

# **POLICY AND PROCEDURES RELATING TO ALLEGATIONS OF ABUSE OF CHILDREN, YOUTH OR VULNERABLE PERSONS IN ACTIVITIES OF THE PRELATURE OF OPUS DEI IN CANADA**

## 1.0 POLICY

1.01 The Catholic Church, and as part of it, the Prelature of the Holy Cross and Opus Dei in Canada (hereinafter, “the Prelature”) considers abuse of children, youth or vulnerable persons, and especially sexual abuse, to be a grave offense against God. Such abuse does violence to central aspects of our Christian faith and life, because it offends God’s image in the most vulnerable persons—the object of his predilection—and leaves behind wounds that are very difficult to heal. Such actions are particularly grievous when they are carried out by persons committed to helping others follow Jesus Christ and his teachings more closely and hence obligated to giving faithful witness to God’s loving care for his little ones. The Church, accordingly, makes every effort to prevent these actions, and, when despite its efforts they do occur, to react against them with rigor, both legally as well as pastorally, since “[t]he effective protection of minors and a commitment to ensure their human and spiritual development, in keeping with the dignity of the human person, are integral parts of the Gospel message that the Church and all members of the faithful are called to spread throughout the world” (*Chirograph of His Holiness Pope Francis for the Institution of a Pontifical Commission for the Protection of Minors*, March 22, 2014).

On May 1, 2016 a protocol for this regional circumscription of the Prelature was promulgated for the protection of minors in accord with recommendations given by the Congregation for the Doctrine of the Faith contained in the Circular Letter of May 3, 2011, which established that bishops and those canonically equivalent to them should have clear procedures for handling allegations of sexual abuse of minors by clerics.

Following the publication of the *Motu Proprio Vos estis lux mundi (VELM)* on February 22, 2020, the Prelate of Opus Dei issued Guidelines (“Guidelines of the Prelate”) against **all** types of abuse. In these guidelines, he applies to the Prelature the guiding principles for the protection of children, youth or vulnerable persons enunciated by Pope Francis in the norms given for Vatican City on March 26, 2019. In fulfillment of indications given in the Prelate’s Guidelines, the Regional Vicar of the Prelature in Canada has issued this Policy, which also takes into account recommendations given by the Canadian Conference of Catholic Bishops as well as applicable civil laws.

1.02 This policy applies to the actions of Personnel of the Prelature in Canada who, under the Vicar’s authority, are carrying out activities of the Prelature.

## 2.0 DEFINITIONS

2.01 For the purposes of this policy, a “minor” is anyone under eighteen years of age. A “vulnerable person” is any person in a state of infirmity, physical or psychological deficiency, or deprivation of personal freedom which, in fact, limits even occasionally his or her capacity to understand, to will or otherwise to resist an offense (see *VELM*, art. 1 § 2 a, b). When the term “minor” is used in this policy, it is understood also to include children, youth or vulnerable persons.

2.02 “Abuse” in this policy refers to the behaviors included under these terms in the Prelature’s Guidelines. Abuse consists of a) any single act or failure to act (negligence) that unreasonably causes serious physical or emotional harm to children, youth and vulnerable persons or places children, youth or vulnerable persons in proximate danger of such harm; or b) any sustained pattern of actions or neglect that causes serious physical or emotional harm to children, youth or vulnerable persons, including actions such as belittling, frightening, insulting, discriminating, name-calling, making a person the butt of jokes, failing to provide adequate food, shelter, medical care, or supervision, etc. “Sexual abuse” includes any external, objectively grave offense against the Sixth Commandment of the Decalogue committed with children, youth or vulnerable persons. More detailed guidelines for what constitutes sexual abuse under this policy are found in Appendix 1. Ultimately, it is the responsibility of the Vicar with the advice of the Advisory Committee to determine whether any particular behavior constitutes abuse or sexual abuse under this policy.

2.03 “Victim” refers to the person who allegedly or in fact has suffered abuse by Personnel of the Prelature. Unless the victim is no longer a child or youth at the time of the allegation, it is presumed in this policy that in all actions taken regarding the victim, the interactions will take place either with the victim’s parents, guardians or other legal representatives or with their permission. In the case of vulnerable persons, interactions will take place with their legal representatives.

2.04 “Prelature” means the Prelature of the Holy Cross and Opus Dei in Canada.

2.05 “Personnel of the Prelature” includes all faithful of the Prelature, priests, deacons and lay, who, under the Vicar’s authority, carry out activities of the Prelature.

