



CONSTITUTIVE BY-LAW OF OMBUDSMAN AND
ADVISORY COMMITTEE
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CONSTITUTIVE BY-LAW OF OMBUDSMAN AND ADVISORY COMMITTEE

Definitions:

“*Administrative personnel*” secretarial or maintenance employees, parish council members or other volunteers dealing with the finances or the administration of a Church organization.

“*CCCB*” Canadian Conference of Catholic Bishops.

“*Committee Member*” refers to a member appointed by the Archbishop in accordance with this by-law to serve on the Advisory Committee.

‘*New Advisory Committee*’ refers to the Committee set up under this by-law.

‘*Ombudsman*’ refers to the Ombudsman as well as members of their team.

“*OPP*” refers to the Archdiocese of Montreal’s Office of Pastoral Personnel.

“*Pastoral personnel*” anyone acting officially in the name of the Church by mandate and/or employment contract in the pastoral field.

“*Religious communities*” includes, but is not limited to, religious congregations, secular institutes and societies of apostolic life.

Section I: Creation of the Ombudsman’s position:

1. Appointment of the Ombudsman:

- A) The Ombudsman is appointed by the Archbishop of Montreal to exercise the responsibilities of this position as defined below.

2. Guiding principles:

- A) The Ombudsman is autonomous and independent of the Archdiocese.

- B) At all times, the Ombudsman is required to act with neutrality and avoid any conflict of interest.
- C) In the event of a conflict of interest, the Ombudsman must disclose the conflict and refer the receipt and handling of the complaint to a member of their team.

3. The Ombudsman's mandate:

- A) To receive all complaints concerning the Montreal Catholic Church

4. Policies or guidelines regarding the Ombudsman:

- A) The Ombudsman may not withhold any information provided to them as part of a complaint and must disclose it to the Advisory Committee, the Director of the OPP or the Vicar General.
- B) The Ombudsman will contact the Director of Youth Protection (DPJ) without delay when they receive information about sexual or physical abuse of a minor. They may also contact the DPJ in other cases of abuse, as provided for in the *Youth Protection Act*.
- C) The Ombudsman is obliged to keep information received in the course of their duties confidential, except in regard to the content of the complaint to those involved in the complaints process.
- D) The Ombudsman can accompany the complainant in their dealings with the police if the complainant so wishes.
- E) The Ombudsman may accompany the complainant during the canonical process, if there is one, and if the complainant so wishes.
- F) The Ombudsman will deal with any threats or harassment they may receive. Should the situation escalate, they will discuss it with the Archbishop to decide on appropriate action.

5. Receiving complaints:

THE OMBUDSMAN MUST:

- A) Receive all communications (calls, emails, letters, text messages, or other forms of communication) 24 hours a day, 7 days a week, from people, including those who wish to remain anonymous, who are looking to:
 - a. Obtain information on the complaints process, or
 - b. File a complaint.
- B) Complete the complaint form (Schedule A) if the person wishes to submit a complaint and explain the process that will follow.
- C) If the call is not related to a complaint, refer the person to the appropriate resource, if known.

6. Follow-up of complaints:

THE OMBUDSMAN MUST:

- A) Forward within 24 hours, with the exception of 'C' below, all abuse complaint forms to the Chair and all Advisory Committee members. Abuse includes:
 - a. Physical or sexual abuse,
 - b. Psychological abuse, including harassment or bullying,
 - c. Spiritual abuse,
 - d. Financial abuse.
- B) For the other complaints,
 - a. Refer other complaints to the Director of the OPP, or
 - b. When such complaints concern the administrative personnel of a Church organization or a religious community, refer complaints to the Vicar General.
- C) Have several interviews with a complainant if they deem it necessary before referring the complaint to the Advisory Committee, the Director of the OPP or the Vicar General.

