

# Sexual Misconduct Policy:

sexual harassment

sexual exploitation

sexual assault



**Diocese of Kootenay**  
ANGLICAN CHURCH OF CANADA

**Diocese of Kootenay**

#201-380 Leathead Road

Kelowna BC V1X 2H8

Tel: 778-478-8310

# Content

## Section 1: Policy on Sexual Misconduct

1.1	Theological Foundation	2
1.2	Principles	3
1.3	Definitions	4
1.4	Prevention .....	6

## Section 2: Procedures

	Introduction .....	7
	1. Purpose	
	2. Application	
	3. Initiation of Complaint	
	4. Timely Procedures	
	5. Confidentiality	
	6. Legal Counsel and Civil Proceedings	
	7. Complaints Against the Bishop	
	8. Complaints Against the Executive Officer	
	9. Vexatious Complaints	
	10. Policy Revisions	
2.1	Sexual Harassment: Procedures.....	9
	A. Introduction	
	B. Informal Process	
	C. Formal Process	
	Flow Chart of Response to Complaint of Harassment .....	14
2.2	Sexual Exploitation: Procedures .....	15
	Flow Chart of Response to Complaint of Sexual Exploitation .....	18
2.3	Sexual Assault: Procedures .....	19
2.3A	Process when the Complaint involves a Child .....	19
	Flow Chart of Response to Complaint of Sexual Assault against a Child .....	22
2.3B	Process when the Complainant is an Adult .....	23
	Flow Chart of Response to a Complaint of Sexual Assault against an Adult .....	26

## Section 3: Appendices

Appendix A:	Crisis Response	27
Appendix B:	Executive Officer and Diocesan Response Team	27
Appendix C:	Confidentiality	28
Appendix D:	Out of Diocese Complaints	28
Appendix E:	Re-Instatement	28
Appendix F:	Consent Forms (1-6)	29
Appendix G:	Acknowledgement Form for individuals...	35
Appendix H:	Acknowledgement Form for organizations / 3 <sup>rd</sup> party users...	36

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# Section I: Policy on Sexual Misconduct

## I.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 Bishop and People of the Anglican Communion, The Synod of the Diocese of Kootenay (commonly known as the Anglican Diocese of Kootenay and sometimes referred to in this Policy as the Diocese) affirms and acknowledges the following statements:

“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.”

“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 judgment 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 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 must 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.

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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

## **I.2 Principles**

1. The Diocese will undertake 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.
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, education or recreational activities in the Diocese must maintain the highest ethical standards of mutual respect, responsibility and caring, as well as modeling 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, will not be tolerated.
7. An accused person is presumed innocent until proven guilty. The fact that either formal or informal procedures have been initiated shall not give rise to an inference of guilt under this Policy.
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 will actively try to prevent sexual misconduct and deal with every accusation promptly, seriously and systematically, in co-operation with the proper authorities where appropriate. The Diocese will co-operate with investigations being undertaken under the Criminal Code, British Columbia Human Rights Code, or the Child and Family Services Act. The Diocese will not interfere with any criminal investigation and will not tolerate any such interference by any of its employees, volunteers or others for whom it is responsible.

## **I.3 Definitions**

### **Sexual Misconduct**

Sexual misconduct for the purposes of this Policy means sexual harassment, sexual exploitation, or sexual assault (commonly called sexual abuse), as each such term is defined below. Without limiting the preceding sentence, any sexual activity or conduct in which a person in a pastoral relationship (as defined below) with another takes advantage of the vulnerability of the person under his/her/their pastoral care or other guidance or leadership, regardless of who appears to have initiated it, shall be deemed to be sexual misconduct.

### **Pastoral Relationship**

A pastoral relationship is a relationship carried out in the name of or on behalf of the Diocese, a parish, or a 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.

### **Sexual Harassment**

Sexual harassment is a specific form of harassment defined in the Human Rights Code of British Columbia. It is engaging in a course of vexatious comment or conduct of a sexual nature 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 gender or sexual orientation. It may have the effect of creating a place of ministry or 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, or volunteer. 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 in any place where Diocesan or church related work, activities or events occur
- ◇ unwelcome invitations or requests to engage in sexual activity 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 responsibility or pastoral relationship (please see **Pastoral Relationship**), for one's own pleasure or 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/their consent. Sexual assault is an activity that may be criminal in nature as defined either as child abuse under the British Columbia Child and Family Services Act or as criminal under the Criminal Code of Canada. For purposes of this definition, sexual assault also includes the possession, distribution or accessing of child pornography as set out in section 163.1 of the Criminal Code.

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 14 cannot give consent except in the limited circumstances between peers set out in section 150.1(2) of the Criminal Code. 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 relationship where there exists a fiduciary responsibility.

## Complainant and Respondent

“Complainant” and “respondent” are terms which describe the person bringing the complaint and the person who is accused of sexual misconduct. The complainant may, in some circumstances, be the Bishop on behalf of an injured party.

## Diocesan Response Team (DRT)

The membership of the Diocesan Response Team will be three persons: a) a senior priest of the diocese, b) a lawyer who is knowledgeable in the area of sexual abuse law, and c) a person who is knowledgeable in the field of human relationships including sexual abuse. After consultation with Diocesan Council, the Bishop will appoint the members for a three year term. Members will be eligible for re-appointment. When required an alternate may be appointed by the Team in consultation with the Bishop.

