

# Caring for the Faith Community: A Protocol for Responsible Ministry

Diocese of Saint John  
New Brunswick



October 1, 2012



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Dear sisters and brothers in Christ:

For many years, volunteer organizations that work with children, youth, and vulnerable adults have developed screening policies for volunteers to minimize the risk of physical and sexual abuse. Dioceses across Canada have drawn up, promulgated, and implemented such policies. The primary purpose of such policies is to allow the dioceses and their parishes to carry on the many important ministries that serve the people of their communities while ensuring the safety of all. Our *Protocol for Responsible Ministry* requires that the bishop, clergy, employees and volunteers be screened and sign a Covenant of Care. The special measures surrounding the how and where of ministry are as much a protection for those who provide the ministry as those who receive it.

I am happy to present to you the one unified Protocol entitled *Caring for the Faith Community: A Protocol for Responsible Ministry* in effect for the Diocese of Saint John and promulgated as of this date.

*Caring for the Faith Community: A Protocol for Responsible Ministry* has two parts.

- Recruiting, screening and education
- Responding to complaints

The *Guidelines for Recruiting, Screening and Education* component was distributed for implementation March 25, 2010. Thereafter workshops were held for the priests, the parish Responsible Ministry Coordinators, parish and diocesan employees and volunteers enabling the diocese to be proactive in assuring responsible ministry.

Since then the *Guidelines* have gone through several drafts to make our protocol more “pastoral” in its orientation. I am grateful to the Diocesan Responsible Ministry Committee for its dedication and invaluable work in bringing this revision to term. This present document presents the latest revised text which is being promulgated in the one unified *Protocol for Responsible Ministry*.

The *Responding to Complaints* component defines how our diocese will respond in the event of an allegation of wrongdoing against those involved in ministry, both clergy and laity. It has been in effect since June 12, 2009 and is now integrated into the one unified protocol, promulgated today.

As a diocesan church, we are totally committed to making the church a safe place for children, youth and vulnerable adults. In fact, we expect all persons to be valued and treated with the respect owed them, created as they are in the image and likeness of God.

I am grateful to all who serve our diocesan and parish communities in whatever capacity. By serving, we are living out the mission of Christ entrusted to us.

I am counting on your continued cooperation and collaboration. Blessings on all of us as we move forward.

✠ Robert Harris  
Bishop of Saint John

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## **I. RECRUITING, SCREENING AND EDUCATION**

### **1. Purpose of the Protocol for Responsible Ministry**

- To provide a safe environment for children, youth and vulnerable adults by having effective processes in place to prevent opportunities for abuse and harm;
- To increase the level of protection for vulnerable persons through education, training and support of our employees and volunteers;
- To protect clergy, employees and volunteers against false allegations of wrongdoing.

### **2. Administrative Structure**

**A. Diocesan Responsible Ministry Committee** – This committee, appointed by the Bishop, is responsible for the overall design, implementation and management of the Protocol for Responsible Ministry. The Diocesan Responsible Ministry Coordinator, designated as the contact person in matters relating to the protocol, will be responsible for safeguarding records. All files relating to employees and volunteers will be kept confidential in a secure and central location. The committee is expected to meet at least five times a year and is responsible to the Bishop. Membership on the committee shall consist of:

- the Diocesan Responsible Ministry Coordinator
- two Parish Responsible Ministry Coordinators
- one Parish representative
- one youth ministry representative
- two members with a background in the helping professions (e.g. teacher, social worker, nurse)

The purpose of the committee is:

- To advise the Bishop and provide communication regarding the protocol and its implementation
- To oversee the implementation of the protocol at the diocesan and parish level including periodic monitoring and evaluation
- To support the Parish Responsible Ministry Coordinators/Committees in meeting the protocol goals and objectives, timelines and reporting requirements
- To facilitate dialogue and feedback among Parish Responsible Ministry Coordinators and engage them in learning opportunities
- To provide a list of resources and materials to assist Parish Responsible Ministry Coordinators in their role of education and training

**B. Parish Responsible Ministry Coordinator/Committee** – Pastors in each parish appoint a coordinator/committee to be responsible for day-to-day administration of the protocol. The Coordinator will work closely with the Diocesan Responsible Ministry Committee. The parish coordinator/committee will:

- Provide orientation and education on the protocol to parishioners.
- Manage the processing of documents for screening employees and volunteers and send documents on to the Diocesan Responsible Ministry Coordinator.
- Contribute to problem solving and evaluation of the Protocol for Responsible Ministry.
- Facilitate ongoing training of employees and volunteers.
- Liaise with the Diocesan Responsible Ministry Coordinator.

### 3. Terminology

**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.

**Child/youth** - A person who is under 19 years of age in the Province of New Brunswick.

**Child Pornographic Offence** – Child pornographic offence means any visual written or electronic depiction of a person under the age of 18, or made to appear as under the age of 18, engaged in explicit sexual activity or depicted for a sexual purpose.

**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. 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, marital status, family status, sexual orientation, disability, irrational fear of contracting an illness or disease, or political belief or activity.

For the purpose of this protocol, retaliation against an individual will be considered harassment. Any employees or volunteer found to have engaged in retaliation will be subject to disciplinary measures.

**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 abusive acts or acts of a sexual nature. Because the pattern of grooming is made up of observable behaviours, these behaviours need to be challenged or reported.

**Leadership Position** - A leadership role undertaken by clergy, religious or lay persons in which there is expected to be direct interaction with, and a level of responsibility for, children, youth or vulnerable adults. Examples include: the positions of catechist, youth group leader, altar server coordinator, pastoral care worker, visitor to shut-ins. The individual could either be a paid employee or a volunteer.

**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 either depicted or actually engaged in sexual activity and any written material that advocates or counsels inappropriate sexual activity.

**Program (ministry)** - A structured series of similar activities or events governed and run by the parish which spans a period of weeks or months and in which the level of risk is expected to remain constant. Example: weekly catechism classes; pastoral visitation at a hospital or nursing home, home visitation; weekly youth meetings; operation of a nursery or day care.

**Risk Assessment** - The process by which programs are rated according to levels of trust required of employees and/or volunteers and the related risk factors. Ministries which require high levels of trust call for special attention.

**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. 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 and/or inappropriate 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, when it unreasonably interferes with an individual's performance, or when it creates an intimidating, hostile or offensive environment. Sexual harassment includes but is not limited to - sexually oriented humour or language, 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.

**Volunteer** - A volunteer is an individual who:

- chooses to undertake a service or activity and is not coerced or compelled to do so;
- does this activity in service to an individual or organization, or to assist the community-at-large; and
- does not receive a salary or wage.

**Vulnerable Person** - 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.

#### **4. Standards of Behaviour**

The Diocese of Saint John and all of its parishes and missions seek to provide a safe and secure environment for ministry. The specialized nature of pastoral work can place providers and recipients of pastoral services in a vulnerable situation as individuals are dependent upon the honesty and integrity of all employees and volunteers associated with the Church. This calls for responsibility on the part of each employee and volunteer.

