

Archdiocese of Halifax
Diocese of Yarmouth

Responsible Ministry
and
Safe Environment
Protocol



ARCHDIOCESE OF HALIFAX

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

February 15, 2010

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

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

Since last November, I have consulted with the clergy, religious and laity of our church for their reactions, insights and recommendations. Consistently, the messages I have received have been a call for a more transparent, open and accountable church. To assist me to develop an adequate response to all of these concerns, I engaged the services of a professional human resources firm. Furthermore, our insurers have required the implementation of specific measures for February 15th, 2010.

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

Sincerely in Christ,

Anthony Mancini

Archbishop of Halifax

Responsible Ministry and Safe Environment Protocol Guiding Principles

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

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

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

This Protocol applies to all engaged in the Ministry of the Church within the jurisdiction of the Arch/Diocese of Halifax/Yarmouth. It is also the reference for all instances of misconduct whether current, recent or in the distant past. (See Appendix III for Definition of Misconduct). Anyone who is subjected to misconduct has the full support of the Church to put an end to it.

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

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

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

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

This protocol and its policies and procedures will be reviewed at least every two years by the Diocesan Responsibility Ministry (DRM) Coordinator in consultation with the Advisory Committee of Responsible Ministry and the Parish Responsibility Ministry (PRM) Coordinators.

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

***Staff and Volunteers** include all clergy, religious and lay persons whether paid or unpaid acting on behalf of the Diocese of Yarmouth or Archdiocese of Halifax, a parish or a program or service of the Arch/Diocese of Halifax/Yarmouth

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Covenant of Care

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

1. Staff and volunteers assume full responsibility for establishing and maintaining clear, appropriate boundaries in all ministry situations involving children, youth and vulnerable adults.
2. All physical contact between staff or volunteers and children, youth or vulnerable adults must be completely non-sexual and based only on the individual's needs. Physical contact when alone with a child or youth will be avoided.
3. Staff and volunteers who learn of information indicating clear and imminent danger to a child, youth or vulnerable adult must act to protect the safety, health or wellbeing of the parties by disclosing the necessary information and must communicate such disclosures to their immediate superior.
4. Staff and volunteers shall not engage in the corporal punishment of children, youth or vulnerable adults in their care. Discipline problems will be handled in coordination with the immediate superior and the parents/care providers.
5. A degree of vulnerability exists when staff and volunteers minister alone with a child, youth or vulnerable adult, therefore a team approach of at least two unrelated adults or persons to managing activities involving them should ordinarily be used. For example there should be two persons present in addition to the communicant when bringing communion to those at home.
6. Staff and volunteers will never be alone with a child, youth or vulnerable adult in a residence, sleeping facility, locker room, rest room, dressing facility, or other closed room or area that is inappropriate to a ministerial relationship. When one to one meetings are necessary they must take place in rooms and locations that are open to public view. Examples of activities include catechism instruction and, youth group gatherings
7. Staff and volunteers will never take photographs of a child, youth or a vulnerable adult while they are unclothed or dressing.
8. Staff and volunteers will never provide a child, youth or vulnerable adult with alcohol, tobacco, drugs or anything prohibited by law/nor administer medication of any kind without written parental/care giver permission.

9. Staff 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 such as these are necessary when overnight trips and other special events occur and require the planning and care of leadership.

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

The Arch/Diocese of Halifax/Yarmouth respectively are responsible to provide a safe and secure environment for ministry.

Staff and volunteers are screened to ensure this high level of quality in our services, and the record of a cleric, prospective employee or volunteer may be relevant in assessing the suitability of the person for a particular assignment.

Responsibilities

The Arch/Diocese of Halifax/Yarmouth will identify a person responsible for the overall design, implementation and management of the Responsible Ministry Protocol (RMP) He/She will be called the Diocesan Responsible Ministry (DRM) Coordinator. Each parish will also identify a person responsible for the implementation and management of the Responsible Ministry (RMP) in their respective parish. This person will be referred to as the Parish Responsible Ministry (PRM) Coordinator)