## Other Defined Terms

Insurers means the insurers of the Diocese from time to time by which an insurance policy has been issued to cover any of the Defined Terms above or any other activities which the policy may outline and define. Capitalized words which are not otherwise defined in this Policy by use of quotation marks have the meaning given to them in the Canons of the Diocese.

## 1.4 Prevention

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

1. The Bishop of Kootenay 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 the Executive Officer strive to make their places of work for diocesan volunteers and employees free from sexual exploitation, harassment, and assault.
3. The Clergy (Incumbents, Priests-in-Charge, Locally Trained Priests, Associates, Assistants, Interims, Supply and Deacons), Church Wardens of each parish, and lay persons responsible for a parish strive to ensure that their congregations are free from sexual exploitation, harassment, and assault.
4. This Policy will be explained to existing clergy, staff and diocesan volunteers and their written agreement to comply with this Policy will be required.
5. When new clergy are appointed or diocesan and parish staff are hired, they will be required, as a condition of employment or appointment, to agree in writing to comply with all personnel policies of the Diocese including this Policy.
6. When volunteers for diocesan boards or committees or other councils are chosen, they will be required, as a condition of volunteering, to agree in writing to comply with this Policy.
7. Part of the orientation for all new clergy and staff or for volunteers of diocesan boards or committees, as well as other key volunteers, will include a review of this Policy and the procedure for making complaints under this Policy.
8. Training for clergy, diocesan and parish employees and volunteers in connection with this Policy will normally take place at the beginning of their term in office or at least within the first six months of their appointment, and will be reviewed at least every five years thereafter.
9. The Executive Officer shall oversee the orientation and ongoing training of clergy and diocesan employees concerning the workplace issues of harassment, discrimination, sexual misconduct, and ethical behaviour. The Bishop and Executive Officer shall be responsible for ensuring that members of the boards and committees with which they work have received such orientation and ongoing training. Church Wardens and Clergy (Incumbents, Priests-in-Charge, Locally Trained Priests Associates, Assistants, Interims, Supply and Deacons) and those in charge of other diocesan ministries shall be responsible for ensuring that employees and key volunteers are oriented and consent to adhere to this Policy, and receive ongoing training while engaged in such roles.

## Section 2: Procedures

### Introduction

#### 1. Purpose

This Policy is intended to fulfill 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

- A. This Policy is subject to the Canons of the Diocese of Kootenay and of the General Synod of the Anglican Church of Canada.
- B. **All clergy, employees, and volunteers** are expected to be familiar with this Policy and agree to be bound by and adhere to it.
- C. **Other organizations functioning in the name of the Diocese or on its property** must be given this Policy and acknowledge receipt of it. (See Appendix G: Acknowledgement Form).

#### 3. Initiation of Complaint

Subject to the prior written notification of and approval by the Insurers, and any continuing directives from the Insurers, there are two ways in which an investigation of alleged sexual misconduct can be initiated under this Policy.

- a) A person wishing to take action under this Policy notifies the Executive Officer or Bishop who determine which of the procedures under this Policy (that is, sexual harassment or exploitation or sexual assault) most fittingly applies. As facts emerge, a complaint may be reclassified as harassment or exploitation or assault and the Executive Officer may, in his/her/their discretion, redirect the management of the response accordingly.

All persons referred to in paragraph 1.2-2 of this Policy are required to come forward with information of any complaint, and may seek advice as provided in this Policy without fear of retaliation or reprisals. Volunteers are encouraged to do so with the same assurance.

- b) The Bishop may request the Executive Officer or DRT to 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 complainant wishes to make a formal complaint. The Executive Officer and DRT are required to advise the Bishop when he/she/they has been given information that may lead to a reasonable suspicion of sexual misconduct. In the case of an investigation initiated at the request of the Bishop, a signed release by the complainant is not required.



#### **4. Timely Procedures**

Upon learning of any complaint from a complainant or any indication of a potential or actual complaint from those persons referred to in Section 1.2 – 2, or from any other credible source, the Bishop or Executive Director will immediately notify the Insurers, seeking their direction on proceeding with this Policy. Upon such direction to proceed, the complainants and respondents are expected to respond in a timely way to address issues of sexual misconduct or any other activities referred to in Section 1.1. Fairness to the complainant and the respondent requires that the complaint should be initiated and processed expeditiously. The timelines in this Policy will be generally followed but extensions for reasonable cause will be considered by the Bishop. The Executive Officer or DRT, after consultation with the appropriate resource people, may decline to deal with a complaint at any stage if, in their opinion, the initiation or processing of the complaint has been unreasonably delayed and substantial prejudice will result to either the complainant or the respondent.

#### **5. Confidentiality**

All complaints under this Policy are dealt with confidentially, within the stated guidelines outlined in Appendix C. 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**

This Policy is not intended to preclude a complainant from seeking legal counsel or seeking a civil remedy. However, if there is notice from complainant that criminal or civil proceedings have commenced or may be commenced, any procedures under this Policy will be suspended, except for the provision of emotional support and pastoral care as outlined in this Policy. Any further procedures may be resumed upon the direction of the Insurers.

#### **7. Complaints Against the Bishop**

In the event that a complaint is made against the Bishop, then the provincial Metropolitan (or the Primate if the Bishop is Metropolitan) will perform all functions under this Policy that would otherwise be undertaken by the Bishop.

#### **8. Complaints Against the Executive Officer**

In the event that a complaint is made against the Executive Officer, the Bishop will perform all functions under this Policy that would otherwise be undertaken by the Executive Officer.

