse against them

Financial abuse encompasses financial manipulation or exploitation including theft, fraud, forgery, or extortion. It includes using older adult's money or property in a dishonest manner, or failing to use older adult's assets for their welfare. Anytime someone acts without consent in a way that financially or personally benefits one person at the expense of another it is abuse. This type of abuse against an older adult may include, for example:

- Stealing the person's money, pension cheques or other possessions
- Selling the person's homes or other property without their permission
- Wrongfully using a Power of Attorney
- Not allowing the person to move into a long-term care facilities in order to preserve access to their pension income
- Failing to pay back borrowed money when asked

Physical abuse includes any act of violence – whether or not it results in physical injury. Intentionally inflicting pain or injury that results in either bodily harm or mental distress is abuse. Physical abuse may include, for example:

- Beating
- Burning or scalding
- Pushing or shoving
- Hitting or slapping
- Rough handling
- Tripping
- Spitting

There may also be sexual abuse.

What Are Some Potential Warning Signs of Abuse?

Some of the signs that may indicate an older adult is being abused include:

- Depression, fear, anxiety, passivity
- Unexplained, physical injuries
- Dehydration, malnutrition or lack of food
- Poor hygiene, rashes, pressure sores
- Over-sedation

Appendix XVII

Helpful Information on Dealing with Reports of Abuse

When a child, youth or vulnerable adult is upset or distressed about a situation, he/she may turn to a trusted adult for support and advice. Often, though, they may be hesitant and shy about discussing what has happened. Feelings of guilt or shame are common. The staff/volunteer should help the child/youth/vulnerable adult feel safe and understand that they can talk about what happened. A vulnerable adult, disabled or confined person, may not be able to tell anyone, so staff/volunteers or visitors need to be sensitive and aware of any change in appearance/emotion.

A listening adult should be supportive and pay attention to what is said. Be cautious about asking questions. Asking questions can invalidate future statements to police or child welfare authorities and can cause a case to be dismissed in court. Accept the child/youth/vulnerable adult's story; do not dispute it. Investigating the incident is the responsibility of the protection agency or police. Although it is difficult, be calm, supportive and hopeful.

It is important not to make promises that you cannot keep, such as promising to stop the abuse, punish or remove the offender. Do not promise not to report the incident to the authorities. If you have inadvertently promised to keep confidential what the child/youth/vulnerable adult says tell him/her that it is necessary to call upon someone who can help you both deal with the situation.

Reporting to a Protection Agency

Note: Any person who has reasonable grounds to suspect that a child/youth/vulnerable adult is or may be in need of protection must report the suspicion to a protective agency or police. Clergy and other professionals have special responsibility to report allegations of abuse. A Staff/Volunteer who hears an allegation of abuse should also notify their superior and /or the Diocesan or Parish Responsibility Ministry Coordinator who shall, in turn, notify our insurer.

Professional persons, such as clergy, and officials have the same duty as any member of the public to report a suspicion that children/youth/vulnerable adults are in need of protection.

Information Needed by a Protection Agency

When one calls a protection agency that person should prepare notes on why he/she is calling.

- Ask for an intake screener.
- Give your name and location, or you may remain anonymous.
- State that you are making a report of a person you believe to be in need of protection.
- Give your relationship to the person and/or family.
- Indicate what you heard from the child/youth/vulnerable adult or what you observed.
- Offer facts such as dates, descriptions of the child/youth/vulnerable adult and identifying facts about people who were involved.
- Share knowledge of other agency or community involvement if known.
- Provide any relevant background information.

Procedure if Contacted by a Protection Agency

1. Any request from a child protection worker (see photo ID or badge to verify identity) should normally be made in person. The worker will want to speak with the person filing the suggested abuse report and, if a different person, to the person to whom the child/youth spoke. If the matter is urgent and those investigating cannot do a personal interview, the investigator may telephone you from his/her office.
2. The child protection agent should identify him/her and give his/her work contact phone number. Record the workers first and last name.
 - Do not give any information at this time. The investigator will explain the process to follow and what information's he/she is seeking.
 - It is your responsibility to verify that this is indeed a child protection agent. Simply say, "I need to move to another phone. May I phone you back in 30 seconds?" Move to a phone where you can ensure confidentiality.
 - When you return the call, provide the necessary information.
 - Ask what is to happen next. This is critical as a court order may be warranted and restraining order put in place. The organization should be aware of this. Details do not need to

be given. Ask when the organization can expect a final report on the case if further information will be required.

