



**Diocese of Rupert's Land**

**BUILDING  
HEALTHY  
COMMUNITIES**

Diocesan Policy on Sexual Misconduct  
and Child Protection and Safety



*Building  
Healthy  
Communities*

## **Introduction to the Sexual Misconduct Policy of the Diocese of Rupert's Land**

<p><b><i>What does the policy say?</i></b></p>	<p>This revised Sexual Misconduct Policy applies to all bishops, clergy, employees, volunteers and lay people who are under the jurisdiction of the Bishop. The policy's "Theological Foundation" describes how the policy is grounded in the spiritual beliefs and teachings of the church. As a faith community we provide a place where love, self-discipline, justice, truth and peace are nurtured and valued. Key principles guide the church's response. In particular, the diocese asserts that <b>sexual misconduct will not be tolerated</b> and any complaint will be dealt with fairly, openly, promptly, seriously and systematically. <b>By law, suspected child abuse must <i>always</i> be reported to the authorities.</b></p> <p>The policy describes how the diocese will respond if there are concerns related to:</p> <ul style="list-style-type: none"><li>• <b>sexual harassment</b></li><li>• <b>sexual exploitation</b></li><li>• <b>sexual abuse</b></li></ul> <p>The policy defines these various kinds of sexual misconduct in detail so that it is clear what kinds of behaviour are unacceptable.</p>
<p><b>What happens when there is a complaint of alleged sexual misconduct?</b></p>	<p><b>Notifying the Pastor For Healthy Communities</b></p> <p>The Diocesan Bishop has appointed a "Pastor for Healthy Communities", a senior member of clergy, to oversee the administration of the policy. If a complaint is brought to the attention of the church, it is referred to the Pastor for Healthy Communities. The Pastor for Healthy Communities is the Rev. Canon Mary Holmen; telephone 204-453-3279</p>

The work of the Pastor for Healthy Communities is assisted by the Bishop, Archdeacons, and resource people with particular professional qualifications in the area of mental health and social services.

## **Harassment and exploitation complaints**

### ***Informal process***

If the complaint has to do with sexual harassment or exploitation, the complainant may ask the Pastor for Healthy Communities to assist in resolving the problem informally. If the informal process is successful, a resolution agreement is prepared and is placed in the Pastor for Healthy Communities' file for sexual misconduct complaints. Otherwise, a formal process of investigation is undertaken by an investigating team.

### ***Formal process***

In a formal investigation of harassment or exploitation, diocesan investigators from the diocese's resource team interview the complainant, the respondent and any other individuals who may have information that might shed light on the complaint. The investigators' report is sent to the diocesan bishop. It is the diocesan bishop who makes a final determination about the complaint. If the complaint is deemed to be valid, the diocesan bishop directs appropriate disciplinary measures.

The process of a complaint is usually seen as stressful for all who are involved. In recognition of this, the diocese has included in the policy provision for support persons for both the complainant and the respondent.

### ***Mediation***

Before and during the investigation process, if both the complainant and respondent agree to mediation, the investigation can be suspended for up to thirty days for a diocesan-appointed mediator to help the parties to attempt to resolve the concerns that led to the complaint.

The result of the mediation is given to the diocesan bishop who considers it before making a final decision or taking disciplinary measures.

## **Child abuse complaints**

Any person who suspects that a child may be in need of protection is required by law to report this directly to a Child and Family Services Agency. If you are not sure whether a situation warrants a report, you may call your nearest Child and Family Services Agency, explain the circumstances, and they will advise you as to how you should proceed.

	<p>If there is a concern about someone over the age of sixteen who was allegedly abused as a child, it may not be necessary to report this, unless the circumstances indicate that other children may be currently in need of protection. (For example, if a woman was molested by her father when she was a child and she is now aware that he is babysitting her young niece, this should be reported as the niece may be at risk of abuse).</p> <p>In the case of suspected child abuse involving persons governed by the sexual misconduct policy, the Pastor for Healthy Communities immediately notifies the Child and Family Services Agency or the police. All child abuse investigations are conducted by child protection authorities or the police.</p> <p><b>Sexual assault of adults</b></p> <p>Sexual assault of adults includes any activity that is defined as a sexual offense under the Criminal Code of Canada. Under the sexual misconduct policy, adults who come forward with an allegation of a sexual offense will be encouraged by the Pastor for Healthy Communities to contact the police. Generally, the will not contact police without the consent of the complainant. However if there is grave concern that someone may be at risk for similar assault, the Pastor for Healthy Communities may initiate a report to the police.</p>
<p><b>What led to the development of the sexual misconduct policy?</b></p>	<p>Until the late nineteen eighties, the problem of sexual misconduct in the church was not well recognized and was poorly understood and poorly dealt with. In Canada, it was not until the long hidden sexual and physical abuse of children in the Mount Cashel orphanage in Newfoundland came under public scrutiny that an outcry began demanding that churches address the possibility of abuse within their own walls. Lacking clear and firm guidelines for response, church authorities who were confronted with abuse allegations tended to try to protect the institution. In so doing they too often swept legitimate complaints under the carpet. If complaints were raised, they were often dealt with in secrecy, little support was offered to complainants, and offending clergy were usually simply admonished and perhaps moved to a new ministry. In some of the worst scenarios, abusive clergy were simply moved around and repeated their abusive behaviour with new victims.</p> <p>By the early 1990's, churches in Canada began to write policies outlining mandatory procedures for openly dealing with child sexual abuse complaints. A policy of this nature was approved and implemented in Rupert's Land in the early 1990's. Around that same</p>

time a separate policy outlining procedures for dealing with sexual misconduct involving adults was approved and implemented in Rupert's Land.

***The diocese's experience following the two policies endorsed in the early 1990's.***

In various dioceses throughout the country, it became clear from the early 1990's that the majority of complaints had to do with exploitation of adults or adult complaints when they were children. Very few had to do with abuse of children. Initially, many of the complainants who came forward were asking the diocese to respond to misconduct that had occurred before there was a policy. It was only when the policy came into being that they felt they had an avenue to follow in their search for help.

As could be expected, problems began to emerge when implementing an untried policy that was addressing an issue for the first time. One area of concern centered around the fact that there was not a specific procedure for investigating sexual harassment. The policy did not distinguish between an inappropriate comment and more serious incidents. Also, the principles of investigations, that they be fair, thorough, objective, factual and expeditious were not fully addressed in the procedures under the earlier policy. Further, there was not adequate provision for the concept of providing support equally for both complaints and respondents. In addition, the role of the Bishop under the policy did not become clear until they found themselves juggling potentially conflicting roles as administrators, pastors, investigators, judges and disciplinarians.

The Toronto protocol, which has provided the basis for Rupert's Land's revised protocol, began its formation in 1997 when the diocesan bishop convened a new committee of concerned clergy and lay people to review their earlier policy and to draft any necessary changes. The committee encouraged anyone with concerns to come forward and developed a draft revision of the policy that addressed the key concerns. This was presented to the College of Bishops who set in motion a process to further refine the draft. The final document was approved by the Executive Committee of Synod in May 1999 and now is the policy of the Toronto Diocese.

In the early Spring of 2002, First Responders expressed their increasing concerns regarding the policy that was in place. This prompted a review of that policy, with a subsequent exploration into protocols created out of more current research. This, along with guidance from the Reverend Dr. Eric Beresford, and the most recent Toronto protocol, provided the majority of tools required for the newly designed protocol

	<p>for Rupert's Land.</p> <p>From this time forward the procedures of this policy will be followed in responding to any complaints of sexual misconduct. There may be periodic reviews of the policy. Any future changes will have to be approved by the Executive Committee and would be incorporated as amendments to the policy.</p>
<p><b>The responsibility to prevent misconduct extends to everyone in the church</b></p>	<p>The person who has been sexually exploited, harassed or abused by someone in a position of leadership in a church setting feels effectively cut off from the community of the faithful, the very source that might give them consolation. Because of this, it is critical that if sexual misconduct occurs, the church community must galvanize itself to seek faith and justice so that there can be a restoration of hope and trust.</p> <p>The priest at ordination is reminded of the weight of responsibility of the priestly office and is exhorted to "teach, premonish, feed and provide for the Lord's family" and to remember "how great a treasure is committed to your charge"<sup>1</sup>.</p> <p>Similarly, churchwardens are asked to commit themselves to the "trust and responsibility" of their office, and the congregation commits to share with them in the responsibility with which they have been entrusted. For example when church school teachers are commissioned, they are reminded "you are accepting a great responsibility", and are asked "Are you prepared to teach God's love in your words and in your actions?". Significantly, the congregation is then asked "Will you sponsor the teachers and children in your love and in your prayers?"</p> <p>All who accept leadership positions in the church have responsibility to do their utmost to provide an environment that respects the dignity and integrity of others.</p>
<p><b>How does sexual misconduct affect victims?</b></p>	<p>The trauma caused by sexual abuse has been described as including:</p> <ul style="list-style-type: none"> <li>• betrayal of trust</li> <li>• disempowerment</li> </ul>

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<sup>1</sup>Book of Common Prayer, the Ordering of Priests, p.649, or Book of Alternative Services, The Ordination of a Priest, "You are to preach, to declare God's forgiveness to penitent sinners, to pronounce God's blessing, to preside at the administration of holy baptism and at the celebration of the mysteries of Christ's body and blood...you are to nourish Christ's people from the riches of his grace, and strengthen them to glorify God in this and in the life to come". p.646

- stigma or shame, and
- traumatic sexualization<sup>2</sup>

When sexual misconduct occurs, it usually happens within a relationship of trust. The person who is victimized has placed their trust in the offender and that trust has been betrayed. Sometimes that trust may be placed directly by the victim (for example, by the person who seeks spiritual direction from a priest) or the victim may have been entrusted by others to the care of the offender (for example when parents entrust their children to a choir director, or some other youth leader). **Betrayal of trust** can cause the victim to have serious difficulties in forming future, safe relationships of trust. In particular when the misconduct has occurred in a church setting, the victim may find it hard to feel safe again in a religious environment.

**Disempowerment** is central to issues of sexual misconduct in a church setting. People bring their vulnerabilities to church, seeking help in their quest to worship, to be made whole, to give thanks, and to participate in Christian community. The prayer life of the church encourages the faithful to be open to the Spirit by acknowledging our humbleness before God and admitting and repenting our sins and weakness. In a sense, when we come to worship, we relinquish some of our power and entrust the religious leader to support and care for us during the faith journey. When a person in a position of leadership in a faith community harasses, exploits or abuses, they are taking advantage of the vulnerable person who is approaching the Church in good faith.

It is common for victims of sexual misconduct to feel a sense of **stigma or shame**. Most victims, especially children, feel that at some level they are to blame for the abuse. Victims fear that people around them will also blame them. Some offenders have gifts of charisma and skills of persuasion that help them to be successful as church leaders, and yet they deploy these same gifts in engaging and exploiting a victim. Particularly if the offender is a person who has been in a position of respect in the community, victims may be afraid to come forward because they are afraid that they will be blamed and shamed for causing scandal. It is not unusual for a congregation that has liked and respected their priest, organist, lay leader, youth leader and so on, to react with disbelief and anger and confusion, if that trusted leader is accused of misconduct. This reaction adds to the victim's burden of fear that they may be stigmatized and shunned by their parish community. It is part of the reason that victims are

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<sup>2</sup>Finklehor, David P. and Angela Brown, "The traumatic impact of child sexual abuse: a conceptualization". *American Journal of Orthopsychiatry*, October, 1985.

	<p>reluctant to come forward.</p> <p>Sexual misconduct involves a <b>misuse of the gift of sexuality</b>. Acts that should signify the intimacy of a committed relationship between equal partners instead are tainted with ambivalence, confusion, guilt and sometimes fear. This is often reinforced through the use of secrecy that further signals that there is something “wrong” with the relationship. Sexuality should be a joyous celebration of the sacredness and dignity of the most intimate of human interactions. Instead, sexual misconduct within a ministerial relationship leaves the victim bearing a burden of trauma attached to their expression of sexuality. This has the potential to impair the formation of future sexual relationships as exploitative sexual acts persist as a long term, traumatic memory.</p>
<p><b>Who are the offenders?</b></p>	<p>The sexual misconduct policy addresses the problem of inappropriate sexual conduct with adults, and child abuse. This involves very distinct groups of offenders.</p> <p><i><b>Sexual misconduct with adults</b></i></p> <p>There are two types of offenders against adults; “predators” and “wanderers”.</p> <p><b>“Predators”</b> who sexually abuse adults are a rarity among clergy offenders, but they cause tremendous harm. Characteristically, predators invite sexual involvements with numerous victims, leaving emotional and spiritual devastation in their wake. They are manipulative and can be very convincing and charming. They often have gifts of intellect, and may be charismatic leaders. When discovered, the fallout may affect a whole congregation or other followers who have been taken in by the predator’s leadership gifts. They may exacerbate the harm they have caused by claiming that they are the real “victim” and seeking support from their followers, thus stirring anger and confusion in the faith community. Predators accept little responsibility for their behaviour and have limited capacity for insight. They minimize and attempt to interpret the misconduct in such a way as to prove themselves blameless. They have <i>very</i> poor prognosis for rehabilitation and pose a continuous risk for reoffense. Most church policies reserve severe penalties for predators.</p> <p>The vast majority of clergy or others in leadership positions who become involved in inappropriate sexual relationships are people who are emotionally needy and poorly equipped to analyze the dynamics involved in their interpersonal relationships. Rev. Marie Fortune, a</p>

	<p>leading writer and educator on this subject, calls these people “<b>wanderers</b>”<sup>3</sup>. This is a good description of the person who “wanders” into a relationship without considering its appropriateness in the context of their role. Most wanderers are able to become deeply aware of the turmoil they have caused the victim and are able to rehabilitate to the extent that they do not pose a serious risk for recurrence.</p> <p><b><i>Child abusers</i></b></p> <p>Sexual transgression with children crosses profound social taboos and is seen as deeply-disturbed behaviour. Within the category of sex offenders against children there are clinical sub-groupings known as “<b>pedophiles</b>” and “<b>situational offenders</b>”. <b>Pedophiles</b> have a primary sexual preference for pre-pubescent children. They are very compulsive and cause much harm as they have numerous victims. They have very poor capacity for rehabilitation and are seen as a life-long, high risk for reoffence.</p> <p><b>Situational offenders</b> on the other hand have a primary sexual orientation to adults, but under some stressful life circumstance they become involved with a young person. They usually have only a single or few victims, usually young adolescents who are family members or children of close friends. The treatment outlook for situational offenders is somewhat more optimistic than for pedophiles. However, they too are seen as at life long risk for re-offense and must be closely monitored when in the presence of children or adolescents.</p> <p>Virtually all church policies give recognition to the very serious, high risk issues related to offenders against children by prohibiting anyone who has molested a child from ever participating in public ministry.</p>
<p><b>How does sexual misconduct affect the parish?</b></p>	<p>Where an allegation of misconduct is so serious that it becomes publicly known, the entire congregation may experience some of the same trauma-causing dynamics that affect a victim. In some of the worst cases, the offender actively seeks out support from the congregation. The complainant and their family may be re-victimized and shunned. In some instances congregations have polarized around the issue and have ceased to function as healthy parish communities.</p> <p>When a congregation is attempting to come to terms with the possibility that their leader has betrayed trust through sexual misconduct, there is usually a spectrum of response. For some, the disclosure may re-awaken distressing memories of their own history of abuse. Others may immediately deny that there has been misconduct and will hold to that</p>

<sup>3</sup>Fortune, Rev. Marie, Is Nothing Sacred? When Sex Invades the Pastoral Relationship. Harper and Row, 1989