1. The Arch/Diocese of Halifax/Yarmouth will provide an Information Form including the Police Records Check (PRC) and Child Abuse Registry Check application forms to be completed by staff and volunteers who have been invited into service. (See Appendix V for forms). The staff and volunteers will then undergo a Police Records Check (PRC), and a Child Abuse Registry Check (or vulnerable Sector Check which may be completed with the Police Records Check). As well they will provide two names for references. The Police Reference Check and Child Abuse Registry Check are to be renewed for every five years of service.
2. Depending on the location of the assignment, The Parish or Diocesan, Responsible Ministry Coordinator will keep a copy of the general job descriptions for all new and existing staff and volunteers. They will also provide a plan for orientation and training of staff and volunteers on the Responsible Ministry and Safe Environment Protocol, its policies and procedures within thirty days of commencing their assignment(s).
3. The designated Diocesan RMP Coordinator and the Parish RMP Coordinator will implement the orientation and training for all their respective Staff and Volunteers. Participation in this training is mandatory for all and attendance records will be documented and filed in a secured place.
4. The Covenant of Care makes clear the expectations of behaviour for Staff and Volunteers. (See Appendix I). Responsibility for adherence to the Covenant of Care rests with each staff and volunteer.

During orientation staff and volunteers will be asked to sign a Covenant of Care Form that will be filed in a secure area. An individual whose actions are not in conformity with the Covenant of Care will be subject to remedial action by their appropriate immediate superior. Corrective action may take various forms from a verbal warning to removal from the ministry, depending on the specific nature and circumstances of the offence and the extent of harm.

5. Staff and Volunteers in the Arch/Diocese of Halifax/Yarmouth must maintain confidentiality in all matters that come to their attention as a result of their activities. They are not to disclose confidential matters either during their church work or after termination unless specifically released from this obligation by the Archbishop of Halifax/Apostolic Administrator of Yarmouth. Disclosure of such information without authorization is cause for dismissal. Volunteers who violate confidentiality will be ineligible for continuing their assignment.

CF. Canon 220. The Code of Canon Law

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

Screening

Criminal Reference Check and Child Abuse Registry Check

All prospective staff and new volunteers offered an assignment after February 15, 2010 will be required to consent to criminal reference check as a condition of their offer of assignment. As well, those prospective staff and volunteers who are assigned to working with children 16 years and younger will be required to consent to a Child Abuse Registry Check (or vulnerable Sector Check which may be completed with the Police Records Check). Results of the reference checks are to be sent to the Diocesan (DRM) Coordinator. The onus will be on the staff and volunteers to complete this process with follow-up from the respective Diocesan Responsibility Ministry (DRM) Coordinator or Parish Responsibility Ministry (PRM) Coordinator.

Evaluation of Results

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

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

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

Management of Files and Confidential Information

The purpose of collecting personal information is a necessary measure to ensure the Responsible Ministry and Safe Environment Protocol with its policies and procedures are properly administered. Records that are of a personal confidential, nature will be kept in accordance with the Personal Information Protection and Electronic Documents Act (PIPEDA) Legislation and with the Arch/Diocese of Halifax/Yarmouth Policies for employees.

The collected information is confidential and will only be used for the purpose for which it was collected, that is implementing and monitoring this Protocol.

Files

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

1. Information Form.
2. References.
3. Current Police Record Check and Child Abuse Registry Check (or vulnerable Sector Check which may be completed with the Police Records Check).

4. Acknowledgement of Receipt of a copy of the Protocol (Appendix I) and reading of Archdiocesan Responsible Ministry Protocol, Policies and Procedures.
5. Correspondence between the staff or volunteer and the parish and the Arch/Diocese of Halifax/Yarmouth.
6. List of items (such as keys) provided to the person during his or her church assignment.
7. Copy of the General Job Description for the position. (if applicable)

The originals of these documents are to be held in a safe secure place by the Diocesan Responsible Ministry (DRM) Coordinator. The Parish Responsible Ministry (PRM) Coordinator may maintain copies of all items with the exception of results of the PRC and Child Abuse Registry Checks / Vulnerable Sector Check. Copies of files held in the parish must also be held in a safe secure place.

Confidentiality Assurance/Access

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

All files are considered confidential and the property of the Arch/Diocese of Halifax/Yarmouth for the purpose of their own administration. Records and files will be made available only to those persons authorized by the Archbishop of Halifax or Apostolic Administrator of Yarmouth with the consent of the person involved.