- D) Report to and meet with the Advisory Committee, the Director of the OPP or the Vicar General, if they deem it necessary during their review of a complaint.
- E) Keep the complainant informed regarding the progress of the complaint, including decisions taken by the Archbishop following the recommendations received.
- F) Depending on the type of complaint, act as an intermediary between the complainant and the:
 - a. Advisory Committee, or
 - b. Director of the OPP, or
 - c. Vicar General.
- G) In the event that a complaint of any kind is made against the Archbishop, the Ombudsman will refer it to the senior bishop of a suffragan diocese and, if it concerns sexual abuse or its cover-up, the Ombudsman will follow the procedures on reporting adopted by the CCCB.
- H) In the event that a complaint of any kind is made against an auxiliary or an emeritus bishop, the Ombudsman will follow the procedures contained in the present by-law. If the complaint concerns sexual abuse or its cover-up, the Ombudsman will also follow the procedures on reporting adopted by the CCCB.

7. Recordkeeping:

THE OMBUDSMAN MUST:

- A) Keep a register of complaints including, but not limited to:
 - a. The time taken to process complaints and their current status,
 - b. The opening and closing dates of each complaint file and its outcome (upheld, rejected, other).
- B) Maintain a local and secure computerized archive of complaints and all relevant information contained therein.
- C) Maintain a register of names of persons against whom a complaint has been received for future counter-referencing.

8. Intervention to help and support complainants:

- A) Although the Ombudsman's role is not to provide assistance in the strict sense of the term, they assume this role in cases where it is necessary.
- B) In urgent cases, refer the complainant to a professional who can offer therapeutic support, and
 - a. Pay the professional's fees directly using the budget allocated for urgent cases.
- C) Maintain a list of professionals and organizations known to offer services that could benefit the complainant.
- D) In all cases the Ombudsman deems less urgent, submit recommendations to the Advisory Committee, the Director of the OPP or the Vicar General as to the need or desirability of offering assistance to the complainant.
 - a. Where the Archbishop agrees to such a recommendation and the complainant decides to seek therapeutic support, the Ombudsman will pay the fees of the chosen therapist directly from the budget allocated for such purposes.

9. Reports and statistics:

THE OMBUDSMAN MUST:

- A) Draft statistical reports to show the following, among other things:
 - a. Number and frequency of complaints (per week, per month, etc.)
 - b. Severity of complaints and need for immediate psychological support
 - c. Male/female ratio
 - d. Age of complainants
 - e. Dates on which the alleged events took place
 - f. Affected parishes
 - g. Type of acts alleged:
 - i. Sexual abuse
 - ii. Physical abuse
 - iii. Abuse of authority
 - iv. Financial abuse
 - v. Threats
 - vi. Harassment:

1. Sexual
2. Psychological
- vii. Child pornography
- viii. Unsatisfactory work
- ix. Other alleged breaches
- x. Purely administrative complaints

B) Submit a quarterly report to the Archbishop.

Section II: Advisory Committee:

AN ADVISORY COMMITTEE WILL BE SET UP ACCORDING TO THE RULES SET OUT BELOW:

10. Establishment of the new Advisory Committee:

- The Advisory Committee will consist of: one Chair, either:
 - the Archbishop's delegate or a substitute, if necessary.
- 5 secular members with the following expertise
 - 1 psychologist or social worker
 - 1 lawyer
 - 1 health professional
 - 1 former member of a police force or a former Crown prosecutor
 - 1 survivor

11. Terms: duration and renewal

- A) The Chair's term will be at the discretion of the Archbishop.
- B) The secular members of the Committee are appointed by the Archbishop after consultation with the members of the existing Advisory Committee. The initial mandates will be for one year, from May 1, 2021 to April 30, 2022.
- C) These appointments should aim to reflect the diversity of Montreal's population.
- D) The mandates of secular members can be renewed a maximum of two times as of May 1st, 2022.

