



Diocese of Rupert's Land

Sexual Misconduct Policy

January, 2021



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Table of Contents

Page	
1	Bishop's Letter
3	Section 1 – Policy on Sexual Misconduct
3	Section 1.1 – Theological Foundations
4	Section 1.2 – Principles
6	Section 1.3 – Definitions
8	Section 1.4 – Prevention
9	Section 2 – Procedures
11	Section 2.1 – Procedures for Dealing with Complaints of Sexual Harassment <ul style="list-style-type: none">- Introduction- Informal Process- Formal Process
17	Section 2.2 – Procedures for Dealing with Complaints of Sexual Exploitation
20	Section 2.3 – Procedures for Dealing with Complaints of Sexual Assault
20	Section 2.3 (a) – the Process when the Complaint involves a Child or Vulnerable Person
24	Section 2.3 (b) – the Process when the Complaint involves an Adult
27	Appendix A – Roles and Responsibilities
29	Appendix B – Forms
29	-Form 1 – Consent to enter into Informal Facilitated Process –Sexual Harassment(complainant)



Diocese of Rupert's Land

January, 2021

Page

30	-Form 2 – Consent to enter into Informal Facilitated Process-Sexual Harassment (respondent)
31	-Form 3 – Consent to enter into Mediation of Complaint of Sexual Harassment (Complainant)
32	-Form 4-Consent to enter into Mediation of Complaint of Sexual Harassment (respondent)
33	-Form 5-Acknowledgement of Investigation into complaint of Sexual Misconduct
34	-Form 6-Notice regarding the Release of Information
35	-Form 7-Acknowledgment Form
36	Appendix C – for further reading



The Diocese of Rupert's Land

The Right Reverend Geoffrey Woodcroft
Bishop of Rupert's Land

Dear Fellow Disciples in Rupert's Land

As a faith community, the Diocese of Rupert's Land strives to provide a place where love, justice, truth, peace, and self-discipline are nurtured and valued. Sexual misconduct will not be tolerated, and all complaints will be dealt with fairly, promptly, seriously, and systematically.

A Diocesan Policy on Sexual Misconduct has been in place since the early 1990's. This Policy, now in its third revision, seeks to respond to the changing world in which we live and bear witness to Christ. The Policy sets forth how our diocese will respond to issues of sexual harassment, sexual exploitation, and sexual abuse. A confidential dedicated phone line is available to those who wish to make an inquiry or complaint. The Pastor for Healthy Communities receives these and applies the policy when an allegation is brought forth. There are three streams for dealing with a complaint for harassment complaints: Informal Process, Formal Process, and Mediation. Sexual exploitation and sexual abuse complaints follow the Formal process.

Anyone who suspects that a child may be in need of protection is **required by law to report this directly to police or a Child and Family Services Agency**. An adult who comes forward with an allegation of a sexual offence will be encouraged by the Pastor for Healthy Communities to contact police. The procedures for addressing these allegations are carefully outlined in the Policy.

The responsibility to prevent misconduct extends to everyone in the church. All who accept leadership positions in the church – be they ordained or lay members – have a responsibility to do their utmost to provide an environment that respects the dignity and integrity of others. It is through continual awareness of what is not acceptable behaviour, ensuring due diligence and various screening mechanisms, and education of our members, that we can minimize, or hopefully prevent, incidents of sexual misconduct in our parishes and other ministry settings.

Our Diocesan Policy is rooted in Holy Scripture as it speaks of the Church as the Body of Christ and calls its members to live lives that are rooted in Christ and to grow together in love, thanksgiving, and service to God and neighbour.

Any policy which attempts to address these issues in a comprehensive way will be lengthy and detailed. We have attempted to organize this Policy in a way that is easy to reference.

- Section 1: 1.1 Theological Foundation; 1.2 Principles; 1.3 Definitions; 1.4 Prevention.
- Section 2: Procedures: 2.1 Sexual Harassment; 2.2 Sexual Exploitation; 2.3 Sexual Assault
- Appendices: Roles and Responsibilities; Forms; For Further Reading

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The Diocese of Rupert's Land

The Right Reverend Geoffrey Woodcroft
Bishop of Rupert's Land

Our goal through this Policy is to create a safe, healthy community in which people can live together in joy and Christian community – that our Diocese be a place where love, justice, truth, peace, and self-discipline are nurtured and valued. Let us build health and wellness into the Body of Christ as we strive to move into a world where God is already at work.

Yours, in God's love and care,

The Rt. Rev. Geoffrey Woodcroft
Bishop of Rupert's Land

Diocese of Rupert's Land Sexual Misconduct Policy

Section 1: Policy on Sexual Misconduct

1.1 Theological Foundations

The Church is the Body of Christ,¹ and its members are called to live lives that are rooted in Christ,² to grow together in love, thanksgiving and service to God and neighbour.³ To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit.⁴ 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.⁵

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.⁶

In company with the Bishops and People of the Anglican Communion, 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."⁷

Sexuality is central to our being and a gift from God. It is basic to our fulfilment, and our vulnerability. It carries our need to reach out to and embrace others, our longing for relatedness. Our sexuality is a means to be in communion with one another. 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. Sexuality finds expression in trust and justice, mirroring God's ways with us.