2.06 “Vicar” refers to the Regional Vicar for the Prelature of the Holy Cross and Opus Dei in Canada. As the Ordinary of this circumscription of the Prelature (see Statutes of the Prelature of Opus Dei [*Statuta*], n. 151 § 1), the Vicar is the ecclesiastical authority responsible for carrying out the procedures covered by this policy. Other persons may assist the Vicar and give their opinion, but without replacing his judgment or responsibility.

## 3.0 PERSONNEL SUBJECT TO THIS POLICY

3.01 This policy applies to allegations (see CIC, c. 1717 § 1) of possible abuse and mistreatment of children, youth or vulnerable persons attributed to persons either cleric or

lay who, at the time of the allegation, are under the jurisdiction of the Regional Vicar by virtue of being faithful of the Prelature. In the case of allegations against former faithful of the Prelature, the policy and procedures will be followed at least with respect to treatment of the alleged victim, reporting to civil authorities, informing other ecclesiastical entities as necessary, and investigating the facts of the case to the extent possible.

3.02 Regarding the lay faithful of the Prelature, these norms apply only when an allegation refers to actions committed while they were carrying out an activity of the Prelature under the authority of the Vicar. The norms do not apply to them in their professional or personal activities.

3.03 If an allegation concerns a possible offense committed by a cleric of the Prelature while carrying out tasks legitimately entrusted to him by a diocesan authority, the authorities of the Prelature will work closely with the diocesan authority in the investigation of the allegation.

3.04 If an allegation concerns the conduct of a cleric not incardinated in the Prelature or a member of an institute of consecrated life while he or she is involved at an institution for which the Prelature takes responsibility for the Christian spiritual orientation, the Vicar will inform that person's Ordinary or Superior (see *VELM*, art. 3 § 1).

3.05 Regarding lay employees and volunteers at institutions for which the Prelature takes responsibility for the Christian spiritual orientation, this policy applies only to those in positions for which they have been designated by the Vicar (in accord with the agreements between the institution and the Prelature). If the Vicar receives allegations of possible abuses committed by any other persons, he will communicate the information to the institution, so that it can follow its own policies regarding the protection of children, youth or vulnerable persons.

#### 4.0 ADVISORY COMMITTEE

4.01 The Prelature will maintain an Advisory Committee to serve as a confidential consultative body to the Vicar in discharging his responsibilities with respect to allegations of abuse of children, youth or vulnerable persons against Personnel of the Prelature. Among its functions are:

- a) To offer advice on all aspects of these cases, whether retrospectively or prospectively;
- b) To advise the Vicar, along with the Promoter of Justice (if appointed), in his assessment of allegations of abuse of children, youth or vulnerable persons and in his determination of the suitability of clerics for ministry (see 6.12 and 8.01 below); and
- c) To review the Prelature's policies for dealing with abuse of children, youth or vulnerable persons.

4.02 The Advisory Committee will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Advisory Committee will be lay persons who are not in the employ of the Prelature, although at least one member should be a priest of the Prelature with several years of pastoral experience and proven good judgment, and at least one member should have particular expertise in the treatment of the abuse of minors. The members will be appointed by the Vicar for a term of five years, which can be renewed.

4.03 The Advisory Committee will meet as often as is needed to fulfill its function, including whenever called upon by the Vicar. The Vicar may ask the Promoter of Justice (if one has been appointed) as well as a member of his council to attend the meetings.

4.04 In all of its activities the members of the Advisory Committee will preserve confidentiality. Likewise, in consulting the Advisory Committee, the Vicar will only reveal identities and personal information to the extent necessary for the consultation.

## 5.0 MAKING AND RECEIVING ALLEGATIONS OF ABUSE OF CHILDREN, YOUTH OR VULNERABLE PERSONS

5.01 The Vicar will appoint a Victim Response Coordinator (“Coordinator”), who will be responsible for receiving all allegations of abuse against children, youth or vulnerable persons involving Personnel of the Prelature. If in a given case the Coordinator is unable to carry out his or her duties, the Vicar will appoint a substitute. The Coordinator will receive allegations with respect, understanding and compassion; he or she must be a good listener, act with tact and sensitivity, and be understanding of the needs of those who come forward. The Coordinator will work with the Safe Environment Coordinator (see Prelature’s Guidelines, 8).

