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**Sexual Misconduct Policy
and Related Procedures
of the
Anglican Diocese
of Nova Scotia and Prince Edward Island**

DIOCESAN SEXUAL MISCONDUCT POLICY and RELATED PROCEDURES

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Sexual Misconduct Policy and Related Procedures of the Anglican Diocese of Nova Scotia and Prince Edward Island

I. THE DIOCESAN SEXUAL MISCONDUCT POLICY

(1) INTRODUCTION

1. General Context and Statement of Basic Beliefs: The Church universal is the body of Christ. All members of the Church are called to live lives rooted in Christ, and therefore to seek to grow together in love, thanksgiving, and service to God and to family, friend, neighbour, stranger, and enemy. To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit. This Anglican Diocese of Nova Scotia and Prince Edward Island (henceforward “the Diocese”) and the people who comprise it, are members of the body of Christ, seeking to be part of this new creation, this new humanity, guided and empowered by the Holy Spirit and witnessing to this faith.

The Diocese affirms these beliefs:

- (i) A belief that sexuality and human sexual characteristics are created by God, and that human sexuality, as part of God’s creation, is in itself good, and that its expression can be entirely consistent with Jesus’ life and teachings;
- (ii) A belief in the fundamental dignity and beauty of humans as sexual beings, and in the sanctity of healthy sexual relationships that demonstrate love and respect for others and oneself;
- (iii) A belief that “sexual misconduct” (defined below) harms, disrupts, and can destroy positive, healthy relationships and loving sexual behaviours, indeed can negatively affect every aspect of a victim’s life, and that sexual misconduct is an affront to personal dignity, freedom, respect, and spiritual well-being.

The Diocese acknowledges that there are times when we, as individuals and as a corporate body, fall short of the calling to incarnate Jesus’s witness of love, as when acts of sexual misconduct are committed. The Diocese further recognizes and affirms that sexual misconduct has, does, and can harm individual members of the body of Christ, Parishes, the Diocese, and the Church as a whole.

The Church should be a place of trust, respect, and safety for all people. Sexual misconduct destroys these qualities and damages the witness of the Church. Such behaviour is unacceptable in this Diocese: it will not be tolerated. This Diocese is committed to being a holy institution that seeks to create and sustain an environment in

which all people are treated with respect and dignity, and in which people are encouraged to voice their concerns about possible sexual misconduct.

The Diocese recognizes and accepts its responsibility to take active measures to protect the physical, emotional, and spiritual welfare of people involved in the Diocese in relation to the possibility of sexual misconduct perpetrated by an individual involved in the Diocese. Addressing alleged sexual misconduct directly and unequivocally incarnates this Diocese's commitment to supporting, protecting, and encouraging the flourishing of healthy, loving sexual behaviours and relationships.

2. Specific Context—SafeR Church:

The Diocesan Sexual Misconduct Policy and related Procedures (hereinafter "Policy and Procedures") are an integral part of the Diocese's SafeR Church Plan and are informed by and are consistent with the Diocese's SafeR Church Policy.

3. Purpose: The purpose of the Policy and Procedures is to give effect to the Diocese's commitment to take active measures to respond to the risk of sexual misconduct that might be committed by persons—lay or ordained—who are involved with this Diocese in some way, and to the injury, harm, loss, or damage that such misconduct may inflict. The measures the Diocese will undertake more specifically to attempt to *prevent* sexual misconduct are identified in the Diocese's SafeR Church Plan, Part II, Specific Measures in Relation to Sexual Misconduct.

4. Scope of Policy: This Policy seeks to provide direction and guidance, and specific information where appropriate, so that timely, transparent, and robust steps and measures can be taken by the Diocese, through the individual(s) delegated to do so, to respond to allegations, complaints, disclosures, and reports of sexual misconduct, by

- (i) defining comprehensively (though not exhaustively) the range of forms of sexual misconduct that fall within the scope of the Policy;
- (ii) identifying clearly the individuals and groups and the ministries to whom or which the Policy applies;
- (iii) articulating
 - (a) the principles that will underlie, guide, and shape all of the Diocese's measures to respond to the risk of sexual misconduct, and
 - (b) the specific policies—that is, the direction those measures will take;
- (iv) outlining the specific, related Procedures the Diocese intends to follow in the implementation of these response measures; and
- (v) providing additional information in Appendices, including but not limited to, samples of forms, outlines of specific processes, and other relevant information intended and designed to assist in the implementation of this Policy.

