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4.3 Safe Church Policy

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4.3.2 Section 2 – Procedures

- 4.3.2.1 The complaint must be submitted in writing to the Bishop or designate at the Territory office.
- 4.3.2.2 If the complaint is against the Bishop, the complaint must be submitted in writing to the Metropolitan
- 4.3.2.3 The Bishop will appoint a team to investigate the complaint.
- 4.3.2.4 The team will be comprised of 3 people with expertise and training in this area.

Appendices

Appendices Forms A1 through A8 will be used in the event of a complaint.

Section 1: Policy on Sexual Misconduct

4.3.1.1: Theological Foundation

The Holy Scriptures speak of the Church as the Body of Christ, and call its members to live lives rooted in Christ and to grow together in love, thanksgiving and service to God and neighbour. To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit. 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. 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. We confess we have not always lived up to this high calling.

In company with the Bishops and People of the Anglican Communion, The Territory of the People Anglican Church (commonly known and hereafter referred to as the Territory):

“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 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 under gird the moral framework of our communal life, responsibilities and entitlements;

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

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

“sexual abuse is self-gratification by exploitation. It makes an impersonal object of the other person, abusing both the person and sexuality itself. Abuse occurs in a wide range of sexual activities: always in rape and child molestation, usually in adultery and prostitution, and sometimes even in marriage. Sexual abuse also occurs in the socially subtle aspects of sexism and in sexual harassment of employees in the workplace. The Church must be clear about these violations of sexual intimacy. It must be explicit in its teaching about these particular aberrations of sexual relations, aggressively proactive about its social policy and action touching on these areas, and forthright in dealing with violations in its own community.” (Lambeth Conference Report, 1988)

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

4.3.1.2 Principles

1. The Territory undertakes to ensure 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 Territory or within the jurisdiction of the Territory.
3. All employees and volunteers have the right to a work environment which is free of sexual misconduct.
4. Clergy and those responsible for liturgical, pastoral, education or recreational activities within the Territory are expected to maintain the highest ethical standards of mutual respect, responsibility and caring, as well as modelling wholeness and healthy sexuality in all their relationships with those for whom they have responsibility.
5. Sexual misconduct as defined in this policy will not be tolerated and all reasonable complaints will be investigated.
6. Professional counsellor/client relationships are to be respected and maintained by all clergy and other professionals in the service of the Territory or parish in every pastoral or counselling situation. Exploitation of this trust through sexual activity, touching for sexual purposes, or the suggestion or depiction of any such activity, is not to be tolerated.
7. An accused person is presumed innocent until proven guilty. The fact that either formal or informal procedures have been initiated does not create an inference of guilt.
8. Preserving the safety and well-being of a complainant, or others who might be affected, is a priority.
9. Pastoral care is available to any complainants, respondents, their families, or others affected within the Territory 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 Territory actively tries 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 investigation being undertaken under the Criminal Code of Canada, and or the Child, Family and Community Services Act of British Columbia or any lawful legislation imposing sanctions on such misconduct. Nothing is done to interfere with a criminal investigation.

4.3.1.3 Definitions

a) Sexual Misconduct

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

b) Pastoral Relationship

A pastoral relationship is a relationship carried out in the name of or on behalf of the Territory, the 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 the individual's personal integrity and determines not to abuse the power inherent in the relationship.

Any sexual activity or conduct in which a person in a pastoral relationship with another takes advantage of the vulnerability of the person under his/her pastoral care or other guidance or leadership, regardless of who appears to have initiated it, shall be deemed to be sexual misconduct.

c) Sexual Harassment

Sexual harassment is a specific form of harassment defined in the Criminal Code of Canada. It is engaging in a course of vexatious comment that is known, or ought reasonably to be known, to be unwelcome.

Sexual harassment is behaviour which has the effect of undermining, coercing, intimidating, humiliating or demeaning an individual on the basis of sex. It may have the effect of creating a place of ministry or workplace which is hostile or offensive. Such behaviour may consist of a single incident or several incidents over a period of time. The harasser could be of the same or opposite sex as the person harassed

and may be a supervisor, co-worker/minister, client, parishioner, volunteer or an external person providing service. Sexual harassment can occur in or outside the office or church building but is not limited to a work-related activity.