5.02 A telephone number and email address for contacting the Coordinator will be posted on the Opus Dei website ([www.opusdei.org](http://www.opusdei.org)). Anyone who wishes to make (or update) an allegation of abuse against children, youth or vulnerable persons by Personnel of the Prelature should contact the Coordinator.

5.03 Any faithful of the Prelature who learns of any misconduct against children, youth or vulnerable persons by Personnel of the Prelature or has reasonable cause to suspect such misconduct should report it immediately to the Coordinator, unless doing so would violate the confidentiality of spiritual direction or the priest/penitent relationship of the sacrament of Reconciliation.

5.04 Upon being notified by any source of an allegation of abuse of children, youth or vulnerable persons by Personnel of the Prelature, the Coordinator will promptly contact the person bringing the allegation. He or she will also initiate contact with the alleged victim unless there is serious reason to delay. The credibility and subsequent investigation of any anonymous allegation will be determined on a case-by-case basis.

5.05 The Coordinator will coordinate assistance for the immediate pastoral care of the alleged victim and his or her family without comment as to the truth of the accusation. He will ensure that they have adequate spiritual help and can offer them spiritual counseling by a qualified priest. If necessary, these persons will also be offered medical, psychological, and social help, as well as information about legal matters such as obtaining counsel. The Coordinator will also advise the victim regarding the procedures (civil and canonical) to be implemented under this Policy.

5.06 The Coordinator will ask the person presenting the allegation to send a written report of it with as much pertinent information as possible (see Appendix 2). He will request the same of the alleged victim or of his or her parents. If necessary, the Coordinator can fill out the form and ask the victim to sign it, after he or she has read it over (or has had it read to them) and having had the opportunity to make any corrections or changes. If the person agrees with the written statement but does not wish to sign it, the Coordinator will note that fact in writing. In cases where the Coordinator has written the statement, a canonical notary should be present when the victim reads the statement and agrees to it (whether by signing it or otherwise). In cases of sexual abuse involving a crime against the dignity of the sacrament of Penance (*Sacramentorum sancta tutela* (SST), art. 4), accusers will be informed that their names will not be communicated to the accused person unless they have given their express consent (SST, art. 24).

5.07 The Coordinator will inform the Vicar of any allegation without delay, giving also his impression of the matter as he thinks opportune, as well as possible measures of accompaniment or pastoral or psychological help for the persons who brought forward the allegation and for the possible victims.

5.08 The Coordinator will keep a record of his or her actions regarding each allegation, but will not keep any written accounts of the allegation after sending them to the Vicar.

5.09 The Vicar and the Coordinator will ensure compliance on the part of all involved with all applicable laws regarding reporting of allegations of abuse of children, youth or vulnerable persons to civil authorities and will also cooperate in their investigations. In every instance, a person's right to make a report to the civil authorities will be supported. Generally, all allegations will be reported, even if the victim or his parents oppose this action.

5.10 When there is an allegation of sexual abuse of children, youth or vulnerable persons by a cleric, the Vicar will inform the Ordinary of the diocese where the alleged abuse occurred and, in the cases mentioned in 3.04 above, the accused's Ordinary or superior.

## 6.0 THE PRELIMINARY INVESTIGATION (CIC, c. 1717)

6.01 Upon receiving an allegation of abuse, the Vicar will make a determination as to its credibility in order to determine whether an investigation is superfluous. He will make no determination that an allegation is not credible (i.e., manifestly impossible) without first

consulting with the Advisory Committee. A decision not to investigate an allegation will be formalized in a decree, which is to be communicated to those who brought forward the allegation as provided for in CIC, c. 55, and these persons must be informed that an appeal may be lodged with the Prelate against this decree in accordance with CIC, cc. 1732-1739.

6.02 If the Vicar determines that the report is credible, he will open the Preliminary Investigation. The purpose of this investigation is to determine the exact nature of the conduct and the most precise information that can be obtained about the persons, the times, the locations, etc., as well as the imputability of the actions. The investigation will be carried out in a manner suitable to the allegation and normally should not exceed ninety days (see CIC, c. 201, § 1 and *VELM*, art. 14, § 1), although the Vicar can extend it for a short time if he considers it necessary.

6.03 The Vicar may delay the opening of the Preliminary Investigation in order to avoid interference with a civil or criminal action, issuing a decree to that effect.

6.04 All appropriate steps shall be taken to protect the reputations of the alleged victim and the accused during the Preliminary Investigation (CIC, c. 1717, § 2).

6.05 During the Preliminary Investigation the accused shall enjoy a presumption of innocence, and unless he or she admits committing the alleged acts, there shall be no judgment of guilt before an appropriate canonical process has been completed.

