



MODEL CODE OF CONDUCT

*For Priests, Deacons, Religious Clerics, Sisters and Brothers,
Pastoral Ministers, Administrators, Staff and Volunteers*

Through the Sacrament of Baptism, we are called to share our gifts with one another and with the world. Given the importance of this call from God, it is essential that we, as a community, do all we can to assure that the right gifts are shared in the right way, at the right time, by the right people. We fulfill our mission more effectively when we make every effort to ensure a richer, stronger, more vibrant and safer community of faith.



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Preface

The purpose of the *Model Code of Conduct* is to assist in developing and implementing uniform guidelines for appropriate behaviour for all religious and lay persons involved in ministries and other activities. The *Model Code of Conduct* is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, may create a risk of incidents, allegations, claims and/or lawsuits.

The Church must be exemplary. As a local faith community of the Catholic Church, the Diocese of Calgary upholds and promotes the values expressed in the Gospel of Jesus Christ and in the teachings and laws of the Catholic Church. This must be manifest in our own values and behaviour. The Church manifests a deep respect and concern for the well-being of all persons and upholds the fundamental goodness of all persons in God's creation. Through the death and resurrection of Jesus all humanity is saved, lifted up and transformed. We are deeply aware of the continuing weakness of human beings and the sinfulness of humanity. Knowing that, we must take seriously and respond appropriately to any misconduct - even among our own clergy, religious, staff and volunteers. This document provides a *Code of Conduct* to guide our faith community in expected behaviour and to assist in responding to misconduct with charity, justice and fairness in accordance with the principles and values of the Catholic Church and the applicable Canon and Secular laws.

The primary concern of the Church and the Diocese is the well-being of all persons involved particularly the health and well-being of children, adolescents and vulnerable adults who might be victims of misconduct.

Clergy, religious, staff and volunteers should and will be held accountable for their behaviour. In order to maintain the highest level of accountability, there must be a clear and unambiguous blueprint of appropriate and inappropriate behaviour. The *Model Code of Conduct* provides a basic structure for identifying limits. It is intended as a "continuous improvement document." Therefore, your suggestions and recommendations for additions and revisions are encouraged.

The *Model Code of Conduct* was adapted from the *Model Code of Conduct* developed by the National Catholic Risk Retention Group, Inc., Catholic Family Service, and the *Code of Conduct of the Diocese of Mackenzie-Fort Smith* with permission.

I. PREAMBLE

Priests, deacons, religious clerics sisters and brothers, pastoral ministers, administrators, staff, and volunteers in our parishes, religious communities/institutes, and organizations must respect and uphold Christian values and standard of conduct. The *Model Code of Conduct* provides guidance for the conduct of all persons carrying out all ministries and activities on behalf of the Diocese, its parishes, offices, ministries, programs (or its related organizations).

II. RESPONSIBILITY

The public and private conduct of clergy, religious, staff and volunteers can inspire and motivate people, but inappropriate conduct can also scandalize and undermine the people's faith. Inappropriate conduct also threatens the future relevance of the Church and to the next generation. Clergy, religious, staff and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

Responsibility to the *Model Code of Conduct* rests with the individual. Clergy, religious, staff and volunteers who disregard this *Model Code of Conduct* will be subject to remedial action by the appropriate authority within the Diocese. Corrective action may take various forms -- from a verbal reproach to removal from the ministry -- depending on the specific nature and circumstances of the offense and the extent of the harm. In certain cases there may be obligations to report the matter to civil authorities, the police or to take appropriate legal action.

III. DEFINITIONS

Abuse: Any physical, verbal, emotional or sexual misconduct towards any person that causes, or may cause, that person to have concern or fear for his or her physical or emotional safety or well-being. Such activity may or may not be criminal in nature. Child abuse, as defined under the child protection legislation of Alberta, also constitutes abuse under this Policy.

Clergy: refers to priests and deacons.

Client: refers to anyone being served by the personnel of the Diocese of Calgary.

Contracted or Vendor Employees: refers to workers provided by contracted, independent or related organizations to provide services to the Diocese, its parishes, ministries or programs.

Diocese: refers to the Roman Catholic Bishop of the Diocese of Calgary as a collective organization which includes its parishes, offices, ministries and programs.

Employees or Staff: refers to paid workers.

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

Ministerial relationship: A relationship involving trust and confidence that is based primarily upon the ministry offered by a priest or deacon or other minister to another person. Examples of ministry include counseling, spiritual guidance and the celebration of the sacraments.

Exploitation of a ministerial relationship: Any abuse of power, betrayal of trust or exploitation of the power imbalance that is inherent in a relationship between a member, employee or volunteer of the Diocese and a person with whom she or he has a ministerial relationship. Because of the imbalance of power between the person offering ministry and the person to whom ministry is offered, the apparent consent of a possible victim does not in itself determine whether or not there has been an abuse of power, a breach of trust or an act of exploitation. Consent of a minor (child under 18) or vulnerable adult does not permit misconduct or exploitation, and is not legally valid.

Minors: Include children and adolescents under the age of 18 years.

Misconduct: an over-arching term that encompasses:

- abuse (physical, sexual or verbal),
- harassment, and
- exploitation of a ministerial relationship.