The following guidelines will be adhered to by **all** employees and volunteers in **all** ministry positions:

- I. Employees and volunteers should read and understand their position description which sets out what skills or experience are required, what is expected of them and how the parish will provide orientation and training;
- II. Employees and volunteers assume full responsibility for establishing and maintaining clear, appropriate boundaries in all ministry situations but, in particular, those involving children, youth and vulnerable adults;
- III. All physical contact between employees or volunteers and children, youth or vulnerable adults must be non-sexual and based only on the individual's needs. Physical contact when alone with a child or youth is to be avoided;
- IV. Employees and volunteers must 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 supervisor and the parent/guardian/caregiver;

- V. A degree of vulnerability exists when employees and volunteers minister alone with a child, youth or vulnerable adult, therefore a team approach of **at least two unrelated adults or persons** to manage activities involving them must ordinarily be used. For example there must be two persons present in addition to the communicant when bringing communion to someone who lives alone;
- VI. Employees 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 for church groups include catechism instruction and youth group gatherings. **In-home catechism instruction is not permitted;**
- VII. Pictures of children and youth will ordinarily not be taken or used without parental/guardian/caregiver permission or knowledge;
- VIII. Employees and volunteers will never provide a child, youth or vulnerable adult with alcohol, tobacco, drugs or anything prohibited by law, nor will they administer medication of any kind without written permission from the parent/guardian/caregiver;
- IX. Employees and volunteers will not allow a single child, youth, or vulnerable adult who is not a legal relative, to stay overnight in their private accommodations or residence. Special precautions are necessary when overnight trips, special events or billeting occur and require careful planning;
- X. If providing transportation, employees and volunteers must have a valid driver's license for at least five years and valid automobile insurance and one seatbelt and/or car seat per person in the vehicle. Regardless of whether using a parish or employee's/volunteer's vehicle, the two adult rule must be followed.
- XI. Employees and volunteers shall not create, access, store, publish, send or print text, images, sound, or other files which are generally considered to be unlawful, pornographic, erotic, abusive, discriminatory, seditious, harassing, hate-motivated, demeaning or otherwise objectionable.

## 5. Employee and Volunteer Screening

The Diocese of Saint John and all of its parishes and missions are responsible to provide a safe and secure environment for ministry. Employees and volunteers are screened to ensure the diocese and parishes are able to carry out the many important ministries within their communities while ensuring the safety of all participants.

- A. Employees and all volunteers in **high trust** positions are required to:
  - i. Read and understand their position description which sets out what skills or what experience is required, what is expected of them and how the diocese/parish will provide support in their ministry;
  - ii. Complete an information form which includes a request for two names of persons as references, a consent to contact the references and an agreement to comply with the requirement for a Police Criminal Record Check;
  - iii. Obtain a Police Criminal Record Check including a Vulnerable Sector Search. These are to be renewed every five years;

- iv. Read and sign the Covenant of Care which makes clear the expectations of behaviour for employees and volunteers. Responsibility for adherence to the Covenant of Care rests with each employee and each volunteer. An individual whose actions are not in compliance with the Covenant of Care may be subject to remedial action ranging from a verbal warning to removal from ministry;
- v. Participate in training on the Protocol for Responsible Ministry provided or arranged by the Parish or Diocesan Responsible Ministry Coordinator/Committee;
- vi. Maintain confidentiality in all matters that come to their attention in the exercise of their ministry.

B. All volunteers in positions **other than high trust** positions are required to:

- i. Read and understand their position description which sets out what skills or experience are required, what is expected of them and how the diocese/parish will provide support in their ministry;
- ii. Complete the first page of the Volunteer Information Form;
- iii. Read and sign the Covenant of Care which makes clear the expectations of behaviour for employees and volunteers. Responsibility for adherence to the Covenant of Care rests with each volunteer and each employee. An individual whose actions are not in compliance with the Covenant of Care may be subject to remedial action ranging from a verbal warning to removal from ministry;
- iv. Participate in training on the Protocol for Responsible Ministry provided or arranged by the Parish or Diocesan Responsible Ministry Coordinator/Committee; and;
- v. Maintain confidentiality in all matters that come to their attention in the exercise of their ministry.

## **6. Management of Files and Confidential Information**

The collection of personal information is a necessary measure to ensure the Protocol for Responsible Ministry with its policies and procedures is properly administered. Records that are of a personal, confidential nature that are forwarded to the Diocese of Saint John will be kept in a central location monitored by the Diocesan Responsible Ministry Coordinator.

Documents are to be stored in a locked metal cabinet and are to be retained indefinitely. The information for each individual should include:

### **At the Parish:**

- The original Employee or Volunteer Information Form
- A copy of any written notes from reference checks
- Correspondence between the employee or volunteer and the parish and the Diocese of Saint John
- No copies of the Police Criminal Record Check are to be kept at the parish

### **At the Diocese:**

- A copy of the Employee or Volunteer Information Form
- The original Police Criminal Record Check including Vulnerable Sector Search



## 7. Protocol For Activities and Programs

### 7.1 General Guidelines

- Always follow a two-person policy for any program involving children/youth and vulnerable adults, having at least two unrelated adults present.
- Require two employees/volunteers to transport children/youth/vulnerable adults in a parish vehicle or in a volunteer's vehicle.
- Visit vulnerable seniors in a nursing home, hospital or personal residence with a partner.
- Where the two-person policy cannot be used, require that one-to-one contacts between an employee/volunteer and child/youth/vulnerable adult take place in a public area either inside or outside the church where both people can be seen by others.
- Add a window in the door of each classroom or always leave the classroom door open.
- All employees/volunteers working with children/youth/vulnerable adults must wear name tags.
- Parent/guardian/caregiver contact information must be carefully maintained.
- Appropriate steps must be put in place to ensure children under ten years of age are picked up by an authorized parent/guardian/caregiver.
- No child should be dropped off without leaders present.
- No parents or adults should enter a classroom without permission.
- No in-home activities (including catechism instruction) are permitted for children/youth/vulnerable adults.
- At the beginning of each youth group or catechism session, attendance should be recorded and the attendance book or sheets should be picked up and retained at the parish level .

### 7.2 Physical Contact

It is essential to be careful regarding behaviour, language and physical contact when working with children/youth/vulnerable adults:

- Do not show favouritism when dealing with children/youth/vulnerable adults. Show a similar level of affection and kindness to all.
- Do not engage in or allow the telling of sexual jokes or behave in a way that promotes sexual exploitation of others.
- Provide clearly stated consequences for inappropriate behaviour. Stop inappropriate behaviour early. Be fair, consistent and reasonable, matching consequences to the age and ability of the child/youth.
- Do not use corporal punishment such as hitting, spanking or strapping.

### 7.3 Appropriate and Inappropriate Touching

A touch can convey a multitude of positive messages and communicate care, comfort and love; however, it is important to distinguish between appropriate and inappropriate touching. It is also important to be aware of, and sensitive to, differences in interpretation to touching based on sex, culture or personal experience. Some examples of **appropriate** touch:

- Holding or rocking an infant who is crying
- Affirming a participant with a pat on the hand, shoulder or back
- Bending down to the child's eye level and placing a hand gently on the child's hand or forearm
- Putting your arm around the shoulder of a person who needs comfort
- Taking a child's hand and leading him/her to an activity
- Holding hands for safety when changing locations
- Shaking a person's hand in greeting
- Holding a child gently by the hand or shoulder to keep his/her attention as you redirect behaviour
- Anointing a person with oil on the head and/or hands
- Holding hands in a circle prayer or song
- Providing comfort with a wet, warm cloth

Some examples of **inappropriate touch**:

- Kissing a child/youth/vulnerable adult or coaxing them into kissing you
- Extended cuddling
- Tickling
- Piggy – back rides
- Having others sit on your lap (except for babies/young toddlers)
- Touching anyone in any area covered by a bathing suit (except changing infant’s diapers)
- Hand holding, except for the examples listed above
- Stroking a child/youth’s hair
- Hugging, where a reasonable person knows or ought to have known that hugging is inappropriate

#### **7.4 Dealing with a Participant’s Inappropriate Behaviour**

The best approach to dealing with inappropriate behaviour is thoughtful prevention. If a teacher/leader has prepared adequately, makes clear statements about expectations and provides an engaging program, inappropriate behaviour will be avoided or reduced. If, however, a child/youth/vulnerable adult’s behaviour is unacceptable, these practices must be followed:

- Tell or remind the child/youth/vulnerable adult what is expected.
- If it is necessary to speak to a child/youth/vulnerable adult in private, move to a quiet place in view of others. Seek supervisory help if needed and if available.
- Keep children/youth/vulnerable adults from harming themselves or others.
- If necessary, engage another adult to help remove the child/youth/vulnerable adult from the situation to calm down.
- Discipline with children and youth must be limited to talking and time out. Correction to a vulnerable adult must be limited to talking to a vulnerable adult or his/her guardian
- Provide a ‘time-out’ space for younger children on one side of the room until they are ready to rejoin the group. The ‘time-out’ should be no longer than one minute for each year of the child’s age.
- Inform the parent/guardian of the problem and work co-operatively with them. They may have good ideas of how to deal with particular situations.