- Make clear written notes about what you reported, date, time, phone number and name of investigator. Place in a confidential, locked, metal file cabinet.

Pastoral Response to a Report of Abuse

Disclosure of an incident of alleged abuse is an emotionally charged experience. When an individual discloses that he/she is a victim of alleged abuse, it is important to:

- Assure him/her that he/she will be listened to and be provided with support throughout the process
- Take the allegations seriously
- Keep emotions in check; when disbelief or horror is shown, it may result in the individual becoming withdrawn or unwilling to share the experience with you
- "Listen more, talk less"
- Remind him/her that he/she is in no way at fault for the abuse
- Affirm that it is always appropriate to tell someone that he/she has been abused
- Remind him/her that your first priority is his or her protection
- Ask him/her if it is okay to pray with them
- Reassure him/her that ongoing care will be provided for him/her and his/her family
- Provide pastoral support to him/her; give reassurance that he/she has done the right thing in reporting this incident.

Do not:

- Promise him/her that you will not tell anyone; some secrets should not be kept secret; assure the individual that this information is to be restricted to those who need to be advised.
- Prejudge the situation.
- Defend the alleged perpetrator or make comments like, "I can't believe they did that."

Response to the Media

All contact with the media should be handled through the Communications Office of the Archbishop.

Appendix XVIII

Responsible Ministry and Safe Environment Protocol FAQ's

1. Q – We have a visiting priest coming to our parish from outside of the Archdiocese of Halifax-Yarmouth. What is required in order for him to say Mass?

A – Any priest who is not with the Archdiocese of Halifax-Yarmouth must have “facilities” provided to him by the Archbishop in order to say Mass or perform any sacrament in the Archdiocese of Halifax-Yarmouth. The visiting priest must provide Appendix X111 from his jurisdiction, an information sheet and must sign the Covenant of Care documentation. This must all be done in advance of the visiting priest being allowed to say Mass. Please contact the Diocesan Responsible Ministry Coordinator and she will arrange to have all this documentation completed. The only exception to this is that a visiting (current) Archbishop/Bishop within Canada does not require the protocol to be completed.

2. Q – What are the requirements for a visiting priest who has been invited to host a parish mission, or speak at an event? Does he have to go through the protocol?

A – Yes. See answer to Question #1

3. Q – My pastor told me that every volunteer at the parish needs to go through the Responsible Ministry Protocol; I did not think that was the case. Who is correct?

A – You are. All paid staff and volunteer counters, must go through the protocol. **ONLY** volunteers who are working with Children, Youth and Vulnerable Adults are required to go through the protocol.

4. Q – We have Eucharistic Ministers that provide communion to the sick, infirm in both private residences and in hospitals and nursing homes. Do we have to send two people? And if we do can they be related?

A – According to our protocol and for the safety of the volunteers and the person(s) being ministered to it is necessary that two people go to a home or hospital/nursing home. The two volunteers again for their own safety should not be related (i.e. husband and wife, mother and daughter/son, etc.) We do realize that this can be difficult to find a couple (unrelated)

that are willing to do this; however, there have been situations arise where safety and security have been compromised when this has not been followed.

5. Q - Wouldn't it be easier and more effective for the parish if we were to keep a copy of the Criminal Record Check form that has been completed and returned?

A – For confidentiality purposes the Archdiocese of Halifax-Yarmouth follows the Personal Information Protection and Electronic Documents Act (PIPEDA) which determines that the Archdiocese of Halifax-Yarmouth must maintain files secure in one location.

6. Q – What happens if a volunteer moves communities or churches and had the protocol completed in another church within the past 3 years, do we have to do it again?

A – If the documentation has been completed within the past 12 months the same documentation can be used. Longer than 12 months all the documentation will be required.

7. Q – September 1 an assistant catechist is 18 years old, the cut off age and has provided the completed Youth Volunteer Permission Letter and Personal Information Sheet. On October 1 of the same year the individual then turns 19, does that person have to go through the whole volunteer process?

A – The short answer is NO. If the documentation has been completed for that “school year” and the volunteer turns 19 within that year we use the same information. However, if the volunteer comes back the following year to teach catechism, he/she is now 19 and will have to complete all the necessary documentation as an adult.

8. Q – I do not retain birthdate information on my volunteers or keep a copy of the Criminal Record Check so how will I know when it is time to ask them for the full protocol or when a new Criminal Record Check is due?