#### **9. Vexatious Complaints**

No person should knowingly make a false or malicious complaint. If it is determined by the DRT and confirmed by the Bishop that there was no Sexual Misconduct and that the complaint was initiated falsely or maliciously, then appropriate disciplinary action may be taken against the person making the false or malicious complaint if they are a person referred to in Section 1.2-2. The Executive Officer, after consultation with the Bishop and appropriate resource people, may decline to deal with a complaint at any stage if, in their opinion, the complaint is trivial, frivolous, malicious or made in bad faith.

#### **10. Policy Revisions**

A committee appointed by the Bishop will review and propose revisions to this Policy as necessary at least every five years. (This Policy may be revised sooner to bring it into conformity with new or amended legislation.)

## 2.1 Sexual Harassment: Procedures

### A. Introduction

1. If a claimant believes that he/she/they is being sexually harassed, that claimant may choose to proceed by an informal process rather than a formal process. Failing resolution or if the claimant is reluctant to confront the respondent, the claimant may proceed by a formal process, professional mediation or both. A decision by a complainant to forego an informal process is not to be construed adversely in a formal process under this Policy.
2. All complaints related to persons under the age of sixteen which give rise to reasonable grounds to believe that the child is in need of protection will be treated as child abuse and reported to the Ministry of Children and Family Development.
3. If a claimant believes he/she/they has been sexually harassed, that claimant may attempt, where possible, clearly to advise the respondent, 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, and should be encouraged, to keep detailed written notes recording the unwelcome behaviour, including date(s), time(s), location(s) and witness(es).
5. Where a complainant alleges sexual assault, the Executive Officer or Bishop will recommend to the complainant that she/he/they seek the assistance of the police rather than (or in addition to) using this Policy.
6. If criminal charges have been laid against a respondent in connection with the subject matter of the complaint, no further proceedings will be taken under this Policy (other than pastoral care of the complainant and respondent) until the criminal proceedings are either resolved or stayed. At that point, having regard to the particular circumstances, proceedings under this Policy may be reinstated by the Executive Officer and Bishop.

### B. Informal process

1. A person complaining of harassment or the respondent may request the Executive Officer to assist with communications between the parties in an effort to reach a mutually satisfactory resolution. The Executive Officer will determine whether an informal process is appropriate in the circumstances and may, in his/her/their discretion, appoint a person to facilitate the informal process.
2. The informal process may include one or more of the following:
  - 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 respondent or work group, if appropriate;
  - d) a referral to other diocesan or external resources as appropriate.
3. The informal process ends with a resolution agreement signed by both parties and ratified by the Executive Officer, and with a copy given to each party. A memo summarizing the process

will be placed on the file maintained by the Executive Officer for this purpose. No record is placed in the respondent's or complainant's personnel files, if any.

4. In the event that an informal process is unsuccessful, the Executive Officer 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 the formal process outlined in 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. The Executive Officer may refer the complaint, at any time, to a professional mediator if both the complainant and respondent agree to do so (see **Mediation**, below).
2. 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.
3. The complaint may be resolved by mutual agreement of the parties at any point in the process.

### **The Complaint**

4. The complainant may notify the Executive Officer or appointed DRT member appointed to receive complaints in writing that he/she/they wishes to make a formal complaint under this policy. The Bishop may request the Executive Officer or appointed DRT member to initiate an investigation if she/he/they has a reasonable suspicion that sexual harassment has occurred.
5. The complainant will be provided with a copy of this Policy and asked to put the complaint in writing. The written complaint shall include an account of the incident(s), date(s), time(s), name of the respondent(s), name of witness(es), if any, and be signed and dated by the complainant. The complainant shall be asked to sign a consent to release of information. This is normally accomplished within two (2) weeks of first notifying the Executive Officer or DRT of the complaint. The complainant shall be offered the support of a diocesan resource person. In the case of an investigation initiated at the request of the Bishop, a signed release by the complainant is not required.
6. The Executive Officer or appointed DRT member, after consultation with the Bishop, shall advise the senior person responsible for the place where the alleged harassment 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 shall be that of the senior person responsible (unless he/she/they is the respondent, in which case the final decision is made by the Bishop).

7. The Executive Officer shall notify the Chancellor and diocesan insurers of a potential claim.
8. All public communications, including parish and media contacts, shall be made only by the Bishop or the Bishop's designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
9. If the alleged misconduct occurred in a place of ministry of the Diocese, the Bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Executive Officer to appoint a crisis response team to provide appropriate short term support.

### **Mediation**

10. If both parties and the Executive Officer agree to mediation, the Executive Officer shall make the arrangements for the mediation. If any of the parties do not agree to participate in mediation, the complaint shall proceed directly to investigation (see **Investigation**, below).
11. The fee of the mediator is paid by the Diocese. The parties are responsible for their own legal expenses, if incurred.
12. If mediation is initiated during the formal investigation, the investigation shall be suspended and the mediation process shall take no longer than thirty (30) days from the time the mediation was agreed to, unless otherwise agreed in writing between the parties.
13. The results of the mediation shall be reported by the mediator to the Executive Officer who shall inform the Bishop. The Bishop shall consider the mediation agreement, if any, in making his/her/their final decision as to disposition of the complaint.
14. If mediation fails, the investigation shall continue and the Bishop shall render a decision in the case.