**Do not use corporal punishment (such as hitting, spanking or strapping)  
under any circumstances**

#### **7.5 Washroom procedures**

Every group providing a program/ministry for children/youth/vulnerable adults must determine the washroom procedure that will be followed in that program/ministry at the time of determining the risk. This is particularly critical with pre-school children and some vulnerable adults who must have help to use the washroom. Here are guidelines:

- Ask parents of pre-school children to take their child to the washroom before class.
- Children under 6 needing to go to the washroom should be accompanied by a teacher/leader who escorts the child to the washroom and checks the bathroom for safety. No adult or teen helper is ever to be in a closed washroom or cubicle with a child. If another adult is not available, the adult who accompanies the child should position himself/herself in plain view at the open door of the washroom. A volunteer or teen helper may stay behind with the remaining children.
- Children 6 and over may go to the washroom with a “buddy.”
- If there is an emergency bathroom situation, the parent or supervisor should be notified immediately.
- Vulnerable adults may need special bathroom aids: assists bars, and so on. It may be necessary to ensure that cleanliness follows use.

## 7.6 Health

While parishes cannot always avoid having ill children/youth/vulnerable adults in their programs, several measures can be taken to promote good health and reduce infection.

- **Allergies** - When children/youth/vulnerable adults register for a program, inquire about allergies. Post this information so that it will not be overlooked. If your program serves meals or snacks, post the menu so the parent/guardian/caregiver can see it. Avoid foods identified as serious allergens such as peanut butter, chocolate and nuts of any kind. Popcorn can also be dangerous for young children.
- **Injury** - If a participant is injured while participating in a program or activity, the leader must arrange to get medical attention. If necessary, call 9-1-1. If the child/youth/vulnerable adult is bleeding, the teacher/leader should protect himself/herself and all others from the blood. For all injuries, even if the person does not need medical attention, a leader must complete a General Incident/Accident Report Form (see Form 7) and report the incident to the injured person's parent/guardian/caregiver. General Incident Reports should be stored in the designated locked metal cabinet.
- **Infectious diseases** - Leaders must ask parent/guardian/caregiver to not let their children and youth attend parish programs if they have symptoms and diseases which are known to be infectious, such as: diarrhea, vomiting, fever, rash, open sores, skin or eye infection, scarlet fever, measles, mumps, chicken pox, whooping cough, head lice.

## 7.7 Supervision of Activities

The activity and age of participants affects the number of volunteer leaders for the appropriate supervision of activities. The management of the program as well as concern for safety, care and social interaction are some of the factors taken into account in the establishment of the ratios set out in the sections below. If there are not enough leader and adult volunteers, the program or activity should not be held.

Two unrelated adults are required to be present for any program involving children, youth and/or vulnerable adults. While the rule of having two adults at all times in a group is the norm, there are occasional times when only one leader is present. The orientation session held at the beginning of the year should outline steps to be taken when one adult finds himself or herself alone. Open doors, windows in doors and hall monitors lessen risk when catechism classes have only one teacher.

Any leader/teacher under 18 years of age should be accompanied by a screened, trained adult.

## 7.8 Off-site Activities, Overnight Events and Billeting

Special precautions must be taken for off-site activities, overnight events and billeting. The following guidelines must be observed:

**7.9 Daytime Excursions**

- A leader must assess the risk of the activity and submit that assessment in writing to the Parish Responsible Ministry Coordinator/Committee for approval prior to the activity
- Parent/guardian/caregiver must be notified prior to the outing.
- An Activity Program Waiver and Medical Release Form (Form 5) is required for each child/youth/vulnerable adult participating in activities/events.
- One leader should have a cell phone and the phone numbers of where the parents/guardians/caregivers of the children/youth can be contacted during the excursion. The leader should have a copy of the completed consent forms with them.
- All day excursions must be supervised by a minimum of two leaders. Additional support workers might be necessary to accompany vulnerable adults.
- When transportation of children/youth/vulnerable adults is needed for an activity, all drivers must have a valid driver’s license for at least five years, valid automobile insurance and must be screened volunteers or employees. The number of persons per vehicle must never exceed the number of seat belts or car seats.

**7.10 Overnight Activities/Events**

Follow all requirements listed in daytime excursions above plus the following:

- Each child/youth/vulnerable adult is required to follow pre-established codes of conduct signed by the parent/guardian/caregiver and when appropriate, the participant.
- If the group is comprised of children/youth/vulnerable adults of both genders, leaders of both genders must be present.
- Each leader should have an assigned group of children/youth/vulnerable adults for whom they will be responsible during the overnight event.
- All facilities in which an overnight function is housed must be equipped with smoke detectors and inside release doors. All members of the group should be made aware of fire exits and fire procedures as required by provincial/regional standards.

**7.11 Day Excursions and Overnight Outings**

Here are the required ratios of leaders/volunteers to children/youth/vulnerable adults for day excursions and overnight outings:

| <b>Age</b>        | <b>Day excursions</b>             | <b>Overnight excursions/activities</b> |
|-------------------|-----------------------------------|--|
| 5 or under        | 2 adults per group of 10          | Not permitted                          |
| Ages 6 - 8        | 2 adults per group of 12          | Not permitted                          |
| Ages 9 - 10       | 2 adults for every 15 children    | Not permitted                          |
| Ages 11 - 14      | 2 adults for every 15 children    | 2 adults for every 10 children         |
| Ages 15 - 16      | 2 adults for every 15 youth       | 2 adults for every 10 youth            |
| Vulnerable adults | 2 adults per 10 vulnerable adults | 2 adults per 10 vulnerable adults      |

### **7.12 Billeting Youth in Private Homes**

Billeting reduces costs and allows youth to meet new people. Here are some things to keep in mind when billeting youth:

- Children under 14 years of age are not to be billeted.
- The people offering billeting within the diocese must be known, trusted parishioners and must have a Police Records Check including a Vulnerable Sector Search.
- For billeting outside the diocese, it must ensure that the receiving diocese has a policy providing the same level of protection as our own.
- The contact information (telephone number, address) of the family/group with whom the youth will be billeted must be obtained by the group leader.
- When possible, it is preferred that two youth of the same sex be billeted in the same home.

### **7.13 Transportation**

An employee or volunteer who drives children/youth/vulnerable adults must have a valid driver's license for at least five years and valid automobile insurance and one seatbelt and/or car seat per person in the vehicle. Regardless of whether using a parish or employee's/volunteer's vehicle, the two-person policy must be followed.