(2) DEFINITIONS

NOTE: A number of important words and terms appearing in this Policy and Procedures are defined differently in different contexts and by different individuals and organizations, including governments, and in different laws. **For the purposes of this Policy and Procedures, and consistent with the Diocesan SafeR Church Policy, the following definitions apply:**

“Adult”:

- In Nova Scotia, the *Age of Majority Act* defines an adult as a person 19 years of age or older.
- In Prince Edward Island, the *Age of Majority Act* defines an adult as a person 18 years of age or older.

“Vulnerable Adult”:

An adult whose ability to protect herself, himself, themselves from harm is impaired. The definition of Vulnerable Adult in this policy includes, but is not limited to, those who would fall under the definitions of “Adult in need of assistance” or “Adult in need of protection” under the Nova Scotia *Adult Protection Act* or the PEI *Adult Protection Act*.

“Child/Children”:

- In Nova Scotia, the *Children and Family Services Act* defines a child as a person under the age of 19.
- In Prince Edward Island, the *Child Protection Act* defines a child as an individual under the age of 18.

“Clergy/Cleric”: An individual who is an ordained member of one of the Anglican orders of clergy (deacon, priest, bishop).

“Complainant”: For the purposes of this Policy and Procedures, the Complainant will be defined as the victim of the alleged sexual misconduct. A complaint may be initiated by this individual or by someone else.

“Consent”: For the purposes of this Policy and Procedures, consent is defined as voluntary agreement to engage in sexual activity or other conduct.

The law in relation to consent to sexual activity is set out in various sections of the *Criminal Code of Canada*, as amended, and this law is evolving and complex.

Accordingly, this section will not attempt to outline or summarize it. There are, however, a number of general principles related to consent which are applicable here:

- i. Consent cannot be given if an individual has been coerced. Therefore, consent has not been given if an individual agrees to any sexual activity under threat, intimidation, fraud, or other undue influence.
- ii. Children under the age of sixteen years cannot give meaningful consent to participating in sexual activity, except in a limited number of circumstances—for example, where the relationship is between peers. If, however, one of the persons in a relationship between peers is in a position of trust or authority in relation to the other, then no meaningful consent can be given.
- iii. People of any age who are mentally or physically disabled, or are otherwise particularly vulnerable in some way, may have a limited legal capacity to provide meaningful consent.

“Diocese/Diocesan”: Unless explicitly stated otherwise, in this Policy and related Procedures, the words “Diocese” (“diocese”) and “Diocesan” (“diocesan”) refer to the Diocese of Nova Scotia and Prince Edward Island of the Anglican Church of Canada.

“Diocesan Sexual Misconduct Point Person”: The Diocesan Sexual Misconduct Point Person (“Point Person”) is an individual selected and appointed by the Diocesan Bishop to oversee and take the lead in the diocese’s response to a complaint of sexual misconduct. The Point Person’s roles and responsibilities are outlined in Appendix A, below.

“Ecclesiastical Jurisdiction”: This term refers to the scope of authority of the Bishop(s) of the Diocese.

“Investigative Team”: The Investigative Team is the group of individuals tasked with investigating complaints of sexual misconduct in the Diocese. The Investigative Team’s roles and responsibilities are outlined in Appendix A, below.

“Ministry/Ministries”: In this Policy and Procedures, “Ministry” or “Ministries” refer to any one or more of the programs, services, or activities offered by a Parish and/or by the Diocese, as defined in the SafeR Church Policy.

“Pastoral Relationship”: A pastoral relationship refers to a personal connection, established as part of, and carried out in the name of, or on behalf of the Diocese, parish, or place of ministry, as the case may be—for example, a relationship between a cleric, lay employee, or volunteer of the Diocese or one of its Parishes **and** any person to

whom that individual provides pastoral counselling, pastoral care, spiritual care, spiritual direction, spiritual guidance, or from whom the individual has received confession or confidential or otherwise potentially protected information.