	<p>position even in the face of incontrovertible evidence. For these individuals, their need for unsullied confidence in their leader is so great that are unable to accept any alternative to denial. At the other end of the spectrum, there may be those who are so enraged by the misconduct that they remain fixated in a position of hostility and distrust of the entire church institution and never move from that position. Most members of the congregation will be somewhere in the middle, struggling to understand the truth and to deal with the implications.</p> <p>The Diocese of Rupert’s Land has a trained resource team made up of volunteer lay persons and clergy who are able to respond quickly to a parish when an allegation of sexual misconduct becomes public. Where the allegation is perceived as causing potential harm to the integrity of the parish, an announcement may be made at the main Sunday service. The announcement is usually in the form of a letter from the diocesan bishop. It outlines the nature of the allegation and explains the steps that are being followed to deal with the complaint.</p> <p>The diocese’s congregational response team may be present at the announcement and will help with discussions following the service. The aim of the team is to encourage parishioners to focus on the pain of all who are involved in the allegation and to gather in a community of compassion and caring. The team points out the dangers of speculation and will assist in the prevention of polarization. The team members generally act as a support around the crisis of disclosure.</p>
<p><b>How can we prevent sexual misconduct in a church setting?</b></p>	<p>The diocese works to prevent misconduct through policy development, improvement of screening mechanisms, education of parish and clergy, and establishment of effective response resources.</p> <p>However, part of prevention of misconduct involves participation of the faith community by facing the issue and initiating preventive measures at the parish level. We all have a role to play and the person in the pew can no longer abdicate responsibility for the safety of our places of worship. From the lessons learned as a result of exposure of ministerial misconduct, a new model of ministry in concert with the parish is developing. Healthy ministry is characterized by collaboration, openness and accountability to the congregation and diocesan structure.</p> <p>Ministry can be strengthened by having the parish leadership ensure that:</p> <ul style="list-style-type: none"> <li>• policies and structures are in place to clarify role, responsibilities, accountability</li> </ul>

	<ul style="list-style-type: none"> <li>• there are consistent practices in place for screening of clergy and lay leaders</li> <li>• there is training available to understand and raise awareness of pastoral powers and its limits.</li> <li>• connections are built to community resources and services</li> <li>• there are opportunities for supervision and evaluation</li> <li>• there is consultation with outside professionals</li> <li>• we live by codes of ethics and standards of conduct<sup>4</sup></li> </ul> <p>Parishioners have a role to play by recognizing that a sensible framework of expectations creates a healthy environment that is also preventive of misconduct. Churchwardens and clergy together should put into place a risk management program that:</p> <ul style="list-style-type: none"> <li>• determines the level of risk associated with a particular ministry. (For example, work performed alone with a vulnerable child would present potentially high risk; work with a group of adolescents led by two or more adults is potentially medium risk; ministry where there is minimal or no contact with children or other vulnerable people might be seen as low risk). For further details please refer to : The Diocese of Rupert's Land, Child Protection Policy and Procedures (Section 4)</li> <li>• considers the design of buildings to ensure safety and access</li> <li>• develops job descriptions for both clergy and volunteers that clearly show responsibilities and accountability</li> <li>• develops a recruitment process with a clear message that your faith community takes its responsibility towards its participants seriously and screens all applicants thoroughly</li> <li>• creates a selection process that carefully considers the risks and vulnerabilities attached to a ministry, and then determines how much is needed to be known about a member of clergy or a volunteer before assignment to duties</li> <li>• includes an application form, interview, reference check and</li> </ul>
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<sup>4</sup>(Adapted from Hopkins, N. and Mark Laaser. Restoring the Soul of the Church. The Liturgical Press,1995)

	<p>police check as routine components of your screening process</p> <ul style="list-style-type: none"> <li>• offers orientation and training programs</li> <li>• provides supervision and evaluation for those working in medium to high risk ministries</li> <li>• includes participant evaluation as a part of follow up when reviewing an activity.<sup>5</sup></li> <li>• reassigns and stops ministry appointments which are not working.</li> </ul>
<p><b>A final word about the problem of sexual misconduct in ministry</b></p>	<p>The church has begun the task of recognizing that sexual misconduct can occur within ministry. The process has been painful as we have become aware of the sometimes devastating effects of this form of betrayal of trust. The journey is difficult and there has been temptation to turn back to the false sense of safety and security that existed before we addressed the reality of human frailty that underlies sexual misconduct.</p> <p>By talking and learning about this issue we can affirm the goodness of human sexuality in respectful, mutually affirming relationships. Misuse of power underlies all forms of sexual compromise, compromise that violates human dignity and harms individuals and communities emotionally and spiritually. By insisting on the sacredness of sexuality we give recognition to this life-giving gift that celebrates God's love.</p>

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<sup>5</sup>For more information about risk management in faith communities, see "Screening in Faith", a publication of Volunteers Canada, 430 Gilmour Street , Ottawa, Ontario, K2P 0R8, tel.613-231-4371, 1800,670-0401, fax, 613-231-6725

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# ***Section 1: Policy on Sexual Misconduct***

## ***1.1 Theological Foundation***

The Holy Scriptures speak of the Church as the Body of Christ,<sup>1</sup> and call its members to live lives that are rooted in Christ<sup>2</sup> and to grow together in love, thanksgiving and service to God and neighbour.<sup>3</sup> To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit.<sup>4</sup> The Church is to work for and, as a sign to the world, to exemplify in its own life and relationships -- a community of truth, justice, and mercy, compassion and reconciliation, mutual service and steadfast faithfulness.<sup>5</sup> This vocation is identified in the Baptismal Covenant by which we are united with Christ in his death and resurrection and become members of the family of faith, the Church.<sup>6</sup> We confess that we have not always lived up to this high calling.<sup>7</sup>

In company with the Bishops and People of the Anglican Communion, The Incorporated Synod of the Diocese of Rupert's Land (commonly known as the Anglican Diocese of Rupert's Land)

“affirms that every human being is created in the image of God who has made us for loving, covenantal relationships with our Creator, others and the world. We believe that our peace arises out of right relationships. Our personal dignity, freedom and bodily integrity are ensured by faithfulness to just covenants of mutual trust, care and respect. Such covenants undergird the moral framework of our communal life, responsibilities, and entitlements.”

“[and] further acknowledges that children, adolescents, the infirm and elderly are particularly vulnerable to the tragic consequences of broken covenants and abusive treatment. Special care must be taken to protect their individual rights and personal integrity.”

“There is universal agreement that respect, reverence and mutuality are necessary in all human relationships. This agreement about the fundamentals of human relations, including sexual relations, leads to a firm judgement and condemnation of sexual abuse and exploitation...”

“Sexual abuse is self-gratification by exploitation. It makes an impersonal object of the other person, abusing both the person and sexuality itself. Abuse occurs in a wide range of sexual activities: always in rape and child molestation, usually in adultery and prostitution, and sometimes even in

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<sup>1</sup> Romans 12:5; I Corinthians 12:12-27; Ephesians 1:22-23 [*citations refer to the New Revised Standard Version*]

<sup>2</sup> Ephesians 3:17; Colossians 2:7

<sup>3</sup> Colossians 1:6; John 13: 12-17; John 15:12; Matthew 7:12; Luke 10:25-28

<sup>4</sup> Romans 8:18-27; II Corinthians 5:17; Galatians 6:14-15; John 1:12-14, 16

<sup>5</sup> Matthew 28:18-20; Acts 1:8; II Corinthians 5:18-21; Colossians 1:18-23; I Timothy 5:11-16; Hebrews 13:1-8

<sup>6</sup> Ephesians 4:1-6; Book of Common Prayer, p. 529; Book of Alternative Services, pp. 158-160

<sup>7</sup> I John 1:8-10

marriage. Sexual abuse also occurs in the socially subtle aspects of sexism and in sexual harassment of employees in the workplace. The Church must be clear about these violations of sexual intimacy. It must be explicit in its teaching about these particular aberrations of sexual relations, aggressively proactive about its social policy and action touching on these areas, and forthright in dealing with violations in its own community.”

(Lambeth Conference Report, 1988)

Sexual misconduct cannot be treated by the Church as a private matter even between consenting adults, since others’ attitudes and relationships are bound to be affected. Moreover, the greatest care is expected to be exercised in relationships of trust, power, authority and confidentiality, to avoid taking advantage of trust, or abuse of power and the responsibility of authority.

## ***1.2 Principles***

1. The Anglican Diocese of Rupert’s Land undertakes to ensure that all activities and work in which it is engaged uphold the values of love, truth and justice proclaimed in the Gospel of Jesus Christ.
2. This policy applies to every bishop, priest, deacon, or lay person under the jurisdiction of the Bishop of the Diocese of Rupert’s Land. [See appendix E (Canon 13)]
3. All employees and volunteers have the right to a work environment that is free of sexual misconduct.
4. Clergy and those responsible for liturgical, pastoral, educational or recreational activities in the Diocese of Rupert’s Land are expected to maintain the highest ethical standards of mutual respect, responsibility and caring, as well as modelling wholeness and healthy sexuality in all their relationships with those for whom they have responsibility.
5. Sexual misconduct as defined in this policy will not be tolerated and all reasonable complaints will be investigated.
6. Professional counsellor/client relationships are to be respected and maintained by all clergy and other professionals in the service of the diocese or parish in every pastoral or counselling situation. Exploitation of this trust through sexual activity, touching for sexual purposes, or the suggestion or depiction of any such activity, is not to be tolerated.
7. An accused person is presumed innocent until proven guilty. The fact that either formal or informal procedures have been initiated does not create an inference of guilt.
8. Preserving the safety and well being of a complainant, or others who might be affected, is a priority.
9. Pastoral care is available to any complainants, respondents, their families, or others affected within the diocesan community.
10. Anonymous complaints will generally not be investigated or acted upon. The Bishop, however, may initiate an investigation under the procedures of this policy into any situation

where there is reasonable suspicion of sexual misconduct as defined in this policy, whether or not a complaint has been made.

11. The Diocese of Rupert's Land actively tries to prevent sexual misconduct and deal with every accusation promptly, seriously and systematically, in co-operation with the proper authorities, where appropriate. We co-operate with investigations being undertaken under the Criminal Code, Manitoba Human Rights Code, or the Child and Family Services Act. Nothing is done to interfere with a criminal investigation.

## ***1.3 Definitions***

### **Sexual Misconduct**

Sexual misconduct for the purposes of this Policy is sexual exploitation, sexual harassment, or sexual assault (commonly called sexual abuse).

### **Pastoral Relationship**

A pastoral relationship is a relationship carried out in the name of, or on behalf of, the Diocese, parish, or place of ministry, as the case may be, between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides pastoral counselling, pastoral care, spiritual direction, spiritual guidance, or from whom the cleric, employee, or volunteer has received confession or confidential or privileged information. In assuming responsibility for such a relationship, the cleric, employee, or volunteer acknowledges responsibility for the well-being of the other person, intends to respect that individual's personal integrity, and determines not to abuse the power inherent in the relationship. Any sexual activity or conduct in which a person in a pastoral relationship with another takes advantage of the vulnerability of the person under his/her pastoral care or other guidance or leadership, regardless of who appears to have initiated it, shall be deemed to be sexual misconduct.

### **Sexual Harassment**

Sexual harassment is a specific form of harassment defined in the Human Rights Code of Manitoba. It is engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. Sexual harassment is behaviour that has the effect of undermining, coercing, intimidating, humiliating or demeaning an individual on the basis of sex. It may have the effect of creating a place of ministry or a workplace which is hostile or offensive. Such behaviour may consist of a single incident or several incidents over a period of time. The harasser could be of the same or opposite sex as the person harassed and may be a supervisor, co-worker/minister, client, parishioner, volunteer or an external person providing service. Sexual harassment can occur in or outside the office or church building but is not limited to a work-related activity.

Examples:

- threats or verbal abuse
- unwelcome sexual remarks, jokes, innuendo or taunting about a person's body or sexual orientation
- distribution by mail, fax, or other electronic means of material of a sexual nature which potentially could be offensive
- displaying sexist, pornographic, or derogatory pictures
- unwelcome invitations or requests or sexually suggestive remarks
- leering or other sexual gestures
- unnecessary physical contact, such as patting or pinching

## **Sexual Exploitation**

Sexual exploitation is any form of sexual contact or invitation to sexual contact with an adult by a professional person, cleric, or anyone in a position of authority, trust, or power over that adult, whether or not there is consent from the individual (please see **Consent**). Sexual exploitation refers to the act of taking advantage of the vulnerability of an adult with whom there is a fiduciary and/or pastoral relationship (please see **Pastoral Relationship**), for one's own pleasure/gain.

## **Sexual Assault**

Sexual assault, commonly known as sexual abuse, is any intentional use of force or threat of use of force and involving some form of sexual activity, including, but not limited to, the examples listed below, against another person without his/her consent. Sexual assault is an activity that may be criminal in nature as defined either as child abuse under the Manitoba Child and Family Services Act or as criminal under the Criminal Code of Canada.

Examples:

- kissing, sexual contact, fondling or sexual intercourse
- bodily harm or threats to harm, assault with a weapon
- incest, bestiality and gross indecency
- sexual offences against children such as sexual interference, invitation to touching, sexual exploitation of a young person, parent or guardian procuring sexual activity of a child, exposing genitals to a child, juvenile prostitution, corrupting children, indecent acts

## **Consent**

Consent is understood as non-coercive. Consent has not been given if an individual agrees to any sexual activity under threat, or if consent is obtained by fraud or through the influence of a person in authority over that person. Children under the age of 12 cannot give consent. Under specific circumstances between peers, for children age 12-14, and with young persons age 14 - 18, consent is not valid if the accused was in a position of authority over them. There are further provisions for mentally or otherwise incapacitated or vulnerable children, adolescents and adults. (Criminal Code of Canada, Bill C - 127, 1983 and Bill C - 15, 1988) Meaningful consent for sexual activity is not possible in a fiduciary relationship.

## **Complainant and Respondent**

“Complainant” and “respondent” are terms which describe the person bringing the complaint and the person who is accused of sexual misconduct.

## ***1.4 Prevention***

The Diocese of Rupert's Land is committed to the prevention of sexual misconduct through a continuing programme of education of clergy and laity.

1. The Bishop of Rupert's Land and the Diocesan Council take responsibility both for education about sexual exploitation, harassment, and assault, and for the general implementation of this policy.
2. The bishop and diocesan office staff strive to make Anglican Centre a workplace that is free of sexual exploitation, harassment, and assault.
3. The incumbents and churchwardens of each parish strive to ensure that their congregations are free from sexual exploitation, harassment, and assault.
4. Part of the orientation for all new clergy, staff, or volunteers of diocesan boards or committees, as well as other key volunteers, includes a review of this policy and the procedure for making complaints.
5. Churchwardens and incumbents of parishes and those in charge of other diocesan ministries are responsible for ensuring that employees and key volunteers are familiar with and consent to adhere to this policy.

## ***Section 2: Procedures***

### **1. Purpose**

This Sexual Misconduct Policy is intended to fulfil at least the following purposes:

- a) to help prevent sexual misconduct from occurring;
- b) to provide workable and fair procedures for responding to complaints of sexual misconduct;
- c) to provide a basis and framework for ongoing training and education on issues of sexual misconduct and the implementation of the policy.

### **2. Application**

This policy is subject to the canons of the Diocese of Rupert's Land and the General Synod of the Anglican Church of Canada.

All clergy, employees, and volunteers are expected to be familiar with this policy, consent to it, and adhere to it. Other organizations functioning in the name of the Church or on its property are required to adhere to this policy or an equivalent one.