- E) For the purposes of ensuring continuity in the execution of the Advisory Committee's mandate, the members' mandates will be renewed as follows on May 1st 2022: two members for 3 years, two for 2 years and 1 for one year. Thereafter, all mandates will be for a three-year duration.
- F) In case of a conflict of interests, the member of the Advisory Committee shall declare the conflict and recuse him or herself from the evaluation of the complaint.

12. Support for the Advisory Committee:

- A) A permanent secretary appointed by the Archbishop will be responsible for taking minutes and drafting the Advisory Committee's recommendations to the Archbishop and keeping a record of them.

13. Voting rights:

- A) With the exception of the Chair and of the secretary, all members of the Advisory Committee are entitled to vote.
- B) Decisions will be made by consensus. If a consensus cannot be reached, the minutes of the meeting will record the result of the vote and the members' motivations.

14. Role of the Advisory Committee:

- A) The Advisory Committee will review and make recommendations to the Archbishop regarding all complaints of physical, psychological, sexual, spiritual or financial abuse received from the Ombudsman.
- B) The Advisory Committee shall notify the Ombudsman of the outcome of each step taken.

15. Abuse complaint handling process:

15.1 Process for complaints against members of the pastoral personnel, volunteers working in a pastoral capacity or employees of the Diocesan Office:

- A) Within 24 hours of receiving the complaint, the Chair of the Advisory Committee will check the file of the pastoral personnel member, volunteer or employee who is the subject of the complaint.
- B) Within 48 hours of receiving the complaint, the Chair will convene the Advisory Committee and report on his findings.
- C) The Advisory Committee will meet within a maximum of 7 days.
- D) The Advisory Committee will consider the elements of the complaint and the findings of the Chair and may make the following recommendations to the Archbishop:
 - a. Decide on the need for an in-depth investigation by an external firm;
 - b. Temporarily remove the pastoral staff member's faculties or, in the case of an employee or a volunteer, temporarily suspend that person.
 - c. Provide immediate support to the victim.
 - d. Other recommendations it deems appropriate.Or
 - e. Close the file.
- E) The investigator will report the outcome of their investigation to the Advisory Committee, which may then make the following recommendations to the Archbishop:
 - a. Remove the pastoral personnel member's faculties until a later step in the process.
 - b. Reprimand or dismiss the employee or the volunteer.
 - c. Provide support to the victim, if this hasn't been done already.
 - d. Ask the Congregation for the Doctrine of the Faith at the Vatican to hold a canonical trial (or an administrative canonical procedure) in case of a penal delict according to Canon Law.
 - e. Other recommendations it deems appropriate.Or
 - f. Close the file and, if applicable:
 - i. Reintegrate the faculties of the pastoral personnel member.
 - ii. End the employee's or the volunteer's suspension.
- F) The Advisory Committee, if it deems it useful or necessary, may suggest new leads to the investigator when they submit their report.

15.2 Process for complaints against administrative personnel, whether remunerated or volunteer, of a Church organization.

A) The Advisory Committee will review the elements of the complaint and may make the following recommendations to the Archbishop:

- a. Intervene with the leaders of the organization concerned.
 - b. Provide support to the victim.
 - c. Offer the organization leaders assistance in carrying out an investigation, if necessary
 - d. Request a report on the actions taken by the leaders of the organization.;
 - e. Ask the leaders to reprimand or dismiss the person subject of the complaint.
 - f. Other recommendations it deems appropriate.
- Or
- g. Close the file.

15.3 Process for complaints against members of religious communities

A) The Advisory Committee will consider the elements of the complaint and may make the following recommendations to the Archbishop:

- a. Contact the superior of the community concerned.
 - b. Provide support to the victim.
 - c. Withdraw the faculties of the member of the religious community if they are exercised within the jurisdiction of the Archbishop.
 - d. Offer assistance to the community leaders concerned to carry out an investigation, if necessary.
 - e. Request a report on the actions taken by the superior.
- f. Other recommendations it deems appropriate.
- Or
- g. Close the file.