“Respondent”: The Respondent(s) is/are the individual(s) accused of sexual misconduct and named in a complaint.

“Sexual Misconduct”: For the purposes of this Policy and Procedures, sexual misconduct includes actions or behaviour that may constitute “Sexual Abuse,” “Sexual Harassment,” “Sexual Exploitation,” “Sexual Assault,” and other “Sexual Offences,” as defined below.

(1) “Sexual Abuse”: A form (or forms) of sexual misconduct. In this Policy and Procedures, “Sexual Abuse” is subsumed under the definition of “Sexual Assault” or “Sexual Offences.” See below.

(2) “Sexual Harassment”: For the purposes of this Policy and Procedures, “harassment” refers to a situation in which one individual engages in a course of conduct toward or makes comments to another person, when the individual knows or ought to know such conduct or comments would be unwelcome.

“Sexual Harassment” is a specific form of harassment that includes but is not necessarily limited to:

- (i) vexatious conduct or a course of comment that is related to sex, sexual orientation, gender identity, or gender expression and that is known or ought reasonably to be known as unwelcome;
- (ii) a sexual solicitation or advance made to a person by another individual where the individual making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the person to whom the solicitation or advance is made, and where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome;
- (iii) any conduct, comment, or contact of a sexual nature that is likely to cause offence or humiliation to a person, or might reasonably be perceived by that person as placing a condition of a sexual nature on any opportunity;
- (iv) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

“Sexual Harassment” also includes behaviour that has the effect of undermining, coercing, intimidating, humiliating, or demeaning an individual on the basis of sex, sexual orientation, gender identity, or gender expression, or other characteristic

related to sexuality protected under human rights legislation and regulation. Such behaviour may consist of a single incident or multiple incidents over a period of time. Sexual Harassment can occur in any number of settings, including but not limited to inside or outside a church office or church building; in person or by any other means, including through telephone, text, or other electronic media; and in work activities or in any ministry of a parish or the Diocese.

For greater clarity, examples of sexual harassment include, but are not in any way limited to:

- making threats or engaging in verbal abuse;
- making unwelcome sexual remarks, jokes, innuendos or taunting someone about that person's body, sex, sexual orientation, gender identity, or gender expression;
- displaying sexist, pornographic, or derogatory pictures;
- leering or making other sexually offensive gestures;
- making unnecessary physical contact, such as patting or pinching or brushing up against an individual's body.

(3) "Sexual Exploitation": Refers to any form of sexual contact or invitation to sexual contact that is invited, incited, initiated, or encouraged by someone in a position of power, trust, or authority—including a pastoral relationship—over an individual, whether or not that individual consents to the sexual contact. This would include situations in which a person in a position of power, trust, or authority over another takes advantage of that position for the purpose of securing personal sexual gratification or gain.

Note: This definition specifically relates to sexual exploitation of adults. "Sexual Exploitation of a child" and "Sexual Exploitation of a person with a disability" are Sexual Offences under Part V of the *Criminal Code of Canada*, as amended. For the purposes of this Policy and Procedures, they are defined under the heading "Sexual Offences," below.

(4) "Sexual Assault": Refers to an intentional use of force or threat of use of force, involving some form of sexual activity, by one person against another person without that other person's consent. For the purposes of this Policy and Procedures, "Sexual Assault" encompasses the meaning of sexual assault as defined in Sections 265 and 271-273.2 of the *Criminal Code of Canada*, as amended.

(5) "Sexual Offences": For the purposes of this Policy and Procedures, Sexual Offences are those offences covered in Part V of the *Criminal Code of Canada*, as amended. They include, but are not limited to, such activities as incest, bestiality,

voyeurism, publication of an intimate image without consent, corrupting morals, and indecent acts.