We confess that we have not always lived up to this high calling.⁸ 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,

¹ Romans 12:5; I Corinthians 12:12-27; Ephesians 1:22-23 (all citations refer to the New Revised Standard Version of the Bible)

² Ephesians 3:17; Colossians 2:7

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

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

⁵ 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

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

⁷ The Lambeth Conference Report, 1988.

⁸ I John 1:8-10

wholeness, and liberation promised by God's grace to every facet of human life" which is the task of ministry.⁹ We "further acknowledge 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."¹⁰

Those who undertake to serve in ministry, (whether salaried or volunteer, lay or ordained) must, in living out their faith, adhere to Christian ethical principles in their sexual conduct, and in the exercise of authority and power. In sharing in the gospel mission to bring reconciliation, healing, and wholeness, they will draw close to those to whom they minister. They need to recognize 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.¹¹ 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 anything other than a gross injury to the one abused, and a violation of faithfulness to Christ.

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.

1.2 Principles

2. 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. 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.

3. 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 Canon 13 Diocese of Rupert's Land and

⁹ 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).

¹⁰ The Lambeth Conference Report, 1988.

¹¹ Ephesians 3:17

Canon XVIII of the General Synod]

4. All employees, volunteers, and contractors have the right to a work environment that is free of sexual misconduct.
5. 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.
6. Sexual misconduct as defined in this policy is not tolerated and all complaints will be investigated.
7. Professional counsellor/client relationships will 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 tolerated.
8. 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.
9. Preserving the safety and well-being of a Complainant, or others who might be affected, is a priority.
10. Pastoral care is available to any Complainants, Respondents, their families, or others affected within the diocesan community.
11. The Bishop 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.
12. The Diocese of Rupert's Land actively works to prevent sexual misconduct and to deal with every accusation promptly, seriously, and systematically, in co-operation with the proper authorities, where appropriate. We co-operate with investigations undertaken under the Criminal Code of Canada, Manitoba Human Rights Code, Ontario Human Rights Code, or the Child and Family Services Act. Nothing is done to interfere with a criminal investigation.
13. . If a complaint originates from outside the Diocese, 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. 16.
14. 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 those involved. When an offence has been alleged and an investigation is in process, immediate colleagues may become privy to confidential information. Those aware of allegations are admonished against gossip and rumour and are required to hold such information as confidential.

15. The Diocesan Council is responsible for ensuring that this policy is reviewed and revised as necessary every three years, or sooner if required.

1.3 Definitions

Sexual Misconduct

Sexual Misconduct for the purposes of this policy is defined as sexual harassment, sexual exploitation, or sexual assault (often 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 their pastoral care or other guidance or leadership, regardless of who appears to have initiated it, is deemed to be sexual misconduct.

Fiduciary Responsibility

In a fiduciary relationship, one person in a position of vulnerability based on a difference of power, authority, or knowledge, vests confidence, good faith, reliance, and trust in another whose aid, advice, or help is sought. The person in the position of relative power must always act in the best interest and for the sole benefit of the person who trusts.

Sexual Harassment

Sexual harassment is a specific form of harassment defined in the Human Rights Codes of Manitoba and Ontario. Sexual harassment consists of:

- a course of abusive and unwelcome conduct made on the basis of sex; or
- a series of objectionable and unwelcome sexual solicitations or advances; or
- a sexual advance or solicitation made by a person in a position of power; or
- a threat of reprisal for rejecting an advance or solicitation.

Sexual harassment contributes to creating a place of ministry or a workplace which is hostile or offensive. The harasser may be of the same sex, opposite sex, or a different sexual orientation or gender identity 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 of a sexual nature
- unwelcome sexual remarks or requests, jokes, innuendo or taunting about a person's body, sexual orientation, or gender identity
- distributing by mail, fax, or other electronic means, including posting online or on social media, 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 or unwanted physical contact, such as patting or pinching
- repeatedly seeking a relationship after being told no

Sexual Exploitation

Sexual exploitation is any form of sexual contact or invitation to sexual contact with an adult by 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 is taking personal advantage of the vulnerability of an adult with whom there is a fiduciary or pastoral relationship (please see **Pastoral Relationship, Fiduciary Responsibility**).

Sexual Assault

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

Examples:

- unwanted 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, making, distributing, or viewing child pornography, invitation to touching, sexual exploitation of a young

person, a parent or guardian procuring sexual activity of a child, exposing genitals to a child, juvenile prostitution, corrupting children, indecent acts

Consent

Consent is uncoerced permission for something to happen or agreement to do something.