6.06 The decree by which the Vicar opens the Preliminary Investigation will, among other things, establish the following:

- a) The reasons for opening the investigation;
- b) The person to whom he entrusts the investigation if the Vicar himself will not carry it out;
- c) The appointment of a canonical notary;
- d) The provisional measures regarding the accused that he considers prudent while the investigation is being carried out, especially, if there is a risk of further misconduct or scandal (see CIC, c. 1722). Such measures are to be among those that fall within the Vicar's ordinary powers, even when they require just or serious cause and can include removal from positions that involve dealings with children, youth or vulnerable persons, limitations on ministry and assignments, or other measures which, in themselves, do not prejudice or endanger his good reputation (see CIC, c. 1717, § 2).

6.07 The accused will be informed of the allegation and any evidence supporting it within 48 hours of the issuing of the decree, unless the Vicar, after consulting the Advisory Committee, decides that it would be better to withhold some information. Such a decision should be included in the decree opening the investigation (6.06 above). In cases involving the sacrament of Penance, the accuser has the right not to have his name revealed to the

accused priest (*SST*, art. 24). The nature of the Preliminary Investigation will be explained to the accused and he will be reminded of the principle that a person is innocent until proven guilty. The accused shall also be advised that he may retain civil and canonical counsel, and may have a lawyer or another adviser accompany him at any proceedings at which he is present. In addition, he shall be warned that he must not in any way communicate with those who have brought forward the allegation or with the alleged victim or his family. If the accused admits that the allegations are true, the Vicar will apply the measures indicated below in 8.0 or 9.0.

6.08 The person conducting the investigation will interview the person(s) who submitted the allegation, the victim, the person under investigation, and any other person who can help clarify the facts regarding the allegation. Anyone interviewed during the investigation is to be informed of their right to be accompanied by another person of their choice (canonist, civil lawyer, or other advisor). If the alleged victim is still children, youth or vulnerable person, and if it seems appropriate to interview him or her, the express consent of the victim's parents or legal representatives will first be obtained, and the interview should take place in their presence. The canonist, civil lawyer, or other person chosen by the accused or the victim as adviser will be provided with adequate information regarding the progress of the investigation. If the accused or the victim chooses not to have the assistance of another person, this information will be given to him or her directly.

6.09 Before being interviewed, the accused must be informed of the allegation against him or her, and must be given the opportunity to respond. He or she can respond by a personal letter, through his or her canonist or lawyer, or orally in the interview. In this interview as well as in any criminal process or proceedings that may be opened after the preliminary investigation, the person under investigation does not have an obligation to confess the crime, nor can he or she be asked to take an oath (see *CIC*, c. 1728 § 2).

6.10 The person conducting the investigation and those being interviewed will sign a written record of each interview, after checking that it adequately reflects what was said there. To this end the interview can be recorded and transcribed. Whoever transcribes these recordings must agree to maintain confidentiality in their regard. The written record must also be signed by the notary.

6.11 Besides these interviews, the person conducting the investigation will gather any other pertinent information in the form of reports, letters, emails and anything else that might constitute evidence related to the allegation. Consultants of various kinds (lawyers, investigators, etc.) can be engaged as needed to assist the person carrying out the investigation.

6.12 Upon the completion of the investigation, the Vicar or the person appointed by him will prepare a written report that includes the allegation and the findings of the investigation, adding the suggestions and recommendations he deems appropriate. This report, along with written records of the interviews and other pertinent documents (letters, emails, etc.) shall be presented to the Advisory Committee, which will meet expeditiously. After reviewing all the findings and asking for further information as it deems necessary,

the Advisory Committee will submit in writing to the Vicar its evaluation of the evidence for the abuse, and may also offer the Vicar its recommendations regarding medical and psychological evaluations of the accused as well as appropriate penalties. This opinion will satisfy the requirement of CIC, c. 1718 § 3.

## 7.0 CONCLUDING THE PRELIMINARY INVESTIGATION

7.01 The Vicar will close the Preliminary Investigation by a decree of conclusion (see CIC, c. 1718 § 1). Besides stating the conclusions of the Preliminary Investigation and the reasons for them, it will also include the further steps prescribed below in 7.02 – 7.07.