### **Investigation**

15. The Executive Officer and Bishop shall appoint an investigator or investigating team, on the advice of the Diocesan Response Team.
16. The Executive Officer and Bishop shall inform the complainant of the names of the members of the investigating team.
17. The investigating team shall meet with the complainant within one week of receipt by the team of the written complaint, and shall interview the complainant. The investigating team shall document the complaint in writing (the "complaint report").
18. The investigating team shall review the complaint report with the complainant who, when satisfied, will sign it to indicate agreement with its accuracy. The investigating team shall submit the signed complaint report to the Executive Officer.

19. After receiving the signed complaint report, the Executive Officer shall contact the respondent and inform them that he/she/they is the subject of a formal investigation under the Sexual Misconduct Policy. (The Executive Officer may notify the respondent of the complaint prior to receipt of the signed complaint report in circumstances where, for example, he/she/they is aware that rumors are spreading about the complaint; that the respondent is already informally aware of the complaint; or that some interim action is necessary in light of the allegations.)
20. The Executive Officer shall give the respondent a copy of this Policy and the signed complaint report. The Executive Officer shall describe the complaint process, explain limitations on confidentiality and advise the respondent of his/her/their right to seek independent legal counsel.
21. The Executive Officer shall advise the respondent of the names of the members of the investigating team and that the respondent has two weeks from the date of receiving the signed complaint report in which to respond to the allegations.
22. The Executive Officer shall offer to the respondent the assistance of a support person (who cannot be a member of the team investigating the respondent's case.)
23. The investigating team shall meet with the respondent within two weeks after the respondent has received the signed complaint report. The investigating team shall interview the respondent or receive the respondent's written reply to the complaint, or both.
24. If the respondent declines to reply to the complaint, the investigating team shall complete the investigation without the respondent's response.
25. The investigating team shall interview any other person or review any other documentation that may be, in their opinion, relevant to the complaint.
26. The Executive Officer shall monitor the work of the investigating team and support persons, with a view to ensuring any required deadlines are not unreasonably delayed and other procedural requirements are being met.
27. The investigating team shall submit to the Executive Officer a written report of its findings of fact, with respect to the complaint.
28. The complainant and respondent shall each be entitled to request a separate, but not confidential, meeting with the Bishop during the period of investigation prior to the Bishop's decision.

### **Decision-Making Process**

29. The Bishop shall meet with the respondent, within three (3) weeks of receiving the report, to inform him/her/they of the Bishop's decision. The decision shall be provided to the respondent in writing. The complainant shall also be informed of and provided with a copy of the Bishop's written decision. The complainant may, but is not required to, meet with the Bishop to discuss the decision.

30. Where a complaint is sustained, a copy of the Bishop's decision is maintained in the Executive Officer's file and the respondent's personnel file, if any. When a complaint is not sustained, there is no record of it in the respondent's or complainant's personnel file, if any. In either case, summary documentation of the case is maintained in the confidential file of the Executive Officer.

### **Discipline**

31. Where a complaint is sustained against a respondent who is an employee of the Diocese, the nature and type of discipline is determined by the Bishop and may vary depending on the severity and frequency of the sexual harassment. 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 General Synod Canon on Discipline, Canon XVIII.
32. If it is determined there was no sexual harassment and that the complaint was initiated maliciously, appropriate disciplinary action may be taken by the Bishop.

### **Appeal**

33. An appeal of the Bishop's decision may be made to the Metropolitan, with his/her/their consent, within thirty (30) days of the receipt of the Bishop's decision by filing a written request with the reasons for the appeal. The Metropolitan may nominate someone to act in his/her/their place to hear the appeal. If the Bishop is also the Metropolitan, an appeal may be made to the Primate.

### **Civil or Criminal Proceedings**

34. This Policy is not intended to preclude a complainant from seeking legal counsel, seeking criminal charges or seeking a civil remedy either through the courts or under the British Columbia Human Rights Code or other statutes. However, if there is notice that criminal, civil or administrative proceedings have been commenced or may be commenced in connection with the subject matter of a complaint, any procedures under this Policy are to be suspended, except for the provision of pastoral care as outlined in this Policy. Such procedures may be resumed upon the direction of the Insurers.

### **Time Limits**

35. The Executive Officer or Bishop may in his/her/their sole discretion, upon request or when dictated by the circumstances, extend the time for taking any step under this Policy.

## Flow Chart of Response to Complaint of Harassment

<b>Informal Process (optional)</b>	
Complainant advises respondent to stop the unwelcome behavior.	
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.
	Bishop informed of the complaint. Insurers are informed of the complaint and provide confirmation to proceed with this procedure, otherwise direction of the Insurers is followed
	Complainant offered the assistance of a diocesan resource person.
	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.
<b>Mediation (may be initiated at any point in the process)</b>	
Investigating team interviews respondent and others deemed necessary.	If mediation is rejected or fails, the investigation is resumed.
Investigation team writes the final report. Report will be sent to the Executive Officer and the Bishop.	