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

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

Consent to Release Information

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

Orientation

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

1. Norms of behaviour for diocesan and parish staff and volunteers.
2. Mission statement, goals, and policies of the Arch/Diocese of Halifax/Yarmouth.
3. Job description.
4. History and structure of the organization.
5. Review and signed acknowledgement of receipt and reading of Responsible Ministry and Safe Environment Protocol, Policies and Procedures and other information specific to the assignment.

Appendix I

Covenant of Care for the Arch/Diocese of

or

_____ Parish _____, N.S.

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

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

Signature: _____

Date: _____

Witnessed by: _____

Date: _____

Appendix II

Terminology

Advisory Committee for Responsible Ministry (ACRM): is appointed by the Archbishop to have the overall responsibility for implementation of the Responsible Ministry and Safe Environment Protocol, policies and procedures, ensuring that parishes and other entities in the diocese know and implement the protocol with integrity and consistency. The committee will meet a minimum of every two years to consider this Protocol and make recommendations as to amendments to the Protocol to meet the needs of the Church and society.

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

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

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

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

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

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

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

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

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

Volunteer: is a person who:

- Offers or is invited to undertake a ministry position, service or activity as an assignment whether occasionally, part-time or full-time
- Does the ministry activity in providing service to an individual, or to assist the parish or diocesan community-at-large
- Is not coerced or compelled to do this activity
- Does not receive a salary or wage for this service or ministry activity

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

Volunteer Leader: is a person of at least 18 years of age who devotes significant portions of his/her time and energy in service and who has gone through a time of orientation and training, in order to hold a leader position. Examples include: catechism teacher, youth leader, pastoral care visitor, leader of a group for developmentally challenged adults, etc. Note: It is common practice in many organizations to use volunteer helpers who are between the ages of 12 and 18. Youthful leadership is to be encouraged and supported. However, it should be noted that when leaders are mentioned in this policy, we are referring to people of a least 18 years of age. Nevertheless, leaders under the age of 18 are expected to follow the policy when acting as leaders or volunteers helpers.

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

Appendix III

Definition of Misconduct

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

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

General Harassment

Harassment is behaviour that a reasonable person would know to be unwelcome by the recipient(s) of the behaviour. It is a form of discrimination and is prohibited by law.

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, disability, irrational fear of contracting an illness or disease, or political belief or activity.

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

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

- Verbal abuse or threats.
- Unwelcome remarks, jokes, innuendos or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, or gender.
- Displaying of pornographic, racist or other offensive or derogatory material.
- Practical jokes causing awkwardness or embarrassment.
- Intimidation.
- Unwelcome invitations or requests, whether indirect or explicit.
- Leering or other gestures.
- Condescension or paternalism, which undermines self-respect.
- Unnecessary physical contact such as touching, patting, pinching, or punching (which may be considered assault in some instances).
- Physical assault.
- Demands for sexual favours or sexual assault.

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

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

Abuse

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

Child Abuse

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

Sexual abuse

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

Sexual exploitation

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

Sexual harassment

Sexual harassment is unwanted sexualized conduct or language with others. This conduct entails unwelcome sexual advances, request for sexual favours, or other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's status such as employment, 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.

Grooming

Grooming is a wide variety of behaviours, such as spending large amounts of time with a particular person, affording special privileges, or providing gifts, trips and

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

Pornographic offence

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

Public misconduct

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

Appendix IV

Canon Law References

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

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

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

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

Canon 521. 1. To be validly appointed a parish priest, one must be in the sacred order of priesthood.
2. He is also to be outstanding in sound doctrine and uprightness of character, endowed with zeal for souls and other virtues, and possessed of those qualities which by universal or particular law are required for the care of the parish in question.
3. In order that one be appointed to the office of parish priest, his suitability must be clearly established, in a manner determined by the diocesan Bishop, even by examination.

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

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

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

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

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

Appendix V
Staff/Volunteer
Request for Information Form

Name: _____

Address: _____

City: _____ Province: _____

Postal Code: _____ Home Phone: _____

Work Place: _____ Work Phone: _____

Email: _____

<p>Please provide a Contact in case of an Emergency:</p> <p>Name: _____</p>

<p>FOR PARISH USE ONLY</p> <p>Parish Name and Location: _____</p>
--

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

Yes No

If Yes describe:

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

Ministry assignments in which you may like to serve in or are currently involved in:

(For those not currently engaged in ministry) If the ministry requested is not available, would you consider a different ministry?