Sexual Offences also include, but are not limited to, sexual offences against children that are commonly called “sexual abuse,” and are categorized and defined in the *Criminal Code of Canada*, as amended, as Sexual Interference, Invitation to Sexual Touching, Sexual Exploitation, Making Sexually Explicit Material Available to a Child, Corrupting Children, Luring a Child, and the Making, Distribution, and Possession of Child Pornography.

(3) APPLICATION

1. This Policy and related Procedures are subject to the Canons of the Diocese and of the General Synod of the Anglican Church of Canada.

2. All individuals, lay and clergy, under the Ecclesiastical Jurisdiction of the Bishop(s) of Nova Scotia and Prince Edward Island are subject to this Policy, including but not limited to:

- (i) All clerics/clergy ordained by the Bishop(s) of the Diocese of Nova Scotia and Prince Edward Island to act on behalf of the Diocese;
- (ii) All clerics/clergy ordained in another diocese, but licensed by the Bishop(s) of the Diocese of Nova Scotia and Prince Edward Island to act on behalf of the Diocese;
- (iii) All laypersons licensed by the Bishop(s) of Nova Scotia and Prince Edward Island;
- (iv) All Wardens and all other members of Parish Councils of the parishes of the Diocese of Nova Scotia and Prince Edward Island;
- (v) All persons appointed, elected, or commissioned to an office, appointment, or responsibility in a parish of the Diocese or the Diocese itself, or the Diocesan, Provincial, or General Synod.

3. This Policy applies to

- (i) all Diocesan ministries, i.e., those programs, activities, and services (including their management and administration) for, or over which, the Diocese has complete responsibility, authority, and control; and
- (ii) all Parish Ministries for, or over which, the Diocese has some responsibility, authority, and control, in particular ministries led or conducted by individuals licensed, appointed, or otherwise commissioned by the Bishop(s) of the Diocese of Nova Scotia and Prince Edward Island.

(4) DIOCESAN SEXUAL MISCONDUCT POLICIES

Preamble: This Diocesan Sexual Misconduct Policy is intended to be expansive, encompassing, aspirational, and inclusive rather than exclusive. The following specific policies will underpin, guide, direct, and shape the design and implementation of the Diocese's efforts to respond to allegations, disclosures, reports, and complaints of Sexual Misconduct. It is against these specific policies that the Diocese's efforts and measures in relation to the risk of sexual misconduct will be reviewed, evaluated, and revised.

DSM Policy 1. Safety and Respect

This Policy affirms that all the Diocese's ministries should be places of respect and safety for all people. **Therefore, the Diocese**, in the persons of the individuals and organizations who lead and direct it, **commits itself to**

- i. taking active measures to make its ministries safer, especially in situations which include positions of trust and those ministries in which trust is a significant element;
- ii. carefully shaping its prevention and response measures, including pastoral care, investigative, and disciplinary measures, in recognition of the trauma that may be suffered by a victim of sexual misconduct, and seeking to be especially careful of, and responsive to, such trauma; and
- iii. to evaluating, reviewing, updating, and revising these measures as needed, periodically and regularly.

DSM Policy 2. Prevention and Response

The Diocese specifically recognizes and accepts

- i. that Sexual Misconduct is always a violation of the example and teaching of Christ; that sexual misconduct has, can, and may cause serious harm and injury to people, and damage or destroy the witness of the church; and
- ii. that the Diocese has ongoing moral and ethical obligations, and a legal duty of care to take active measures to protect the people who participate in, or are served by, one or more of its Ministries, from harm or injury from Sexual Misconduct they might suffer
 - a. in the course of, or in relation to, one or more of its Ministries; and/or
 - b. from an individual or individual(s) under Ecclesiastical Jurisdiction in this Diocese.

Therefore, the Diocese, in the persons of the individuals and organizations who lead and direct it, **commits itself to taking active measures** in both of the following areas:

- a. Prevention* of Sexual Misconduct; and

b. Response to disclosures, allegations, reports, and complaints of Sexual Misconduct.

(*This Policy and related Procedures specifically focusses on the *response* to the risk of sexual misconduct. For information about measures related to the *prevention* of sexual misconduct (and other forms of abuse), see the Diocesan SafeR Church Plan, Part II, Specific Measures in Relation to Sexual Misconduct.)