Pastoral Counselors & Spiritual Directors: Clergy, religious, staff and volunteers who provide pastoral, spiritual and/or therapeutic counselling services to individuals, families, or other groups.

Personnel: Refers to Priests, Deacons, Religious Clerics, Sisters and Brothers, Staff and Volunteers.

Personnel Records: Refers to personal information, screening documents, evaluations, correspondence, etc.

Related Organizations: Independent organizations that exist and operate within parish communities such as the following: CWL, Knights of Columbus, Society of St. Vincent de Paul.

Religious: refers to members of religious orders of clerics, sisters and brothers.

Two Adult Rule: requires two non-related adults present when providing services or supervising one or more minors/vulnerable people.

Volunteer: those who provide services without remuneration to the Diocese, its parishes, ministries or programs.

Vulnerable: Includes those individuals who are at greater risk of being harmed than the general population, because of age, disability, handicap or circumstances, whether

temporary or permanent, by persons in a position of authority or trust relative to them.

IV. PASTORAL STANDARDS

1. Conduct for Pastoral Counsellors and Spiritual Directors

Pastoral Counsellors and Spiritual Directors must respect the rights and advance the welfare of each person.

- 1.1. Pastoral Counsellors and Spiritual Directors shall not step beyond their competence in counselling situations and shall refer clients to other professionals when appropriate.
- 1.2. Pastoral Counsellors and Spiritual Directors should carefully consider the possible consequences before entering into a counselling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). *[See Section 7.2.2]*
- 1.3. Pastoral Counsellors and Spiritual Directors should not audiotape or videotape sessions.
- 1.4. Pastoral Counsellors and Spiritual Directors shall not engage in sexual intimacies with the persons they counsel. This includes consensual and non-consensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5. Pastoral Counsellors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client -- such as relatives or friends of the client -- when there is a risk of exploitation or potential harm to the client. Pastoral Counsellors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.
- 1.6. Pastoral Counsellors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counselling and counselling-related relationships.
- 1.7. Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counsellors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.
- 1.8. Sessions should be conducted in appropriate settings at appropriate times.
 - 1.8.1. No sessions should be conducted in private living quarters.
 - 1.8.2. Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counselled.
- 1.9. Pastoral Counsellors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counselled.

2. Confidentiality

Information disclosed to Pastoral Counsellors or Spiritual Directors during the course of counselling, advising, or spiritual direction shall be held in the strictest confidence possible.

- 2.1. Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
 - 2.1.1. If there is clear and imminent danger to the client or to others, the Pastoral Counsellor and Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - 2.1.2. Before disclosure is made, if feasible, the Pastoral Counsellor or Spiritual Director should inform the person being counselled about the disclosure and the potential consequences.
- 2.2. Pastoral Counsellors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counselling.
- 2.3. Pastoral Counsellors and Spiritual Directors should keep minimal records of the content of sessions.
- 2.4. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 2.5. While counselling a minor, if a Pastoral Counsellor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counsellor or Spiritual Director should:
 - Attempt to secure written consent from the minor for the specific disclosure.
 - If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
 - Consultation with the appropriate Church supervisory personnel is required before disclosure except where an emergency prevents this. In the case of an emergency, call 911 first, then consult Church supervisory personnel.

► *These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure -- even indirect disclosure -- of information received through the confessional.*

3. Conduct with Minors/Vulnerable Persons

The following sections of the Model Code of Conduct are applicable for clergy, religious, staff and volunteers who have contact with children, adolescents and vulnerable adults.

“Minors/Vulnerable persons” include all children, adolescents (under the age of 18) and vulnerable adults. Priests, deacons, religious, staff and volunteers working with vulnerable persons shall maintain an open and trustworthy relationship between vulnerable persons and adult supervisors.

- 3.1. The preparation of children for the celebration of the sacraments of first reconciliation, first communion and confirmation is to be done in a group format with at least two unrelated adults present. One-on-one instruction is to be avoided.
- 3.2. The celebration of the sacrament of reconciliation with children is to be done in an open space that allows the penitent and the priest to be in full view of others, or in a traditional confessional. In the case of a traditional confessional, an adult, parent or guardian must accompany the vulnerable person to the confessional and meet the vulnerable person immediately after confession.
- 3.3. The location of reconciliation rooms is to be in a high traffic area of the church building. Any new construction or renovation of reconciliation rooms is to provide for clear glass openings.
- 3.4. Two unrelated adults are to be present for all recreational and catechetical programs. No adult shall be alone in a washroom with a child. In case of special needs, agreement shall be made between the parents or guardian and the Diocesan employee or volunteer.
- 3.5. One-on-one counseling is to be conducted in a space with clear glass openings. Again, an adult, parent or guardian must accompany the vulnerable person to counseling and meet the vulnerable person after counseling.
- 3.6. Access to rectories is to be restricted. Personnel (any priest, religious sister, brother, deacon, or lay person in a ministry agreement with the Diocese) are not to be alone with a child, an adolescent or a vulnerable adult in his or her living quarters or motor vehicle.
- 3.7. Personnel are not to take a person under 18 years of age on personal trips or vacations. Other provinces and countries may have a higher age of majority.
- 3.8. Personnel will set appropriate boundaries in his or her relationships with others. It is not up to the person coming for help to set the boundaries, but Diocesan personnel must set the appropriate boundaries. (*e.g.* Diocesan personnel are not to be alone with a child in a washroom. Requests for one on one counseling at unusual times or situations are redirected to appropriate times and situations, etc.).
- 3.9. Expensive gifts are not to be given to or accepted from a child, an adolescent or a vulnerable adult.
- 3.10. Signs of affection are to be discrete and culturally appropriate, preferably in view of others. A deacon or priest is not to kiss a parishioner who is not his spouse or a family member.