Examples:

- Threats or verbal abuse
- Unwelcome sexual remarks, jokes, innuendo or taunting about a person's body or sexual orientation
- Distribution by mail, fax, or other electronic means, material of a sexual nature which potentially could be offensive
- Displaying sexist, pornographic or derogatory pictures
- Unwelcome invitations or requests or sexually suggestive remarks
- Leering or other sexual gestures
- Unnecessary physical contact, such as patting or pinching

d) 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 (see 4.3.1.3.f) **Consent**). Sexual exploitation refers to the act of taking advantage of the vulnerability of an adult, with whom there is a fiduciary and/or pastoral relationship (see 4.3.1.3.b) **Pastoral Relationship**), for one's own pleasure/gain.

e) Sexual Assault

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

Examples:

- Kissing, sexual contact, fondling or sexual intercourse
- Bodily harm or threat 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.

f) Consent

Consent is understood as non-coercive. Consent has not been given if an individual agrees to any sexual activity under threat, or if consent is obtained by fraud or through the influence of a person in authority over that person.

Children under the age of 12 cannot give consent. Under specific circumstances between peers, for children age 12-14, and with young persons age 14-18, consent is not valid if the accused was in a position of authority over them. There are further provisions for mentally or otherwise incapacitated or vulnerable children, adolescents and adults. (Criminal Code of Canada, Bill C-127, 1983 and Bill C-15, 1988). Meaningful consent for sexual activity is not possible in a fiduciary relationship.

g) Complainant and Respondent

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

h) Disclosure of Information and Confidentiality

Under Canadian law, communications between a religious and a penitent do not automatically enjoy privilege (*they are not automatically considered confidential*). In British Columbia, the *Family and Child Services Act* specifically addresses the issue of privilege:

Subsection (1) applies even if the information on which the belief is based (a) is privileged, except as a result of a solicitor-client relationship, or (b) is confidential and its disclosure is prohibited under another Act

CFSA Section 14 (2)

The issue of how a priest is to handle information gained through hearing a confession, when that information points to either the commission of a crime, or the intention to commit a crime, is complex.

A priest faced with such a situation should seek the counsel of the Bishop immediately.

4.3.1.4: Prevention

The Territory of the People Anglican Church is committed to the prevention of sexual misconduct through a continuing programme of education of clergy and laity.

1. The Bishop of the Territory and the Administration Committee take responsibility both for education about sexual exploitation, harassment and assault, and for the general implementation of this policy.

2. The Bishop and Administration Committee strive to make their places of work for Territory volunteers and employees, free from sexual exploitation, harassment and assault.
3. The incumbents and churchwardens of each parish strive to ensure their congregations are free from sexual exploitation, harassment and assault.
4. This sexual misconduct policy is explained to existing Territory clergy, staff and volunteers and their written agreement to comply with this policy is required.
5. When new clergy are appointed or the Territory and/or parish staff are hired, agreement to comply with all personnel policies of the church including this sexual misconduct policy are required in writing as a condition of employment or appointment.
6. When volunteers for the Territory boards or committees or other councils are chosen, agreement to comply with this sexual misconduct policy is required as a condition of volunteering.
7. Part of the orientation for all new clergy, Lay Ministers of Word and Sacrament (LMWS), staff or for volunteers of the Territory boards or committees, as well as other key volunteers, will include a review of this policy. Training for clergy, Territory and parish employees and volunteers normally takes place at the beginning of their term in office or at least within the first six months of their appointment, and every five years thereafter, including but not limited to participation in the Territory Safe Church Armatus on-line training.
8. The Bishop or his or her designate oversees the orientation and ongoing training of clergy and Territory employees concerning the workplace issues of harassment, discrimination, sexual misconduct and ethical behaviour. Church wardens and incumbents of parishes and those in charge of other Territory ministries are responsible for ensuring employees and key volunteers are oriented and consent to adhere to this policy.