### **3. Initiation of Complaint**

A person wishing to take action under this policy notifies the Pastor for Healthy Communities, who may assist the complainant in determining which of the procedures under this policy (that is, sexual harassment or sexual exploitation or sexual assault) most fittingly applies. As facts emerge, a complaint may be reclassified as harassment or exploitation or assault and the Pastor for Healthy Communities has the right to redirect the management of the response accordingly.

Persons trained in dealing with sexual misconduct assist in dealing with complaints under this policy.

All employees, clergy, and volunteers are encouraged to come forward with a valid complaint, or seek advice without fear of retaliation or reprisals.

The Bishop may initiate an investigation under the relevant procedures of this policy where there is reasonable suspicion of sexual misconduct as defined in this policy, whether or not a complaint has been made.

### **4. Timely Procedures**

Complainants and respondents are expected to proceed in a timely way to address issues of sexual misconduct under this policy. Fairness to the complainant and the respondent requires that the complaint be initiated and processed expeditiously. The timelines are generally followed but extensions for significant cause are allowed. The Pastor for Healthy Communities, after consultation with the appropriate resource people, may decline to deal with a complaint at any stage if, in his or her opinion, the initiation or processing of the complaint has been unreasonably delayed and substantial prejudice will result to the complainant or respondent.

### **5. Confidentiality**

All complaints under this policy are dealt with confidentially, within the stated guidelines [outlined in Appendix D.] However, confidentiality may be limited as necessary for the administration of this policy, or as required by law, or where anyone is at risk, or if confidentiality is waived by the parties.

## **6. Legal Counsel and Civil Proceedings**

his policy is not intended to preclude a complainant from seeking legal counsel or seeking a civil remedy. However, if there is notice that civil proceedings have commenced or may be commenced, any procedures under this policy will normally be suspended, except for the provision of emotional support and pastoral care as outlined in the policy.

## **7. Complaints against the Bishop**

In the event that a complaint is made against the diocesan bishop, the provincial metropolitan (or the primate as the case may be) performs all functions under this policy that would otherwise be undertaken by the diocesan bishop.

## **8. Vexatious Complaints**

No person or persons is to knowingly make a false or vexatious complaint. If it is determined that there was no sexual misconduct and that the complaint was initiated maliciously, then appropriate disciplinary action is to be taken against the person making the malicious complaint. The Pastor for Healthy Communities, after consultation with the appropriate resource people, may decline to deal with a complaint at any stage if, in his or her opinion, the complaint is trivial, frivolous, vexatious or made in bad faith.

## **9. Policy Revisions**

A committee appointed by the bishop reviews and proposes revisions to this policy as necessary every three years. (The policy may be revised sooner to bring it into conformity with new legislation.)

## ***2.1 Sexual Harassment: Procedures***

### **A. Introduction**

1. When a person believes that he/she is experiencing sexual harassment, they may choose to proceed by an informal process rather than a formal process. Failing resolution, or if a person is reluctant to confront the respondent, the person may proceed by a formal process and/or professional mediation. A complainant's decision to proceed immediately with the formal process, without having moved through the informal process, should not necessarily be construed as adversarial.
2. All complaints related to children under the age of sixteen are treated as child abuse and reported to a Child and Family Services Agency or the local police.
3. If an individual feels he/she has been sexually harassed, the person may attempt, where possible, clearly to advise the person who is the source of the unacceptable behaviour, either verbally or in writing, that the conduct is unwelcome, that it is understood as sexual misconduct and that it must stop.
4. The complainant may find it helpful to keep detailed written notes recording the unwelcome behaviour, with date(s), time(s), location(s) and witness(es).

### **B. Informal Process**

1. A person complaining of harassment or the respondent may request the Pastor for Healthy Communities to assist with communications between the parties in an effort to reach a mutually-satisfactory resolution. The Pastor for Healthy Communities determines whether an informal process is appropriate in the circumstances and may, at his/her discretion, appoint a person to facilitate this.
2. The informal process may include:
  - a) separate meetings with each of the parties;
  - b) a confidential meeting between the two parties for the purpose of discussion;
  - c) an educational session on harassment for the individual or work group, if appropriate;
  - d) referral to other resources as appropriate.
3. The informal process ends with a resolution agreement signed by both parties and ratified by the Pastor for Healthy Communities and with a copy given to each party. A memo summarizing the process will be shared with the bishop and placed in the file of the Pastor for Healthy Communities. No record is placed in the individual's personnel files.
4. In the event that an informal process is unsuccessful, the Pastor for Healthy Communities may commence an investigation into the complaint, normally within thirty (30) days.

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

## **C. Formal Process**

### **General Information**

1. If a formal process is initiated, it may be diverted to mediation at any point upon mutual agreement of the complainant and respondent.
2. A written complaint is made to the Pastor for Healthy Communities who takes the lead role in the process. The person taking the lead role continues to inform the other of the progress of the complaint.
3. The diocesan resource persons appointed in the formal process to provide support and pastoral care, or to investigate, cannot have acted in the informal process.
4. The Pastor for Healthy Communities may refer the complaint, at any time, to a professional mediator if both the complainant and respondent agree to do so. The fee of the mediator is paid by the diocese. The parties are responsible for their own legal expenses, if incurred.
5. Upon mutual agreement of the parties, a resolution may be agreed upon at any point in the process.

### **The Complaint**

6. The complainant notifies the Pastor for Healthy Communities in writing that he/she wishes to make a formal complaint under this policy.
7. The complainant is provided with a copy of this policy and is required to put the complaint in writing. The written complaint includes an account of the incident(s), date(s), time(s), name of the respondent(s), name of witness(es), if any, and is signed and dated by the complainant. The complainant is asked to sign a consent to release of information. This is normally accomplished within two (2) weeks of notification of formalising the complaint. The complainant is offered the support of a diocesan resource person. (Normally, the complaint cannot proceed further if the consent to release of information form is not signed.) The Bishop is informed of the complaint.
8. The Pastor for Healthy Communities advises the senior person responsible for the place where the harassment allegedly occurred as to whether there are to be changes in location, reporting responsibilities, etc., of the complainant or the respondent, during the investigation. The final decision regarding such changes is to be that of the senior person responsible (unless he/she is the respondent.)
9. The Pastor for Healthy Communities notifies the Chancellor of the complaint. The Chancellor ensures that the diocesan insurers are notified of a potential claim.
10. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
11. If the misconduct allegedly occurred in a place of ministry of the diocese, the bishop or area archdeacon, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Pastor for Healthy Communities to appoint a crisis response team to provide appropriate short term support.

## **Mediation**

12. If both parties and the Pastor for Healthy Communities agree to mediation, the Pastor for Healthy Communities makes the arrangements for the mediation. If any of the parties do not agree to participate in mediation, the complaint proceeds directly to investigation.
13. If mediation is initiated during the formal investigation, the mediation process shall take no longer than thirty (30) days from the time the investigating team interviewed the complainant and respondent.
14. The results of the mediation are reported by the mediator to the Pastor for Healthy Communities who informs the diocesan bishop. The bishop considers the mediation agreement in making his or her final decision.
15. If mediation fails, the investigation continues and the diocesan bishop makes a final decision.

## **The Investigation**

The Pastor for Healthy Communities appoints an investigating team.

16. The Pastor for Healthy Communities informs the complainant of the names of the investigating team.
17. Investigating team meets with the complainant within one (1) week of receipt of the signed complaint and interviews the complainant. The investigating team documents the complaint in writing (“complaint report”).
18. Investigating team reviews the complaint report with the complainant who signs it to indicate agreement with its accuracy. Investigating team gives this to the Pastor for Healthy Communities.
19. After receipt of the complaint report, the Pastor for Healthy Communities contacts the respondent and informs him or her that he or she is the subject of a formal investigation under the Sexual Misconduct Policy. (In some circumstances the Pastor for Healthy Communities may notify the respondent of the complaint prior to receipt of the complaint report. For example, such situations might include an awareness that rumours are spreading about the complaint; the Pastor for Healthy Communities may be aware that the respondent is already informally aware of the complaint; or some interim action in light of the allegations needs to be taken.)
20. The Pastor for Healthy Communities gives the respondent a copy of this policy and the complaint report. The Pastor for Healthy Communities describes the complaint process, explains limitations on confidentiality and advises the respondent of his/her right to seek independent legal counsel.
21. The Pastor for Healthy Communities advises the respondent of the names of the investigating team who will be requesting a meeting and that the respondent has two (2) weeks in which to respond to the allegations.
22. The Pastor for Healthy Communities offers assistance of a support person. (Support person cannot be the same person as a member of the investigating team on this case.)
23. Investigating team meets with the respondent within two (2) weeks after the respondent has received the written documentation of the complaint. Investigating team interviews the respondent and/or receives the respondent’s written reply to the complaint.

24. If the respondent declines to reply to the complaint, the investigating team completes the investigation without the respondent's response.
25. The investigating team interviews any other person or reviews any other documentation that may be relevant to the complaint.
26. The Pastor for Healthy Communities monitors the work of the investigating team and support persons, ensuring required deadlines and other procedural requirements are met.
27. The Pastor for Healthy Communities receives the report of the findings of the investigating team. The Pastor for Healthy Communities may obtain outside professional consultation. The Pastor for Healthy Communities may direct the investigating team to conduct further enquiries such as interviewing of witnesses or reviewing corroborating or exculpatory information.
28. Following completion of investigation, the Pastor for Healthy Communities provides the bishop with the written report and findings.
29. The bishop seeks consultation with whomever he or she deems appropriate, including the investigating team.
30. The complainant and respondent each have the right to request a separate meeting with the bishop during the period of investigation prior to the bishop's decision.

#### **Decision-Making Process**

31. The bishop meets with the respondent, within three (3) weeks of receiving the report, to inform him/her of the final decision. The decision is in writing. The complainant is also informed of the decision by the bishop in writing, and where possible, in person.
32. Where a complaint is sustained, a copy of the bishop's decision is maintained in the Pastor for Healthy Communities' file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the individual's personnel file. However, summary documentation of the case is maintained in the confidential file of the Pastor for Healthy Communities.

#### **Discipline**

33. The nature and type of discipline is determined by the bishop if a complaint is sustained and depends on the severity and frequency of the incident(s). Disciplinary measures may include counselling sessions, sensitivity training, a written warning or reprimand, an assigned on-site supervisor, transfer or limitations placed on function, suspension without pay, termination or relinquishment of exercise of ministry, or other discipline provided for in Canon 13.
34. If it is determined there was no sexual harassment and that the complaint was initiated maliciously, appropriate disciplinary action is taken by the bishop.

#### **Committee of Review**

35. Where an employee, volunteer or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than one year as a result of sexual harassment, his/her status may be reviewed and changed after a period of one year. The review is conducted by a committee of review appointed by the diocesan bishop which reports its recommendations to the diocesan bishop.

### **Civil Proceedings**

36. This policy is not intended to preclude a complainant from seeking legal counsel or seeking a civil remedy either through the courts or under the Manitoba Human Rights Code. However, if there is notice that civil proceedings have been commenced or may be commenced, or that a complaint has been filed with the Manitoba Human Rights Commission, any procedures under this policy are normally to be suspended, except for the provision of pastoral care as outlined in the policy.

## Flow Chart of Response to Complaint of Harassment

<b>Informal Process (optional)</b>	
Complainant tells respondent to stop the unwelcome behaviour	
Complainant documents details	
Complainant may request the assistance of a diocesan resource person	<b>Formal Process</b>
Case resolved with a resolution agreement	Case unresolved or complainant makes formal written complaint
Complainant offered the assistance of a diocesan resource person	
Bishop informed of the complaint	
Investigating team appointed	
Investigating team meets with complainant and prepares complaint report	
Respondent given the written complaint, given policy and offered the assistance of a diocesan resource person	
Mediation ( <i>may be initiated at any point in the process</i> )	
Investigating team interviews respondent and others deemed necessary	If mediation is rejected or fails, the investigation is resumed
Investigating team submits written report to the Pastor for Healthy Communities. The Pastor for Healthy Communities reports with recommendations to the bishop.	Mediation report presented to bishop:
The diocesan bishop makes a final decision and determines appropriate discipline; conveys decision to both parties	
An appeal may be made	

## ***2.2 Sexual Exploitation: Procedures***

### **The Complaint**

1. The complainant notifies the Pastor for Healthy Communities in writing that he/she wishes to make a formal complaint under this policy.
2. The complainant is provided with a copy of this policy and is required to put the complaint in writing. The written complaint includes an account of the incident(s), date(s), time(s), name of the respondent(s), name of witness(es), if any, and is signed and dated by the complainant. The complainant is asked to sign a consent to release of information. This is normally accomplished within two (2) weeks of notification of formalising the complaint. The complainant is offered the support of a diocesan resource person. (The complaint can normally not proceed further if the consent to release of information form is not signed.)
3. The Pastor for Healthy Communities advises the senior person responsible for the place where the misconduct allegedly occurred as to whether there are to be changes in location, reporting responsibilities, etc., of the complainant or the respondent, during the investigation. The final decision regarding such changes is to be that of the senior person responsible (unless he/she is the respondent.)
4. The Pastor for Healthy Communities notifies the Chancellor of the complaint. The Chancellor ensures that the diocesan insurers are notified of a potential claim.
5. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
6. If the misconduct allegedly occurred in a place of ministry of the diocese, the bishop or archdeacon, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Pastor for Healthy Communities to appoint a crisis response team to provide appropriate short term support. (See appendix A.)

### **The Investigation**

The Pastor for Healthy Communities appoints an investigating team.

7. The Pastor for Healthy Communities informs the complainant of the names of the investigating team.
8. Investigating team meets with the complainant within one (1) week of receipt of the signed complaint and interviews the complainant. The investigating team documents the complaint in writing (“complaint report”).
9. Investigating team reviews the complaint report with the complainant who signs it to indicate agreement with its accuracy. Investigating team gives this to the Pastor for Healthy Communities.
10. After receipt of the complaint report, Pastor for Healthy Communities contacts the respondent and informs him or her that he or she is the subject of a formal investigation under the Sexual Misconduct Policy. (In some circumstances the Pastor for Healthy Communities may notify the respondent of the complaint prior to receipt of the complaint report. For example, such situations

might include an awareness that rumours are spreading about the complaint; the Pastor for Healthy Communities may be aware that the respondent is already informally aware of the complaint; or some interim action in light of the allegations needs to be taken.)

11. The Pastor for Healthy Communities gives the respondent a copy of this policy and the complaint report. The Pastor for Healthy Communities describes the complaint process, explains limitations on confidentiality and advises the respondent of his/her right to seek independent legal counsel.
12. The Pastor for Healthy Communities advises the respondent of the names of the investigating team who will be requesting a meeting and that the respondent has two weeks in which to respond to the allegations.
13. Pastor for Healthy Communities offers assistance of a support person. (Support person cannot be the same person as a member of the investigating team on this case.)
14. Investigating team meets with the respondent two weeks after the respondent has received the written documentation of the complaint. Investigating team interviews the respondent and/or receives the respondent's written reply to the complaint.
15. If the respondent declines to reply to the complaint, the investigating team completes the investigation without the respondent's response.
16. The investigating team interviews any other person or reviews any other documentation that may be relevant to the complaint.
17. Pastor for Healthy Communities monitors work of the investigating team and support persons, ensuring required deadlines and other procedural requirements are met.
18. Pastor for Healthy Communities receives the report of the investigating team. Pastor for Healthy Communities may obtain outside professional consultation. Pastor for Healthy Communities may direct the investigating team to conduct further enquiries such as interviewing of witnesses or reviewing corroborating or exculpatory information.
19. Following completion of investigation, the Pastor for Healthy Communities provides the bishop with the written report and findings.
20. The bishop seeks consultation with whomever he or she deems appropriate, including the investigating team.
21. The complainant and respondent each have the right to request a separate meeting with the bishop during the period of investigation prior to the bishop's decision.