Yes No

If yes, which other ministry might interest you:

I certify that the information provided in this document is true and complete. I understand that this information will remain confidential and is property of the Arch/Diocese of Halifax/ Yarmouth. As well, I understand that my name and contact information will be given to the appropriate Responsible Ministry Coordinator in the Diocese/ Parish person so that she/he may contact me.

Signature:

Date:

References

Please provide two persons who can describe your suitability for this position. (E.g. Immediate superior, friends, neighbors, other parishioners, work associates, etc.)

Please remember to notify these persons that they will be contacted.

Name: _____ Relationship to Applicant: _____

Address: _____

City: _____ Province: _____

Postal Code: _____ Home Phone: _____

Name: _____ Relationship to Applicant: _____

Address: _____

City: _____ Province: _____

Postal Code: _____ Home Phone: _____

Consent

I, _____, authorize _____

(name of applicant)

(name of appointed staff)

of _____ to contact the references that I listed on this

(name of diocese/parish and location)

Staff and volunteers Information Form, in order to collect the information that is appropriate to the position. I understand that the information obtained will be confidential.

Signature: _____ Date: _____

For all Staff and Volunteers

Criminal Record Check

I agree to comply with obtaining a Criminal Record Check before I can participate in an assignment. I understand that only the Diocesan Responsible Ministry Coordinator will review this information.

Only for those Staff/Volunteers working with or may be in contact with Children under the age of sixteen

Child Abuse Registry Check / Vulnerable Sector Check

I agree to comply with obtaining a Child Abuse Registry Check or, as appropriate, a Vulnerable Sector Check before I can participate in an assignment. I understand that only the Diocesan Responsible Ministry Coordinator will review this information.

Please return completed form to Diocesan Responsibility Ministry Coordinator.

Please check (☑) that the following have been received and read:

- The assignment description
- The Code of Conduct for staff and volunteers
- The contact information for my immediate superior.

I am aware of the responsibilities and the limits of this assignment and agree to meet them. I understand that I represent this Diocese /Parish as a staff/volunteer only when I am functioning as described in the Diocese/Parish Assignment Description. I agree to keep confidential any information that I may come across regarding the affairs of this parish, its clergy, other volunteers, and parishioners,

*unless otherwise directed by law or by authorities of the
Archdiocese/Dioceses.* _____

Signature: _____ Date: _____

Witness: _____ Date: _____

Signature: _____ Date: _____

Diocesan Responsible Ministry (DRM) Coordinator)

Appendix VI

Reference Letter

Throughout the province, volunteer organizations and churches are asking their staff/volunteers to provide references. This is done to assure the safety of children, the elderly, vulnerable adults and the staff and volunteers themselves. The information on this form stays in a confidential file in the Arch/Diocese Halifax/Yarmouth Office and is not shared with any outside organizations or institutions.

_____, is interested in engaging in
(Staff/Volunteer's name)

Ministry work /working on staff with the Arch/Diocese of Halifax/Yarmouth

or _____ Parish in _____, N.S.
(Parish name) (specific location e.g. Bridgewater)

and thus, has been asked to provide references. This person has supplied us with your name and address.

Assignment Summary

Title:

Responsibilities:

[Enter specific details regarding the ministry / staff assignment]

We wish to receive current, accurate information about this person; your remarks will be an important factor in our decision-making process. Please base your assessment of this individual on your experience of being with and working with this person. We expect that this will take about 10 to 20 minutes of your time.

Please PRINT your name: _____

1) What is your relationship to the person indicated above? How long have you known this person?

2) How would you describe her/his skills and suitability for this position?

3) How would you describe the candidate's personality and temperament?

4) What would you identify as this person's strengths?

5) If you have to suggest some areas of improvement, what would they be?

6) How well does this person work independently?

7) How well does this person work as part of a team?

8) On a scale of 1 (very little) to 4 (very much); how much does this person exhibit these traits?

	very little	very much		very little	very much
Dependable:	1.....2.....3.....4		Tolerant of diversity	1.....2.....3.....4	
Trustworthy:	1.....2.....3.....4		Committed:	1.....2.....3.....4	
Honest:	1.....2.....3.....4		Respects confidentiality:	1.....2.....3.....4	
Deals well with stress:	1.....2.....3.....4		Respects children/youths:	1.....2.....3.....4	
Good Leader:	1.....2.....3.....4		Respects the elderly:	1.....2.....3.....4	
Role model for others:	1.....2.....3.....4		Respects disabilities:	1.....2.....3.....4	
Emotional stability:	1.....2.....3.....4		Other: _____	1.....2.....3.....4	

9) Would you recommend this person for this ministry / staff assignment? Please Explain.