7.02 In cases of sexual abuse of children, youth or vulnerable persons by a cleric, which are crimes reserved to the Congregation for the Doctrine of the Faith (*SST* art. 6):

a) If it seems probable (more likely than not) that it has not been committed, the Vicar will send the file to the Prelate so that he can inform the Congregation for the Doctrine of the Faith of the investigation and its result, and place the file in a secure archive, unless the Congregation provides otherwise. Likewise, the Vicar will send a copy of the decree to the accused, to the alleged victim, and to the Ordinaries of the dioceses in which the alleged conduct took place and where the accused person resides.

b) If it does seem possible that the crime has been committed, the file of the investigation will be sent without delay to the Prelate with the personal opinion of the Vicar, so that the Prelate can present it to the Congregation for the Doctrine of the Faith (*SST*, arts. 16 and 21). In such a case the accused cleric will not participate in any activity of the Prelature in which children, youth or vulnerable persons take part, nor carry out any other pastoral activity, and will exercise his ministry only within the centre of the Prelature in which he resides. The decision will be communicated in writing to the accused cleric (including the limitations on his activities), to the alleged victim or his/her representatives, and to the Ordinaries of the dioceses in which the alleged conduct took place and where the accused person resides.

7.03 If it seems probable that a crime not reserved to the Congregation for the Doctrine of the Faith has been committed, the Vicar, following CIC, c. 1718 § 1, will decide on the further steps to be taken in accord with Canon Law. The accused will not participate in any activity of the Prelature in which children, youth or vulnerable persons take part, nor carry out any other pastoral activity, and a cleric will exercise his ministry only within the centre of the Prelature in which he resides. If the Vicar decides to employ an extra-judicial or administrative proceeding, he will follow the steps outlined in Appendix 2. If he decides to hold a judicial penal process, he will have the file from the investigation sent to the Promoter of Justice of the Tribunal of the Prelature for the purposes of CIC, c. 1721, and he will inform the person under investigation of the decree in accordance with CIC, c. 55. He will also ensure that the same decree is communicated to the victim, and, if the accused is a cleric, to the Ordinaries of the dioceses in which the alleged conduct took place and where



the accused resides, indicating that he is prohibited from participating in any activity of the Prelature in which minors take part.

7.04 If it seems probable that no crime has occurred, but that the accused has committed some abuse or other conduct which detracts from the exemplary character proper to a priest or lay person who wishes to live fully his or her Christian vocation, the Vicar shall issue a decree of conclusion following CIC, c. 1718, § 1, 1°. In addition, he will apply the penal remedies or penances which he considers appropriate (see 8.0 below).

7.05 If it seems probable that no abuse of any kind has occurred (and there is no question of reserved crimes), the Vicar must state this in the decree of conclusion, also stating that the file is to be placed in a secure archive (see 10.4 below). He will send a copy of the decree to the person under investigation and to the victim. He will also ensure that the accused is offered medical, psychological and pastoral care appropriate to his circumstances.

7.06 The Vicar or someone designated by him will meet with the victim to inform him or her of the outcome of the Preliminary Investigation. Both the Vicar or his representative and the victim shall be accompanied by another person. At that time the victim and, if it seems necessary, his family, will be offered pastoral care that seems most suitable in the circumstances. If the allegation has not been substantiated and this has been confirmed by the Congregation for the Doctrine of the Faith (when necessary), the alleged victim will be treated with compassion and offered whatever help seems necessary and reasonable.

## 8.0 PUNISHMENTS AND PENANCES FOR ABUSES THAT ARE NOT CRIMES

8.01 If, at the conclusion of the Preliminary Investigation, it is determined that there has been imprudent, inappropriate or otherwise reprehensible conduct that detracts from the exemplary character proper to a priest or a lay person who wishes to live fully his or her Christian vocation, but is not to be prosecuted (see CIC, c. 1718, § 1) because, for example, the acts do not constitute a canonical crime, the Vicar together with the Advisory Committee will evaluate the possibility of proceeding according to CIC, c. 1339 or according to c. 1319 and *Statuta*, n. 30.

8.02 In the cases mentioned in the previous article, if the Vicar thinks that he must formally admonish or reprimand the faithful in question in accordance with CIC, c. 1339 or even formally warn them that they will be expelled from the Prelature if they do not change their attitude in accordance with *Statuta* no. 32, he will establish this in the decree of conclusion of the Preliminary Investigation and will leave a written record of the admonition or reprimand, substantially reflecting its content in a document to be signed by the Vicar, or whoever acts on his behalf, a notary, and the person concerned, after he has read it in their presence. If the person refuses to sign this document, the notary will record his refusal in that document. These documents will be kept in a secure archive (see 10.4 below).