There is no meaningful consent for sexual activity in a fiduciary or pastoral relationship.

Consent has not been given if an individual agrees to any sexual activity under threat, or if agreement or permission is obtained by fraud or through the influence of a person in authority over that person. Minors under the age of sixteen years cannot consent to sexual activity. Minors under the age of eighteen years cannot consent to a relationship with a person in a position of authority.

Complainant and Respondent

Complainant – the person who brings a complaint of sexual misconduct

Respondent – the person 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 are responsible for education about sexual harassment, exploitation, and assault, and for the general implementation of this policy.
2. The Bishop and Diocesan office staff strive to make Anglican Lutheran Centre a workplace that is free of sexual harassment, exploitation, and assault.
3. The Incumbents and Churchwardens of each parish strive to ensure that their congregations are free from sexual harassment, exploitation, and assault.
4. 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.
5. Part of the orientation for all new clergy, staff, or volunteers of Diocesan boards or committees, as well as other key volunteers, includes an orientation to this policy and the procedure for making complaints.
6. See also the Diocesan safe church policy, "Building Healthy Communities".

Section 2: Procedures

1. 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.

2. 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, 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 may redirect the management of the response accordingly. This includes but is not limited to referral of any complaint to be processed pursuant to the Diocesan Respectful Workplace Policy.

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 complaint or seek advice without fear of retaliation or reprisals.

Complainants, Respondents, and Witnesses are advised that any information they divulge in an investigation may be required by law to be released if legal proceedings are commenced.

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.

3. 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 may be extended for significant cause. 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.

4. Confidentiality

All complaints under this policy are dealt with confidentially, within the stated guidelines [outlined in Section 1.2.13, Principles - Confidentiality]. 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.

Only the Bishop or designate may speak publicly about any complaint. All public statements will have due regard to confidentiality of the affected parties.

All documents, including but not limited to complaints, forms, reports, statements, and notes shall be retained until final completion of a case, including any and all appeals and legal proceedings. Documents shall be destroyed thereafter in accordance with the Document Retention Policy, with the exception of records as stated in the detailed processes for complaints of sexual misconduct.

5. Legal Counsel, Civil Proceedings, and Criminal Proceedings

This policy is not intended to preclude a Complainant from seeking legal counsel or seeking a civil remedy or from filing a complaint pursuant to human rights legislation. 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 procedures. If there is notice that criminal proceedings have commenced or may be commenced, any procedures under this policy will be suspended pending the outcome of the proceedings, except for the provision of emotional support and pastoral care as outlined in the procedures.

6. Complaints against the Bishop

If a complaint is made against the 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 Bishop.

7. Complaints against the Pastor for Healthy Communities

If a complaint is made against the Pastor for Healthy Communities, the Bishop shall appoint another person to perform all functions under this policy that would otherwise be undertaken by the Pastor for Healthy Communities.

8. Vexatious Complaints

No person is knowingly to 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 will be taken against the person making the malicious complaint. The Pastor for Healthy Communities, after consultation with the Bishop and 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, or sooner if required.

2.1 Procedures for Dealing with Complaints of Sexual Harassment

(see Section 1.3 – Definitions)

A. Introduction

1. When a person believes that they are 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 mediate with the Respondent, the person may proceed to 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 (see Section 2.3 A – Child Sexual Abuse) and must be reported to a Child and Family Services Agency or the local police.
3. If an individual believes that they have been sexually harassed, the person may attempt, where possible, clearly to advise the person who is the source of the unacceptable behavior, 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 behavior, with date(s), time(s), location(s) and any witness(es).

B. Informal Process

1. A person complaining of harassment or the respondent may request the Pastor for Healthy Communities 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 their discretion, appoint a person to facilitate this.
2. The information process may include:
 - a) a separate meeting 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 Respondent and/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. A copy is given to each party. A memo summarizing the process is shared with the Bishop and placed in the file of the Pastor for Healthy Communities. No record is placed in either individual's personnel file.

4. If an informal process is deemed unsuccessful by either party, the Pastor for Healthy Communities may commence an investigation into the complaint, normally within thirty (30) days of the conclusion of the unsuccessful process.

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 (see Mediation). The fee of the mediator is paid by the Diocese. The parties are responsible for their own legal expenses, if incurred.
2. The Pastor for Healthy Communities takes the lead role in the process.
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. Upon mutual agreement of the parties, a resolution may be agreed upon at any point in the process.

The Complaint

5. The Complainant notifies the Pastor for Healthy Communities verbally or in writing that they wish to make a formal complaint under this policy.
6. The Complainant is provided with a copy of this policy. The Pastor for Healthy Communities assists the Complainant in compiling the written complaint, including an account of the incident(s), date(s), time(s), name(s) of the Respondent(s), and name(s) of the Witnesses if any. The complaint is signed and dated by the Complainant. The Complainant is asked to sign the Notice Regarding Release of Information (Form 6). This is normally accomplished within two(s) weeks of notification of formalizing the complaints. The Complainant is offered the support of a Diocesan resource person. (Normally the complaint cannot proceed if the Notice Regarding Release of Information form is not signed.) The Bishop is informed of the complaint.
7. The Pastor for Healthy Communities, in consultation with the Bishop, advises the senior person with oversight of the circumstance in which 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.