### **7.14 Fire Procedures**

Consult with your local or regional fire department for safety standards and practices. Post a fire escape map in each room and ensure that fire extinguishers are properly placed and regularly inspected. Inform every one of escape routes. An evacuation plan should be clearly defined. Practice the escape drill once a year or as often as directed by your local fire marshal. Prepare a list of individuals who may need assistance in the event of an emergency.

## **Appendix 1**

### **Police Criminal Record Check and Vulnerable Sector Search**

#### **How to obtain a Police Criminal Record Check and Vulnerable Sector Search**

The employee or volunteer is required to apply in person at the policing agency that has jurisdiction in the area in which they reside. Two pieces of identification will have to be provided (one of which must be a photo ID). Typically, the vulnerable sector search is an option selected when completing the application for the Police Criminal Record Check and Vulnerable Sector Search. A letter will be provided by the diocese or parish indicating that the Police Criminal Record Check and Vulnerable Sector Search and Vulnerable Sector Search is required in order to comply with our Protocol For Responsible Ministry.

Please note that as of July 2010 a new factor has been introduced to the Police Criminal Record Check and Vulnerable Sector Search process in a situation where a candidate's birth date and gender happen to be the same as someone who has been granted a pardon, they will potentially be flagged, and may be required to be fingerprinted for verification that the individual has not since changed their name, potentially being the owner of this pardon. This will incur an additional expense to cover the fingerprinting and the processing in Ottawa to verify if a pardon has been granted. Applicants should be forewarned of this possibility so they are not surprised or defensive. Should this happen to one of our employees or volunteers, they should be encouraged to clear their name. This will require the individual to be fingerprinted.

## Appendix 2

### What is Abuse?

#### Understanding Abuse of Children, Youth and Vulnerable Adults

The Diocese of Saint John and all of its parishes and missions has zero tolerance for abuse in any form. Any person who has reasonable grounds to suspect that a child/youth/vulnerable adult is or may be in need of protection must report that suspicion to the NB Department of Social Development or to the police. Clergy and other professionals have special responsibility to report allegations of abuse. An employee or volunteer who hears of an allegation of abuse should confide this to a leader in the organization after having notified the police or the NB Department of Social Development.

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?

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 a 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.
- **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 of, 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.

## **Appendix 2**

### **Page Two**

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**

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, whether physical, psychological or financial, 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 (e.g. threatening to use violence, intentionally frightening them, lying to 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 proper welfare. Anytime someone acts without consent in a way that financially or personally benefits one person at the expense of another it is abuse.

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. Examples may include: beating, scalding, hitting, rough handling and tripping. There may also be sexual abuse.



## Appendix 3

### Dealing with Suspected Abuse

#### 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. A listening adult should be supportive and pay attention to what is said. Be cautious about asking questions. Asking a question can invalidate future statements to the police or to the NB Department of Social Development and can result in a case being dismissed by the courts. Accept the child/youth/vulnerable adult's story; do not dispute it. Investigating the incident is the responsibility of NB Department of Social Development or the 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 what the child/youth/vulnerable adult says confidential, tell him/her that you must tell someone who can help you both.

#### Reporting to a Protection Agency

If a person has reasonable grounds to suspect that a child/youth/vulnerable adult is or may be in need of protection, the person must promptly report the suspicion and the information on which it is based to the local police.

Section 30(1) of the NB Family Services Act states that “Any person who has information causing him to suspect that a child has been abandoned, deserted, physically or sexually ill treated, or otherwise abused, shall inform the Minister [NB Department of Social Development] of the situation without delay.”

Failure to report suspected abuse by professional persons, including clergy, can be considered an offence under the Act. Section 30(3) states that “**A professional person who acquires information in the discharge of the professional person's responsibilities that reasonably ought to cause the professional person to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill treated or otherwise abused but who does not inform the Minister [NB Department of Social Development] of the situation without delay commits an offence.**”

|   |
|---|
| To reach the NB Department of Social Development, call 1-888-992-2873 in the daytime or 1-800-442-9799 after hours or on weekends/holidays or contact local police. |
|---|

An employee or volunteer who suspects abuse, should also notify the Bishop's Delegate. [Note: the Bishop's Delegate will be responsible for notifying the pastor if necessary and our insurer.]

**Appendix 3**  
**Page Two**

**Information Needed by a Protection Agency**

When one calls a protection agency that person should:

- Give your location and 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.
- If you wish to remain anonymous, you do not have to provide your name.

**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.
- Tell him/her that some secrets should not be kept secret.
- Assure the individual that this information is to be restricted to those who need to be advised.
- 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 the he/she has been abused.
- Remind him/her that your first priority is his/her protection.
- 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.
- 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 Office of the Bishop.

## **Appendix 4**

### **Guidelines For Parish**

#### **Responsible Ministry Coordinators/Committees**

Ensure that each minister understands and has a copy of the expectations of the ministry, and has participated in an orientation session provided by the Parish Responsible Ministry Coordinator/Committee.

Check periodically (more frequently for those new to the ministry) to determine how activities are progressing, and what level of support or resources might be required. Seek input and self – assessment. Observe minister’s interaction with others and work to facilitate his/her integration within the ministry team.

Remind ministers when Responsible Ministry Protocol expectations are not being observed.

Where serious concerns arise, especially where children, youth or vulnerable adults are involved, the Ministry Coordinator should immediately discuss the situation with the Parish Responsible Ministry Coordinator and/or the Parish Priest.

The Ministry Coordinator and the Parish Responsible Ministry Coordinator or the Parish Priest should determine the course of action required.

Where appropriate a minister may be encouraged to undertake a more suitable facet of ministry. When it is determined that a minister should not continue in a ministry, the Parish Priest and the Parish Responsible Ministry Coordinator should meet with and inform the minister.

# Support Documents

For

Caring for the Faith Community:  
A Protocol for Responsible Ministry

Diocese of Saint John  
New Brunswick

October 2012



DIOCESE OF SAINT JOHN

1 Bayard Drive  
Saint John, NB E2L 3L5  
Canada

**Covenant of Care for Priests**

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

- *Reading and complying with all of the directives in the Diocesan Guidelines for Recruiting, Screening and Education;*
- *Using appropriate language;*
- *Treating all persons with respect, regardless of gender, ethnic background, skin colour, intelligence, age, religion, sexual orientation or socio-economic status; and*
- *Respecting confidentiality and privacy, unless a child, youth, or vulnerable adult is in danger, in which case I will notify the police or other appropriate civil authority. I understand that what I learn under the Seal of Confession in Sacramental Confession remains absolutely inviolable.*

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Witnessed by \_\_\_\_\_ Date \_\_\_\_\_

DIOCESE OF SAINT JOHN

1 Bayard Drive  
Saint John, NB E2L 3L5  
Canada



**Covenant of Care**

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

- *Reading and complying with all of the directives in the Diocesan Guidelines for Recruiting, Screening and Education;*
- *Using appropriate language;*
- *Treating all persons with respect, regardless of gender, ethnic background, skin colour, intelligence, age, religion, sexual orientation or socio-economic status; and*
- *Respecting confidentiality and privacy, unless a child, youth, or vulnerable adult is in danger, in which case I will notify the police or other appropriate civil authority.*

Name \_\_\_\_\_

Parish \_\_\_\_\_ Region \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Witnessed by \_\_\_\_\_ Date \_\_\_\_\_



DIOCESE OF SAINT JOHN  
EMPLOYEE INFORMATION FORM  
(Please Print)

Parish Name and Location: \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Please provide your employment history for the past 10 years (attach additional sheets if required):

\_\_\_\_\_  
\_\_\_\_\_

**References:** Please provide two references that can describe your suitability for this position; e.g. previous employers, friends, neighbors, other parishioners, etc. **Please remember to notify these people that they will be contacted.**

1. Name: \_\_\_\_\_ Relationship to volunteer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

2. Name: \_\_\_\_\_ Relationship to volunteer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

*I certify that the information provided on this Employee Information Form is true and complete. I understand that this information will remain confidential and is property of the Parish.*

*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 from the Diocese of Saint John.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CONSENT:**

*I, \_\_\_\_\_, authorize the Pastor to contact the references listed above in order to collect the information that is appropriate to the position. I understand that the information obtained will be confidential.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Police Records Check**

I agree to provide a Police Criminal Record Check including a Vulnerable Sector Search before I can be eligible for employment with the Parish/Diocese. I understand that only the Pastor, Parish Responsible Ministry Coordinator and Diocesan Responsible Ministry Coordinator will review this information. This document will be kept on file by the Diocesan Responsible Ministry Coordinator.