#### **Decision-Making Process**

22. The diocesan bishop meets with the respondent, within three (3) weeks of receiving the report, to inform him/her of the final decision. The decision is in writing. The complainant is also informed of the decision by the bishop in writing, and where possible, in person.
23. Where a complaint is sustained, a copy of the bishop's decision is maintained in the Pastor for Healthy Communities' file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the individual's personnel file. However, summary

documentation of the case is maintained in the confidential file of the Pastor for Healthy Communities.

### **Discipline**

24. The nature and type of discipline is determined by the bishop if the complaint is sustained and depends on the severity and frequency of the incident(s). Disciplinary measures may include counselling sessions, sensitivity training, a written warning or reprimand, an assigned on-site supervisor, transfer or limitations placed on function, suspension without pay, termination or relinquishment of exercise of ministry, or other discipline provided for in Canon 13.
25. If it is determined there was no sexual exploitation and that the complaint was initiated maliciously, appropriate disciplinary action is taken by the bishop.

### **Committee of Review**

26. Where an employee, volunteer or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than one year as a result of sexual exploitation, his/her status may be reviewed and changed after a period of one year. The review is conducted by a committee of review appointed by the bishop which reports its recommendations to the bishop.

### **Civil Proceedings**

27. This policy is not intended to preclude a complainant from seeking legal counsel or seeking a civil remedy either through the courts or under the Manitoba Human Rights Code. However, if there is notice that civil proceedings have been commenced or may be commenced, or that a complaint has been filed with the Manitoba Human Rights Commission, any procedures under this policy are normally to be suspended, except for the provision of pastoral care as outlined in the policy.

Flow Chart of Response to Complaint of Sexual Exploitation
Complainant notifies the Pastor for Healthy Communities in writing of wish to make a formal complaint
Complainant offered the assistance of a diocesan resource person; given copy of policy
Bishop and Chancellor informed of the complaint
Investigating team appointed
Investigating team meets with complainant and prepares complaint report
Respondent given the written complaint, given policy and offered the assistance of a diocesan resource person
Investigating team interviews respondent and others deemed necessary
Investigating team submits written report to the Pastor for Healthy Communities. The Pastor for Healthy Communities reports with recommendations to the bishop.
The diocesan bishop makes a final decision and determines appropriate discipline; conveys decision to both parties
An appeal may be made

## ***2.3 Sexual Assault: Procedures***

- Sexual assault is sexual activity which may be criminal in nature, and is dealt with seriously.
- There are different procedures outlined in this policy depending on whether the complaint involves a child (or a vulnerable adult) or an adult.

### 2.3 A. The Process when the Complaint Involves a Child (or Vulnerable Adult)

#### **1. Obligation and Reasonable Grounds for Reporting**

Where a person suspects on reasonable grounds that a child is or may be in need of protection, this suspicion must be reported to a Child and Family Services Agency or the local police. This provision specifically includes an obligation on members of clergy. For professionals and clergy, failure to report is a provincial offence.

For the purposes of this policy, a suspicion is defined as:

- a complaint from the child
- circumstantial evidence, such as cries for help, unexplained physical injury, etc.
- a statement of a credible eye witness to a recent complaint
- a statement of another that is buttressed with detail from the surrounding circumstances
- a credible witness who corroborates the statement of another (gossip and unsubstantiated conclusion are excluded.)

Anyone who is unsure as to whether she or he should report that abuse might have occurred is encouraged to seek the advice of colleagues, superiors, or child protection professionals. If there is doubt, it is preferable to err on the side of protecting the child.

Under the provisions of the Child and Family Services Act, a special obligation to report child abuse is placed on any person who in the course of their professional duties believes on reasonable grounds that a child is being abused or has been abused. This provision specifically includes an obligation on members of clergy. For professionals and clergy, failure to report is a provincial offence.

It is noted that in Manitoba the duty to report suspected child abuse overrides the privilege of confidentiality (including that of doctors and clergy). This law indicates that the positive requirements of the obligation to report supersede the confessional seal.

2. The person who suspects abuse is obligated in law to report personally the suspicion to Child and Family Services. No action is taken by the diocese against a person who institutes his or her own report.
3. Any member of staff or of the clergy of the diocese who is aware of a report indicating that a child is being or may have been abused by a member of the staff or the clergy, or by a volunteer of the diocese, informs the Pastor for Healthy Communities who notifies the diocesan bishop.
4. The Pastor for Healthy Communities immediately confirms with the Child and Family Services that a report of the suspicion of abuse has been made.

5. The Pastor for Healthy Communities documents the report on the form, "Record of Report of Child Abuse."
6. The diocese co-operates fully with child protection and/or police authorities who are investigating reports of child abuse.
7. The bishop contacts the child's family following consultation with the Child and Family Services (and/or investigating police department). The Pastor for Healthy Communities, in consultation with the bishop, offers the support of a diocesan resource person to the child and the child's family. In order not to interfere with the progress of the investigation, such contact to offer support is made only after the investigating authorities have indicated it is acceptable.
8. In consultation with the bishop, the respondent is notified of the report by the Pastor for Healthy Communities, unless there are concerns that such notification will impede the progress of the investigation.
9. The Pastor for Healthy Communities, in consultation with the bishop, offers the support of a diocesan resource person to the respondent (and his/her family as appropriate.)
10. The Pastor for Healthy Communities notifies the Chancellor of the complaint. The Chancellor ensures that the diocesan insurers are notified of a potential claim.
11. Where a member of staff or clergy, or a volunteer is accused of child abuse, that person is normally removed from church-related duties until all investigations and legal proceedings are completed and the bishop is satisfied that the person poses no risk to children. This removal implies no inference of guilt and may be reviewed periodically. The bishop may at his or her discretion inhibit the accused person (Canon 13.)
12. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
13. If the assault allegedly occurred in a place of ministry of the diocese, the bishop or archdeacon, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Pastor for Healthy Communities to appoint a crisis response team to provide appropriate short term support. (See appendix A.)
14. Following the completion of all criminal and/or civil proceedings, the diocese has the right and obligation to conduct an internal investigation to determine whether the accused person poses a hazard to children or vulnerable persons. The bishop appoints a committee of review to conduct an internal inquiry and advise the bishop as to whether the respondent is to be reinstated in any duties having to do with children or vulnerable persons. The status of the respondent is determined according to the canons of the diocese. **Persons who have been found in a criminal proceeding to have committed sexual assault of a child shall under no circumstances be given duties where they may be in contact with children.** In the case of acquittal of a person charged with sexual assault of a child (or where charges have not been proceeded with), the Diocese reserves the right to make an independent determination of the facts and the potential risks posed by the respondent based on a standard of the balance of probabilities, and erring on the side of protection of children and vulnerable persons.

15. Where a respondent is fully exonerated of the accusation, this determination is announced publicly.
16. Where a complaint is sustained, a copy of the bishop's decision is maintained in the Pastor for Healthy Communities' file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the individual's personnel file. However, summary documentation of the case is maintained in the confidential file of the Pastor for Healthy Communities.

### **Discipline**

17. Individuals found guilty of sexual assault are disciplined (Canon 13). The nature and type of discipline is determined by the bishop and depends on the severity and frequency of the incident(s). Disciplinary measures are in accordance with the provisions of Canon 13.
18. If it is determined there was no sexual assault and that the complaint was initiated maliciously, appropriate disciplinary action is taken by the bishop.

### **Committee of Review**

19. Where an employee or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than a year as a result of sexual assault, his/her status may be reviewed and changed after a suitable period of time, not less than one year. The review is conducted by a committee of review appointed by the bishop which reports its recommendations to the bishop.

## **Flow Chart of Response to Complaint of Sexual Assault against a Child**

<p>A person who suspects abuse of a child on reasonable grounds contacts the Child &amp; Family Services</p>
<p>The Pastor for Healthy Communities is informed of the allegation, informs the bishop, confirms and documents that a report to Child &amp; Family Services has been made</p>
<p>Bishop informed of the complaint</p>
<p>Diocese co-operates with the investigating child protection and/or police authorities</p>
<p>Bishop (after consultation with investigating authorities) contacts the child's family. Child and family offered the assistance of a diocesan resource person by the Pastor for Healthy Communities</p>
<p>Respondent advised of the report (on advice of investigating authorities) by the Pastor for Healthy Communities and offered the assistance of a diocesan resource person</p>
<p>Chancellor informed of the complaint</p>
<p>The respondent is normally removed from duties pending outcome of investigation</p>
<p>A crisis response team may be appointed to assist in the parish</p>
<p>The bishop may appoint a committee of review to conduct an internal investigation on completion of criminal or civil proceedings</p>
<p>The diocesan bishop determines appropriate discipline</p>

## **2.3 B. The Process when the Complainant Is an Adult**

### **The Complaint**

1. When person notifies the Pastor for Healthy Communities that he/she wishes to make a formal complaint of sexual misconduct, the Pastor for Healthy Communities assists the complainant in determining which of the procedures under this policy (that is, sexual harassment or sexual exploitation or sexual assault) most fittingly apply. If the sexual activity forming the basis of the complaint may be defined as criminal under the Criminal Code of Canada, the Pastor for Healthy Communities (or other person hearing the complaint) encourages the complainant to report this matter to the police. The Pastor for Healthy Communities may assist the complainant to do so. No report is to be made to the police without the consent of the adult complainant unless there is a grave concern that others may be at similar risk of assault. If the complainant chooses not to report the matter to the police, the complaint may be investigated according to “Sexual Exploitation Procedures” in this policy.

### **If the Complainant was a Minor at the Time**

2. Where the complaint involves abuse that allegedly occurred when the adult complainant was a child, no report will be made without the consent of the complainant *unless* either there is suspicion that other children are currently being abused *or* the person receiving the report has grave concerns for the safety of other persons. If it appears that other children may currently be abused, the person hearing the complaint will follow the procedures in section 2.3 A above, “The Process when the Complaint Involves a Child.”

### **Reporting and Co-operation with Authorities:**

3. Where a member of staff or clergy becomes aware that a complaint of sexual assault may be made or has been made to the police against a diocesan employee, clergy or volunteer, the person who is aware of the complaint reports this immediately to the Pastor for Healthy Communities who informs the bishop.
4. The diocese offers to co-operate fully with authorities who are investigating reports of sexual assault.
5. In consultation with the Bishop, the respondent is notified of the report by the Pastor for Healthy Communities, unless there are concerns that such notification will impede the progress of the investigation.
6. The Pastor for Healthy Communities, in consultation with the bishop, contacts the complainant and the respondent (and their families if appropriate), to offer the support of diocesan resource persons, but only after investigating authorities indicate that it is acceptable to do so, in order not to interfere with the progress of the investigation.
7. The Pastor for Healthy Communities notifies the Chancellor of the complaint. The Chancellor ensures that the diocesan insurers are notified of a potential claim.
8. Where a member of staff or clergy, or a volunteer is accused of sexual assault that person is normally removed from church related duties until all investigations and legal proceedings are completed and the bishop is satisfied to that the respondent poses no risk to vulnerable persons. This removal implies no inference of guilt and may be reviewed periodically. The bishop may at his or her discretion inhibit the accused person [Canon 13].

9. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
10. If the assault allegedly occurred in a place of ministry of the diocese, the bishop or archdeacon, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Pastor for Healthy Communities to appoint a crisis response team to provide appropriate short term support. (See appendix A.)
11. Following the completion of all criminal and/or civil proceedings, the diocese has the right and obligation to conduct an internal investigation to determine whether the accused person poses a hazard to vulnerable persons. The bishop appoints a committee of review to conduct an internal enquiry and advise the bishop as to whether the respondent is to be reinstated in any duties having to do with children or vulnerable persons. The status of the respondent is determined according to the canons of the diocese. **Persons who have been found in a criminal proceeding to have committed a sexual offence against a child under no circumstances are to be given duties where they may be in contact with children or vulnerable persons.** In the case of acquittal of a person charged with criminal sexual activity (or where charges have not been proceeded with), the Diocese reserves the right to make an independent determination of the facts and the potential risks posed by the respondent based on a standard of the balance of probabilities, and erring on the side of protection of children and vulnerable persons.
12. Where a respondent is fully exonerated of the accusation, this determination is announced publicly.
13. Where a complaint is sustained, a copy of the bishop's decision is maintained in the Pastor for Healthy Communities' file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the personnel file. However, summary documentation of the case is maintained in the confidential file of the Pastor for Healthy Communities.

### **Discipline**

14. Individuals found guilty of sexual assault are disciplined (Canon 13). The nature and type of discipline is determined by the bishop and depend on the severity and frequency of the incident(s). Disciplinary measures will be in accordance with the provisions of Canon 13.
15. If it is determined there was no sexual assault and that the complaint was initiated maliciously, appropriate disciplinary action will be taken by the bishop.

### **Committee of Review**

16. Where an employee or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than a year as a result of sexual exploitation, his/her status may be reviewed and changed after a suitable period of time, not less than one year. The review is conducted by a committee of review appointed by the bishop which reports its recommendations to the bishop.

## Flow Chart of Response to Complaint of Sexual Assault against an Adult

Complainant contacts the Pastor for Healthy Communities

The Pastor for Healthy Communities encourages complainant to report the matter to the police	If complainant chooses not to report to police, follow “Sexual Exploitation” procedure	If complainant was a minor at the time of the alleged abuse, proceed according to “Process when the Complaint Involves a Child” ( <i>previous process</i> )
The Pastor for Healthy Communities informs the bishop of complaint		
Diocese co-operates with investigating authorities		
The complainant offered support of a diocesan resource person		
Respondent advised of the complaint by the Pastor for Healthy Communities (after consultation with the authorities), and offered support of a diocesan resource person		
Chancellor informed of the complaint		
The respondent is normally removed from duties pending the outcome of the investigation		
A crisis response team may be appointed to assist in the parish		
The bishop may appoint a committee of review to conduct an internal investigation on completion of criminal or civil proceedings		
The bishop determines appropriate discipline		

## ***Section 3. Appendices***

### **Appendix A: CRISIS RESPONSE**

Whenever an allegation of sexual misconduct made against a member of the clergy, a member of staff, or a volunteer threatens the integrity of the parish or place of ministry, the Pastor for Healthy Communities may, at the request of the bishop, send a crisis response team (CRT) made up of diocesan resource persons to the parish or place of ministry.

When in the parish or place of ministry, the CRT will contact the key person as appropriate, consult with the church wardens or board of directors and employees, maintain clear communication with the bishop, archdeacon, the Pastor for Healthy Communities, the incumbent or interim priest, and make recommendations to the bishop about what is needed in the parish or place of ministry to reduce the risk of trauma. The CRT in consultation with the bishop may hold a public meeting or meetings within the parish or place of ministry. The work of the CRT shall be short-term.

### **Appendix B: BISHOP**

The bishop has primary responsibility for the pastoral needs of the parish or place of ministry. The bishop or archdeacon maintains regular contact with appropriate church leadership to monitor the situation. The bishop shall be regularly briefed by the Pastor for Healthy Communities regarding the processing of the complaint and will be consulted and make the decisions regarding the pastoral, educational, and communication needs of the parish. The bishop, in consultation with the Pastor for Healthy Communities, may contact the complainant, respondent, and/or their families as appropriate, to assure them of the Church's care but not to provide primary pastoral care.