- 3.11. Personnel must be aware of their own and others' vulnerability when working alone with vulnerable persons. Use a team approach to managing activities.
- 3.12. Physical contact with vulnerable persons can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.13. Personnel must refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol when working with vulnerable persons.
- 3.14. Clergy should not allow vulnerable persons to stay overnight in the cleric's private accommodations or residence.
- 3.15. Personnel should not provide shared, private, overnight accommodation for vulnerable persons including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or another place where there is no other adult supervision present.
 - 3.15.1. In rare, emergency situations, when accommodation is necessary for the health and well-being of vulnerable persons, the Diocesan personnel should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
 - 3.15.2. Use a team approach to managing emergency situations.

► *High risk activity must stop where the risks to minors/vulnerable persons cannot be mitigated by appropriate screening, commitment to the **Model Code of Conduct**, use of the Two Adult Rule, appropriate physical facilities (glass panels, open doors, etc.).*

4. Sexual Conduct

Clergy, religious, staff and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

- 4.1. Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times (this includes absolute fidelity to their spouse, if married (even, if separated). Any sexual relationship or exploitation of a minor (under 18 years old), or vulnerable adult is not only prohibited, it is a violation of the *Criminal Code of Canada*. Accessing, viewing and/or distributing pornography is not tolerated. Viewing, possessing and/or distributing child pornography is illegal.
- 4.2. Personnel who provide pastoral counselling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- 4.3. Personnel may not exploit another person for sexual purposes.
- 4.4. Allegations of sexual misconduct should be taken seriously and reported to the Sexual Misconduct Committee Chair, the Bishop and to civil authorities if the

situation involves a minor.

- 4.5. Diocesan procedures will be followed to protect the rights of all involved.
- 4.6. Clergy, religious, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the Province of Alberta and should follow those mandates.

► *Any person who has reasonable and probable grounds to believe that a child (under 18 years) is in need of protective services must report to either the Director of Child Welfare, his or her designate or a Child Welfare Worker, pursuant to the Child Welfare Act (Alberta) | [HTTP://WWW.LAW.UALBERTA.CA/CENTRES/HLI/USERFILES/RENKEFRM.PDF](http://www.law.ualberta.ca/centres/hli/userfiles/renkefrm.pdf).*

Failure to make a report is an offence. For further guidance see [SEXUAL MISCONDUCT COMMITTEE FOR THE ROMAN CATHOLIC DIOCESE OF CALGARY](#) which is available on the Diocesan website, or upon request to the Chancery Office or the Diocesan Human Resources Office.

5. **Harassment**

Clergy, religious, staff and volunteers must not engage in physical, psychological, written or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church staff or volunteers.

- 5.1. Clergy, religious, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- 5.2. Harassment encompasses a broad range of physical, written, or verbal behaviour, including without limitation the following:
 - Physical or mental abuse.
 - Racial insults.
 - Derogatory ethnic slurs.
 - Unwelcome sexual advances or touching.
 - Sexual comments or sexual jokes.
 - Requests for sexual favours used as:
 - a condition of employment, or
 - to affect other personnel decisions, such as promotion or compensation.
 - Display of offensive materials.
 - Viewing, accessing, downloading, e-mailing or printing pornographic material from the Internet or otherwise, including any child pornography
- 5.3. Harassment can be a single severe incident or a persistent pattern of behaviour where the purpose or the effect is to create a hostile, offensive, or intimidating work or Church environment.

- 5.4. Allegations of harassment are taken seriously and must be reported immediately to the appropriate party. Diocesan procedures will be followed to protect the rights of all involved. [See Section 10. Reporting Ethical or Professional Misconduct.]

6. *Parish, Religious Community/Institute, and Organizational Records and Information*

Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of parish, religious community/institute, or organizational records.

- 6.1. Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.

Information contained in sacramental records can only be provided to the individual concerned or with that individual's written permission. Older sacramental records may be open by permission of the Chancellor according to the guidelines of that office.

- 6.2. Parish, religious community/institute, or organization financial records are confidential unless review is required by the Diocese or by law. Contact the Diocesan Financial Office upon receipt of any request for release of financial records.
- 6.3. Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence except when required by auditors for the Diocese or the Bishop.
- 6.4. Personnel Records are the property and responsibility of the parish and must be kept secure and confidential. They must not be disposed of or destroyed without the express authority of the appropriate Diocesan office either the Office of the Bishop or the Human Resources Officer of the Diocese.