**DIOCESE OF SAINT JOHN**  
**VOLUNTEER INFORMATION FORM**  
**(Please Print)**

Parish Name and Location: \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Have you held a volunteer position with another organization/parish?  Yes  No If Yes, please describe:

\_\_\_\_\_  
\_\_\_\_\_

How long have you been a member of this parish community? \_\_\_\_\_

Ministries in which you have been or are currently involved: \_\_\_\_\_

Ministry position(s) for which you are applying: \_\_\_\_\_

If this ministry is not available, would you consider a different ministry?  Yes  No

If yes, which other ministries might interest you? \_\_\_\_\_

*I certify that the information provided on this Volunteer Information Form is true and complete. I understand that this information will remain confidential and is property of the Parish.*

*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 from the Diocese of Saint John.*

*I understand that my name and phone number will be given to the appropriate Ministry Coordinator/ Leader so that she/ he may contact me.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**References :**

Please provide two references that can describe your suitability for this ministry; e.g. friends, neighbors, other parishioners, work associates, etc. **Please remember to notify these people that the parish will be contacting them.**

1. Name: \_\_\_\_\_ Relationship to volunteer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

2. Name: \_\_\_\_\_ Relationship to volunteer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**CONSENT :**

I, \_\_\_\_\_, authorize the Parish Responsible Ministry Coordinator to contact the references listed above in order to collect the information that is appropriate to the position. I understand that the information obtained will be confidential.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Police Records Check**

I agree to provide a Police Criminal Record Check including a Vulnerable Sector Search to the Pastor/Parish Responsible Ministry Coordinator before I can participate in a high trust ministry position. This document will be kept on file by the Diocesan Responsible Ministry Coordinator.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* THE FOLLOWING POSITIONS HAVE BEEN IDENTIFIED AS HAVING A HIGH DEGREE OF RISK

- |  |   |
|--|---|
| All Employees (whether clergy, religious or laity) | Extraordinary Minister of Communion (for the sick and shut-ins) |
| Altar Server - Adult <sup>1</sup>                  | Lay Pastoral Visitor Coordinator                                |
| Altar Server Coordinator                           | Lay Pastoral Visitor  |
| Any Individual with a key to the Parish Buildings  | Outreach Program Coordinator                                    |
| Bereavement Team Coordinator                       | Outreach Program- Meal Delivery                                 |
| Bereavement Team Member                            | Parish Finance Council Member (cheque co-signers only)          |
| Catechist Coordinator                              | Parish Social Ministries <sup>1</sup>                           |
| Catechist Assistant                                | Parish Responsible Ministry Coordinator                         |
| Catechist  | Parish Nurse  |
| Children's Liturgy of the Word Coordinator         | Sacramental Preparation Coordinator <sup>1</sup>                |
| Children's Liturgy of the Word Teacher             | Sacramental Preparation Team Member <sup>1</sup>                |
| Children's Liturgy of the Word Helper/Volunteer    | Sports League Coach   |
| Choir Director <sup>1</sup>                        | Volunteer Driver  |
| Choir Member- Adult <sup>1</sup>                   | Youth Ministry Coordinator                                      |
| Collection Counter Coordinator                     | Youth Ministry Leader   |
| Collection Counter                                 |   |
| Custodian/Maintenance Person                       |   |

*1 When children without the accompaniment of a parent/guardian/caregiver or youth and the vulnerable are involved, this ministry position is high risk.*



### Reference Check Form (Please Print)

Reference checks will usually be made by phone. When that is not possible this form should be forwarded for completion with a covering letter and a stamped return envelope.

The contact person should introduce her/himself as from \_\_\_\_\_ Parish, explain the purpose of the call and indicate written permission has been given for the contact. Assure the person that information will remain confidential.

Name of Applicant: \_\_\_\_\_

Has volunteered for: \_\_\_\_\_

1. In what capacity have you known this person?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. For how long? \_\_\_\_\_

3. What would you describe as the person's strengths in volunteering for ministry?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Is there any reason you know of why this person would not be able to perform duties necessary in a volunteer position?

\_\_\_\_\_  
\_\_\_\_\_

5. Would you recommend this person for the ministry position(s) being applied for?

\_\_\_\_\_  
\_\_\_\_\_

Reference's Name: \_\_\_\_\_

Reference's Telephone #: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Person who made the reference call: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**General Incident/Accident Report Form (CONFIDENTIAL)  
(Please Print)**

Parish Name: \_\_\_\_\_

Report date: \_\_\_\_\_ Time of report: \_\_\_\_\_

Full Name of child/youth/adult: \_\_\_\_\_

Full Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Gender: M  F   
Day Mth Yr

Name of Parent/Guardian/Caregiver: \_\_\_\_\_

Notified: Yes  No  If yes, date/time of notification: \_\_\_\_\_

Address: \_\_\_\_\_

(If different from above)

Phone Number: \_\_\_\_\_ Date/time of incident: \_\_\_\_\_

(If different from above)

Location of incident: \_\_\_\_\_

Description of incident: \_\_\_\_\_

Names/contact information of witnesses: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Injuries sustained: \_\_\_\_\_

\_\_\_\_\_

Action taken: \_\_\_\_\_

Other relevant information: \_\_\_\_\_

\_\_\_\_\_

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

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

**This form is not to be used for reporting an incident of abuse.  
See Appendix 4.**

cc: Parish Priest  
Parish Responsible Ministry Coordinator

## Sample Letter to Request Police Criminal Record Check

*[on Parish letterhead]*

[date]

To Whom It May Concern:

Our Responsible Ministry Protocol requires all employees and volunteers in high trust positions to provide a Police Criminal Record Check and Vulnerable Sector Search.

On behalf of the Roman Catholic Diocese of Saint John - *[Parish name here]* we are requesting that a Police Criminal Record Check and Vulnerable Sector Search be completed for the following individual:

**Name:**

**Position:**

**Address:**

Your assistance in this matter is greatly appreciated.