Mediation

8. 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.
9. If mediation is initiated during the formal investigation, the mediation process shall take no longer than thirty (30) days.
10. The results of the mediation are reported by the mediator to the Pastor for Healthy Communities, who informs the Bishop. The Bishop considers the mediation agreement in making a final decision.
11. If mediation fails, the formal process continues, and the Bishop makes a final decision.

Response

12. The Pastor for Healthy Communities, in consultation with the Bishop, notifies the Chancellor of the complaint. The Chancellor or Director of Finance ensures that the Diocesan insurers are notified of a potential claim.
13. All public communications, including parish and media contacts, are made only by the Bishop or their designate. All Public statements must have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
14. If harassment allegedly occurred in a ministry context 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 in the ministry context.

Investigation

15. The Pastor for Healthy Communities appoints an investigating team and informs the Complainant of the names of the investigating team. The team may consist of one or more persons with experience in conducting such investigations.
16. The investigating team meets with the Complainant within two (2) weeks of receipt of the signed complaint and interviews the Complainant. The investigating team documents the interview ("complaint report").

17. The investigating team reviews the complaint report with the Complainant who signs it to indicate agreement with its accuracy. The investigating team gives the report to the Pastor for Healthy Communities.
18. The Pastor for Healthy Communities contacts the Respondent and informs them that they are 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 the 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 needs to be taken in light of the allegations.)
19. 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 their right to seek independent legal counsel.
20. The Pastor for Healthy Communities advises the Respondent of the names of the investigating team, and that the Respondent has two (2) weeks in which to respond in writing to the allegations. If the Respondent experiences barriers to this response (e.g., communicating in English, forming a written response) they may seek the assistance of a Diocesan resource person.
21. The Pastor for Healthy Communities offers the Respondent the support of a Diocesan resource person. (The support person cannot be the same person as a member of the investigating team on this case or the support person assigned to the Complainant.)
22. The investigating team meets with the Respondent within two (2) weeks after the Respondent has received the written documentation of the complaint. The investigating team interviews the Respondent and/or receives the Respondent's written reply to the complaint.
23. If the Respondent declines to reply to the complaint, the investigating team completes the investigation without the Respondent's response.
24. The investigating team interviews any other person(s) or reviews any other documentation that may be relevant to the complaints. The investigating team writes a report of the investigation with its findings and gives the report to the Pastor for Healthy Communities.
25. The Pastor for Healthy Communities monitors the work of the investigating team and support persons, ensuring required deadlines and other procedural requirements are met.

26. 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 witnesses or reviewing corroborating or exculpatory information.
27. Following completion of the investigation, The Pastor for Healthy Communities provides the Bishop with the written report and findings.
28. The Bishop seeks consultation with whomever they deem appropriate, including the investigating team.
29. 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

30. The Bishop meets with the Respondent, within three (3) weeks of receiving the report, to inform them of the final decision. The decision is in writing. The Complainant is also informed of the decision of the Bishop in writing, and where possible, in person.
31. 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 Respondent's personnel file. However, summary documentation of the case is maintained in the confidential file of the Pastor for Healthy Communities.

Appeal

32. The Complainant or Respondent may appeal the Bishop's decision to the Provincial Metropolitan within thirty (30) days of the receipt of the Bishop's decision by filing a written request with the reason for the appeal.

Discipline

33. The nature and types 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 their license or has limitation place on their functioning for longer than one year as a result of having engaged in sexual harassment, their 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

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 or Ontario Human Rights Code as applicable. 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 or Ontario Human Rights Commission, any procedures under this policy are normally suspended, except for the provision of pastoral care as outlined in the policy.

2.2 Procedures for Dealing with Complaints of Sexual Exploitation

The Complaint

1. A complaint under this policy may be made in writing, by phone or in person.
2. Any Diocesan or parish employee or volunteer who receives a complaint or who becomes aware of a possible complaint shall notify the Pastor for Healthy Communities of the complaint and recommends that the Complainant contact the Pastor for Healthy Communities directly. If the Complainant does not contact the Pastor for Healthy Communities, the complaint cannot proceed.
3. If the Pastor for Healthy Communities becomes aware of a possible complaint, they should contact the Complainant. If the Complainant does not wish to pursue a complaint, this should be documented. Supports outside the Church should be offered to avoid any conflict of interest.

