



Diocese of Edmundston

Code of Ethics

January 2006

Policy regarding procedure in cases of sexual, physical, or psychological abuse allegations against clergy, pastoral agents, lay employees, and Church volunteers

OBJECTIVES

The objectives of this policy are:

- 1 – To maintain a working place environment and relationships within the community where everyone interacting with a member of the clergy, a lay employee or a Church volunteer is sheltered from sexual, physical, or psychological abuse of any kind.
- 2 – To remind members of the clergy, lay employees, and Church volunteers that sexual, physical, and psychological abuse are offences against the law.

INTRODUCTION

The Church's mission is to teach and promote the Gospel. For this, the Church must be close to the people, especially to those who need it the most. In their ministry, the clergy, certain lay employees, and some volunteers are called upon to help people who are especially vulnerable, for example, in religious education, ministry to the sick and the dying, those affected by

the suicide of a loved one, visiting the elderly and home-bound, etc.

In such situations, clergy and pastoral agents often find themselves in situations of trust, even of authority towards the vulnerable person. These can feel threatened by any gesture made by the one ministering to them. In such situations, we must at all cost avoid situations that could be seen as abusive, either a glance or look, words and insinuations, or actions. Innocent gestures can sometimes be misinterpreted, especially when someone is in a state of crisis. It is therefore important to be very prudent, without, however, being in a state of panic which would impede the minister in his pastoral work.

Every type of abuse is strongly reproved by the Church and is contrary to the very principles promoted by the Gospel. Clergy and pastoral agents, who are the community leaders, must cooperate in this area, aware that they, like everyone else, are subject to the laws of the province. However, according to common law, provincial legislation cannot require disclosure of what is said between penitent and priest. Our policy, here, considers especially cases of sexual abuse of children younger than 16 (or younger than 19, if they are handicapped) by clergy, pastoral agents, or church volunteers. It also applies, all things being equal, to those older than 16 who were victimised as children.

The diocese is a community where no form of abuse is acceptable. Beneficiaries of our services have a right to expect an environment where they feel safe from abuse.

* *This Code of Ethics is inspired mostly from that of the Diocese of Bathurst.*

** *To alleviate the text, the masculine gender is used throughout.*

The ministers and all others involved, whoever they may be, must also be able to perform their ministry or work without being the object of abuse.

DEFINITION AND EXPLANATION OF TERMS

There are various kinds of abuse, from harassment to aggression. It can be **sexual, physical, or psychological**. Abuse can be caused by actions or by omission (cases of neglect).

An abusive situation can exist between two diocesan employees (priest / deacon, pastoral agent or lay employee); between a diocesan employee and a church volunteer or a member of the community; or between a church volunteer and a member of the community.

A) Sexual Abuse

Sexual abuse or aggression towards a child is defined as any contact between a child and an adult, when the child serves as an object of sexual gratification for the adult. A child younger than 16 (or younger than 19, if handicapped) is victim of sexual aggression independently of the fact that he has or has not been apparently forced to participate, whether or not there has been physical or genital contact, whether or not the activity was instigated by the child, and whether or not there are apparently harmful effects (Cf. WINTER Report [French text], Vol. 11, page A-20).

The **criminal code** of Canada defines sexual acts that constitute an indictable offence. In New Brunswick, the **Family Services Law** defines in which cases we must absolutely intervene to protect the child whose safety and development could be threatened.

The Charter of Human Rights and, more recently, the Supreme Court of Canada have defined sexual harassment as “*a form of sexual discrimination in which we find two essential components, conduct of a ‘non desired’ sexual nature, with an ‘effect of harassment’.*”

Practically speaking, harassment is **through words** like, for example, comments which would normally be considered offensive, insistent invitations to go out or to be alone with the person, unwelcome sexual advances, or requests for sexual favours. It can be **through actions** like unwanted hugs and touching, unwelcome and embarrassing looks, or sexually explicit hand or bodily gestures. Finally, harassment can happen by way of **insinuation or veiled statements** to the effect that sexual favours would bring advantages to the person, for example, an increase in salary, a lighter work load, permission to take part in formation activities, or going on a trip.

B) Physical Abuse

Physical abuse is defined as any act which is not accidental, causing bodily harm. The harm can be marks on the body, cuts, burns, fractures, or inner injury. There is abuse where there is force which is neither acceptable nor reasonable.

C) Psychological Abuse

Psychological abuse can include excessive criticism or demands, due to a person’s age and ability. It can also include intimidation or all other behaviour or remarks leading to psychological discomfort.

In every case, a behaviour is abusive when we can reasonably expect that these gestures or remarks cause insecurity, embarrassment, humiliation, stress, or vexation to a person or group.