7. *Conflicts of Interest*

Clergy, religious, staff and volunteers should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

- 7.1 Clergy, religious, staff and volunteers should disclose all relevant factors that potentially could create a conflict of interest.
- 7.2 Clergy, religious, religious staff and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
 - 7.2.1. No clergy, religious, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious,

political or business interests.

7.2.2 Pastoral counsellors should not provide counselling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counsellor must establish and maintain clear, appropriate boundaries.

7.2.3 When pastoral counselling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counsellor or Spiritual Director must:

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,
- Take appropriate actions to eliminate the conflict, and
- Obtain from all parties written consent to continue services.

7.3 Conflicts of interest may also arise when a Pastoral Counsellor's or Spiritual Director's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

In these circumstances, the Pastoral Counsellor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counsellor or Spiritual Director.

Employers and supervisors shall treat clergy, religious, staff and volunteers justly in the day-to-day administrative operations of their ministries.

7.4 Personnel and other administrative decisions made by clergy, religious, staff and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this Model Code of Conduct.

7.5 No clergy, religious, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

7.6 All clergy, religious, staff or volunteers providing services to children and vulnerable persons must read and sign the Model Code of Conduct before providing services. They must also undergo training in the Model Code of Conduct at the earliest possible date.

8. Clergy, Religious, Staff or Volunteer Well-being

Clergy, religious, staff and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

8.1 Clergy, religious, staff and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.

- 8.2 Clergy, religious, staff and volunteers should seek help immediately whenever they notice behavioural or emotional warning signs in their own professional and/or personal lives.
- 8.3 Clergy, religious, staff and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 8.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

9. *E-Mail, Internet and Computer Use*

In addition to this diocesan-wide policy, all personnel must adhere to the policies, practices, and procedures established at their parish for e-mail, internet and computer use as well as IT services, computer repair, maintenance, replacement, backup procedures and storage, ensuring virus and internet security, acquiring and servicing software licences, technical support, etc. and any other matters of usage particular to that parish.

These policies apply whether the diocese/parish has given you Internet and/or e-mail access at the office, the parish, on your laptop or at home.

Computers and related software and equipment are diocesan or parish property. To prevent problems and protect the Diocese, its parishes, offices, ministries and programs from liability, the policy applies to all personnel in the Diocese.

The Diocese reserves the right to review any material on user accounts and to monitor files, internet use, including any web sites visited, and reading of e-mail messages, including any attachment. There is to be no expectation of privacy.

General Conditions and Rules for Use

It is expected that the use of computers, the internet and e-mail will be in support of and consistent with the faith and principles of the Roman Catholic Church.

- E-mail is a form of Diocesan and church communication and it should be treated as such. Be professional in all e-mail communications.
- E-mail provided by the parish/office is not to be used for personal communications.
- Internet service and computers may be used for incidental personal use. Any personal use is preferably done during non- working hours and only if it does not interfere with anyone else.
- Realize that all communications and information accessible via the Internet are the private property of those who put it on the network. Having said that, personnel must realize that all information transmitted via e-mail and the internet can be accessed by anyone who has a computer.
- Software is subject to licensing agreements. To prevent liability, there is to be no removal, copying or installing of diocesan/parish software on an individual's own personal computer. If you believe you need access to particular software at home, you must consult with the appropriate supervisory and IT personnel who will determine if access is required and, if deemed to be necessary, will obtain a valid copy.

You may not use your computer, e-mail or Internet access to:

- engage in any illegal or unethical activities
- view or distribute pornography
- distribute a virus or other harmful component
- violate copyright laws by unlawfully downloading or using information or software that is protected by copyright
- indiscriminately copy e-mail messages to individuals or send irrelevant messages, inappropriate jokes or pictures
- disclose confidential information about the Diocese it's parishes, offices, ministries, programs or personnel
- express opinions that appear to be on behalf of or representing the Diocese, its parishes, offices, ministries or programs.

Penalties for Improper Use

Internet usage or e-mail access may be discontinued at any time and at the discretion of the Bishop and other supervisory authority.

Any user violating these rules, their parish's computer-use policies, practices, procedures or applicable provincial, federal, municipal or international laws is subject to loss of internet privileges, other diocesan disciplinary options up to and including termination of employment or ministry and prevailing legal consequences.

10. Reporting Misconduct

Clergy, religious, staff and volunteers have a duty to report their own sexual, ethical or professional misconduct and the misconduct of others.

- 10.1 Clergy, religious, staff and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, religious, staff, or volunteers, you should notify the proper civil authorities immediately. Also notify the Bishop and/or the Misconduct Policy Administrator.

See the *Child Welfare Act* (Alberta)

<http://www.law.ualberta.ca/centres/hli/userfiles/renkefrm.pdf>

Sexual Misconduct Committee for the Roman Catholic Diocese of Calgary

- 10.2 When an uncertainty exists about whether a situation or course of conduct violates this *Model Code of Conduct* or other religious, moral, or ethical principles, consult with:

- Peers,
- Supervisors,
- Others knowledgeable about ethical issues, or

- The Bishop's office
- 10.3 The obligation of Pastoral Counsellors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved (except as provided for in Section 2.5 where disclosure is through confession).