DSM Policy 3. Standards of Conduct

All persons, lay or clergy, who are under Ecclesiastical Jurisdiction are expected to seek to adhere to and demonstrate the highest standards of conduct in their relationships with all people and, in particular, all people who participate in, or are served by the Ministries of the Diocese.

Therefore, the Diocese, in the persons of the individuals and organizations who lead and direct it, **hereby commits itself to the following standards:**

- i. It will not tolerate sexual misconduct perpetrated by any person under Ecclesiastical Jurisdiction;
- ii. It will not hide from nor attempt to cover up acts of sexual misconduct perpetrated by any person under Ecclesiastical Jurisdiction;
- iii. It will respond quickly, fairly, and transparently—according to a clearly articulated and widely communicated set of Procedures—to allegations, complaints, reports, or disclosures of sexual misconduct; and
- iv. It will undertake active measures to sensitize, inform, educate, train, and teach all individuals under Ecclesiastical Jurisdiction and all members of Parishes in the Diocese about these standards of conduct. (See the Diocesan SafeR Church Plan for information about measures related to the Prevention of Sexual Misconduct.)

DSM Policy 4. Protection for the Vulnerable

Jesus Christ spoke about the dangers of compromising our witness and thereby harming others or causing them—especially vulnerable people—to struggle in their spiritual lives. The Diocese recognizes that people may be vulnerable in a variety of circumstances and for one or more of a variety of reasons, including age, gender, differences of ability, power imbalances, poverty, language, or other factors. The Diocese recognizes as well that acts of sexual misconduct can also be acts of colonial violence, sexism, racism, classism, ableism, homophobia, transphobia, religious bias, or other forms of discrimination against vulnerable people.

Therefore, the Diocese, in the persons of the individuals and organizations who lead and direct it, **commits itself to**

- i. making the protection from sexual misconduct of the vulnerable people in its care the highest priority of this Policy and its related Procedures; and
- ii. treating all people fairly and making no distinction between people or groups (e.g., on the basis of gender, lay or clergy status, sexual orientation, etc.), in relation to any application of this Policy and its attendant Procedures.

DSM Policy 5. Pastoral Care and Support

The Diocese recognizes that it has pastoral obligations to offer pastoral and spiritual care to the parties involved in a complaint of sexual misconduct.

Therefore, the Diocese, in the persons of the individuals and organizations who lead and direct it, **commits itself to** making all reasonable efforts to provide pastoral and spiritual care to parties involved in an investigation of an alleged incident of sexual misconduct, directing its attention

- i. first to the individual(s) who may have been harmed by sexual misconduct, and their loved ones;
- ii. to other people in the parish or place of ministry who may have been indirectly harmed or may be at risk of being harmed by the sexual misconduct alleged to have been committed; and
- iii. to the individual(s) accused of sexual misconduct, and their loved ones.

DSM Policy 6. Principles of Natural Justice

In keeping with the disciplinary canons of the Diocese and the Anglican Church of Canada, the Diocese undertakes to abide by the principles of natural justice in the measures—including investigative, adjudicative, and disciplinary measures—implemented in response to complaints, allegations, disclosures, or reports of sexual misconduct.

The Diocese, in the persons of the individuals and organizations who lead and direct it, **commits to**

- i. acting promptly to respond to complaints of sexual misconduct so as to alleviate the suffering of people who may have been harmed, but at the same time to acting carefully in relation to people alleged to have committed such acts, especially as their reputation and livelihood may be dramatically affected by such complaints;
- ii. making explicit its recognition of and seeking to enshrine in its Procedures, the fact that an individual accused of sexual misconduct has the right to the presumption of innocence, pending the outcome of investigation of the matter.