Response

4. The Pastor for Healthy Communities should contact the Complainant within one week of receiving notification of the complaint unless it is inconvenient for the Complainant. The Complainant is provided with a copy of this policy and, with the assistance of the Pastor for Healthy Communities, puts the complaint in writing. This will be done as soon as possible but no later than ten (10) working days of the Pastor for Healthy Communities being notified of the complaint. The Complainant is offered pastoral support as appropriate.
5. The Pastor for Healthy Communities shall advise the Bishop a complaint has been lodged and provides a general description of the place and circumstances. The Bishop may decide if intervention is necessary and will take appropriate action.
6. The Pastor for Healthy Communities, together with the Bishop, shall notify the Chancellor of the complaint. The Chancellor or Director of Finance shall ensure that the Diocesan insurers are notified of a potential claim.
7. The Bishop or the Bishop's designate, having regard for pastoral needs, may request the Pastor for Healthy Communities to appoint a crisis response team to provide appropriate short-term support. (See appendix A.)
8. It is the responsibility of the Pastor for Healthy Communities to monitor the work of the investigating team, to support all persons involved, and to ensure required deadlines and other procedural requirements are met.

The Investigation

9. As soon as possible, but no later than fifteen (15) working days after receipt of the formal complaint, the Pastor for Healthy Communities shall appoint an investigating team in consultation with the Complainant.
10. The Pastor for Healthy Communities shall contact the Respondent and inform them that they are the subject of a formal complaint under the Sexual Misconduct Policy.
11. The Pastor for Healthy Communities shall give the Respondent a copy of this policy and a copy of the formal complaint. The Pastor the Healthy Communities describes the complaint process, advises the Respondent of their right to seek independent legal counsel and offers pastoral support as appropriate.
12. The Pastor for Healthy Communities shall advise the Respondent of the names of the investigating team. The Respondent has two weeks (14 days) to respond to the allegations. If the Respondent does not reply with two weeks, the Respondent shall be deemed to have declined to respond.
13. The investigating team reviews the formal complaint and may consult with the Complainant as appropriate. The investigating team shall retain all documents, including notes, until the case is concluded, including a possible appeal.
14. The investigating team shall make every reasonable attempt to meet with the Respondent before the final report is prepared.
15. The investigating team may interview any other person or review any other documentation that may be relevant to the complaint. The investigating team has forty-five (45) days from the receipt of the formal complaint to complete its work and to provide a written report, including recommendations, to the Pastor for Healthy Communities.
16. Following receipt of the investigating team's report, the Pastor for Healthy Communities shall provide the Bishop with the written report with its findings and recommendations.
17. 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.

The Decision

17. Within three (3) weeks or as soon as possible after receiving the report, the Bishop prepares a written decision and informs the Complainant that a decision has been made and they will receive the decision in writing. The Bishop may meet with the Complainant.

18. The Bishop subsequently meets with the Respondent to inform them of the Bishop's decision.

19. A copy of the Bishop's decision is maintained in the Pastor for Healthy Communities' file. If the complaint is sustained, a copy of the decision is maintained in the Respondent's personnel file, in the case of a member of the clergy or a diocesan or parish employee.

20. When a complaint is not sustained, there is no record of it in the individual's personnel file.

Appeal

21. Either the Complainant or Respondent may appeal the Bishop's decision to the Provincial Metropolitan within thirty (30) days of the receipt of the Bishop's decision. The appeal must be in writing and give reasons for the appeal.

Discipline

22. If the complaint is sustained, the nature and type of discipline is determined by the Bishop. The Bishop may take any appropriate disciplinary action consistent with Diocesan Canon 13 and General Synod Canon XVIII.

23. If it is determined that the complaint was initiated maliciously, the Bishop may take appropriate action.

Civil Proceedings

24. 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 relevant 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 or Ontario Human Rights Commission, any procedures under this policy shall be suspended, except for the provision of pastoral care as outlined in the policy.

2.3 Procedures for dealing with complaints of Sexual Assault

- Please see Section 1.3 for Definition and examples of Sexual Assault.
- There are different procedures outlined in this policy depending on whether the complaint involves a child or other vulnerable person, or an adult.

2.3 (a) The Process when the Complaint Involves a Child or Vulnerable Person

The Complaint

Obligation and Reasonable Grounds for Reporting

1. In the case of a child, there is a duty to report suspected child abuse to the local child welfare authority or the local police. In the case of a vulnerable person other than a child, suspected abuse should be reported to the police,

In the case of a child:

2. There is a special obligation on professionals who receive information in the course of their duties to report the suspected child abuse. Clergy are included in this provision. Failure of a professional to report such knowledge is a legal offence.
3. The duty to report overrides the privilege of confidentiality for all professionals, including members of the clergy.
4. Reasonable grounds for reporting include but are not exclusive of:
 - a. a first or second-hand report that abuse has taken place, including a story or complaint from the child
 - b. circumstantial evidence (e.g., cries for help, unexplained physical injury, etc.)
 - c. a statement of a credible witness to a recent incident
 - d. a statement of another that is supported by circumstantial evidence
5. Anyone who is unsure as to whether or not they should report the suspected abuse is encouraged to do so because it is preferable to err on the side of protecting the child.
6. Any member of Diocesan or parish staff, clergy or volunteer who is aware that a child is being or may have been abused by a person under the authority of the Bishop shall inform the Pastor for Healthy Communities or the Bishop.
7. The Pastor for Healthy Communities must confirm as soon as possible with the local child welfare authority and/or police that a report has been made.