Executive Officer, on review of the report, sends a report to the Bishop including suggestions of possible sanctions for the respondent if deemed appropriate.	Mediation outcome report presented to Bishop.
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 will notify the Executive Officer or appointed DRT member in writing that he/she/they wishes to make a formal complaint under this Policy. Alternatively, the Bishop will request the Executive Officer to initiate an investigation if she/he/they has a reasonable suspicion that sexual exploitation has occurred.
2. The complainant will be provided with a copy of this Policy and asked to put the complaint in writing. The written complaint shall include an account of the incident(s), date(s), time(s), name of the respondent(s), name of witness(es), if any, and be 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 first contacting the Executive Officer or appointed DRT member about the complaint. The complainant will be offered the support of a diocesan resource person. In the case of an investigation initiated at the request of the Bishop, a signed release by the complainant is not required.
3. The Executive Officer shall advise the senior person responsible for the place where the alleged misconduct 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 shall be that of the senior person responsible (unless he/she/they is the respondent).
4. The Executive Officer shall notify (in writing) the Bishop of the complaint. The Executive Officer shall notify (in writing) the diocesan insurers of a potential claim.
5. All public communications, including parish and media contacts, shall be made only by the Bishop or the Bishop's 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 alleged misconduct occurred in a place of ministry of the Diocese, the Bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Executive Officer to appoint a crisis response team to provide appropriate short term support. (See appendix A.)

### Investigation

7. The Executive Officer shall appoint an investigating team.



8. The Executive Officer shall inform the complainant of the names of the members of the investigating team.
9. The investigating team shall meet with the complainant within one week of receipt by the team of the written complaint and shall interview the complainant. The investigating team shall document the complaint in writing (“complaint report”).
10. The investigating team shall review the complaint report with the complainant who signs it to indicate agreement with its accuracy. The investigating team shall submit the signed complaint report to the Executive Officer.
11. After receipt of the complaint report, the Executive Officer shall contact the respondent and inform them that he/she/they is the subject of a formal investigation under the Sexual Misconduct Policy. (The Executive Officer may notify the respondent of the complaint prior to receipt of the signed complaint report in circumstances where, for example, he/she/they is aware that rumors are spreading about the complaint; that the respondent is already informally aware of the complaint; or that some interim action is necessary in light of the allegations.)
12. The Executive Officer shall give the respondent a copy of this Policy and the complaint report. The Executive Officer shall describe the complaint process, explain limitations on confidentiality and advise the respondent of his/her/their right to seek independent legal counsel.
13. The Executive Officer shall advise 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.
14. The Executive Officer shall offer to the respondent the assistance of a support person. (Support person cannot be the same person as a member of the investigating team on this case.)
15. The investigating team shall meet with the respondent two weeks after the respondent has received the written documentation of the complaint.
16. If the respondent declines to reply to the complaint, the investigating team shall complete the investigation without the respondent’s response. The team will document (in writing) the respondent’s decision not to respond or participate.
17. The investigating team shall interview any other person or review any other documentation that may be relevant to the complaint.
18. The Executive Officer shall monitor the work of the investigating team and support persons, ensuring required deadlines and other procedural requirements are met.
19. The Executive Officer shall receive the report of the investigating team. The Executive Officer may obtain outside professional consultation. The Executive Officer may direct the investigating team to conduct further enquiries such as interviewing of witnesses or reviewing corroborating or exculpatory information.
20. The complainant and respondent shall each have the right to request a separate, but not confidential, meeting with the Bishop during the period of investigation prior to the Bishop’s decision.

### **Decision-Making Process**

21. The Bishop shall meet with the respondent, within three (3) weeks of receiving the report, to inform him/her/they of the final decision. The decision is in writing. The complainant shall also be informed of the decision by the Bishop in writing, and where possible, in person.
22. Where a complaint is sustained, a copy of the Bishop's decision is maintained in the Executive Officer's 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 files of the Bishop.

### **Discipline**

23. 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 the General Synod Canon on Discipline, Canon XVIII.
24. If it is determined there was no sexual exploitation and that the complaint was initiated maliciously, appropriate disciplinary action may be taken by the Bishop.

### **Appeal**

25. An appeal of the Bishop's decision may be made to the Metropolitan or designate within thirty (30) days of the receipt of the Bishop's decision by filing a written request with the reasons for the appeal.

### **Civil Proceedings**

26. This Policy is not intended to preclude a complainant from seeking legal counsel, seeking criminal charges or seeking a civil remedy either through the courts or under the British Columbia Human Rights Code or other statutes. However, if there is notice that criminal, civil or administrative proceedings have been commenced or may be commenced in connection with the subject matter of a complaint, any procedures under this Policy are to be suspended, except for the provision of pastoral care as outlined in this Policy. Such procedures may be resumed upon the direction of the Insurers.

## Flow Chart of Response to Complaint of Sexual Exploitation

Complainant notifies Executive Officer to make a formal complaint.
Bishop informed of the complaint. Insurers are informed of the complaint and provide confirmation to proceed with this procedure, otherwise direction of the Insurers is followed
Complainant offered the assistance of a diocesan support person; given a copy of Policy.
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 support person.
Investigating team interviews respondent and others deemed necessary.
Investigation team writes the final report. The report will be sent to the Executive Officer and the Bishop.
Bishop makes a final decision and determines appropriate discipline; conveys decision to both parties.
An appeal may be made to Metropolitan or designate

## 2.3 Sexual Assault: Procedures

- Sexual assault is sexual activity which is criminal in nature, and is dealt with accordingly.
- 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. Process when the Complaint involves a Child

#### 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 child protection authorities. (In British Columbia, a report must be made to the Ministry of Children and Family Development). This provision specifically includes a non-delegable obligation on respective 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 they should report that abuse might have occurred is required to seek the advice of the Executive Officer or the Bishop, along with any advice of colleagues, superiors, or child protection professionals. If there is doubt, it is always 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, including sexual 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 a non-delegable obligation on respective members of clergy. For professionals and clergy, failure to report is a provincial offence.