11. Administrators of the Policy

11.1 Bishop

The Bishop shall appoint Misconduct Policy Administrators to administer this Policy. The Bishop shall not participate in the investigation or the review of any complaint under this Policy prior to receiving a Misconduct Policy Administrator's final report. The Bishop shall be the final adjudicator of any complaint that is brought before him and shall be responsible for determining what action, if any, will be taken under this Policy.

If the Bishop is himself accused of misconduct, a Vicar General shall assume the Bishop's functions under this Policy.

11.2 Misconduct Policy Administrators

The Misconduct Policy Administrators shall administer this Policy. All complaints of alleged misconduct under this Policy shall be made or forwarded to the Chancery Office, the Sexual Misconduct Committee Chair or the Diocese Human Resources Office. If a Misconduct Policy Administrator is himself or herself the subject of a complaint, the Misconduct Policy Administrator shall request that the Bishop appoint an Alternate as provided in section 11.3 *infra*.

The Misconduct Policy Administrator shall conduct an independent assessment of a complaint pursuant to the Policy. If he or she determines it necessary, he or she shall also conduct, or appoint an Investigator to conduct, an independent investigation into the complaint pursuant to the guidelines of this Policy (12.4 *infra*).

The Misconduct Policy Administrator is not the adjudicator of any complaint under the Policy. He/she shall make recommendations to the Bishop as to what action, if any, should be taken at the completion of his or her investigation.

11.3 Alternate Policy Administrator

In cases where there is a conflict of interest (actual or perceived) or for other compelling reasons, the Bishop may, on his own initiative or upon the request of the Misconduct Policy Administrator, the complainant or the accused, appoint an Alternate to the Misconduct Policy Administrator. The Alternate shall, as directed by the Bishop, either:

- (a) act as a consultant to the Misconduct Policy Administrator; or

(b) act in place of or on behalf of the Misconduct Policy Administrator.

11.4 Investigator

If the Misconduct Policy Administrator determines that it is necessary or desirable, he or she may appoint an Investigator to conduct the investigation. Such Investigator shall have the same duties and responsibilities as the Misconduct Policy Administrator in the course of the investigation and shall submit a written report of the findings to the Misconduct Policy Administrator.

If there is a need to protect the investigation with solicitor-client privilege, legal counsel should be retained by the Diocese, to investigate and provide legal advice.

11.5 Support Persons

The Misconduct Policy Administrator shall offer to provide separate Support Persons to complainants and accused persons during the investigation and adjudication of a complaint. The complainant and the accused person shall have separate Support Persons unless they each request and agree to have the same Support Person(s). Support may include emotional support (not counseling), spiritual support, assistance with communications, and assistance with understanding this Policy, including procedures with respect to responding to or making an allegation of misconduct. The Support Person shall not take part in the investigation except as a resource for the person to whom he or she is providing support.

11.6 Misconduct Advisory Team

The Bishop shall appoint a team of three or more persons who are qualified by training and experience to act as advisors to the Misconduct Policy Administrator and the Bishop in the administration of the Policy. The Misconduct Policy Administrator may consult with the Misconduct Advisory Team as provided under this Policy.

11.7 Other Assistance

Because the well-being of its members and the persons to whom it offers ministry is of utmost concern, the Diocese shall offer to provide specific care for complainants and accused persons during the investigation of a complaint under this Policy. Provision of such care is within the discretion of the Misconduct Policy Administrator and may include:

- Assistance with therapy fees for the complainant. Such assistance shall be provided for pastoral reasons and does not constitute an admission of responsibility or an admission that the facts as alleged occurred. The complainant shall acknowledge this in writing prior to receiving such assistance.
- Assistance with therapy or legal fees for the accused person: such assistance is provided for pastoral reasons and does not constitute an admission of responsibility or that the facts as alleged occurred.

11.8 Care for Communities at Risk

The Diocese is also concerned about the well-being of the communities where the alleged abuse took place. Accordingly, the Diocese will provide such care and information to any place of ministry where misconduct is alleged to have occurred as it deems necessary. In doing so, the Diocese will maintain the confidentiality of the complainant, the accused person and their families to the fullest extent possible.

12. Procedures for Reporting Sexual Misconduct

Where a person wishes to make a complaint of sexual misconduct on the part of a clergyman, a member of a religious order, an employee or volunteer of the Roman Catholic Diocese of Calgary under this Policy, he or she may do so by contacting the Sexual Misconduct Committee Chair directly through the Chancery Office or by confidential email. Contact information as well as a the protocols for the Sexual Misconduct Committee of the Roman Catholic Diocese of Calgary shall be prominently displayed on the Diocesan website. Complaints of misconduct received by anyone else under this Policy shall be referred forthwith to the Sexual Misconduct Committee Chair. A complaint may also be initiated by the Diocese or by its employees or volunteers where sexual misconduct is suspected or has been reported but no complainant has come forward. Any such complaint shall also be referred forthwith to the Sexual Misconduct Committee Chair. The allegation will be brought to the attention of the insurance company so that an investigation can begin from early on in the process and that counselling services will be available to all concerned parties as coverage is provided in the policy.

13. Procedures for Reporting Other Forms of Ethical and/or Professional Misconduct

13.1 Complaints/Initiating the Process

This policy does not affect an individual's right to file a complaint or to respond to a complaint with the Human Rights Commission, or to seek other redress as may be provided under law. It should be noted that sexual and other forms of assault are covered under the Criminal Code of Canada and that police may be asked to investigate.