In the case of a vulnerable person other than a child:

8. Any member of Diocesan or parish staff, clergy or volunteer who becomes aware that a vulnerable person may have been or is being abused by a person under the authority of the Bishop shall inform the Pastor for Healthy Communities or the Bishop.
9. Anyone who is unsure whether or not they should report the suspected abuse is encouraged to seek the advice of colleagues, but it may be preferable to err on the side of caution and protecting the vulnerable person.

Response

10. The Diocese will co-operate fully with all authorities who are investigating reports of abuse.
11. The Bishop may offer pastoral support to the victim and/or family if the investigating authorities indicate it is appropriate.
12. The Pastor for Healthy Communities may offer pastoral support to the Respondent and their family if the investigating authorities indicate it is appropriate.
13. The Pastor for Healthy Communities may appoint a crisis response team to provide appropriate short-term support to any place of ministry requesting or requiring it. (See Appendix A).
14. The Pastor for Healthy Communities shall ensure that the Chancellor is aware of the complaint. The Chancellor or Director of Finance shall ensure that the Diocesan insurers are notified of a potential claim.
15. Where the abuse is alleged to have been committed by a member of staff or clergy, or a volunteer, that person is removed from church-related duties until investigations and legal proceedings are completed. This removal implies no inference of guilt and may be reviewed periodically.
16. The Bishop may, at their discretion, inhibit the accused person in accordance with Canon 13.
17. All public communications, including parish and media contacts, are made only by the Bishop or designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.

Diocesan Investigation

18. 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 to advise the Bishop 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.

Decision

19. 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.
20. Where a Respondent is fully exonerated of the accusation, this determination is announced publicly.
21. 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

22. Individuals found guilty of sexual assault are disciplined. The nature and type of discipline is determined by the Bishop and depends on the severity and frequency of the incidents(s). Disciplinary measures are in accordance with the provisions of Diocesan Canon 13 and General Synod Canon XVIII.
23. If it is determined that there was no sexual assault and that the complaint was initiated maliciously, appropriate disciplinary action is taken by the Bishop

Committee of Review

24. Where an employee or cleric is suspended or relinquishes their license or has limitations place on their functioning for longer than a year as a result of a finding of sexual assault, their 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

2.3 3 (b) The Process when the Complainant is an Adult

If the person is not a competent adult, please see Section 2.3(a) Vulnerable Person

The Complaint

1. A person who wishes to make a complaint of sexual misconduct notifies the Pastor for Healthy Communities. The Pastor for Healthy Communities assists the Complainant in determining which of the procedures under this policy (that is, sexual harassment, sexual exploitation, or sexual assault) most fittingly apply.
2. Any member of Diocesan or parish staff or of the clergy, or a volunteer, who becomes aware that a complaint of sexual assault may be made or has been made to the police against a person under the authority of the Bishop, shall inform the Pastor for Healthy Communities or the Bishop.
3. If the complaint may be defined as criminal under the Criminal Code of Canada, the Complainant is encouraged to report this matter to the police. The Pastor for Healthy Communities may assist the Complainant to do so.
4. If the Complainant chooses not to report the matter to the police, the complaint may be investigated according to the "Sexual Exploitation Procedures" in this policy (Section 2.2)

If the Complainant was a Minor at the Time

5. Where the complaint involves alleged abuse that occurred when the adult Complainant was a child, the Complainant should be encouraged to report to the police.
6. If there is suspicion or possibility that other children are currently being abused or may have been abused, the procedures in Section 2.3 (a) will be followed without exception.

Response

7. The Diocese will co-operate fully with police investigations of any offences under this policy.
8. It is the responsibility of the Bishop or the Pastor for Health Communities to ensure the respondent is made aware that a complaint has been made against them.

9. The Pastor for Healthy Communities or the Bishop shall notify the Chancellor of the complaint as soon as possible. The Chancellor or Director of Finance shall ensure that the Diocesan insurers are notified of a potential claim.
10. Where a person under the authority of the Bishop is accused of sexual assault, that person is removed from church related duties until all investigations and legal proceedings are completed and the Bishop is satisfied that the Respondent poses no risk. This removal implies no inference of guilt and may be reviewed periodically.
11. The Bishop may at their discretion inhibit the accused person in accordance with Canon 13.
12. All public communications, including parish and media contacts, are made only by the Bishop or designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
13. The Pastor for Healthy Communities may appoint a crisis response team to provide appropriate short-term support where it is appropriate (see Appendix A).