### **Appendix C: PASTOR FOR HEALTHY COMMUNITIES, BISHOP'S ASSISTANT FOR MINISTRY DEVELOPMENT and DIOCESAN RESOURCE TEAM**

The diocesan resource team (DRT) is established to be composed of the Pastor for Healthy Communities, Bishop's Assistant for Ministry Development, and a number of diocesan resource persons.

The DRT are trained volunteers appointed by the bishop for a specific term and are available to:

- (a) provide assistance to all the members of the diocesan community in sexual misconduct matters;
- (b) assist in the resolution of complaints as set out in the policy;
- (c) provide education, training, and information to the diocese and parishes in all aspects of sexual misconduct and on the policy.

DRT is responsible to and supervised by the Pastor for Healthy Communities.

The Pastor for Healthy Communities is appointed by the bishop for a term of three (3) years. The Pastor for Healthy Communities is responsible for:

- (a) assigning diocesan resource persons to individual complaints under the policy;
- (b) ensuring that advice and guidance is provided to the DRT and diocesan community in collaboration with the Bishop's Assistant for Ministry Development;
- (c) submitting an annual report to the bishop and Bishop's Assistant for Ministry Development on the operation of the policy;

- (d) advising the Chancellor of a complaint so that the diocesan insurers may be advised;
- (e) consulting with the bishop and Bishop's Assistant for Ministry Development in the implementation of the policy;
- (f) assigning crisis response team under the policy at the request of the bishop.

The Bishop's Assistant for Ministry Development, will:

- a) assist in the administration of the Sexual Misconduct Policy;
- b) assist in the recruitment, selection, and training of the Diocesan Response Team;
- c) provide advice and guidance to the Diocesan Response Team;
- d) ensure the ongoing orientation and training of parish and diocesan clergy and lay leaders/volunteers/employees concerning diocesan policy.

### **Appendix D: Confidentiality**

As a first principle, every effort will be made on the part of all parties concerned to hold in confidence information obtained in the process of a complaint made under the Sexual Misconduct Policy.

There will be times when this information is required to be disclosed by law, for the administration of the sexual misconduct policy, where safety issues exist, or where confidentiality is waived by the parties. It may be necessary to indicate that an investigation has been initiated, such as when a person is placed on leave or inhibited during the investigation.

Matters of confidentiality may bear directly not only upon the proper process of investigation, but on the well-being and recovery of victims and individuals involved. When an offence has been alleged and an investigation is in process, immediate colleagues may become privy to confidential information. To promote collegial support, thereby empowering one another with confidence and hope, those aware of allegations are admonished against gossip and rumour, and are required to hold such information as confidential.

### **Appendix E: Diocese of Rupert's Land Canon 13**

#### **CANON 13**

#### ***DISCIPLINE***

1. Where relationships within a part of the Church's community appear to have deteriorated to a degree unacceptable within the bounds of normal tension and growth, five parties may be affected and concerned and involved in the solutions of the problem, namely:

- (a) the particular parish, congregation or constituency in which ministry is exercised,
- (b) the incumbent,
- (c) the diocesan community,
- (d) the Bishop,
- (e) the Metropolitan, where appropriate.

2. (a) Any general situation or particular incident within the Diocese which threatens or is likely to threaten the maintenance, development, concord or growth of the community concerned shall constitute a problem within the meaning of this Canon and may be dealt with in accordance with its provisions, including without limitation, matters of theology, liturgy, order, procedure and conduct, whether corporate or personal, or any other matter consistent with the intent of this Canon.

(b) The provisions of this Canon are in pursuance of, and supplemental to, the provisions of Canon XXII of the General Synod.

3. The parties shall make every effort by means of informal and personal enquiry, counselling and consultation to find a solution to the problem and to bring about reconciliation, whether before or after process is initiated.
4. (a) Pursuant to section 2 of Canon XXII of the General Synod, there shall be appointed or elected to advise and assist the Bishop in the adjudication of processes initiated pursuant to this Canon, assessors consisting of:
  - i. the Chancellor, or in the absence of the Chancellor, the Vice-Chancellor;
  - ii. three lay delegates to Synod elected by the laity;
  - iii. three clerical members of Synod elected by the clergy.
- (b) The Committee on Nominations shall, at each session of Synod at which elections are to be held, submit a list of persons who have indicated a willingness to serve as assessors.
- (c) The assessors shall be presided over by the Bishop or an assessor commissioned in writing by the Bishop.
- (d) A quorum of the assessors shall consist of the Chancellor, or Vice-Chancellor, together with four other assessors, at least two of whom shall be of one Order.
- (e) The Bishop and the assessors shall from time to time make rules and regulations as they deem expedient for regulating the practice and procedure of a process initiated under this Canon.
- (f) If the Bishop or any assessor is an initiator of a process, or is a respondent, that person shall be disqualified, for that process, from acting.
- (g) Any vacancy which may occur among the assessors by death, resignation or otherwise, shall be filled by the Bishop as soon as possible, and the Diocesan Council shall be advised.
5. (a) Where the parties to a problem have been unable to bring about a reconciliation, a process under this Canon may be initiated by any one or more of them, namely:
  - i) the particular parish, or constituency;
  - ii) The Incumbent;
  - iii) the Diocesan Community;
  - iv) the Bishop.

The term "constituency" shall include a Deanery, Archdeaconry or any formal grouping of parishes.

- (b) Where a parish, or constituency initiates a process, the action shall be taken by either
  - i) the Churchwardens of that parish; or
  - ii) any five members of such parish, or constituency declaring themselves to be such.
- (c) Where the Diocesan Community initiates a process, the action shall be taken by a person designated by the Diocesan Council.

- (d) Every process shall be initiated by filing with the Secretary of Synod ten copies of a statement in writing, addressed to the Bishop, which shall be dated and signed by the initiator.
  - (e) The statement shall set forth the general nature of the complaint and the particulars thereof and shall be accompanied by any other material as the initiator deems necessary.
  - (f) Upon filing of a statement the Secretary of Synod shall promptly cause a copy to be delivered to the Bishop, the Chancellor, the other assessors, and to the respondent to the complaint.
  - (g) If the respondent admits the complaint, the matter may be dealt with by the Bishop and the assessors in a summary manner.
  - (h) If the respondent does not admit the complaint, or admits it but claims justification, the respondent shall, within fourteen days after receipt of a copy of the statement, file with the Secretary of Synod a reply in writing addressed to the Bishop, which reply shall be dated and signed by the respondent.
  - (i) The reply shall set forth the particulars of the respondent's general position and shall be accompanied by such other material as the respondent deems necessary.
  - (j) Upon the filing of a reply, the Secretary of Synod shall promptly cause a copy thereof to be delivered to the Bishop, the Chancellor, the other assessors, and to the initiator of the process.
  - (k) No further documents shall be filed by the initiator of the process or by the respondent prior to the hearing of the process.
6. (a) The Bishop, in consultation with the assessors, shall appoint a time and place for the hearing, which shall not be less than one week from the filing of the respondent's reply, nor more than six weeks from the date the process was initiated, and the Secretary of Synod shall give to the assessors and the parties at least one week's notice in writing of the time and place for the hearing.
- (b) If after due notification either the initiator or the respondent fails to appear at the hearing, the hearing may proceed in the absence of either of them in accordance with the rules and regulations referred to in subparagraph 4(e).
- (c) If the initiator and the respondent appear at the hearing, the hearing shall proceed in accordance with the rules and regulations referred to in subparagraph 4 (e).
- (d) As soon as is practicable after the conclusion of the hearing, the assessors shall advise the Bishop in writing of their opinion.
- (e) A copy of the advice of the assessors, and of the declaration of the Bishop, when made, shall be filed with the Secretary of Synod, and communicated in writing by the Secretary of Synod to the parties to the process.
- (f) The assessors may make recommendations to the Bishop concerning the further publication of the decision of the Bishop.
7. Any party to a process, at any time within the twenty-one (21) days from receipt of the Bishop's decision, may appeal the decision to the Court of Appeal of the Ecclesiastical Province of Rupert's Land or to the Supreme Court of Appeal of the Anglican Church of Canada. The appeal shall be

in writing and shall be subject to and made in accordance with the Canon of the Synod of the Ecclesiastical Province of Rupert's Land or of the General Synod, as the case may be, respecting appeals, and a copy of the appeal shall be filed with the Secretary of Synod.

The decision of the Bishop following completion of a process initiated under this Canon shall be deemed, for the purpose of an appeal to said Court of Appeal or to said Supreme Court of Appeal, to be a judgment or decision of the Court of Appeal of the Diocese.

8. (a) Within one month of the date of the decision of the Bishop, the Secretary of Synod shall transmit to the Registrar of the Diocese for safekeeping a true copy of the statement, the reply, the evidence, the advice of the assessors and the decision of the Bishop, and of all correspondence and other documents relating to the process.

(b) If the decision of the Bishop is appealed, the Registrar of the Diocese shall obtain and file for safekeeping, a copy of the decision on the appeal.

(1998)

Canon 13

## **Appendix F: Theological Basis From the first DIOCESAN SEXUAL ABUSE POLICY, ANGLICAN DIOCESE OF RUPERT'S LAND**

“Despite its mission to be the body of Christ, the church is no stranger to sexual abuse, even in its own midst. Our thinking about that abuse must be set in the framework of what it means to be a Christian, to be a sexual person of Christian faith, and to be a servant in the church.

Christians have a high calling. Christ invites and empowers us to live out our lives in the love he shows us. Our identity as Christians is both gift and demand. Promised fullness of life, we are called to the self-giving of the cross, to faithfulness, compassion, and justice. Our faith is framed between acknowledgement of our arrogance, sinfulness, and brokenness, and commitment to the renewal of human life through dying to self. That renewal encompasses "the healing, wholeness, and liberation promised by God's grace to every facet of human life" which is the task of ministry.<sup>1</sup>

What does it mean to be a sexual person with such a faith? Sexuality is central to our being; we are body-selves. It is basic to our fulfilment, and our vulnerability. It carries our need to reach out to and embrace others, our longing for relatedness. Sexuality is the power to be in communion with another, to be caught up in the wonder of mutuality. Our sexuality, as a dimension of our whole selves, is to be offered to God; in the expression of sexual desires we are called to holiness.

God values sexuality as good, blessed, and purposeful. Scripture sees it as a gift to be celebrated in joy and ecstasy, and to be held in the web of love and covenant. Trust and justice, mirroring God's ways with us, are to undergird it. Love is to be its expression. Mutuality is its meaning in a world God destines for a reconciliation we are to create, a harmony alive to the divine presence. Non-coercion, mutual acceptance of needs and rights, caring: these are characteristics of good sexual activity. Our God-given natures invite us to the responsible fulfilment of our sexuality.

The ethic that must go with such an understanding of sexuality entails equal respect for children, women, and men, as persons made in God's image, and for everyone's right to sexual and bodily integrity.

Those who undertake as priests or laity to serve the church (whether salaried or volunteer) must, in living out their faith, adhere to Christian ethical principles in their sexual conduct, and also in their exercise of authority and power. In sharing in the gospel mission to bring reconciliation, healing, and wholeness, they will draw close to those they minister to. They need to recognise the dynamics of trust in these relationships and the consequent potential for harm and abuse. The authority conferred by the church on those who work in Christ's name must be rooted in the love of Christ (Eph. 3:17). In their ministry they must model God's trustworthiness.

For any Christian, to betray trust by the grave ethical transgression of sexually abusing another, whether child or adult, is to deny Christian identity. Such a betrayal cannot be other than a gross injury to the one abused, and a violation of faithfulness to Christ.”

<sup>1</sup> Mary D. Pellauer, Barbara Chester, and Jane Boyajean, editors, *Sexual Assault and Abuse: A Handbook for Clergy and Religious Professionals* (San Francisco: Harper and Row, Publishers, 1987).

## **Appendix G: OUT OF DIOCESE COMPLAINTS.**

Every effort will be made to meet the complainant at their location. This may, however, be limited because of the rules governing clergy living or functioning outside of their home diocese.

See: Canons of the General Synod, Canon XVIII, s. 26.

## **Appendix H: REINSTATEMENT**

### ***REINTEGRATION POLICY AFTER CONVICTION INVOLVING SEXUAL ABUSE OF A CHILD***

#### **1. ISSUE**

This policy concerns the possible reintegration of clergy, staff, and volunteers into a parish or other area of ministry, following a criminal conviction involving child sexual abuse.

#### **2. AFFECTED PERSONS**

This policy applies to any clergy, staff, or parishioners who would have responsibility for, or contact with, children.

#### **3. POLICY**

**As a general rule, persons who have been convicted of criminal offences against children will not knowingly be permitted to maintain or assume positions of responsibility within a parish or other areas of ministry.** There may be exceptions to this policy, but the exceptions should be narrowly circumscribed (as described below.)

#### **4. RATIONALE**

The church has a responsibility for the welfare and safety of children in a parish who are subject to the exercise of power and authority of adults. The relationship between adults and

children within a parish must be based on trust. Sexual abuse of children by adults is a gross abuse of that trust. The reintegration of an offender into the community in a position of authority with respect to children is fraught with problems including the difficulty in obtaining a qualified medical opinion that there would be minimal risk involved, the balancing of any perceived risk with the possible benefit to the community and the person seeking reintegration, and the potential legal liability by the church in the event of further abuse.

This approach does not deny the importance of the acceptance of responsibility by the abuser and of forgiveness. It does, however, recognize the church's over-riding responsibility to those in its midst who are most vulnerable and the difficulties in predicting further behaviour in these circumstances.

## 5. **EXCEPTIONS**

All applicants for reintegration must satisfy all of the following conditions:

- a) An opinion from a qualified medical practitioner or clinical psychologist, who is familiar with the nature of the sexual abuse and the nature of the proposed role of the applicant, that confirms that the employment or function of the applicant within the parish or other ministry poses minimal risk to children.
- b) The approval of the bishop to the reintegration of the applicant into the parish or other area of ministry.
- c) The approval of the parish, given at a special meeting of vestry called for that purpose, to the reintegration of the applicant; and, in the case of a non-parochial appointment, the approval to the reintegration by the governing board of the ministry or institution given at a special meeting called for the purpose of considering the appointment.
- d) If the approvals given in b) and c) are given, they carry with them the clear understanding that any reintegration will be reviewed by a committee of trained diocesan resource persons, to be appointed by the bishop, every six months for a period of two (2) years and then annually for a further period of not less than three (3) years. Upon completion of such review, the committee shall recommend to the bishop as to whether or not any reintegration should be continued.
- e) If, at any time, the bishop considers that the continuation of the reintegration is not in the best interests of the parish or other area of ministry, the bishop may immediately terminate the reintegration.
- f) In order to be reintegrated under this policy, the applicant shall agree, in writing, to any terms or conditions of the reintegration required by the bishop.

### ***REINTEGRATION POLICY AFTER SUBSTANTIATED COMPLAINT OF SEXUAL ASSAULT/EXPLOITATION/HARASSMENT OF AN ADULT***

#### 1. **ISSUE**

This policy concerns the possible reintegration of clergy, staff, and volunteers into a parish following a conviction or substantiated complaint of sexual assault, exploitation or sexual harassment of an adult.

2. **AFFECTED PERSONS**

This policy applies to any clergy, staff, or parishioners who have responsibilities within the parish or other areas of ministry.

3. **POLICY**

Where an adult has been convicted of a criminal offence involving sexual assault or misconduct, or where there has been a substantiated case of sexual harassment or exploitation, his/her continued role in the parish is reviewed by the bishop who determines whether it is appropriate for the person to continue in, or return to, a position of responsibility within the parish or other areas of ministry.