A – The Archdiocese of Halifax-Yarmouth enters all the information provided into a database. The Parish Responsible Ministry Coordinator is provided with a specific password to access certain aspects of their parish records and is able to determine when new records are required.

9. Q – Do all clergy in the Archdiocese have to go through the same process?

A – Yes

10. Q – When we initially started the Responsible Ministry Protocol we were told that we only had to have the Criminal Records Check done every five years. I see now that you say every three years, which is it five or three?

A – You are correct, when we began this process in 2010 we indicated every 5 years. There are a lot of reasons why this has been reviewed again, but simply the RCMP tell us that a Criminal Records Check is good for only the day that the check is actually performed. Given the serious nature of the subject matter the Archdiocese felt it important that we put in all the safeguards that we can. For that reason we have changed the requirement for a Criminal Records Check from 5 years to 3 years.

11. Q – In my parish we recently had a situation where I noticed that an individual was doing some volunteer work in the parish for the summer, when I asked the Pastor who that individual was and was the Responsible Ministry documentation completed, I was told that “the individual is a parishioner at a city parish and lives here in the summer and I believe had all the documentation done in their home parish.” How do we deal with this type of situation? I am the Responsible Ministry Coordinator and was not aware of this or this individual.

A – If a lay individual is in a ministry role in another parish this does not automatically entitle them to perform the same ministry role in all parishes. For the purpose of a temporary assignment, the individual should contact the Responsible Ministry Coordinator of the home parish to have documentation verified or contact the Catholic Pastoral Centre prior to beginning a ministry role.

12. Q – I am a new Parish Responsible Ministry Coordinator and am feeling uncomfortable with lack of knowledge on the protocol. Is it possible to have some assistance with training in my parish?

A – Absolutely! Please contact the Diocesan Responsible Ministry Coordinator and she/he will be very happy to assist with training in your parish.

13. Q - I know that the protocol indicates that counters need to go through the protocol, but what about the ushers that take up the collection at mass?

A - No. Our ushers taking up the collection do not need to go through the protocol just for this ministry.

- 14.Q – As a parish coordinator, I notice on the report that I receive from the diocesan coordinator, that there are a number of volunteers who are no longer parishioners and even one or two that have died. I even have parishioners who are still with the parish but no longer volunteer. Why are they still on the report?

A - If there is someone on the parish coordinators report that has died, left the parish, or is a member of the parish but no longer a volunteer send their name to the diocesan coordinator and she/he will make them inactive (or in the case of a death take them off completely). Once this change is made they will not appear on the parish report.

- 15.Q – We now have new committees that have been formed to work on bringing refugees to Nova Scotia. Many of the committees are ecumenical and not solely through our parish. Do the committee volunteers from our parish need to have the protocol completed to participate in these settlement projects?

A – Yes. The refugees coming into the province are considered “vulnerable” persons and any parishioner that is part of a committee, ecumenical or community based is required to complete the protocol if they have joined the refugee committee as part of the parish or archdiocese.

- 16.Q – Again a question about the refugee program in Nova Scotia. In many communities the local catholic parish is the **Constituent Group**, under the Archdiocese of Halifax-Yarmouth who is the “Sponsorship Agreement Holder”. There are committee members that may represent other churches in the community and even members that represent other community groups not affiliated with any particular church. What is our (Archdiocese of Halifax-Yarmouth or the local Parish) responsibility to ensure that all members of the committee have been vetted?

*A – As the Sponsorship Agreement Holder, the Archdiocese of Halifax-Yarmouth approves all the Constituent Groups established in parishes and reviews all the paperwork submitted to establish a Constituent Group. As there are a limited number of Sponsorship Agreement Holders, a number of organizations join together to help with the refugee projects under one sponsorship agreement. If the parish is the Constituent Group, it is the parish responsibility to ensure that **ALL** members of the committee, whether, from the catholic parish or other churches, or members of the community have the proper criminal records checks and vulnerable sector*

searches completed and up to date. This can be simply a written verification from the other church that this has been done, and a copy of the document. All members of the committee if the parish is the Constituent Group must adhere to the Responsible Ministry Protocol for the Archdiocese, and the following would be required for all non parish members: Information Sheet and Criminal Records Check and Vulnerable Sector Search. This information is to be forwarded to the Archdiocese Responsible Ministry Protocol Officer. The reason for this is because as the Sponsorship Agreement Holder, the Archdiocese, is the guarantor and also maintains the liability for the Constituent Group.