8.03 If the warnings or reprimands have been ineffective, or can reasonably be expected to be so, the Vicar can give a penal precept (see CIC, c. 1319, § 1, 49), in which he states

exactly what the person concerned must do or avoid, and also establishing a specific penalty (see CIC, c. 1315, § 2), which the person will incur if he disobeys. The penalty established in the penal precept must be a censure or a non-perpetual expiatory penalty (see CIC, c. 1312), including expulsion from the Prelature (see *Statuta*, no. 30). In the event that the person disobeys this precept, the administrative procedure of CIC, c. 1720 must be followed in order to impose the prescribed penalty.

## 9.0 CANONICAL RESPONSE TO CONFIRMED CRIMES OF SEXUAL ABUSE OF MINORS

9.01 When a single act of sexual abuse of children, youth or vulnerable persons by Personnel of the Prelature is admitted by the accused or confirmed in a canonical process or procedure (judicial or extra-judicial), carried out in conformity with the norms of Canon Law, the Vicar will determine the suitability of the person to continue in the Prelature (cf. *Essential Norms*, no. 8).

9.02 Any person found guilty of committing a crime of sexual abuse against children, youth or vulnerable persons will be removed from pastoral or apostolic offices or assignments. However, he or she shall be offered appropriate support for psychological and spiritual rehabilitation and social reintegration.

9.03 Taking into account the applicable norms of *Statuta* (see nos. 28-35), the Vicar may suggest to the person who has committed the sexual abuse that he or she ask the Prelate for a dispensation from membership in the Prelature (see *Statuta*, n. 31) or he may suggest to the Prelate that the person be expelled from the Prelature. In all cases, all those rights will be respected which are granted by the Statutes of Opus Dei and Canon Law to the faithful who have been found guilty in accordance with Canon Law.

9.04 With regard to the canonical penalties applicable to priests or deacons who commit these crimes, what is established in SST, art. 6 § 2; 21 § 2 (see also CDF Circular Letter of May 3, 2011, II) will be applied:

- a) A priest or deacon who has committed an act of sexual abuse against children, youth or vulnerable persons may request a dispensation from the obligations of the clerical state at any time.
- b) In very serious cases, the Prelate of Opus Dei can ask the Congregation for the Doctrine of the Faith to submit directly to the decision of the Supreme Pontiff the dismissal of the offender from the clerical state together with the dispensation from the law of celibacy, when it is manifestly evident that a crime was committed and after the guilty party has had the possibility of defending himself (cf. SST, art. 21 § 2, 2).
- c) The bishop of the diocese in which the abuse occurred is to be informed of the resolution of the case.

9.05 The readmission of a cleric to the public exercise of his ministry is to be excluded if it could pose a danger to children, youth or vulnerable persons or if there is a risk of scandal to the community (see CDF, Circular Letter of May 3, 2011, III, i).

9.06 No priest or deacon of the Prelature who has committed an act of sexual abuse against children, youth or vulnerable persons may be entrusted with tasks proper to the priestly or diaconal ministry in another ecclesiastical circumscription or transferred to another ecclesiastical circumscription to carry out a ministerial assignment there, unless the Vicar first informs the Ordinary of that circumscription in detail about the crime of sexual abuse committed and about any other information indicating that the priest or deacon has been or may be a danger to children, youth or vulnerable persons.

## 10.0 CONCLUDING CONSIDERATIONS

10.01 In any settlement with a victim (cf. CIC, c. 1748 §4), whether effected within a canonical process or not, the following will be observed:

- a) There shall be a written agreement signed by both parties. The Vicar or his representative will sign for the Prelature.
- b) The agreement will include a provision that the victim will not seek further compensation for the alleged actions in any court, whether civil or ecclesiastical.
- c) The parties shall not be bound to confidentiality unless the victim requests it, and this request is to be noted in the text of the agreement (cf. CCCB, *Protecting Minors* 2018, Lesson 8)

A settlement does not obviate the Preliminary Investigation and possible subsequent processes outlined in this policy.

10.02 If the Preliminary Investigation or subsequent canonical process has concluded that an allegation was unfounded and that the accused is innocent, the Vicar will take all necessary steps to restore the person's good name.

10.03 In cases where the abuse has been confirmed, the Vicar will seek ways to help the victims of the abuse and their families recover from possible psychological and spiritual trauma. He will also consider ways to address the sufferings of those who are aware of the abuse or who have been disappointed at learning that someone they may have highly respected has engaged in such behavior.