4. **RATIONALE**

Problems of sexual misconduct against adults in a parish can arise in a number of contexts including those of priest/curate, employer/employee, pastoral counsellor/client, priest/parishioner and parishioner/parishioner.

There are distinctions which are noted where the misconduct involves an adult and not a child. A child is always in a position of dependency in a relationship of trust. All acts of abuse of children are treated as of the utmost seriousness and may involve criminal sanctions. Where sexual misconduct occurs against an adult, the conduct may involve a spectrum of circumstances from sustained sexual assault of an adult in a position of dependency to an isolated act of sexual harassment. Similarly an adult may be in a position of considerable dependency with no responsibility for the actions of the abuser or may be a mature functioning adult who may bear some responsibility for the conduct in issue.

The wide range of possible circumstances suggests that there must similarly be a wide range of possible responses. Some situations will suggest profound dysfunctional conduct. Others may suggest isolated acts of impropriety.

Common to all situations is the need for the abuser to provide at least an unequivocal acknowledgement of responsibility for the harm done, to demonstrate genuine remorse and repentance, and to offer restitution where appropriate.

The bishop has discretion to require the abuser to meet any of the other conditions set down in the *"Reintegration Policy after Conviction Involving a Child Sexual Abuse"* (1994) as may be most appropriate in all the circumstances in determining whether it is appropriate for the abuser to remain in or return to the parish in a position of responsibility.



## The Diocese of Rupert's Land Anglican Church of Canada

### SEXUAL MISCONDUCT POLICY:

#### Consent to Enter into an Informal, Facilitated Process to Attempt to Resolve a Complaint of Sexual Harassment.

I, \_\_\_\_\_ (*Name of Complainant*) have brought a complaint of sexual harassment against \_\_\_\_\_ (*Name of Respondent*) under the Sexual Misconduct Policy of the Diocese of Rupert's Land.

1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into an informal, facilitated process to attempt to resolve this complaint.
3. The facilitator appointed by the Diocese of Rupert's Land is \_\_\_\_\_ (*Name*). I agree to this facilitator.
4. If the facilitation arrives at a resolution to the complaint, the resolution will be in writing. The resolution will be signed by the respondent, the facilitator, and myself, and will be referred to the Pastor for Healthy Communities for approval and ratification. The Facilitation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in the facilitated process are without prejudice and may not be disclosed in an investigation if the facilitated process fails.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the Pastor for Healthy Communities.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts or under the Manitoba Human Rights Code.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_



**The Diocese of Rupert's Land**  
**Anglican Church of Canada**

**SEXUAL MISCONDUCT POLICY:**

**Consent to Enter into an Informal, Facilitated Process to Attempt to Resolve a Complaint of Sexual Harassment.**

I, \_\_\_\_\_ (*Name of Respondent*) am the subject of a complaint of sexual harassment brought against me by \_\_\_\_\_ (*Name of Complainant*) under the Sexual Misconduct Policy of the Diocese of Rupert's Land.

1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into an informal, facilitated process to attempt to resolve this complaint.
3. The facilitator appointed by the Diocese of Rupert's Land is \_\_\_\_\_ (*Name*). I agree to this facilitator.
4. If the facilitation arrives at a resolution to the complaint, the resolution will be in writing. The resolution will be signed by the complainant, the facilitator, and myself, and will be referred to the Pastor for Healthy Communities for approval and ratification. The Facilitation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in the facilitated process are without prejudice and may not be disclosed in an investigation if the facilitated process fails.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the Pastor for Healthy Communities.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts or under the Manitoba Human Rights Code.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_



**The Diocese of Rupert's Land  
Anglican Church of Canada**

**SEXUAL MISCONDUCT POLICY:**

**Consent to Enter into a Mediation of Complaint of Sexual Harassment.**

I, \_\_\_\_\_ (*Name of Complainant*) have brought a complaint of sexual harassment against \_\_\_\_\_ (*Name of Respondent*) under the Sexual Misconduct Policy of the Diocese of Rupert's Land.

1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into a mediation to resolve this complaint.
3. The mediator appointed by the Diocese of Rupert's Land is \_\_\_\_\_ (*Name*). I agree to this mediator.
4. If the mediation arrives at a resolution to the complaint, the resolution will be in writing. The Resolution Agreement will be signed by the respondent, the mediator, and myself, and will be referred by the Pastor for Healthy Communities to the Bishop for approval and ratification. The Mediation Resolution Agreement will be final and binding.
5. I understand that any statements of admissions made in the mediation process are without prejudice and may not be disclosed in an investigation under this Policy.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the Pastor for Healthy Communities.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts or under the Manitoba Human Rights Code.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_



**The Diocese of Rupert's Land  
Anglican Church of Canada**

**SEXUAL MISCONDUCT POLICY:**

**Consent to Enter into a Mediation of Complaint of Sexual Harassment.**

I, \_\_\_\_\_ (*Name of Respondent*) have had a complaint of sexual harassment brought against me by \_\_\_\_\_ (*Name of Complainant*) under the Sexual Misconduct Policy of the Diocese of Rupert's Land.

1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into a mediation to resolve this complaint.
3. The mediator appointed by the Diocese of Rupert's Land is \_\_\_\_\_ (*Name*). I agree to this mediator.
4. If the mediation arrives at a resolution to the complaint, the resolution will be in writing. The Resolution Agreement will be signed by the complainant, the mediator, and myself, and will be referred by the Pastor for Healthy Communities to the Bishop for approval and ratification. The Mediation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in the mediation process are without prejudice and may not be disclosed in an investigation if the mediation fails.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the Pastor for Healthy Communities.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts or under the Manitoba Human Rights Code.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_



**The Diocese of Rupert's Land  
Anglican Church of Canada**

**SEXUAL MISCONDUCT POLICY:**

**Consent to Begin an Investigation into a Complaint of Sexual Misconduct.**

I, \_\_\_\_\_ (*Name of Complainant*) have brought a complaint of sexual misconduct against \_\_\_\_\_ (*Name of Respondent*) under the Sexual Misconduct Policy of the Diocese of Rupert's Land.

1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I understand that my complaint as well as any related documents I may provide to the Pastor for Healthy Communities or an investigator appointed by the Diocese under the Sexual Misconduct Policy will be given to the respondent or any persons necessary for the administration of the policy.
3. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the Pastor for Healthy Communities.
4. I understand that under the Policy I have the right to seek independent legal advice or to seek a remedy through the courts or under the Manitoba Human Rights Code.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_



# The Diocese of Rupert's Land Anglican Church of Canada

## SEXUAL MISCONDUCT POLICY:

### Consent to the Release of Information.

Concerning the Complaint of \_\_\_\_\_ (name of complainant)

against \_\_\_\_\_ (name of respondent)

commencing \_\_\_\_\_ (date Diocese notified of complaint).

1. Complainants, respondents and witnesses are advised to read the Diocesan Sexual Misconduct Policy so that they are familiar with the procedures involved. A copy of the Policy is included with this consent.
2. Every effort will be made by those who are responsible for the administration of the Policy to maintain the confidentiality of the process, subject to the exceptions noted below.
3. Complainants are advised that in the event of a formal complaint under the Policy, a copy of the written complaint, as well as related documents originating from the complainant, will be given to the respondent, or any persons necessary for the administration of the Policy.
4. Respondents are advised that a copy of the written response to the complaint, as well as related documents originating from the respondent, will be given to the complainant, or any persons necessary for the administration of the Policy.
5. Witnesses are advised that any information they provide, either verbally or in writing, to a person appointed to conduct an investigation under the Diocesan Sexual Misconduct Policy, may be disclosed to the complainant and respondent as well as to persons necessary for the administration of the policy.
6. If a respondent does not sign this Consent to the release of information, the investigation will proceed in the absence of information originating from the respondent. In such an event, the investigating team may make their report to the Bishop in the absence of such information which may otherwise be of assistance to the respondent.
7. In addition, anyone may be required by law to give evidence and document in the courts and other agencies involved in the administration of justice.
8. If you have any questions about the operation of this Policy and your rights and responsibilities under it, please speak with the Pastor for Healthy Communities.
9. The Policy is not intended to preclude anyone from seeking legal counsel or seeking a remedy through the courts or under the Manitoba Human Rights Code.

I acknowledge receipt of a copy of the Policy. I have read, understand, and agree with the Consent to the Release of Information as provided above.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix J:**



# **Sexual Misconduct Policy Acknowledgement Form**

Name \_\_\_\_\_

Title \_\_\_\_\_  
(clergy/employee/volunteer)

\_\_\_\_\_ I hereby acknowledge receipt of a copy of the Diocese of Rupert's Land Sexual Misconduct Policy, 2003.

\_\_\_\_\_ I understand the contents of the Diocese of Rupert's Land Sexual Misconduct Policy, 2003.

\_\_\_\_\_ I understand that to function as an ordained or lay person in ministry implies that the Church has entrusted me with responsibility to act for the well-being of others.

If you cannot check off any of the above statements or if you have questions about this, please contact the diocesan Pastor for Healthy Communities prior to signing off on this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please type or print name

\_\_\_\_\_  
Date

*Instructions: All ordained and lay staff are expected to comply with the Diocese of Rupert's Land Sexual Misconduct Policy. This signed form will be placed in the named person's personnel file or other suitable confidential file if there is no personnel file. It will remain in the file for an indefinite period of time. Access to clergy personnel files is restricted to the person named on the file, the Bishop, the supervisor of the diocesan staff (for staff members), the Executive Assistant to the Bishop, the Pastor For Healthy Communities.*

SCREENING FORM 1

## ***Section 4:***

### ***Child/Youth/Vulnerable Adult Protection and Safety***

#### ***Policy and Procedures***

*“...striving for justice and peace among all people,  
and  
respecting the dignity of every human being...”*

#### ***Policy***

The main objective of this policy is to provide a safe environment for children (newborn through age eighteen) and vulnerable adults entrusted to the Church. In seeking to accomplish this objective, two other important objectives are being addressed: the protection of the Church’s workers from false allegations to the best of our ability, as well as the reduction of the Church’s risk and liability exposure.

To accomplish the above, the Church must implement the Prevention and Safety Policy and then proceed to monitor its effectiveness. Accordingly, those in leadership within the Church must regularly, consistently and without exception ask the following questions:

1. Has every paid and volunteer worker involved in any manner within nursery/children/youth/vulnerable adult ministry on behalf of this Church been trained regarding this policy and has each such worker fulfilled the corresponding requirements? If not, immediate steps need to be taken to remedy the situation.
2. Are all workers following the required policies? If not, what obstacles still exist which are holding back the required level of cooperation? How can full cooperation of every worker be achieved?
3. Is every new leader of this Church being introduced to the policies that have been established? If not, copies of the policies must be distributed and their contents communicated accordingly.

This policy must always be monitored. If not, the risk of child/vulnerable adult abuse and personal injury is greater, along with the church’s legal liability. To this end, Parish Annual Reports (Appendix I) will include a form that informs the diocese of:

- The number of leaders involved in Children Ministries, Nursery, Sunday School, Youth and Vulnerable Adult Ministries;
- Confirmation that all necessary Police Records and Child Abuse Registry Checks have been requested, completed and received;
- Confirmation that all leaders involved in children/vulnerable adult ministries are familiar with and have been trained regarding the Diocesan Child/Youth/Vulnerable Adult Protection and Safety Policy;
- Confirmation that all such leaders have signed a Diocesan Child/Vulnerable Adult Care Covenant (Appendix II)

### **1.1 Adult Leaders**

Adult leaders (chaperones, counselors, program leaders, chaplains, etc.) must be at least two years older than the oldest eligible youth participant.

### **1.2 Screening**

All adult leaders will be screened through the Child Abuse Registry and a Criminal Record Check prior to their involvement in youth ministry.

### **2.0 Reporting**

Each person who believes on reasonable grounds that a child is or may be in need of protection must report the matter to Child and Family Services. Leaders must be trained to identify inappropriate behaviour with children/vulnerable adults.

### **3.0 Abuse**

No person attending or leading a parish event is to be physically, emotionally, or sexually abused or bullied.

### **4.0 Discrimination**

No one will be discriminated against at any Diocesan or Parish-sponsored program on the basis of her/his age, sex, sexual orientation, race, colour, ethnic (or place of ) origin, ancestry, disability, creed, or socio-economic status.

### **5.0 Attendance**

There will be no coming and going from Diocesan or Parish-sponsored Youth events without the permission of the event supervisor. Late arrivals or early departures must be communicated by the parents before an event begins.

### **6.0 Volunteer Behaviour**

Volunteers should always be above reproach in their words and conduct. They are to behave in a Godly manner, demonstrating Christian conduct, respect, honesty and trustworthiness.

### **7.0 Sexual Misconduct**

No forms of sexual misconduct will be tolerated. This includes but is not limited to: sexual abuse, sexual molestation, sexual harassment and sexual exploitation. In addition, presenting sexually provocative material or language is considered inappropriate. Anyone accused of sexual misconduct or abuse will be removed from any position that would give him/her access to youth/vulnerable adults until the situation is investigated and resolved.

### **8.0 Alcohol and Drugs**

No alcohol (other than wine used in the Eucharist Service) may be in the possession of, or used by, any adult or youth at a Diocesan or Parish-sponsored event at which persons under the age of eighteen are in attendance. We assume a zero tolerance policy regarding the use of any illegal substance. Anyone violating this policy will be removed from the event at his/her expense.

## **9.0 Smoking**

Smoking and chewing tobacco by Youth will not be tolerated. Adults may not smoke or chew tobacco during program times.

## **10.0 Violence**

No one is to hit or otherwise physically threaten anyone at any time. No weapons of any kind are to be brought to a Diocesan or Parish-sponsored event. Anyone in possession of a weapon will be sent home at his/her expense and the weapon will be confiscated.

## **11.0 Transportation**

Participants and their families are responsible for arranging their transportation to and from Diocesan and Parish-sponsored events, unless otherwise notified.

## **12.0 Pastoral Counselling**

There are times when it is appropriate or necessary for an adult leader to be alone with a person (e.g. pastoral counseling or transportation). When this occurs, the adult must arrange pastoral meetings in public places such as restaurants, and must always inform other responsible adults about the appointment or plan. Secluded and secretive activity with a young person must be avoided.

## **13.0 Dating**

No adult leader is to date a youth/vulnerable adult or become romantically or sexually involved with a youth/vulnerable adult.

## **14.0 Gifts**

All adult leaders are to refrain from giving personal gifts or money privately to youth. One must consult the parents to give gifts or money to a youth.

## **15.0 Open Door**

No youth event is to function with a closed-door policy. Clergy, parents, youth, Diocesan and/or Parish lay-leaders must be given full information about all Diocesan and Parish-sponsored programs, and be able to observe any youth program at any time. Checking in with the program supervisor is required on arrival.

## **16.0 Technology**

Leaders and youths must respect and protect the privacy of other in the program by appropriate uses of technology. Inappropriate uses include: accessing, transmitting, copying or creating material that violates confidentiality of children, parents, or leaders in the program; sending pornographic, threatening, rude, discriminatory or meant-to-harass material to program participants or sites; posting videos or photos of children/vulnerable adults, leaders in programs on sharing sites like, You Tube, Facebook, Twitter, etc.

## **17.0 Definitions:**

### ***17.1 Child/Youth***

For the purpose of this document, a child or youth is anyone below the age of eighteen.

### ***17.2 Adult***

Adult is any person eighteen years of age or older.

### ***17.3 Vulnerable Adult***

A person 18 years or older who, due to intellectual, cognitive, physical or social challenges, requires supervision or assistance at parish activities and/or cannot give or deny consent to sexual activity.