13.1.1 Resolution at the Parish/Program Level for Less Severe Incidents of Misconduct.

Persons who face minor incidents of harassment should, if comfortable doing so, make their objection known to the offender and/or report their experience or concern to their supervisor by following the procedures outlined in 12.1.2. However, where that is not possible for any reason or if ongoing attempts to resolve the matter have been unsuccessful or if the offense escalates or is of a more serious nature, the complainant may at any time make a formal complaint to the Misconduct Policy Administrator by following the procedures outlined in 13.2.

13.1.2 Procedures for Resolution at the Parish/Program Level

An individual may choose to initiate action to resolve a harassment situation at the local parish/program level. Possible action could include some or all of the following:

- the complainant may inform the harasser, if they feel comfortable and safe to do so, that the actions are unwelcome and must stop immediately;
- the complainant may request the involvement of a colleague, administrator or supervisor, to provide informal intervention towards an acceptable resolution of the situation;
- the complainant should keep a record of incidents including dates, times, locations, possible witnesses, description of incidents, personal response and resulting outcome.

13.1.3 Responsibilities of Supervisory Personnel

It is the responsibility of all supervisory personnel to take immediate and appropriate corrective action in situations involving harassment complaints. It is the responsibility of all supervisory personnel to make staff and volunteers aware of this policy and its regulations and procedures.

13.1.4 Protection from Retaliation

Retaliation against the complainant for reporting harassment will not be tolerated.

13.1.5 Reasonable Time

A complaint must be filed within a reasonable time from when the last incident occurred. The Diocese reserves the right not to deal with complaints based on events/facts which occurred more than one (1) year prior to the date of the complaint unless, of course, it is of a serious and/or criminal nature in which case, the procedures for reporting are outlined in 13.2.

13.1.6 Confidentiality

Confidentiality of information is not the same as anonymity. The respondent is entitled to know the identity of the complainant and to receive a written summary of the complaint outlining the specifics of the allegations.

Concerns or complaints received pursuant to this policy shall be held in strict confidence between the complainant, respondent and other such individuals as may be involved in the resolution of the complaint.

13.1.7 Records

If the allegation is proven to be true, the record of the investigation and final disposition will be kept in the individual's personnel file. After a period of three (3) years, the individual may request that all such related material be

removed from the personnel file. This decision is at the discretion of the supervisor who must give serious consideration to the nature of the situation and the degree of success of the resolution. The supervisor may wish to consult with the Bishop or the Misconduct Policy Administrator if there is any doubt about the situation.

13.2 Procedures for Reporting Serious and/or Unresolved Complaints to the Misconduct Policy Administrator

Where a person wishes to make a more formal complaint of misconduct on the part of a clergy, religious, employee or volunteer of the Diocese under this Policy, he or she may do so by contacting the Human Resources Officer of the Diocese (403) 218-5500. The complaint will be dispatched to the appropriate Misconduct Policy Administrator for investigation.

Complaints of misconduct of a severe nature received by anyone else under this Policy shall be referred forthwith to the Misconduct Policy Administrator. A complaint may also be initiated by the Diocese or by its employees or volunteers where misconduct is suspected or has been reported but no complainant has come forward. Any such complaint shall also be referred forthwith to the Misconduct Policy Administrator. The allegation will be brought to the attention of the insurance company to ensure coverage is provided under the insurance policy. This also ensures that an investigation can begin from early on in the process, and that counseling services will be available to all concerned parties.

13.3 Preliminary Assessment

Upon receiving a complaint of alleged misconduct, the Misconduct Policy Administrator shall make a preliminary assessment of the complaint in order to determine whether or not to initiate an investigation. In doing so, the Misconduct Policy Administrator (“MPA”) shall:

- explain to the complainant the procedures that shall be followed under this Policy;
- obtain information about the complaint from the complainant, using the form provided; and
- ensure that the complainant receives an opportunity to consult with a Support Person and/or legal counsel if he/she so chooses.
- should the MPA decide to proceed with an investigation, he/she should immediately inform the Diocesan insurer.

In determining whether an investigation should proceed, the Misconduct Policy Administrator shall consider:

- the credibility of the complainant;
- the seriousness of the allegations;
- the wishes of the complainant;
- the safety of the Diocese’s ministries;

- the interests of the Diocese and its members;
- applicable laws, including Canon Law;
- the Guiding Principles, Ethical Responsibilities and Objectives of the Policy; and
- any other factor the Misconduct Policy Administrator deems relevant and appropriate.

13.4 Abuse of Vulnerable Persons

If the complaint involves allegations of abuse of children, the Misconduct Policy Administrator shall:

- (a) if the complaint involves a child (under 18 years old) currently in need of protection as defined under applicable child protection legislation, report the allegations to Child Welfare authorities immediately in accordance with the applicable law;
<http://www.law.ualberta.ca/centres/hli/userfiles/renkefrm.pdf>
- (b) ensure that the Diocese co-operates fully with any investigation by appropriate authorities;
- (c) not conduct an internal investigation until any criminal or child protection investigation is completed;
- (d) if it appears that other children or vulnerable persons may be currently at risk, take such action as is appropriate in the circumstances and in accordance with this Policy and applicable law, or recommend such action to the Bishop;
- (e) if warranted, notify the Misconduct Advisory Team and keep them informed of the investigation, recommendations and any resolution of the complaint; and
- (f) inform the Bishop of the complaint and the steps taken by the Misconduct Policy Administrator.