10.04 Those involved in the investigation and subsequent disposition of a claim of sexual abuse of children, youth or vulnerable persons will exercise due confidentiality with respect to any information obtained in the course of the investigation. Any public statements concerning this information or any action taken in response to it may be made only with the explicit approval of the Vicar. Any media contact or inquiry regarding an incident of abuse by Personnel of the Prelature must be directed to the office of the Vicar.

10.05 All documents related to allegations of sexual abuse and the investigation of such allegations shall be preserved in accord with CIC, c. 489 and c. 1719.

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### **Appendix 1: Description of Sexual Abuse**

Sexual abuse of children, youth or vulnerable persons includes sexual molestation or sexual exploitation of children, youth or vulnerable persons and other behavior by which an adult uses children, youth or vulnerable persons as an object of sexual gratification. This includes, but is not limited to, sexual contact with the intimate parts of children, youth or vulnerable persons for the purpose of sexual gratification or arousal or for the purpose of degrading or humiliating children, youth or vulnerable persons. Deliberate touching of the intimate parts of children, youth or vulnerable persons, a request to touch the intimate parts of the adult, the exposure of the intimate parts of the adult to children, youth or vulnerable persons, or requesting children, youth or vulnerable persons to expose his or her intimate parts also constitute sexual abuse.

It is necessary to proceed in the manner established for cases of sexual abuse when the allegations refer to behavior consisting in a) forcing someone with violence or threats or by abusing one's authority to perform or submit to sexual acts; b) performing sexual acts with children, youth or vulnerable persons; c) acquiring, producing, exhibiting, possessing or distributing, by whatever technology including by electronic means, child pornography (of a person less than 18 years of age), as well as recruiting or inducing children, youth or vulnerable persons to participate in pornographic exhibitions (see c. 1398; *VELM* art. 1 § 1).

The transgressions in question relate to obligations arising from Divine commands regarding human sexual interaction as conveyed to us by the Sixth Commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of children, youth or vulnerable persons is whether conduct or interaction with children, youth or vulnerable persons qualifies as an external, objectively grave violation of the Sixth Commandment (CCCB, *Protecting Minors 2018*, Section 8).

A canonical offence against the Sixth Commandment (cc. 1395, 1398) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, imputability (moral responsibility) for a canonical offense "is presumed upon external violation" (CIC, c. 1321, §4; cf. cc. 1322-27).

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians may be consulted and the opinions of recognized experts may be obtained.

## **Appendix 2: Guide for an Extra-judicial or Administrative Proceeding**

1 After receiving the Prelate's approval to use the administrative procedure, the Vicar shall promptly summon the defendant with his legal counsel (see c. 1509), informing him that he should appear with his legal counsel (see c. 1483), in order 1) to notify him, in accordance with c. 55, of the decree concluding the preliminary investigation, 2) of the Prelate's consent to proceed, and, 3) in accordance with c. 1720, of the formal accusation and the evidence in support of it.

2.1 At the hearing for the accusation, the Vicar or his delegate, the accused, and the notary must be present. The notary is responsible for drawing up a record of the proceedings that will be signed by all those present at the end of the session.

2.2 The Vicar or the notary shall read to the accused the accusation and the evidence on which it is based. Whether orally or in writing, this communication shall be done in such a way as to ensure that the accused is offered the opportunity to defend himself adequately regarding all aspects of the accusation.

2.3 If the accused does not appear after being duly summoned, the indications of cc. 1592-1593 are to be followed as far as possible.

2.4 At this hearing, the Vicar (see c. 1342 § 3) can also notify the accused of any precautionary measures he has decreed, if he considers them necessary for one of the purposes foreseen in c. 1722.

2.5 At the end of the hearing, before the record of the proceedings is signed, the Vicar will set a date and time for the next session, giving the accused sufficient time to prepare his defense and to present the evidence he considers opportune, always keeping in mind that the accused is not obliged to admit to an offence, and that an oath may not be administered to him (c. 1728 § 2).

2.6 If the evidence includes statements of witnesses or expert testimony, the Vicar is to summon by a decree each proposed witness and each expert and notify them of the summons in accordance with c. 1509.

3.1 At the hearing where the defense will present its claims and evidence, the Vicar, the defendant with his counsel, and at least one notary or two witnesses must be present. The Vicar determines the order of the session in the manner that he judges most prudent, following the guidelines of cc. 1526-1586 to the extent that it is useful.