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

2. The person who suspects abuse is obligated in law to personally report the suspicion to child protection authorities. No action will be taken by the Diocese against a person who institutes their 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, must inform the Executive Officer, who must notify the Bishop.

4. The Executive Officer shall immediately notify the Insurers of a potential claim and shall follow any directives of the Insurers.
5. The Executive Officer will immediately confirm with the child protection authorities that a report of abuse or the suspicion of abuse has been made.
6. The Executive Officer shall document the report.
7. The Diocese shall co-operate fully with child protection authorities, police authorities, or both, which are investigating reports of child abuse.
8. The Bishop shall, upon the direction of the Insurers, contact the child's family following the prescribed consultation with the Ministry of Children and Family Development (or investigating police department). The Executive Officer, in consultation with the Bishop, shall offer the assistance of a diocesan support 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 shall only be made with the consent of the investigating authorities and at the direction of the Insurers.
9. The Executive Officer shall, with the consent of the investigating authorities, notify the respondent of the report in consultation with the Bishop.
10. If the investigating authorities permit the Executive Officer to notify the respondent, the Executive Officer shall, in consultation with the Bishop and the Insurers, offer the assistance of a diocesan support person to the respondent (and their family as appropriate.)
11. Financial support and considerations related to the housing of families of respondents who are clergy are dealt with in accordance with Diocesan Canons, Policies and Guidelines.
12. Where a member of staff or clergy, or a volunteer is the subject of an investigation of child abuse, that person shall be relieved of all church related duties until all investigations and legal proceedings are completed and the Bishop is satisfied that the accused person poses no risk to children. This removal shall not give rise to any inference of guilt and may be reviewed periodically. The Bishop may at their discretion inhibit the accused person under the General Synod Canon on Discipline, Canon XVIII.
13. All public communications, including parish and media contacts, shall be made only by the Bishop or the Bishop's designate. All public statements shall have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
14. If the alleged assault occurred in a place of ministry of the Diocese, the Bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Executive Officer to appoint a crisis response team to provide appropriate short term support. (See appendix A.)
15. Following the completion of all criminal and civil proceedings (if any), the Diocese shall conduct an internal investigation to determine whether the accused person poses a hazard to children or

vulnerable persons. The status of the respondent is determined according to the Canons of the Diocese. **Persons who have been convicted in a criminal proceeding of sexual assault of a child shall under no circumstances be given duties of any kind (low, medium, or high risk) in the Diocese.** In the case of acquittal of a person charged with sexual assault of a child (or where charges have been stayed), 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.

16. Where a respondent is fully exonerated of the accusation, this determination shall be announced publicly.
17. Where a complaint is sustained, a copy of the Bishop's decision will be maintained in the confidential files of the Bishop and the respondent's personnel file, if any. When a complaint is not sustained, there shall be no record of it in the respondent's personnel file. However, summary documentation of the case shall be maintained in the confidential file of the Bishop.

### **Discipline**

18. Individuals found guilty of sexual assault are disciplined under the General Synod Canon on Discipline, Canon XVIII.
19. If it is determined there was no sexual assault and that the complaint was initiated maliciously, appropriate disciplinary action may be taken by the Bishop.

### **Appeal**

20. An appeal of the Bishop's decision may be made to the Metropolitan or designate within thirty (30) days of the Bishop's decision by filing a written request with the reasons for the appeal.

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

<p>A person who suspects abuse of a child on reasonable grounds must contact the Ministry of Children and Family Development (MCFD).</p>
<p>The Executive Officer is informed of the allegation, informs the Bishop, confirms and documents that a report to MCFD has been made.</p>
<p>Insurers are informed of the complaint and provide confirmation to proceed with this procedure, otherwise direction of the Insurers is followed</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 are offered the assistance of a diocesan support person by the Executive Officer.</p>
<p>Respondent advised of the report (on advice of investigating authorities) by Executive Officer and is offered the assistance of a diocesan support person.</p>
<p>Respondent is normally removed from duties pending outcome of the investigation.</p>
<p>A crisis response team may be appointed to assist in the parish.</p>
<p>The Bishop may initiate an internal investigation on completion of criminal or civil proceedings.</p>
<p>The Bishop determines appropriate discipline.</p>

## **2.3 B. Process when the Complainant is an Adult**

### **The Complaint**

1. When a person notifies the Executive Officer that he/she/they wishes to make a formal complaint of sexual misconduct, the Executive Officer shall determine which of the procedures under this Policy (that is, sexual harassment or exploitation or sexual assault) most fittingly applies. If the sexual misconduct may be defined as criminal under the Criminal Code of Canada, the Executive Officer shall encourage the complainant to report this matter to the police. The Executive Officer may assist the complainant to do so. No report is to be made to the police without the consent of the complainant unless there is a grave concern that others may be at similar risk of assault, or the complainant is mentally incompetent, or the complainant refuses to report to the police because he/she/they fears reprisal from the respondent. If the complainant chooses not to report the matter to the police, the complaint will be investigated according to “Sexual Exploitation Procedures” in this Policy, even if the complainant chooses not to make a written complaint. Alternatively, the Bishop shall request the Executive Officer to initiate an investigation if she/he/they has a reasonable suspicion that sexual misconduct has occurred.