Diocesan Investigation

14. In the case of acquittal of a person charged, 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.
15. Following the completion of all criminal and/or civil proceedings, the Diocese has the right and obligation to conduct an internal investigation regarding the complaint.
16. The Bishop appoints a committee to conduct an internal inquiry and to advise the Bishop as to whether the Respondent is to be reinstated in any duties. The status of the Respondent is determined according to the Canons of the Diocese.

Decision

17. In the case of acquittal of a person charged with sexual assault 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 vulnerable persons.

18. Where the Bishop has found that the Respondent poses a risk, a copy of this decision is kept in the Pastor for Healthy Communities' file and in the Respondent's personnel file. Otherwise, there is no record of it in the personnel file. However, summary documentation of the case is kept in the confidential file of the Pastor for Healthy Communities.

Discipline

19. Clergy found guilty of sexual assault will be disciplined by the Bishop, such discipline to depend on the severity and frequency of the incident(s), and in accordance with the Provisions of Diocesan Canon 13 and General Synod Canon XVIII.

Committee of Review

20. Where an employee or cleric is suspended or relinquishes their license or has limitations placed on their functioning for longer than a year as a result of a finding of sexual assault, their 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.

No Offence

21. If it is determined that there was no punishable offence and that the complaint was initiated maliciously, the Bishop will take whatever action is deemed appropriate.

22. Where a Respondent is fully exonerated of the accusation, the Respondent may request the Bishop to make a public announcement of this fact.

APPENDIX A – ROLES AND RESPONSIBILITIES

Bishop

- The Bishop has oversight of the implementation of the Sexual Misconduct Policy.
- The Bishop shall be informed of all complaints made under this policy, whether vexatious or not.
- The Bishop may appoint a designate to oversee pastoral care within the parish or place of ministry. The Bishop or the Bishop's designate maintains regular contact with appropriate church leadership to monitor the situation
- The Bishop shall be briefed regularly by the Pastor for Healthy Communities regarding the processing of any and all complaints.
- The Bishop is responsible to make decisions regarding the pastoral, educational, and communication needs of the parish or other place of ministry that may be affected by complaints under this policy.
- The Bishop, in consultation with the Pastor for Healthy Communities, may contact any of the parties and/or their families as appropriate.

If the Bishop is a Complainant, Respondent, or Witness, the Provincial Metropolitan (or the Primate as the case may be) will act in the Bishop's stead.

Pastor for Healthy Communities

The Pastor for Healthy Communities is appointed by the Bishop for a term of three (3) years, renewable at the Bishop's discretion.

The Pastor for Healthy Communities is responsible for ensuring that the Policy on Sexual Misconduct is followed by

- ensuring that the Bishop is aware of all complaints
- offering pastoral support where appropriate to all parties and their families should they request or require it
- consulting with the Bishop and the Diocesan Ministry Developer regarding the appointment and training of members of the Diocesan Resource Team (DRT – see below)
- consulting with the Bishop regarding the appointment of members of the DRT to the Crisis Response Team (CRT – see below) in individual cases
- monitoring the process of any complaint to ensure timelines are followed and all persons involved are aware of their responsibilities
- submitting an annual report to the Bishop on the policy

If the Pastor for Healthy Communities is a Complainant, Respondent, or Witness, the Bishop shall appoint another person to act in the Pastor's stead.

Diocesan Resource Team (DRT)

The DRT is composed of the Pastor for Healthy Communities and four to eight trained members appointed by the Bishop for a specific term.

Members of the DRT may have expertise in various areas, including:

- mediation skills
- psychological frameworks
- therapy and counselling
- conflict resolution
- crisis response
- trauma informed care
- cultural competence
- Indigenous culture and spirituality
- human rights
- addictions

The DRT responsibilities are:

- to assist the Diocesan community in matters involving sexual misconduct
- to assist in the resolution of complaints as set out in the policy
- to provide education, training, and information to the Diocese, parishes, and Diocesan ministries with respect to this policy and sexual misconduct generally.

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

Crisis Response Team (CRT)

Members chosen from the DRT will comprise the crisis response team (CRT) under the policy. Up to two other qualified persons who are not members of the DRT may also be appointed.

Wherever the Bishop, the Bishop's designate and Pastor for Healthy Communities determine that a parish or other place of ministry would benefit by such a response, a CRT may be appointed.

The work of the CRT shall be short-term. The responsibilities of CRT are to:

- be a resource to all persons involved
- contact the key person(s) in the parish or place of ministry as appropriate, e.g., the church wardens or board of directors and employees
- maintain clear communication with all parties involved and the Bishop
- make recommendations to the Bishop about what the parish or place of ministry might need to reduce the risk of trauma, e.g., holding parish meetings.