3.2 Without restricting the rights of the defense, the Vicar shall fix the shortest possible time-frame for such hearings as are necessary to complete the presentation of the evidence.

3.3 Once the presentation of evidence has been completed, the conclusions are to be briefly

presented, taking into account that the accused has the right to speak or write last (see c. 1725).

3.4 In all the hearings the notary or, in his absence, one of the witnesses will prepare a record of the proceedings to be signed by all those present at the end of the session.

4.1 Once the presentation of the evidence has been concluded, the Vicar is to meet as soon as possible with the Advisory Committee in order to evaluate carefully all the evidence and claims brought out in the hearings and investigations that have been carried out (see c. 1720, 2°). Cc. 1526-1586 can provide orientation for the evaluation of the evidence, which should not be unnecessarily prolonged.

4.2 If, after this evaluation, the Vicar reaches moral certitude (see c. 1608, in virtue of c. 1342 § 3) about the occurrence of the abuse and its imputability (see c. 1720, 3°), and he verifies that the criminal action has not been extinguished (see c. 1362), he must issue a decree of condemnation.

4.3 If, on the other hand, it is not possible for him to reach moral certitude or if the innocence of the accused is proven (see c. 1726), he must issue a decree of acquittal (including the reasons for his judgment), considering, if necessary, the possibility of applying the penal remedies and penances provided for by law (see cc. 1339-1340).

4.4 These penal remedies and penances must be applied, if the Vicar has reached moral certainty about the occurrence of the abuse and its imputability (as in 4.2 above) but the criminal action has been extinguished (see c. 1362).

5.1 In the penal decree of condemnation the Vicar must give the reasons for his moral certitude, that is, the facts of the accusation that he considers to have been proven in the proceeding and what legal weight they merit; the relevant circumstances he considers likewise proven; why he does not consider tenable the defense of the accused regarding those facts and circumstances; and what prescriptions of law are applicable to the case according to the legal weight expressed. The rules on sentencing, especially those contained in cc. 1608 and 1611-1612, can serve as a guide for structuring the decree.

5.2 In addition, the decree must declare precisely the penalty to be imposed on the guilty person. In this matter, the Vicar must follow the norms of cc. 1342-1350.

5.3 The penal decree must be dated, signed and countersigned in the usual manner (see c. 474). It is to be notified to the guilty party within fifteen days, in accordance with cc. 55-56.

5.4 The decree must state that a hierarchical appeal of it to the Prelate is possible, in accordance with cc. 1732-1739, with the penalty being suspended until such appeal is resolved (c. 1353).

**Appendix 3: Report of Suspected Abuse of Children, Youth or Vulnerable Persons by Personnel of the Prelature of Opus Dei in Canada (attached)**

**REPORT OF SUSPECTED ABUSE OF CHILDREN, YOUTH OR VULNERABLE  
PERSONS BY PERSONNEL OF THE PRELATURE OF OPUS DEI IN CANADA**

*It is not necessary to have all the information requested before reporting the incident.*

1) This report is being submitted by:

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

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

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
\_\_\_\_\_

2) Person suspected of abuse:

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

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

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Age: \_\_\_\_\_ Sex: Male \_\_\_\_\_ Female \_\_\_\_\_

3) Suspected victim:

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

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

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Age: \_\_\_\_\_ Sex: Male \_\_\_\_\_ Female \_\_\_\_\_ Age at time of alleged abuse: \_\_\_\_\_

4) Contact information of victim's parents/guardians if victim still a minor:

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

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

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_



5) Name and contact information of eyewitness to the alleged abuse (use another sheet if needed):

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

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

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

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

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

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

Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

6) Name and contact information of any individuals to whom the incident was reported (use another sheet if needed):

Name (and title): \_\_\_\_\_ Phone: \_\_\_\_\_

Name (and title): \_\_\_\_\_ Phone: \_\_\_\_\_

Name (and title): \_\_\_\_\_ Phone: \_\_\_\_\_

7) On a separate sheet of paper, please type or print neatly with ink a description of the alleged sexual abuse, including the following information:

- the nature of the alleged act(s)
- date(s) and time(s) when the alleged act(s) occurred
- the location(s)/address(es) where the alleged act(s) took place
- any other information you deem important

Please *sign your name* to the description and staple it to this sheet.

***Signature of Person Reporting Alleged Abuse:*** \_\_\_\_\_

***Date:*** \_\_\_\_\_