13.4.1 Any clergy, religious, employee or volunteer of the Diocese who suspects that a child may be in need of protection as defined under applicable provincial laws must report this suspicion to the appropriate authorities. If the alleged abuser is a member of the Diocese or an employee or volunteer of the Diocese, then the Misconduct Policy Administrator must also be advised of the allegations.

13.4.2 Any clergy, religious, employee or volunteer of the Diocese who is accused of abuse must notify the Misconduct Policy Administrator immediately and should consult with independent legal counsel.

13.4.3 The Bishop shall immediately remove anyone accused of child abuse from contact with children or other vulnerable persons and, if the accused is a clergyman, religious or lay employee of the Diocese, place him or her on paid

administrative leave pending the outcome of any investigation by police or child protection workers.

13.5 Harassment or Exploitation of a Ministerial Relationship

Where a complaint involves harassment or exploitation of a ministerial relationship by a clergyman, pending the outcome of the Misconduct Policy Administrator's investigation, where he considers it to be in the interests of the good order of the Diocese, or in the best interests of the accused and the complainant, the Misconduct Policy Administrator may recommend to the Bishop that he:

- (a) place the accused on paid administrative leave; or
- (b) place the accused in an alternate ministry either with or without restrictions depending on the circumstances.

13.6 Where No Investigation Proceeds

If the Misconduct Policy Administrator determines that an investigation should not proceed, he or she shall so advise the complainant and make a report to the Bishop, setting out the nature of the complaint and the reasons why an investigation did not proceed. The complainant shall be informed that if dissatisfied with the Misconduct Policy Administrator's decision, he or she may request the Bishop to review the decision. If the Bishop then decides an investigation should proceed, he or she shall refer the matter to an Alternate to conduct the investigation. If the Bishop does not proceed with an investigation, then a record of this and the reasons will be sent to the Misconduct Policy Administrator for filing.

13.7 False Charges

If an investigation determines that a complaint was made in a malicious or vindictive manner, disciplinary action, dismissal or legal action as may be appropriate in each circumstance, shall result.

13.8 Investigation

Where an investigation proceeds, the Misconduct Policy Administrator shall:

- (a) advise the complainant that an investigation shall be conducted and ensure that the complainant has an opportunity to meet with a Support Person;
- (b) advise the accused person of the nature of the complaint and that an investigation under this Policy is proceeding, and offer to provide a Support Person to the accused;
- (c) obtain any available insurance policies in effect at the time during which the alleged misconduct was to have occurred and notify the insurer of the potential claim. Failure to do so may void any coverage of the insurance claim;

- (d) interview or arrange for the interview of the complainant and any other individuals who may assist in the investigation and collect other relevant evidence;
- (e) after giving the accused person a reasonable opportunity to consider the complaint and, if so desired, to consult with a Support Person and/or legal counsel, interview or arrange for the interview of the accused person;
- (f) as deemed advisable, engage a court reporter to take down the proceedings of the investigation;
- (g) if the Misconduct Policy Administrator considers it desirable, consult with the Misconduct Advisory Team or other professional advisors; and
- (h) upon completion of the investigation, prepare a written report to the Bishop that contains details of the complaint, a description of the evidence gathered, and recommendations as to what action, if any, should be taken by the Bishop. A copy of the written report shall be provided both to the complainant and to the accused.

13.9 Informal Resolution of Harassment Claims

In cases of alleged harassment, the Misconduct Policy Administrator shall consider whether an informal resolution is possible and, if both the complainant and the accused person agree to participate, the Misconduct Policy Administrator shall arrange an informal resolution process. Such a process may take the form of a “without prejudice” facilitated discussion between the complainant and the accused person or other type of mediation, as agreed to by the parties and approved by the Misconduct Policy Administrator. If such a process does not result in a resolution of the complaint, a formal investigation may then proceed, although at any time during the course of the investigation, if the Misconduct Policy Administrator deems it appropriate and the parties agree, further informal resolution meetings may take place. All informal resolution discussions arranged by, or which occur with the approval of, the Misconduct Policy Administrator, shall be “without prejudice” and not be used or referred to in any investigation or report. If a resolution is achieved, a resolution agreement shall be drawn up, signed by both parties and ratified by the Misconduct Policy Administrator. A copy of the agreement shall be maintained in the file of the Misconduct Policy Administrator.

13.10 Bishop’s Adjudication

Upon receipt of the Misconduct Policy Administrator’s written report, the Bishop shall:

- (a) give the complainant and the accused person a reasonable opportunity to consult with legal counsel and to respond to the report in writing to the Bishop. Where the Bishop considers it desirable, he may also choose to meet with the parties;

- (b) if he considers it desirable, consult with legal counsel for the Diocese, the Misconduct Advisory Team, or any other appropriate professionals; and
- (c) make a final determination regarding the complaint and any action to be taken. This determination shall be made on the balance of probabilities, with the safety of children and vulnerable persons as a primary guiding principle. The determination shall be documented in writing and provided to the complainant and the accused person. Where practical, the accused and complainant shall be informed in person of the decision by the Bishop.