### ***17.4 Physical Abuse***

Physical abuse is defined as non-accidental bodily injury of one person by another.

### ***17.5 Physical Neglect***

This is the chronic or episodic withholding of necessary or essential physical care from the child/vulnerable adult with resulting injury or damage to the child/vulnerable adult. Necessary physical care can include food, nutrition, shelter, clothing, medical care, safety, supervision.

### ***17.6 Emotional Abuse***

This is the acting out by the parent or caregiver of the child/vulnerable adult of their negative or ambiguous feelings towards the child/vulnerable adult, resulting in some degree of emotional damage to the child/vulnerable adult. This kind of behaviour may consist of constant chastising, belittling, verbal tirades, ridicule, humiliation, or the overt rejection of the child/vulnerable adult's sense of self-worth and dignity.

**17.7 Abuse** includes bullying. **Bullying:** The repeated aggressive physical or social behaviour, in person or on line that intentionally targets another person or persons.

### ***17.8 Emotional Neglect***

The chronic or episodic withholding of necessary emotional care and support of the child/vulnerable adult which results in some degree of emotional damage is neglect. This kind of neglect might consist of withholding affection and love from the child/vulnerable adult; it might also include the withholding of affirmations of the child/vulnerable adult's self-worth, trust and sense of belonging. In extreme forms, emotional neglect can involve the complete withdrawal of any verbal and/or non-verbal interactions with the child/vulnerable adult, manifesting the complete rejection.

### ***17.9 Sexual Abuse***

Sexual abuse is any sexualized behaviour between any two people when there is an unequal distribution of power such as when one person is significantly older, larger, stronger, or holds more authority. Sexual exploitation of a child/vulnerable adult by a caregiver or other family member or adult, resulting in damage or injury to the child/vulnerable adult sexually,

psychologically or physically is sexual abuse. Forms of sexual exploitation include behaviour of a sexual nature, touching or a sexual nature and sexual intercourse.

### ***17.10 Discrimination***

For the purpose of this document, discrimination is differential treatment based on a personal characteristic which has an adverse impact on an individual or group.

Discrimination on the basis of creed does not include presentation or discussion of Christian theology, doctrine or scriptures for the purposes of education or the exchange of ideas.

### ***17.11 Leader***

Any person in authority over a group or activity, for example, Youth Leader, Pastors, Sunday School Teachers, Music Leaders etc.

## ***Section 4b:***

### ***Child/Youth/Vulnerable Adult Protection and Safety***

#### ***Recommended Procedures***

An integral part of implementing this policy is ensuring that the Church's insurance policy provides coverage for liability arising from abuse.

Recommended guidelines to be implemented in the Parish

#### **1.1 Screening and Selection of Workers**

(See Policy #1.1)

During the screening process, the Church would use its best efforts to maintain confidentiality.

The screening and selection policy shall apply to all paid and volunteer workers involved in any manner with children/vulnerable adults on behalf of the Anglican Church in Rupert's Land. The policy applies to all who are currently working with children/vulnerable adults.

Before a person can be selected to serve in children/vulnerable adult ministry, the following steps are necessary:

- a) Completion of reference checks
- b) Completion of Police Records Check when required (see section 3.0 for details)
- c) Completion of a Child Abuse Registry Check when required (see section 3.0 for details)

#### **1.2 Reference Checks**

References must be provided by those wishing to become involved in children/ vulnerable adult ministries, and contacted by an appropriately appointed person (i.e. Sunday School Superintendent; Children's Ministry Coordinator; member of the Parish Corporation; etc.) It is recommended that a minimum of two (2) references be contacted.

When a reference is contacted, a 'Reference Contact Form' must be completed by the contacting person and the form becomes part of the applicant's file. (Appendix III)

### **1.3 Police Records and Child Abuse Registry Checks (Appendix VII)**

Police Records and Child Abuse Registry Checks will be required for all workers who have the occasion of being alone with children/vulnerable adults. This may include the following positions:

- Sunday School Superintendent
- Sunday School Teachers
- Children/Youth Group Leaders
- All leaders involved in Children/Vulnerable Adult Ministries
- Clergy
- Music Director/Organist
- Janitor
- Other positions as conditions and activities change

The cost of these checks will be at the expense of each individual parish.

### **1.4 Additional Screening Safeguards**

Those wishing to become involved in children/vulnerable adult ministries will be accepted and approved by appropriately designated leaders (i.e. Sunday School Superintendent; Children Ministry Coordinator; member of the Parish Corporation; etc.).

Those seeking such approval will have been attending that church regularly for a minimum of 6 months.

A person who has been proven guilty of abuse may not work with children/vulnerable adults. If there is a medical reason why a potential volunteer may not be suitable as a leader, he/she may be considered for a “helper position” and paired with a leader but never left alone with children/vulnerable adults.

From time to time, parent volunteers are needed to assist in a particular program’s event. When a parent is not an active participant in the church congregation group of volunteers, he/she is to be screened by the coordinator of the program and teamed with an approved leader. Under no circumstances is a parent volunteer to be left alone with a children or group of children and out of sight of the other leaders.

### **1.5 The Responsibility to Report**

- As individuals, we have a legal responsibility. Each person who believes, on reasonable grounds, that a child is or may be in need of protection must report the matter to Child and Family Services.
- As a Church we have a responsibility. We must ensure our workers are trained to identify inappropriate behaviour with minors and vulnerable adults. If a person sees inappropriate behaviour among Church Ministry Leaders, the person shall immediately report the incident to the appropriate Parish leadership who will ensure appropriate action is taken in accordance with Diocesan Policy.
- We have a Spiritual obligation. God has given everyone the responsibility to care for children and to develop and maintain a safe environment for them.

## **1.6 How Should We Report?**

- Legally each person who believes on reasonable grounds that a child is in need of protection shall promptly report the belief and the information upon which it is based to Child and Family Services. In addition, the person shall also report the occurrence to the parish priest.
- No investigation is to be conducted by Church officials or volunteers, in circumstances where a report has been made to Child and Family Services, until civil authorities authorize such action.
- If civil authorities authorize such action, the *Diocese of Rupert's Land Policy on Sexual Misconduct Procedures* shall be followed.

## **2.1 Safety Procedures**

### **2.2 Training**

Each new paid and volunteer worker involved with children/youth/vulnerable adults must receive training on this policy. The policy should also be reviewed with all volunteers on an annual basis to refresh their awareness of the contents.

### **2.3 Teaching Classes**

There will be a minimum of 1 adult teacher for every Sunday School class and Youth Gathering. Whenever there is only one adult leader in a classroom with children, the door will remain slightly open or a window should be available allowing anyone passing to look in without interrupting the teaching process. The leader will record the names of the children in attendance and sign the record sheet. Records are to be maintained as outlined in the section "Record Keeping". If an adult leader is not available, any planned event (Sunday School, Youth Group, or otherwise) will be cancelled and the children returned to their parents.

### **2.4 Nursery/Toddler Rooms**

The Church nursery is an important aspect of our children's ministry and as such we seek to provide the best care for our children. The following guidelines are in place to make the nursery/toddler area a safe place for young children. In any Church where there is a Nursery service provided there will be a minimum of two adults in the nursery. When there are more than 3 infants or 5 toddlers, additional helpers are to be recruited to assist in the care of the children. When there is only one baby/toddler in the nursery there will be a minimum of two volunteers, one of which must be an adult. The second nursery worker may be a teenager or an adult. When there are two workers in the nursery, preferably they will not be from the same family.

Children using the nursery/toddler area must be signed in and signed out of the area by the same adult or a pre-authorized adult. When the child is being signed in, the worker must record any particular medical information that is needed for the child. (i.e. asthma, food allergies, etc.) Also refer to the "Record Keeping" section later in these procedures.

Nursery leaders and care givers must ensure that activities and toys are age appropriate. Workers must ensure children remain in their controlled area at all times.

When toddlers require trips to the bathroom, a nursery worker must supervise the children in the washroom. To lessen the workload of the nursery volunteers, parents of children who use the washroom are encouraged to take their child(ren) to the washroom prior to leaving them in the nursery.

The change table must be located where the child being changed can be easily seen by another nursery worker, or two workers should be present in the room where the change table is located.

The Christian Education Committee and/or other appropriate parish leadership are responsible for the following:

1. Scheduling the required number of volunteers for the regular Sunday Services and on other occasions when the nursery facilities are required;
2. Ensuring the inspection of toys and the repair or replacement of toys that are damaged. Toys should be cleaned at regular intervals. All toys in these rooms must be approved for infants and toddlers;
3. Ensuring the furniture is appropriate for infants and toddlers;
4. Ensuring that bedding and furniture is cleaned at regular intervals in addition to when they appear dirty.

## **2.5 Record Keeping**

Complete records are to be kept for each Nursery/Toddler group, Sunday School Class, Confirmation Class, or other group activities. These records are to include the names and ages of children, addresses, telephone numbers and parent name(s). Parental permission must be sought to allow the Church to record health card numbers and any other pertinent medical information such as allergies, asthma, etc. that leaders should know. As well, an emergency contact person(s) should be recorded if possible.

To maintain confidentiality these records are to be stored in a locked file in a safe designated location, preferably in the Sunday School meeting area, to allow quick access. There will be a maximum of four (4) people with access to these files, namely, Sunday School Superintendent, Chair of Christian Education Committee, Clergy, Rector's Warden. It shall be the responsibility of these four (4) people to ensure that all teacher's, leaders and helpers are aware of any pertinent information relating to any children, youth, vulnerable adults, etc., who are participating in their respective programs. The members, in the positions previously mentioned, should also be familiar with the **Canada Privacy Act**.

An accurate sign-in procedure will be maintained for each child in the Nursery/Toddler department. The Child's name, parent name(s) and parent location during the service or meetings shall be recorded. Special needs of a child should be noted on the sign-in sheet.

All attendance records are to be maintained and signed by the person recording the information. The names of the leaders/volunteers are also to be listed for each occasion.

## 2.6 Restrooms

Parents are encouraged to take their children to the washroom prior to the beginning of the service. Should a child need to go to the washroom during the service, parents/guardian are encouraged to go with the child. If parents/guardians believe the child is old enough to go to the washroom without an adult they should send two older children together. Parents/guardians must take the responsibility of monitoring their children.

Sunday School teachers and group leaders of children under the age of 10 are encouraged to have the whole class stop at the washroom on the way to the class/meeting room. Teachers/leaders of children over the age of 10 are asked to send the children in pairs to the washroom when washroom visits are required.

## 2.7 Group Activities (Policy)

Leaders responsible for Group Activities must be familiar with the “Diocesan Code of Conduct for all Parish and Diocesan Children/Youth Ministry Activities”. (Policy) On Church Property

There will be no less than 2 adult leaders present in all group activities for children. For the protection of the participants as well as the leaders, consideration should be given to including a 3<sup>rd</sup> leader in situations where the initial 2 leaders are members of the same family.

Because of the nature of the programs and the diversity in activities that may be happening at one time, it is suggested there be additional adult volunteers for special activities when required. If required leaders are not present the scheduled event must be cancelled.

Record of attendance must be maintained as outlined in the section “Record Keeping”.

Off Church Property

When these events outside the Church building are planned, additional supervision considerations are required:

- 2.6.1 Groups where children are all of the same gender must have a minimum of 2 leaders of the same gender as the children.
- 2.6.2 Groups, which are co-ed, must have adequate adult supervision. This would include regular leaders, other approved leaders and/or parents of the children—minimum of 2 adult female and 2 adult male supervisors is suggested. Supervisors should not be from the same household. All supervisors who have not received Police Records and Child Abuse Registry Checks must not be alone with any child.
- 2.6.3 For Church activities off the property, a notice will be printed in the Church bulletin two (2) weeks prior to the event and/or notices mailed or sent to homes. Children who attend unaccompanied by an adult shall be asked for their phone numbers for contact in case of an emergency.
- 2.6.4 When outings require transportation outside of the church building, consent forms are required from a parent/guardian for all children under the age of 15 years. The leaders are required to post a list of the driver’s names, vehicle license number(s) and the names of children in each vehicle. This information is to be posted on a bulletin board in the church until everyone has returned

from the outing. Once a child has been assigned to a vehicle, he/she is not to switch vehicles (Registration and Consent Form, Appendix V).

2.6.5 Parties held in homes must provide additional non-related adult supervision while the children are present in the home.

2.6.5 It is advisable that activities held away from Church property include at least one leader equipped with Emergency First Aid Training.

## **2.7 Sick Children**

Children who are not feeling well should not be received into the nursery/toddler area of classrooms. Signs of illness are unusual fatigue or irritability, coughing, sneezing, runny nose and eyes, vomiting, diarrhea, complaining of sore ears or throat, evidence of a rash, etc. Children with these or similar symptoms should be returned to their parent(s) or guardian.

## **2.8 Emergencies**

Workers/volunteers are not to give or apply any medication to children/vulnerable adults except for bandages for minor cuts/abrasions or ice packs for bumps. If a child needs medication, the parent must administer it. No medication will be left in the nursery/toddler area or classroom with the following exception: children who carry inhalers for asthma or medication for serious allergies.

Emergency procedures in the event of a fire will be reviewed semi-annually and when new volunteers come on board. Volunteers will be trained in these procedures.

Evacuation procedures are to be posted in each meeting/classroom area.

First Aid kits will be kept in an accessible and secure location and all volunteers are to review their locations and contents in the early fall and early spring. Volunteers for summer activities will review the locations and contents of the First Aid kits as part of their program preparation. Any special medical needs will be identified as registration forms and dealt with accordingly in consultation with the child's parents or guardians(Appendix V and VI).

## **2.9 Volunteer Behaviour**

Volunteers should always be above reproach in their words and conduct. They are to behave in a Godly manner, demonstrating Christian conduct, respect, honesty and trustworthiness.

Workers must model kindness, be calm, set age-appropriate limits and teach children to solve problems by "speaking the truth in love". Under no circumstances may children be humiliated, neglected, slapped or spanked.

Volunteers who are not feeling well should not lead a group of children. Notification to the Sunday School Superintendent or an alternate leader on a spare list should be made as soon as possible so a replacement is on duty to assist in the supervision and/or instruction of children. If advance notification is not possible last minute adjustments will be required by the Sunday School Superintendent or other available leaders. It may be necessary to have the group meet in a high traffic area where others can check on the group without interrupting the session.

## **2.10 Staff and Volunteer Support**

It is our goal not only to provide for safety of our children, youth and vulnerable adults but also to support and provide, to the best of our ability, a system of procedures that will protect the staff and volunteers from being falsely accused of wrongful acts. This is accomplished by:

1. Diligently following the identified Screening Procedures;
2. Providing on going exposure to the Diocese of Rupert's Land CHILD/VULNERABLE ADULT ABUSE PREVENTION AND SAFETY POLICY AND PROCEDURES;
3. Adhering to the Procedures in Section 2 (Safety Procedures);
4. Maintaining the records of groups and classes for a period of 30 years in their original form;
5. Encouraging the practice of Annual Children/Vulnerable Adult's Ministry Reviews.

## **3.1 Reporting Accidents/Injuries**

Occasionally during the course of programs, both in the Church and in off-site locations, injury can occur. These may be minor or major in nature. After appropriate assistance has been given to the injured child/vulnerable adult or leader, a written "Accident Investigation Report" is to be completed by the group leader or appropriate person from the Church leadership staff or team. A description of the accident/incident, contributing factors and action taken should be noted. (Appendix VII) Witnesses to the accident should be listed with addresses and phone numbers for follow-up purposes.