Reference's signature

Date:

Please return this form to the person/address listed below.

Name: _____

Position: _____

Address: _____

We sincerely thank you for your time

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Appendix VII

Helpful Information on Police Records Check

How is a Police Records Check carried out?

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

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

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

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

These may or may not be revealed by police in a PRC. Note that a PRC cannot be conducted without the individual's written consent. In some cases the PRC must be obtained in person.

Since 2001, as a result of amendments to the Criminal Records Act, Criminal records of pardoned sex offenders can be identified and made available to organizations that work with vulnerable people. A search of the CPIC database for pardoned sexual offences cannot be conducted without the individual's consent.

What if you have a criminal record?

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

- The nature of the organization and its work.
- The nature of the offence.
- The relevance of the criminal record to the position you are applying for. Sometimes it will be deemed wise to deny the individual a leadership position with children/youth/vulnerable adults. Sometimes it will be deemed wise to urge the person to accept a position that indirectly supports children/youth/vulnerable adults. Sometimes it will be deemed wise to always have an individual working with another adult.

Are there limits to Police Reference Checks (PRCs)?

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

However the fact still remains that limitations exist of PRCs:

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

Appendix VIII

Helpful Information on Understanding Child/Youth/Vulnerable Adult Abuse

This policy has zero tolerance for abuse in any form. This includes abuse that happens to a child/youth/vulnerable adult by a staff member or volunteer. There is also a need for the adult in the place of worship to be sensitive to incidents of abuse that may be happening in the home or social life of a child/youth/vulnerable adult.

Any person who has reasonable grounds to suspect that a child/youth is or may be in need of protection must report the suspicion to a protective agency or police. Clergy and other professionals such as physicians, nurses social workers, psychologists and teachers have a special responsibility to report allegations of abuse. A professional who hears an allegation of abuse should confide this to a designated leader in the organization. A high ranking official in the organization should be identified as the contact for reporting all cases.

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

What is Child/Youth Abuse?

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

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

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

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

For example, neglect includes failing to provide a child with food, clothing, shelter, cleanliness, medical care or protection from harm. Emotional neglect includes failing to provide a child with love, safety, and a sense of worth.

- **Emotional abuse** involves harming a child's sense of self. It includes acts (or omissions) that result in, or place a child at risk or result in the child having serious behaviour, cognitive, emotional, or mental health problems. For example, emotional abuse may include aggressive verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes terrorizing a child, or exposing them to family violence.

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

Abuse of Vulnerable Adults

The most extensive body of literature on abuse of vulnerable adults can be found under "abuse of the elderly". While some factors may not apply to all vulnerable adults (eg. the developmentally challenged), most characteristics are equally applicable to all vulnerable adults. A thorough explanation of older adult abuse is found at <http://www.justice.gc.ca/en/ps/fm/adultsfs.html>. Although individuals may be abused at virtually any life stage – childhood, adolescence, young adulthood, middle age or old age – the nature and consequences of abuse may differ depending on an individual's situation. Older adults' experiences of abuse, for example, may be related to their living arrangement (they may be living alone, with family members or others, or in an institution). Their experiences may also be linked to their level of reliance on others, including family members or other care providers, for assistance and support in daily living.

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

Types of Abuse

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

- Threatening to use violence
- Threatening to abandon the person

- Intentionally frightening the person
- Making the person fear that they will not receive the food or care they need
- Lying to the person
- Failing to check the person's or someone else allegations of abuse against them

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

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

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

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

There may also be sexual abuse.

What Are Some Potential Warning Signs of Abuse?

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

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

Appendix IX

Helpful Information on Dealing with Reports of Abuse

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

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

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

Reporting to a Protection Agency

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

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

Information Needed by a Protection Agency

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

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

Procedure if Contacted by a Protection Agency

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

Pastoral Response to a Report of Abuse

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

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

Do not:

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

Response to the Media

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