Sincerely,

Rev. [pastor's name here], Pastor

### Role Trust Assessment Guide

*(Use when assessing a role which you may suspect is high risk.)*

| Risk Category                   | Risk Factor  | Yes; true | No; not true |
|---------------------------------|--|-----------|--------------|
| Degree of Isolation             | The leader/volunteer helper may be alone with person being served.   |           |              |
| Degree of Supervision           | The leader/volunteer helper has limited or no supervision.   |           |              |
|                                 | The activities of leader/volunteer helper are in a place where activities are not observed or monitored.   |           |              |
| Access of Property              | The leader/volunteer helper has access to personal property or money of persons served.  |           |              |
|                                 | The leader/volunteer helper has access to confidential information related to the person served.   |           |              |
| Degree of Physical Contact      | The position description includes touching persons served.   |           |              |
| Vulnerability of Persons Served | Persons served have language or literacy barriers.   |           |              |
|                                 | Persons served are immobile.   |           |              |
|                                 | Persons served have challenges that contribute to their vulnerability (e.g. physical, psychological, and situational).   |           |              |
| Degree of Physical Demands      | The activity involves potential danger to person served (e.g. rock climbing, using a stove).   |           |              |
|                                 | Activity involves potential stress (e.g. children upset by visit to nursing homes, support group activities).  |           |              |
| Degree of Trust                 | The leader/volunteer helper develops close, personal relationships with persons served.  |           |              |
|                                 | The position involves transportation of persons served.  |           |              |
|                                 | The leader/volunteer helper contributes to making career or other important decisions for persons served.  |           |              |
| Degree of Inherent Risk         | The activity heightens potential for the leader/volunteer helper to be in contact with bodily fluids or disease of the person served.  |           |              |
|                                 | The activity exposes the person served to operation or handling of potentially dangerous equipment (e.g. lawnmower).   |           |              |
|                                 | The activity exposes the person served to handling toxic substances or results in exposure to poor air quality, noise, etc. (e.g. demolition work in an inner city mission). |           |              |

Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Please Print)

Signature: \_\_\_\_\_

## **II. RESPONDING TO COMPLAINTS**

### **1. INTRODUCTION**

Mutual Respect and professional care are necessary elements in the relationships where ministry is exercised. All persons who serve in ministry or work in the Diocese of Saint John, whether not ordained or ordained, paid or volunteer, are called to exercise such responsible ministry. This policy for Responsible Ministry has been developed to assure such ministry.

#### **1.1 Ethical Responsibilities**

We believe that each person is created in the image and likeness of God and therefore, has the right to be respected at all times.

We believe in the dignity and self-worth of each person and the right to autonomy in all situations.

We believe that situations of personal misconduct violate the integrity of persons, degrade them, and interfere with their gifts of creativity and wholeness.

We believe that any situation of personal misconduct misuses power and distorts relationships.

### **2. POLICY**

**2.1** Where there is a complaint that a member of the clergy or staff or volunteer of a diocesan institution may have been involved in some form of misconduct, the Diocese of Saint John will investigate thoroughly and objectively with a goal of determining the facts (See canon 1717). The investigation will be conducted with compassion and concern for the well-being of all involved.

**2.2** The findings of the investigation will be reviewed by the Bishop of the Diocese of Saint John (hereinafter: Bishop) who will make final determinations under this policy. Both complainants and accused persons shall have an opportunity to meet with the Bishop following his receipt of the report and prior to his decision.

**2.3** If the Bishop is accused, the next official in line of seniority shall assume the function of the Bishop as described in this policy (normally the Vicar General).

**2.4** When there is an allegation of misconduct of any kind, the Diocese of Saint John will comply with all applicable civil and provincial laws. Abuse of children is of special concern and persons suspecting that a child may be in need of protection are required to report this to civil authorities. Members of the clergy, employees and volunteers of the Diocese of Saint John are expected to be familiar with the child protection reporting requirements (See Appendix 3).

- 2.5 Any member of the clergy, employee or volunteer of the Diocese of Saint John who has actual knowledge of or who has reasonable cause to believe misconduct by any member of the clergy or staff or volunteer of the Diocese of Saint John has taken place, shall comply with all applicable reporting requirements of provincial laws and all applicable federal laws. Any report made to civil authorities involving a member of the clergy, employee, or volunteer of the Diocese of Saint John shall also be reported to the Bishop's Delegate of the Diocese of Saint John (See 4.1 below).
- 2.6 This policy is consistent with the requirements of Canon Law, other universal Church law and the particular law of the Diocese of Saint John.

### 3. DEFINITIONS

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

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

3.2 **Abuse:** activity that may be criminal in nature.

*This may be any kind of activity that is defined either as child abuse under the child protection legislation of each Canadian province and territory or as criminal abuse of children or adults under the Criminal Code of Canada.*

3.3 **Harassment:** unwelcome conduct that interferes with an individual's performance of duties or creates an intimidating, hostile, or offensive environment. Canadian human rights laws provide protection against discrimination based on age, sex (including sexual harassment and pregnancy), sexual orientation, race, colour, religion, marital status, ethnic or national origin, physical or mental handicap and political belief.

3.4 **Exploitation of a ministerial relationship:** a betrayal of trust in a ministerial or professional relationship by a member of the clergy, employee or volunteer of the Diocese of Saint John.

*The apparent consent of a complainant does not determine whether or not there has been exploitation. The imbalance of power (between the person offering ministry and the person to whom ministry is offered) undermines the validity of such consent.*

3.5 **Minor** - a minor is defined for the purpose of these protocols as a person actually or apparently under the age of majority (19 years.)<sup>1</sup>

3.6 **Vulnerable Adult** - any adult who lacks full competence due to physical, mental or emotional disabilities or problems.

---

1

<sup>1</sup> This definition is exactly as provided in the *Family Services Act*, S.N.B. 1980, c. F-22



3.7 **Clergy** - those persons who have received the sacrament of Holy Orders (i.e., deacons, permanent or transitional, priests and bishops). For the purpose of these protocols, clergy is also understood to include those preparing to receive the sacrament of Holy Orders (i.e., seminarians).

3.8 **Laity** - those persons, non-ordained, who are employed by or who volunteer for any ministry in the Diocese of Saint John or one of its parishes, mission churches or institutions or who receive such ministry.

#### 4. **APPOINTMENTS OF PERSONS FOR THE ADMINISTRATION OF THIS POLICY**

##### 4.1 **Responsible Ministry Policy Administrator (Bishop's Delegate)**

The Bishop shall appoint a Bishop's Delegate to oversee the administration of this Policy. At the same time, the Bishop shall appoint a Deputy Delegate. The Deputy Delegate may act as a consultant to the Bishop's Delegate, may act on the Bishop's Delegate's behalf, or may be called on if there is perception of conflict of interest for the Bishop's Delegate. He will also act in the absence or incapacity of the Bishop's Delegate.

##### 4.2 **Responsible Ministry Advisory Team**

The Bishop shall appoint a team of at least five persons who are qualified by training and experience to act as advisors to the Bishop's Delegate in the administration of this policy.

The members of the team may also be designated by the Bishop's Delegate to act as:

- **investigators** in investigations of a complaint of misconduct;
- **support persons** in investigations of a complaint of misconduct;
- **facilitators** in informal processes dealing with complaints of harassment;
- **intervenors** providing crisis intervention in a place of ministry affected by a complaint of misconduct.
- **mediators.**

The Responsible Ministry Advisory Team will be expected to meet regularly for education, periodic review of the policy as well as in crisis situations.

##### 4.3 **Investigators and Support Persons**

The roles of investigators and support persons are distinct from each other. The investigator shall not act as a support person on a case he/she is investigating, nor shall the support person act as an investigator in a case where he/she is offering support.

Investigators will conduct independent investigations that are fair, thorough, objective and compassionate to all involved. The Diocese of Saint John shall offer full cooperation and assistance to investigators under this policy.

Usually, the complainant and accused person will have separate support persons. Support will consist of emotional support (not counseling) and possibly spiritual support, assistance with communications, and assistance with understanding the procedures of the Diocese of Saint John when responding to an allegation of misconduct. The support persons are not part of the investigation.

#### **4.4 Confidentiality**

All persons involved in the administration of this policy shall be bound to observe professional confidentiality in whatever the policy's administration involves.