The Christian Education Committee and/or appropriate leadership should review the "Accident Investigation Report", investigate the accident and offer recommendations to prevent, as much as possible, a recurrence of the accident. These files are to be kept in the Church office for future reference.

**Annual Form \_\_\_\_\_**

**Children/Vulnerable Adult's Ministries – Safety Check**

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

Number of leaders involved in children/vulnerable adult's ministries (Nursery, Sunday School, Youth) \_\_\_\_\_

Number of leaders involved in children/vulnerable adult's ministries who have signed a Diocesan Child/Vulnerable Adult Care Covenant \_\_\_\_\_

Number of necessary Police Records and Child Abuse Registry Checks requested, completed and received \_\_\_\_\_

Description of how and when leaders involved in children/vulnerable adult's ministries reviewed the Child/Vulnerable Adult Abuse and Safety Policy & Procedures \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**CHILDREN/VULNERABLE ADULT'S MINISTRIES  
COVENANT OF CARE FORM**

I promise to follow the policy for Child/Youth/Vulnerable Adults.

I promise in all my relationships with Children/Youth/Vulnerable Adults to follow appropriate actions as defined in the policy.

I promise to use appropriate language.

I promise not to intentionally hurt others based on gender, ethnic background, skin colour, intelligence, age, religion, sexual orientation, or socio-economic status.

I promise I will not intentionally harass or bully others.

I promise to respect and protect the privacy of others in the program.

I have read and agree with the policy and Covenant of Care.

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

Witness \_\_\_\_\_ Date \_\_\_\_\_  
Clergy or Warden

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

**Reference Form**

The following person \_\_\_\_\_ has expressed an interest in becoming involved in ministry with children/youth/vulnerable adults in this parish. As a church committed to the welfare of and protection of children/vulnerable adults, we are anxious to know if there is any reason at all to be concerned about this applicant being in contact with children, young people or vulnerable adults. If you are happy to complete this reference, any information will be treated with confidentiality. Information will only be shared with the person conducting the assessment of the candidate's suitability if he/she is offered the position in question. We would appreciate your willingness to be extremely candid, open and honest in your evaluation of this person.

**How long have you known this person?** \_\_\_\_\_

**In what capacity?**

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

**What attributes does this person have that would make them suited to this work?**

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

**Please rate this person on the following – circle one response for each statement:**

**Responsibility:**

Poor                  Average                  Good                  Very Good                  Excellent

**Maturity:**

Poor                  Average                  Good                  Very Good                  Excellent

**Self Motivation:**

Poor                  Average                  Good                  Very Good                  Excellent

**Can Motivate Others**

Poor                  Average                  Good                  Very Good                  Excellent

**Energy**

Poor                  Average                  Good                  Very Good                  Excellent

**Trustworthiness**

Poor                  Average                  Good                  Very Good                  Excellent

**Reliability**

Poor                  Average                  Good                  Very Good                  Excellent

This ministry involves substantial access to children/vulnerable adults. As a church committed to the welfare and protection of children/vulnerable adults, we are anxious to know if you have any reason at all to be concerned about this applicant being in contact with children, young people and vulnerable adults.

Please circle:                  Yes                  No

If you have circled 'Yes' we will contact you in confidence. Please confirm your contact information:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_

**GUIDING PRINCIPLES FOR APPROPRIATE BEHAVIOUR**

**Be Loving:** (Patient, kind, not envious, not boastful, not rude, not selfish, not easily angered, keeping no record of wrong, do not like evil, rejoice with the truth, protect, trust, hope, persevere)

**Be Respectful:** (of ourselves, others, ideas, feelings of others, equipment)

**Be Safe:** (Work and play safely to keep ourselves and others safe)

**Be Co-operative:**  
(Solve problems by talking and listening to each other respectfully. When we cannot solve a problem seek help from others.)

**The Diocese of Rupert's Land  
Youth Event Registration and Consent Form**

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

Name and Date of Event: \_\_\_\_\_

Youth Name: \_\_\_\_\_ Gender: \_\_\_\_\_

Address: \_\_\_\_\_  
*(include postal code)*

Phone Number(s) \_\_\_\_\_ E-Mail \_\_\_\_\_

Parent/Guardian  
Name(s) \_\_\_\_\_

Parent/Guardian Contact Information: Home Number(s) \_\_\_\_\_

Cell Number(s) \_\_\_\_\_

**Parent/Guardian Release**

\_\_\_\_\_ (full name of participant), has my permission to attend the above named event. I understand that all reasonable safeguards will be taken but that the church and the leaders of this event are not responsible for accidental injury. In case of medical emergency, I, the parent or legal guardian of a minor, hereby authorize and consent to any x-ray examination, anesthetic, medical or surgical diagnosis or treatment and hospital care which is deemed advisable by, and is to be rendered under, the general or special supervision of any licensed medical personnel on the staff of any licensed hospital. This authorization is given in advance of any specific diagnosis, treatment or hospital care required, but is given to provide authority and power to render care, which is deemed advisable in the best judgment of the physician.

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

Signature \_\_\_\_\_

Birth date of minor \_\_\_\_\_

Family Physician \_\_\_\_\_

Physician's Phone Number \_\_\_\_\_

Food or Drug Allergies \_\_\_\_\_

Special Needs \_\_\_\_\_  
\_\_\_\_\_

Medical Diagnoses and/or Medication: \_\_\_\_\_  
\_\_\_\_\_

If I cannot be reached, please contact: \_\_\_\_\_

Phone \_\_\_\_\_

Relationship \_\_\_\_\_

**Please return to your Event Organizer before the registration deadline for an event.**

**The Diocese of Rupert's Land  
Youth Ministry Covenant**

**Non-Negotiable**

1. I will not bring or use alcohol, illegal drugs or tobacco products of any kind.
2. I will respect the property, needs and integrity of others; personally, sexually and racially; and agree not to participate in any inappropriate sexual or violent behaviour.
3. I will not bring or use firearms, explosives, knives or fireworks.
4. I will not misuse or willfully damage the property of others or the facility or grounds of the event site.

**Expectations**

1. I will be present for the entire event and participate fully in all scheduled activities.
2. I will not leave the event site and make sure an adult leader knows where I am at all times.
3. I will respect and abide by the schedule and expectations of the adult leadership.
4. If allowed, I will only use electronic devices during free time and when it is not disruptive to the community; this includes cell phones and MP3 players, etc.
5. I will bring an openness to grow in faith, meet new people and have fun.

I understand that the above agreements are designed to make this the best and safest event possible. I promise to adhere to these regulations and expectations while I am a participant at this event. I understand that if I choose to break the non-negotiables at any time during the event I will be removed from the community, my parents will be called and I will be sent home at my own expense. If I choose to break expectations of the event leadership of the event will determine appropriate consequences.

I release my parish/diocese to record my/child's likeness, via still photo, video, or audio recordings; for use as promotional material for the parish/diocese. I understand that these recordings may be edited at the discretion of the church, and that they may be published in promotional videos, brochures, and website. I hereby waive all rights to compensation for the use of these recordings.

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

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

My child will be participating in \_\_\_\_\_ on \_\_\_\_\_

Event Name

Date

I have reviewed the above information which is still current.

Participant's

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

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

**Sunday School Registration**

Church Name \_\_\_\_\_

Year(s) \_\_\_\_\_

Registration Sunday (Date) \_\_\_\_\_

Classes Begin (Date) \_\_\_\_\_

Parent or Guardian

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

E-Mail \_\_\_\_\_ Phone \_\_\_\_\_

Student's Full Name \_\_\_\_\_

Age \_\_\_\_\_ Date of Birth \_\_\_\_\_

Grade in School \_\_\_\_\_

Does your child suffer from any allergies or other health related conditions? If yes, please specify

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

You are requested to return this completed form to Church during  
Registration Sunday.

**The Diocese of Rupert's Land  
Child/Youth/Vulnerable Adult Incident/Accident Investigation Report**

Name of Child/Youth/Vulnerable Adult \_\_\_\_\_

Age \_\_\_\_\_

Name of Parent or Guardian \_\_\_\_\_

Address of Child/Youth/Vulnerable Adult \_\_\_\_\_

Address of Parent/Guardian \_\_\_\_\_

Phone Numbers \_\_\_\_\_

Description of Incident \_\_\_\_\_

Observers Names/Numbers \_\_\_\_\_

Date Observed \_\_\_\_\_

Action Taken \_\_\_\_\_

Name of Person who completed this form \_\_\_\_\_

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

# The Diocese of Rupert's Land Police Records and Child Abuse Registry

## Checks Criminal Record Search

### **Winnipeg Police Service**

There are a number of ways to apply through the Winnipeg Police Service.

1. You can attend the Winnipeg Police Headquarters in person at 245 Smith Street. Their hours are Monday to Friday from 8:00 am to 3:30 pm. Please see: [www.http://www.winnipeg.ca/police/pr/pic.stm#pic](http://www.winnipeg.ca/police/pr/pic.stm#pic) for more information
2. There is a new Police Information Check Online Service - please contact Judy at the Diocesan office for more information or online at: <https://policeinformationcheck.winnipeg.ca/>

Please note: When applying for a Criminal Record Search you will need to complete the section on **Vulnerable Sector Search**.

### **Royal Canadian Mounted Police**

You may need a criminal record check for various purposes, including: employment, adoption, international travel, volunteer work, citizenship, name change, student placement or to obtain a record suspension (formerly pardon).

You will find below information and links on:

- [The types of record checks](#)
- [The steps to obtain a criminal record check and verify its status](#)
- [The fingerprinting process](#)
- [Other useful forms and releases](#)
- [Processing fees](#)
- [Processing time](#)
- [Accredited companies offering electronic fingerprint submission](#)

### **Ontario Provincial Police**

In compliance with the RCMP ministerial directive, Ontario Provincial Police (OPP) provides two kinds of criminal record checks in addition to a Police Vulnerable Sector Check.

The OPP cannot complete any type of record check for any applicant if they reside in another police service's jurisdiction. For example, if you live in the city of Toronto, the Toronto Police Service will have to complete your record check. All checks provide Canada wide results.

If you live in OPP jurisdiction, please attend your local OPP detachment ([Detachment Finder](#)) to have the following check completed:

## **Police Vulnerable Sector Check (PVSC) (including Pardoned Sex Offender Database (PSOD))**

This check is restricted to applicants seeking employment and/or volunteering in a position of authority or trust relative to vulnerable persons in Canada only. It is a collection of offence information, including: convictions, outstanding warrants, charges, judicial orders and sexual offence convictions for which the individual has received a record suspension where authorized by the Minister of Public Safety and Emergency Preparedness. In addition, non-conviction information shall be released only when it meets the **Risk Assessment**.

A Vulnerable Person is defined as:

All children who are less than 18 years of age, AND/OR persons who, because of their age, a disability or other circumstances, whether temporary or permanent:

- are in a position of dependence on others; and/or,
- are otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

The Police Vulnerable Sector Check **will include** the following information as it exists at the time of the search:

- Criminal convictions from CPIC and/or local databases;
- Findings of Guilt under the Youth Criminal Justice Act within the applicable disclosure period;
- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency;
- Absolute and conditional discharges for 1 or 3 years respectively;
- In very exceptional cases where it meets the Risk Assessment, non-conviction Information can be released. Definition for non-conviction:

Criminal charges that did not result in a conviction or finding of guilt in court and/or police occurrence records that may or may not have resulted in charges.

- Disposition of Not Criminally Responsible by Reason of Mental Disorder; and/or,
- All record suspensions as authorized for release by the Minister of Public Safety and Emergency Preparedness.

RCMP Policy stipulates that the Vulnerable Sector Check **MUST** be completed by the police service of local jurisdiction where the applicant resides and for each agency the applicant is working or volunteering for.

**The Police Vulnerable Sector Check is an agency/organization driven request. In order to have this completed, you must have an agency/organization letter which explains that you need a Police Vulnerable Sector Check.** You will also need to give a detailed description of the specific job you will be hired/volunteer for, as well as a hiring manager's name and contact number.

## **Child Abuse Registry Check**

There are two ways to do a Child Abuse Registry Check.

### **Self Check**

To submit a self-check application go to 104-114 Garry St. Winnipeg, MB between 8:30 and 4:30 – Monday to Friday. Two pieces of valid, government-issued identification is required. There is a \$15 fee for processing the application. Results will be mailed to you.

If you choose to submit an application by mail, you can download the fillable Child Abuse Registry Self-Check Application form and instructions at

[www.gov.mb.ca/fs/childfam/child\\_abuse\\_registry\\_form.html](http://www.gov.mb.ca/fs/childfam/child_abuse_registry_form.html)

Mail the form and payment to :

#### **Child Abuse Registry Unit**

777 Portage Avenue  
Winnipeg, MB R3G 0N3  
Phone: (204) 945-6967  
Toll-free: 1-800-282-8069  
Fax: (204) 948-2222  
Email: [car@gov.mb.ca](mailto:car@gov.mb.ca)

There is also an online service for the Child Abuse Registry Checks:

<https://web22.gov.mb.ca/AbuseRegistry>

The results of the check are returned to the individual. Allow up to six week for results.

### **Employer Checks**

Organizations may apply for direct access by completing a letter of application to the Registry. Direct access enables the organization to provide prospective workers with applications for child abuse registry checks and allows volunteers, students and work placements within the organization to be eligible for a fee exemptions. Personalized applications and access codes are provided to approved organizations. Here is the link to this information on their website:

[https://gov.mb.ca/fs/cfsmanual/pubs/cclm/appendix\\_c.pdf](https://gov.mb.ca/fs/cfsmanual/pubs/cclm/appendix_c.pdf)

The following is the format to be used when requesting access from the Child Abuse Registry:

*Letter to the Child Abuse Registry (Requesting Access)*

*To: Provincial Child Abuse Registrar, Child Protection Branch  
Child and Family Services Division, Department of Family Services & Labour  
201-114 Garry Street, Winnipeg, MB R3C 4V5  
Phone: (204) 945-5113 Fax: (204) 948-2222*

***Re: Provincial Child Abuse Registry Access Application***

*This application is pursuant to Section 19-3(3.1) of the Child and Family Services Act which states:*

*"19.3(3.1) On application by an employer or other person, the director shall disclose to the applicant whether the name of a person is entered in the registry if the director is satisfied that the information is reasonably require to assist the applicant in assessing the person whose work, whether paid or unpaid, involves or may involve the care, custody, control or charge of a child; or permits or may permit access to a child."*

*Our agency/organization is requesting Access to the CAR because: (please describe the work of your agency/organization, and specifically, describe how the work of the person, whether paid or unpaid, involves or may involve the care, custody, control or charge of a child, or permits or may permit access to a child.)*

*Our agency/organization agrees to:*

- ensure that the Subject being checked fully completes the relevant Section of the application form;*
- ensure that the Subject's identification has been checked/verified; and*
- ensure that the Application for the Child Abuse Registry check has been signed on behalf of your agency/organization:*

*SIGNED: Please identify your name, title, agency/organization's name, address, etc.*

*Name: \_\_\_\_\_ Title: \_\_\_\_\_*

*Organization Name: \_\_\_\_\_*

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

*City/Town: \_\_\_\_\_ Postal Code: \_\_\_\_\_*

*Telephone Number; \_\_\_\_\_ Email Address: \_\_\_\_\_*

*Dated: \_\_\_\_\_*

**In 2015 the Diocese of Rupert's Land put a policy in place that requires all clergy and Diocesan staff to submit a current (to December 2016) Child Abuse Registry Check and Criminal Record Check and that these checks will be done every 5 year (2022). This policy does not apply to parish workers or volunteers but they do recommend that the parish set a policy as to how frequently checks are done in the parish.**