Where the complaint is against the Bishop, adjudication shall be by either a Vicar General or by an independent arbitrator pursuant to the *Arbitration Act* (Alberta).

13.11 Records where No Misconduct is Proven

If the Bishop determines that no misconduct has been proven, no notation about the investigation or complaint shall be kept in the clergy, religious, employee or volunteer's personnel file. The Misconduct Policy Administrator shall, however, maintain a copy of the report and the Bishop's decision in a confidential file in the Misconduct Policy Administrator's care. Where legal counsel has been retained, the report will be subject to solicitor-client privilege and the only copies will be retained on the lawyer's file.

13.12 Discipline

If misconduct is found to have occurred, the Bishop shall determine the appropriate discipline, which may include the following, depending on the circumstances:

- Caution: The Bishop gives an oral caution to the person and notes it on the person's file.
- Warning: The Bishop gives a warning in writing with a copy of the warning going into the person's file.
- Reprimand: The person appears before the Bishop and is given a reprimand in writing with a copy of the reprimand going into the person's file.
- Censure: The person appears before the Bishop, is given a reprimand in writing, with a copy of the reprimand going into the person's file; opportunities for rehabilitation are provided as needed; and ongoing reports are given to the Bishop for at least one year after resuming work.
- Administrative leave: the person found guilty of misconduct is suspended from the exercise of ministry, employment or volunteer work until there is clear evidence to the Bishop of rehabilitation and restoration. The person will be provided opportunities for
- Rehabilitation as needed, and ongoing reports will be given to the Bishop for at least one year.

- Termination: the person's appointment, employment, or volunteer work is terminated.

13.13 Juridical Norms of the Diocese and Canon Law

In addition to the disciplinary procedures listed above, the Diocese is also bound by the applicable juridical norms (e.g. Articles of Incorporation, By-laws, etc.) and any other provisions under Canon Law. The Bishop shall ensure adherence to the requirements of these juridical norms and of Canon Law.

13.14 Permanent Removal Where Child Abuse Is Determined

The Bishop must permanently remove from any ministry or work with children, adolescents or vulnerable adults any person found guilty of abuse of vulnerable persons.

13.15 Appeal

Members of the Diocese have the right to appeal the disciplines of "Administrative Leave" or "Termination" according to the juridical norms of the Diocese and the provisions of Canon Law. The same right applies to employees of the Diocese according to the laws of Alberta. Preference is to appoint an independent single arbitrator pursuant to the *Arbitration Act* (Alberta). Where necessary, an arbitration agreement will be prepared by Diocesan legal counsel for agreement and signature of the Bishop and all affected parties.

14. Other Matters

14.1 Investigation of Alleged Child Abuse or Criminal Activity

Following the completion of any criminal or child protection proceedings, the Diocese may conduct an internal investigation in order to determine whether an accused clergy, religious, employee or volunteer poses a hazard to children or other vulnerable persons. Such investigation shall be conducted pursuant to the guidelines set forth in this Policy and shall have as the primary guiding principle the safety of children (under 18 years old) and vulnerable adults. The results of this investigation shall be considered in determining any future assignments of the accused person.

14.2 Records of Complaints

Any complaint received by the Misconduct Policy Administrator, whether or not an investigation is conducted, shall be maintained in the Misconduct Policy Administrator's confidential records or on the files of Diocesan legal counsel. Copies of all files, records or reports pertaining to any complaint and investigation shall also be maintained in the Misconduct Policy Administrator's or Diocesan legal counsel's records.

14.3 Payment of Accused's Counsel Fees

Because of his incardination, where the accused under this Policy is a clergyman of the Diocese, the Diocese shall pay the reasonable fees of his independent legal counsel to defend a complaint. Depending upon the circumstances, the Diocese may also choose to pay some or all of the reasonable counsel fees of their employees, religious, non-incardinated priests or volunteers in defending a complaint under this Policy. This will be confirmed in writing by the Bishop. All other persons are responsible for their own legal fees

14.4 Misconduct Policy Administrator’s Annual Report

On an annual basis, the Misconduct Policy Administrator shall make a year-end report to the Bishop on the activities conducted under this Policy. This report may also include any of the Misconduct Policy Administrator’s recommendations about the workings of the Policy or suggestions for improvements to the Policy.

15. Signing the Agreement

All clergy, religious clerics, sisters and brothers, pastoral ministers, administrators, staff and volunteers of the Diocese are expected to sign the Agreement to abide by the Model Code of Conduct. The original signed copy is to be kept on file in the individual’s personnel file. See document **Agreement to Abide by the Model Code of Conduct.**

V. OTHER DOCUMENTS

AGREEMENT TO ABIDE BY THE MODEL CODE OF CONDUCT

SEXUAL MISCONDUCT COMMITTEE FOR THE ROMAN CATHOLIC DIOCESE OF CALGARY