### **5. HOW THE DIOCESE OF SAINT JOHN WILL RESPOND TO COMPLAINTS OF ALLEGED MISCONDUCT**

#### **5.A Complaints of alleged abuse of a child or alleged criminal activity**

##### **5.A.1 *Anyone who suspects that a child may be in need of protection must report this immediately to appropriate authorities, in compliance with child protection laws.***

If the alleged abuser of a child is a member of the clergy, employee or volunteer of the Diocese of Saint John, this must also be reported immediately to the Bishop's Delegate. If a member of the clergy, employee or volunteer of the Diocese of Saint John has been accused and/or notified of an allegation of abuse of a child or alleged criminal activity, he/she should contact the Bishop's Delegate immediately. The Bishop's Delegate shall inform the Bishop immediately. The Bishop's Delegate shall consult with legal counsel for the Diocese of Saint John and shall coordinate the Diocese of Saint John's response.

##### **5.A.2** The Diocese of Saint John shall cooperate fully in any criminal or child protection investigation.

##### **5.A.3** Any member of the clergy, employee or volunteer of the Diocese of Saint John who is the subject of a criminal or child protection investigation related to misconduct shall be removed from the sacred ministry or from any ecclesiastical office or function as applicable pending the outcome of the investigation in accord with canon 1722. The remuneration of the suspected individual shall continue during the period of investigation. Members of the clergy will also continue to be provided with living accommodations.

##### **5.A.4** When a complaint indicates that a child may be currently in need of protection, the Bishop's Delegate shall make a report to child protection authorities as required by law.

##### **5.A.5** Where the complaint involves alleged abuse of a child in the past, or misconduct that may be criminal in nature, adult complainants will be encouraged to make a report to appropriate civil authorities for investigation. If information related to abuse of a child in the past indicates that other children may currently be at risk, this will be reported to the child protection authorities.

##### **5.A.6** Where an adult complains of criminal activity but declines to report to the police, the Diocese of Saint John may undertake any action it deems necessary to ensure the safety of the Diocese of Saint John's ministries. This may include instituting an internal investigation in accordance with canon 1717, and removing the accused person from the sacred ministry or from any ecclesiastical office or function as applicable pending the outcome of the investigation. The remuneration of the suspected individual shall continue during the period of investigation. Members of the clergy will also continue to be provided with living accommodations.

**5.A.7** Following the completion of any criminal or child protection proceedings, the Diocese of Saint John asserts the right and obligation to conduct an internal investigation to determine whether an accused member of the clergy, employee or volunteer poses a hazard to children or vulnerable adults. The findings of this internal investigation will be used to determine future assignments of the accused person. The determination shall be made by the Bishop and shall be made on the basis of the balance of probabilities with primary consideration given to the safety of children and vulnerable adults. Whenever allegations of sexual abuse involving minors by a member of the clergy have been made, a proper preliminary canonical enquiry will be undertaken and the case will be referred to the Congregation for the Doctrine of the Faith, as required by the Roman Norms (see canon 1717 and *Motu proprio Sacramentorum sanctitatis tutela*).

## **5.B. Complaints of alleged harassment**

**5.B.1** Where the complainant is an adult alleging harassment, the complainant may elect to attempt an *informal process* for resolution of the complaint. An informal process may be facilitated by a person appointed by the Bishop's Delegate. With the agreement of both the complainant and the accused person, the facilitator may assist in discussions between the parties to attempt resolution. If a resolution is achieved, a resolution agreement shall be drawn up, and signed by both parties and ratified by the Bishop's Delegate. A copy of the agreement shall be maintained in the file of the Bishop's Delegate.

*Note: Statements made by the complainant and the accused person in the course of an informal process are considered to be without prejudice in this policy and are not to be produced in an investigation if a formal process occurs. However, anyone may be required by law to give evidence and produce documents.*

**5.B.2** If there is no informal process or if an informal process fails, the Bishop's Delegate shall appoint an investigator. The investigator shall interview the complainant, and document the complaint in writing. The investigator shall interview any witnesses and review any written documentation that may have bearing on the allegations. The investigator shall provide the accused person with the written complaint and any other evidence. The accused person will be given opportunity to make a defence. The investigator shall prepare a written report for the Bishop's Delegate. The report shall contain the statement of the complainant, any other evidence, and the reply of the accused person and any findings and recommendations of the investigator.

**5.B.3** At any point prior to or during the investigation, the complainant or the accused person may request a referral to *mediation*. If both parties and the Bishop's Delegate agree to mediation, the Bishop's Delegate shall retain a professional mediator to mediate between the complainant and the accused person. If an investigation is in progress at the time of the agreement to mediate, it shall be suspended until the mediation is completed or until it is declared by the mediator to have failed. Any mediation agreement between the parties must be provided in writing and ratified by the Bishop's Delegate.

*Note: Statements made by the complainant and the accused person in the course of a mediation are considered to be without prejudice in this policy and are not to be produced in an investigation if a formal process occurs. However, anyone may be required by law to give evidence and produce documents.*

**5.B.4** The Bishop's Delegate shall consult with the Responsible Ministry Advisory Team and take the investigation report and any recommendations from the Responsible Ministry Advisory Team to the Bishop.

**5.B.5** Both the complainant and the accused person shall each have the right to a meeting with the Bishop following the Bishop's receipt of the investigation report and prior to the Bishop's final decision. The Bishop's Delegate shall be present at the meeting.

**5.C. Complaints of alleged exploitation of a ministerial or professional relationship**

*Clergy, staff and volunteers of diocesan institutions are expected to observe professional boundaries in all ministerial and professional relationships. A power imbalance is inherent in ministerial relationships. Because of this, an informal process is not appropriate when responding to a complaint of exploitation of a ministerial or professional relationship. All such complaints are responded to with an investigation.*

**5.C.1** In cases of alleged exploitation of a ministerial or professional relationship, the Bishop's Delegate shall appoint an investigator from the Responsible Ministry Advisory Team. The investigator shall interview the complainant, and document the complaint in writing. The investigator shall interview any witnesses and review any written documentation that may have bearing on the allegations. The investigator shall provide the accused person with the written complaint and any other evidence. The accused person will be given opportunity to make a defence. The investigator shall prepare a written report for the Bishop's Delegate. The report shall contain the statement of the complainant, any other evidence, and the reply of the accused person and any findings and recommendations of the investigator.

**5.C.2** The Bishop's Delegate shall consult with the Responsible Ministry Advisory Team and take recommendations to the Bishop.

**5.C.3** Both the complainant and the accused person shall have the right to a meeting with the Bishop following the Bishop's receipt of the investigation report and prior to his final decision. The Bishop's Delegate shall be present at the meeting.

**5.C.4** The Bishop shall consult with whomever he deems appropriate and shall then render a decision as to the veracity of the complaint.

**5.C.5** The Bishop shall provide the complainant and the accused person with the decision in writing and where possible, in person.

**6. INVESTIGATIONS INITIATED BY THE DIOCESE OF SAINT JOHN**

**6.1** The Diocese of Saint John reserves the right to initiate an investigation under this policy where there is reasonable suspicion of misconduct as defined in this policy (see canon 1717).

**6.2** The Bishop may order the Bishop's Delegate to commence an investigation. This investigation would proceed like other investigations, i.e. an investigator is appointed; persons who are the subject of the investigation are advised of this and advised of their rights

both civil and canonical; support persons are offered; the investigator conducts interviews and other enquiries and produces a report for the Bishop's Delegate.