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

2. Where the complaint involves alleged abuse that 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 complaint has grave concerns for the safety of other persons. If it appears that abuse of other children may be continuing, the person receiving 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 must report this immediately to the Executive Officer, who must notify the Bishop.
4. Insurers are informed of the complaint and provide confirmation to proceed with this procedure, otherwise direction of the Insurers is followed.
5. The Diocese shall co-operate fully with police authorities who are investigating reports of sexual assault.
6. The respondent shall be notified of the report by the Executive Officer [in consultation with the Bishop] unless the police advise that such notification will impede the progress of the investigation.
7. The Executive Officer, in consultation with the Bishop, shall contact the complainant and the respondent (and their families if appropriate), to offer the support of diocesan support



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.

8. Financial support and considerations related to the housing of families of respondents who are clergy are dealt with in accordance with Diocesan Canons, Policies and Guidelines.

### **Investigation**

9. Where a member of staff or clergy, or a volunteer is accused of sexual assault that person shall be relieved of church related duties until all investigations and legal proceedings are completed and the Bishop is satisfied that the respondent poses no risk to other persons. This removal shall not give rise to any inference of guilt and may be reviewed periodically. The Bishop may at their discretion inhibit the accused person under the General Synod Canon on Discipline, Canon XVIII.
10. All public communications, including parish and media contacts, shall be made only by the Bishop or their designate, subject to the approval of the Insurers. 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 alleged assault occurred in a place of ministry of the Diocese, the Bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Executive Officer to appoint a crisis response team to provide appropriate short term support. (See appendix A.)
12. 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 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 under no circumstances are to be given duties of any kind (low, medium, or high risk) in the Diocese.** 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.
13. Where a respondent is fully exonerated of the accusation, this determination shall be announced publicly.
14. Where a complaint is sustained, a copy of the Bishop's decision is maintained in confidential files of the Bishop 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 Bishop.

### **Discipline**

15. Individuals found guilty of sexual assault shall be disciplined under the General Synod Canon on Discipline, Canon XVIII. The nature and type of discipline is determined by the Bishop and depends on the severity and frequency of the incident(s). Disciplinary measures will be in accordance with the provisions of Canon XVIII.
16. If it is determined there was no sexual assault and that the complaint was initiated maliciously,

appropriate disciplinary action may be taken by the Bishop.

**Appeal**

17. An appeal of the Bishop's decision may be made to the Metropolitan or designate within thirty (30) days of the Bishop's decision by filing a written request with the reasons for the appeal.

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

Complainant contacts the Executive Officer		
Executive Officer 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> ).
Executive Officer informs the Bishop of complaint.		
Executive Officer informs diocesan insurers of the complaint seeking direction		
Diocese co-operates with investigating authorities.		
The complainant offered support of a diocesan support person.		
Respondent advised of the complaint by Executive Officer (after consultation with the Bishop, the Insurers and authorities), and offered support of a diocesan support person.		
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.		
Bishop may initiate an internal investigation at any time or on completion of criminal or civil proceedings.		
Bishop determines appropriate discipline.		

## Section 3: Appendices A - G

### 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 Executive Officer may, at the request of the Bishop, send a crisis response team (CRT) 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 Wardens or board of directors and employees, maintain clear communication with the Bishop, the Executive Officer, 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 or impact 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: Executive Officer and Diocesan Response Team

The Diocesan Response Team (DRT) is established to be composed of the Executive Officer and a number of diocesan resource persons.

The membership of the Diocesan Response Team will be three persons: a) a senior priest of the diocese, b) a lawyer who is knowledgeable in the area of sexual abuse law, and c) a person who is knowledgeable in the field of human relationships including sexual abuse.

After consultation with Diocesan Council, the Bishop will appoint the members for a three year term. Members will be eligible for re-appointment. When required an alternate may be appointed by the Team in consultation with the Bishop.

The Diocesan Response Team (DRT) is responsible:

- 1: To investigate allegations of sexual assault, sexual abuse, sexual harassment, or sexual exploitation to a point beyond which it is the scope of criminal or child welfare or human rights investigation.
- 2: To cooperate where necessary/possible with other civil and Ecclesiastical authority.
- 3: To appoint others when needed to act on its behalf.
- 4: To recommend appropriate courses of action; such as Ecclesiastical trial, pastoral care, resolution of cases, reintegration, etc.
- 5: To offer support and help to victim and offender by encouraging and assisting in arranging pastoral and therapeutic care.
- 6: To offer support, education and information to the Church across the Diocese regarding sexual assault, sexual abuse, sexual exploitation and sexual harassment.

The Response Team will report its actions to the Bishop or, in the Bishop's absence, to the Bishop's Commissary.

## **Appendix C: 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 this Policy. There will be times when this information is required to be disclosed by law, for the administration of this 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 rumor, and are required to hold such information as confidential.

## **Appendix D: Out of Diocese Complaints**

Every effort will be made to meet the complainant at his/her/their location. This may, however, be limited because of the rules governing clergy living or functioning outside of their home diocese. For more information, refer to the General Synod Canon on Discipline, Canon XVIII: <http://www.anglican.ca/resources/handbook>.

## **Appendix E: Re-Instatement**

Reintegration Policy After Substantiated Complaint of Sexual Exploitation /Harassment of an Adult

### **1. GENERAL EXCLUSION**

Persons who have been found in a criminal proceeding to have committed a sexual offence against a child or adult, or following a substantiated complaint of sexual exploitation or harassment of a mentally incompetent adult will not be considered for reintegration and under no circumstances are to be given duties of any kind (low, medium, or high risk) in the Diocese.