D) Examples of What May be Considered Abusive

Abuse can include, but is not limited to:

- ✓ Threats or abusive comments
- ✓ Comments or offensive remarks concerning the other’s physical appearance, age, marital status, race, religion, etc.
- ✓ Jokes causing embarrassment to someone
- ✓ Invitations or requests, whether implicit or explicit
- ✓ Intimidation or threats
- ✓ Unnecessary physical contacts, like touching, pinching, punching
- ✓ Physical assault

**BEHAVIOUR GUIDELINES
FOR ALL INVOLVED IN PASTORAL WORK
(Priests / Deacons, Pastoral Agents, Members
of Pastoral Teams, Catechists, and other
Volunteers)**

A) Basic Principles

A professional attitude and curbing of overly familiar gestures must be observed in all interaction with others, especially with minors or people who are physically or emotionally vulnerable.

A pastoral worker must avoid being alone in the rectory or a enclosed space with a minor or a person in distress, unless there is someone else close by. This rule does not apply to a priest during confession.

Parish work must be limited to the rectory's community section (parish office, meeting room).

When a pastoral worker receives someone, it is preferable to leave the door open. However, if the confidential aspect of the meeting must be respected, it is appropriate to ask the person whether or not to close the door.

B) Pastoral Work with Minors

Parents and guardians must be present, or they must give permission to their children to attend sessions or activities involving minors.

A pastoral worker must never be the only adult present at activities, on trips, at games or sports activities with minors. These activities must only take place in the presence of other adults.

Emergency measures must be established prior to an important activity involving minors so that first aid may be given in case of accident. To neglect this aspect could be considered negligence, in case of accident.

It is strictly forbidden for a pastoral worker to consume alcohol when he participates or is in charge of activities involving minors. It is also forbidden to serve alcohol to people younger than 19 years of age.

If a minor or a vulnerable person exhibits exaggerated or misplaced attraction, or poses ambiguous or equivocal gestures (shows of exaggerated friendship, affection, or love) towards the pastoral worker, the child must immediately be referred to another worker and the parents or guardians informed, so that the child may be given professional help.

RESPONSIBILITY

A) Reporting of Children Victims of Sexual Abuse

Obligation to report to the Ministry of Family and Community Services (Child Protection Services) cases of children who are victims of abuse is a legal obligation binding people involved in family services, and applies to **anyone** who has seen signs of or has reason to believe that a child is being abused.

Regarding those who report such cases, no lawsuit can be filed against them, when they have acted in good faith. Besides, their identity cannot be revealed without their consent, except in unusual cases, that is, during judicial proceedings.

It is important to point out that no administrator nor legislative process can dispense one from reporting an abuse. Presuming that someone else has reported the case does not guarantee immunity in case of a lawsuit.

B) Age of the Child

Obligation to report and compulsory intervention in cases of presumed child molesting are limited to children **younger than 16 years of age** and to handicapped children **younger than 19 years of age**. Parental consent is never required, to report a presumed case of sexual abuse to the Child Protection Services.

INTERVENTION FRAMEWORK

A) Confidentiality

The diocese recognises that it is difficult to make a complaint of abuse, and that it (the diocese) must protect the confidential character regarding the plaintiff.

Every complaint shall be forwarded to the bishop or his delegate. The delegate shall bring the complaint to the committee established to undertake the necessary procedure. It shall also have the responsibility of keeping the bishop posted.

In order to protect the interest of the victims, of the accused, and of other persons reporting cases of abuse, the confidential character of the inquiry is to be ensured as much as circumstances allow.

The diocese will ensure confidentiality of complaint files, including minutes of meetings, interviews, results of investigations, and other pertinent documents, except if a disciplinary or judicial procedure requires the disclosure of

pertinent information to appropriate people.

B) Advisory Committee

Besides his delegate, the bishop appoints at least three persons, priests or lay people of the diocese (preferably people of both sexes) to the Advisory Committee.

The diocese shall ensure that the committee members have or are given appropriate training beforehand as well as throughout their mandate, along with any other help needed to carry out their task.

CONCLUSION

The Church's mission in the midst of the world is, basically, to proclaim the Gospel. The promotion of the fundamental values of love, justice, and respect of others is at the very heart of the Christian message. All who act on behalf of the Church and are committed in its name must therefore promote these values with the utmost respect of those they are called to serve, especially the most vulnerable and weak. Pastoral workers must be shepherds like Jesus himself. The very credibility of the Church is at stake, here.

May this Code of Ethics be a tool to help our diocesan Church be a light to our world and a sign of the Risen One among us.

Approved in January 2006 by:

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