- 6.3 Following receipt of the investigator's report, the Bishop's Delegate consults with the Responsible Ministry Advisory Team and brings the report and any recommendations of the Responsible Ministry Advisory Team to the Bishop.
- 6.4 Both the complainant and the accused person shall have the right to a meeting with the Bishop following the Bishop's receipt of the investigation report and prior to his final decision. The Bishop's Delegate shall be present at the meeting.
- 6.5 The Bishop consults the Diocese of Saint John's legal counsel and anyone else he deems appropriate. The Bishop then makes a finding with respect to the validity of the allegation and directs any measures that should be taken to ensure the safety of the people served by the Diocese of Saint John.
- 6.6 In **all cases** where a person under the policy has been the subject of a child protection and/or criminal investigation, the Bishop will order that an internal investigation be conducted to determine whether the accused person poses a hazard to children or vulnerable adults. The accused person will be removed from the sacred ministry or from any ecclesiastical office or function as applicable until the internal investigation is completed and it has been determined that the accused person poses no hazard to children or vulnerable persons (see canon 1722). The remuneration of the suspected individual shall continue during the period of investigation. Members of the clergy will also continue to be provided with living accommodations. Future assignments must take into account the findings of any investigation so as to ensure the safety of children and vulnerable persons.

## 7. **DISCIPLINE**

- 7.1 The Bishop will remove from the sacred ministry or from any ecclesiastical office or function as applicable any person under this policy who is the subject of a criminal or child protection investigation until the completion of all investigations and proceedings. The fact that a person has been removed from the sacred ministry or from an ecclesiastical office or function shall not be taken to suggest that the accused person is guilty of the misconduct alleged. Whether or not there has been misconduct shall be determined in accordance with these policies. The remuneration of the suspected individual shall continue during the period of investigation. Members of the clergy will also continue to be provided with living accommodations.
- 7.2 Any person who is the subject of a complaint of harassment or exploitation of a ministerial or professional relationship may be removed from the sacred ministry or from any ecclesiastical office or function as applicable or assigned to alternate ministry by the Bishop until the completion of all investigations and proceedings, if the Bishop deems this to be in the interest of the good order of the Diocese of Saint John or the place of ministry. The remuneration of the suspected individual shall continue during the period of investigation. Members of the clergy will also continue to be provided with living accommodations.

- 7.3 Where there has been no finding made that misconduct has occurred, there will be no notation made in the personnel file of the accused person, but a complete copy of the investigation report and the Bishop's written findings shall be maintained in the files of the Bishop's Delegate.
- 7.4 Where there has been a finding that misconduct has occurred, the Bishop's Delegate shall consult with the Responsible Ministry Advisory Team as to appropriate assessment, treatment and rehabilitation programs for the accused person. The Bishop shall consider these recommendations as part of any discipline to be administered. (See 7.6, below).
- 7.5 Any person convicted of abuse of a child will be prohibited from exercising any public ministry. If the person is a cleric, the case will be further referred to the Congregation for the Doctrine of the Faith, as required by the Roman Norms. (\*\*\*)references)
- 7.6 If an allegation is substantiated following an investigation in cases other than that involving abuse of a child (see 7.5 above), the Bishop may invoke any of several sanctions, as deemed appropriate. For example:
- **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 to 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 to the person's file.
  - **Reprimand with follow up:** the person appears before the Bishop, is given a reprimand in writing, with a copy of the reprimand going to the person's file, opportunities for rehabilitation are provided as needed, and ongoing reports are given to the Bishop for at least one year.
  - **Administrative leave:** the person is removed from the exercise of ministry, employment or volunteer work until there is clear evidence to the Bishop of rehabilitation and restoration.
  - **Termination:** the person's appointment, employment, or volunteer work is terminated.
- 7.7 **Particular Law of the Diocese of Saint John/ Canon Law/ Church Law:** in addition to the disciplinary procedures listed above, the Diocese of Saint John is also subject to the prescripts of its particular law and of the Code of Canon Law and other universal Church laws.
- 7.8 Members of the Responsible Ministry Advisory Team may be designated by the Bishop's Delegate to monitor any post treatment rehabilitation program.

## **8. CARE FOR COMPLAINANTS AND ACCUSED PERSONS**

- 8.1** Persons bringing a complaint of alleged misconduct may, at the discretion of the Bishop, receive assistance from the Diocese of Saint John with payment of therapy fees pending the completion of procedures under this policy. Such assistance is provided for pastoral reasons and does not constitute an admission of responsibility **or** an admission that the facts as alleged have occurred.
- 8.2** Persons who are the subject of a complaint of alleged misconduct may, at the discretion of the Bishop, receive assistance from the Diocese of Saint John with payment of therapy fees pending the completion of procedures under this policy. Such assistance is provided for pastoral reasons and does not constitute an admission of responsibility **or** an admission that the facts as alleged have occurred.
- 8.3** Persons who are the subject of a complaint of misconduct are advised to obtain independent legal counsel and canonical counsel. Reasonable fees of legal and canonical counsel for an accused member of the Diocese of Saint John, who is unable to pay them, may be paid for by the Diocese of Saint John.

“Reasonable fees of legal and canonical counsel for an accused member of the Diocese of Saint John, who is unable to pay them, may be paid *in whole or in part* by the Diocese of Saint John *in the discretion of the Diocese.*” (Italicized portion is the revised wording.)

- 8.4** Where there has been a finding that misconduct has occurred, the Diocese of Saint John is willing to assist with therapy fees for the complainant. The Bishop’s Delegate may request the Responsible Ministry Advisory Team to advise on matters such as the appropriate professional fee level and the therapist’s projected time for the length of therapy. Such assistance by the Diocese of Saint John is provided for pastoral reasons and does not constitute an admission of responsibility on the part of the Diocese of Saint John.

## **9. CARE FOR PLACES OF MINISTRY WHERE THERE IS AN ALLEGATION OF MISCONDUCT**

- 9.1** The Bishop shall provide crisis intervention to any place of ministry where an allegation of misconduct has caused disruption.
- 9.2** The Bishop will direct the Bishop’s Delegate to ascertain whether there is a need for crisis intervention or other pastoral response if an allegation of misconduct appears to threaten the integrity of the place of ministry. The Diocese of Saint John’s response may include a visit by the Bishop, and/or crisis intervention provided by the members of the Responsible Ministry Advisory Team.
- 9.3** Where an allegation of misconduct becomes public, the Bishop or his designated spokesperson shall prepare a public statement that, while protecting the privacy of the parties involved, and without prejudicing the case, explains the Diocese of Saint John’s policy on Responsible Ministry and describes the steps that have been taken to address any complaint.

### **Appendix 1: Practical Suggestions for Ordained Ministers**

1. Caution and professional attitudes are to be observed in all interactions with minors and vulnerable adults.
2. Ministers should avoid being alone with a minor or vulnerable adult in a house or in a closed room unless another adult is in close proximity, excluding sacramental confession.
3. Pastoral ministry should be limited to the professional section of a rectory.
4. Support and social activity should be found with fellow clergy or other adults.
5. Ordinarily, minors and vulnerable adults should not be permitted to work in rectories.

### **Appendix 2: Practical Suggestions for Staff and Volunteers**

1. Caution and professional attitudes are to be observed in all interactions with minors and vulnerable adults.
2. Staff and volunteers should avoid being alone with a minor or vulnerable adult in a house or in a closed room unless another adult is in close proximity.

### **Appendix 3: New Brunswick Child Protection Reporting Requirements**

Any person who has information causing him to suspect that a child has been abandoned, deserted, physically or sexually ill treated, or otherwise abused, shall inform the Minister of the situation without delay. (Section 30 [1] Family Services Act)

It is an offence under section 30(3) for a professional person to fail to report a child in any of the circumstances described above, if that person acquired the information in the discharge of his or her professional responsibilities.