### **2. ISSUE**

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

### **3. AFFECTED PERSONS**

This Policy applies to every priest, deacon, or lay person under the jurisdiction of the Bishop of the Diocese of Kootenay who has responsibilities within the parish or other areas of ministry.

### **4. POLICY**

Where there has been a substantiated case of sexual harassment or exploitation of an adult, the respondent's 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. Any possible reintegration must take into account the Church's over-riding responsibility to those in its midst.

## Appendix F: Consent Forms (1 of 6)



Diocese of Kootenay  
ANGLICAN CHURCH OF CANADA

### Sexual Misconduct Policy

#### Complainant Form

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 Kootenay.

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 Kootenay 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 Executive Officer 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 may not be disclosed in an investigation if the facilitated process fails except where required by law.
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 Executive Officer.
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 British Columbia Human Rights Code.

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

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

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

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

## Appendix F: Consent Forms (2 of 6)



### Sexual Misconduct Policy

#### Respondent Form

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 Kootenay.

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 Kootenay 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 Executive Officer 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 may not be disclosed in an investigation if the facilitated process fails except where required by law.
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 Executive Officer.
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 British Columbia Human Rights Code.

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

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

## Appendix F: Consent Forms (3 of 6)



Diocese of Kootenay  
ANGLICAN CHURCH OF CANADA

### Sexual Misconduct Policy

### Complainant Form

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 Kootenay.

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 Kootenay 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 Executive Officer 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 may not be disclosed in an investigation under this Policy except where required by law.
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 Executive Officer.
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 British Columbia Human Rights Code.

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

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

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

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



## Appendix F: Consent Forms (4 of 6)



Diocese of Kootenay  
ANGELICAN CHURCH OF CANADA

### Sexual Misconduct Policy

### Respondent Form

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 Kootenay.

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 Kootenay 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 Executive Officer 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 may not be disclosed in an investigation if the mediation fails except where required by law.
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 Executive Officer.
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 British Columbia Human Rights Code.

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

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

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

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

## Appendix F: Consent Forms (5 of 6)



Diocese of Kootenay  
ANGLICAN CHURCH OF CANADA

## Sexual Misconduct Policy

### Complainant Form

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 Kootenay.

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 Executive Officer 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 Executive Officer.
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 British Columbia Human Rights Code.

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

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

# Appendix F: Consent Forms (6 of 6)



Diocese of Kootenay  
ANGLICAN CHURCH OF CANADA

## Sexual Misconduct Policy

### Release of Information Form

Consent to the Release of Information

Concerning the Complaint of \_\_\_\_\_  
against \_\_\_\_\_ 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 Executive Officer.
9. The Policy is not intended to preclude anyone from seeking legal counsel or seeking a remedy through the courts or under the British Columbia 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 G

# Sexual Misconduct Policy



Diocese of Kootenay  
ANGELICAN CHURCH OF CANADA

## Acknowledgement Form

Policy receipt & understanding by individuals

Name \_\_\_\_\_

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

Please check beside each statement to verify your concurrence with it.

- A. \_\_\_\_\_ I hereby acknowledge receipt of a copy of the Sexual Misconduct Policy of the Diocese of Kootenay.
- B. \_\_\_\_\_ I understand the contents of the Sexual Misconduct Policy of the Diocese of Kootenay.
- C. \_\_\_\_\_ I understand that to function as an ordained or lay person in ministry implies that the Church has entrusted me with a fiduciary responsibility or a pastoral relationship, both mandating me to act for the well-being of others.

If you cannot check off any of the above statements or if you have questions, please contact the diocesan Executive Officer prior to signing off on this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### Instructions:

All ordained staff, lay staff and volunteers engaged in the ministry of the Diocese are required to comply with the Diocese of Kootenay's Sexual Misconduct Policy. Please complete this form electronically or print.

**Lay parishioners or lay parish employees:** please send this form (electronic or hard copy) to your Parish Office to be kept on file in a personnel file or other suitable confidential file.

**Clergy, Postulants or diocesan employees:** please send this form (electronic or hard copy) to the Bishop's Office at the Diocese of Kootenay. It will remain in your personnel file for an indefinite period of time. Access to personnel files is restricted to the person named on the file, the Bishop, the Executive Officer, the Executive Assistant to the Bishop, and the Archivist.

## Appendix H



Diocese of Kootenay  
ANGELICAN CHURCH OF CANADA

# Sexual Misconduct Policy

## Acknowledgement Form

Policy receipt & understanding by organizations / 3<sup>rd</sup> party users.

Name \_\_\_\_\_  
(please type or print name)

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

Organization / 3<sup>rd</sup> Party User Name \_\_\_\_\_

*See definitions of 3<sup>rd</sup> Party Users in the FAQs of the Screening in Faith Policy.*

**Please initial beside each statement to verify your concurrence with it.**

A. \_\_\_\_\_ I hereby acknowledge receipt of a copy of the Sexual Misconduct Policy of the Diocese of Kootenay.

B. \_\_\_\_\_ I understand the contents of the Sexual Misconduct Policy of the Diocese of Kootenay.

If you cannot check off any of the above statements or if you have questions, please contact the diocesan Executive Officer prior to signing off on this document.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

### Instructions:

All organizations / 3<sup>rd</sup> party users are required to receive and acknowledge their understanding of the Diocese of Kootenay's Sexual Misconduct Policy. Acknowledgment Forms should be filed by the parish with the rest of the paperwork from the organization in question.