Appendix B: Forms

Diocese of Rupert's Land Sexual Misconduct Policy

Form 1

Consent to enter into Informal Facilitated Process to Attempt to Resolve a Complaint of Sexual Harassment (Complainant)

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 take part in 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 person.
4. If the process arrives at a resolution to the complaint, such resolution will be in writing and signed by the Respondent, the facilitator, and me, 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 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 or seek a remedy through the courts or under the Provincial Human Rights Code.

Signed: _____ Date: _____

Witness: _____ Date: _____

Diocese of Rupert's Land Sexual Misconduct Policy

Form 2

Consent to Enter into an Informal, Facilitated Process to Attempt to Resolve a Complaint of Sexual Harassment (Respondent)

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 me, 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 Provincial Human Rights Code.

Signed: _____ Date: _____

Witness: _____ Date: _____

Diocese of Rupert's Land Sexual Misconduct Policy

Form 3

Consent to Enter into a Mediation of Complaint of Sexual Harassment (Complainant)

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 agreement will be in writing. The resolution agreement will be signed by the Respondent, the mediator, and me, and will be referred by the Pastor for Healthy Communities to the Bishop for approval and ratification.
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 Provincial Human Rights Code.

Signed: _____ Date: _____

Witness: _____ Date: _____

Diocese of Rupert's Land Sexual Misconduct Policy

Form 4

Consent to Enter into a Mediation of Complaint of Sexual Harassment (Respondent)

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 agreement will be in writing. The resolution agreement will be signed by the Complainant, the mediator, and me, and will be referred by the Pastor for Healthy Communities to the Bishop for approval and ratification.
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 Provincial Human Rights Code.

Signed: _____ Date: _____

Witness: _____ Date: _____

Diocese of Rupert's Land Sexual Misconduct Policy

Form 5

Acknowledgement of 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 Provincial Human Rights Code.

Signed: _____ Date: _____

Witness: _____ Date: _____

Diocese of Rupert's Land Sexual Misconduct Policy

Form 6

Notice Regarding 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. A copy of the Policy is included with this form.
2. Every effort will be made to maintain the confidentiality of the process, subject to the exceptions noted below.
3. Information provided by the Respondent will be released to the Complainant, and information from the Complainant will be released to the Respondent.
4. All information may be released to other persons as necessary.
5. The investigation may proceed in the absence of information from the Respondent. The investigating team may make their report to the Bishop noting the absence of such information which may otherwise be of assistance to the Respondent.
6. 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 released to the Complainant and Respondent and to other persons as necessary.
7. If legal proceedings commence regarding these parties, the Diocese may be required by law to release information and documents to the courts.
8. If you have any questions regarding your rights and responsibilities in this investigation, 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 Provincial Human Rights Code.

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

Signed: _____ Date: _____

Witness: _____ Date: _____

Rupert's Land Sexual Misconduct Policy

Form 7

Acknowledgement Form

Name _____

Title _____
(clergy/employee/volunteer)

_____ I hereby acknowledge receipt of a copy of the Diocese of Rupert's Land Sexual Misconduct Policy, 2020, and agree to be bound by the same.

_____ I understand the contents of the Diocese of Rupert's Land Sexual Misconduct Policy, 2020, and agree to be bound by the same.

_____ 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. Any breach of the above policy could lead to the termination of my employment or volunteer role for just cause.

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 or Executive Archdeacon, and the Pastor for Healthy Communities.

Appendix C: For further reading

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Sanders, Randolph K. (Ed.). 2013. *Christian Counseling Ethics: A Handbook for Psychologists, Therapists and Pastors (Revised edition)*. Downers Grove, IL: IVP Academic.

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Selected Websites:

FaithTrust Institute [originally entitled: Center for the Prevention of Sexual and Domestic Violence] <http://www.faithtrustinstitute.org/>

A multifaith, multicultural training and education organization with global reach working to end sexual and domestic violence that has played a very significant role in the effort to prevent clergy sexual abuse. Founded 1977 by Marie M. Fortune.

Kyros Ministry [Originally entitled: Center for Abuse Prevention]

<http://www.kyros.org/>

A specialized resource for clergy, judicatory officials, and members of congregations.

“...develops leadership within the religious community to create healthy power relationships within congregations, prevent misuse of power, and protect those at risk.”

Minister and Clergy Sexual Abuse Survivors

<http://www.macsas.org.uk>

An agency operated by volunteers founded in 1993 that supports women and men who have been sexually abused, as children or adults, by ministers, clergy or others under the guise of the Church. Supports both Survivors who have remained within their Christian communities and those who have left.

Our Stories Untold

<http://www.ourstoriesuntold.com>

An independent network of people who have suffered sexualized violence, people who love people who have suffered sexualized violence, and people who just plain fed up with the harm that sexualized violence does in our communities. Concerned specifically about the spiritual dimensions of sexualized violence and the presence of sexualized violence in communities of faith.

Tamar's Voice

<http://www.tamarsvoice.org>

Provides support for women who have experienced sexual abuse by a member of the clergy.