The fact that procedures have been initiated does not allow for an automatic inference of guilt;

iii. maintaining confidentiality of information in relation to both the individual alleging misconduct and the person alleged to have committed misconduct, as far as possible under the particular circumstances of the situation. The Diocese recognizes that it may have an ethical, moral, and/or legal obligation to disclose information to some individuals in the Diocese, to representatives of civil authorities, to parishes and/or individuals in parishes, and possibly, to the public;

iv. shaping, as far as it reasonably can, the Procedures related to this Diocesan Sexual Misconduct Policy such that

- a. An individual accused of sexual misconduct is fully apprised of the complaint made against him, her, or them;
- b. An individual accused of sexual misconduct is given the opportunity to respond fully to the complaint;
- c. The person or persons making a decision about a complaint will act impartially, in an unbiased manner, without self-interest, or on behalf of any party.

DSM Policy 7. Obligations at Law

The Diocese recognizes and accepts that, in certain situations, in particular if the Complainant is a child, youth, or vulnerable adult (See Definitions, above), the Diocese may not have exclusive jurisdiction to act or, indeed, the jurisdiction to act at all—at least initially.

In such cases, **the Diocese**, in the persons of the individuals and organizations who lead and direct it, **commits itself to**

- i. honouring its obligations—under all applicable law, statutes, or regulations—to report complaints of sexual misconduct to the appropriate civil authorities;
- ii. deferring any internal investigation if the civil authorities are actively investigating the matter. If it becomes evident, however, that the matter is not going to be resolved by the civil authorities within a reasonable period of time; or if there are other relevant factors, then, upon taking legal advice, the Diocese may decide to open an internal investigation; and
- iii. considering, on a case-by-case basis, whether it is appropriate to make a report to the civil authorities where it is not specifically required by law or regulation.

(5) APPROVAL AND IMPLEMENTATION OF THE DIOCESAN SEXUAL MISCONDUCT POLICY AND RELATED PROCEDURES

This Policy and Procedures are to be submitted for approval to—and must be approved by—the Diocesan Council prior to their coming into effect.

Once approved, the Policy and Procedures will be implemented primarily by the Diocesan Sexual Misconduct Policy Point Person, who will be under the immediate supervision of the Executive Director of the Diocese and ultimately responsible to the Bishop(s). The role of the Point Person has been defined in Appendix A of the Procedures related to the Diocesan Sexual Misconduct Policy.

Disclaimer: The Diocese will, through the persons appointed to implement the Policy and Procedures, make reasonable efforts to strictly adhere to the commitments made in the Policy and to closely follow the Procedures, as written. It is to be clearly understood, however, that a failure to follow a particular procedure or procedural step, or a change in the order of particular steps, whether through inadvertence or for a reasonable cause in the particular circumstances of a case, will not necessarily invalidate or delegitimize the process or any decisions made during the process, including a final determination of the matter.

(6) EVALUATION AND REVIEW OF THE DSM POLICY AND PROCEDURES

1. Formal Review: This Policy and Procedures will be formally reviewed one year after it has first been implemented, by a group to be named by the Diocesan Bishop. The group tasked with the review will prepare a report for the Diocesan Bishop and Diocesan Council outlining its findings and making recommendations for revisions, updating, changes to approval or amendment processes, etc. Following this initial review, the Policy and Procedures will be reviewed at least once every five years. In addition, the Diocesan Bishop may call for an extraordinary review of the Policy and Procedures at any time if, in the Bishop's view, circumstances warrant it.

2. Annual Report on the DSM Policy and Procedures: The DSM Point Person will prepare and submit an annual report to the Diocesan Bishop and Diocesan Council for its meeting in the Spring, with respect to the use and functioning of the Policy and Procedures during the previous calendar year. This Report will include an evaluation of their soundness, comprehensiveness, ease of use, and effectiveness in relation to any matter that was dealt with under the Policy in the previous year. The Report will also identify any gaps, implementation issues, or other concerns, as well as the need for updating, or revision for other reasons, of either the Policy and/or the Procedures.

II. PROCEDURES

NOTES:

1. The personal pronouns and modifiers “they/them/theirs” will be used throughout these Procedures, including in reference to a single individual.
2. The term “complaint” is here understood to include allegations, disclosures, reports, and suspicions which are provided to the Diocese.
3. The Diocesan Sexual Misconduct Policy is referred to throughout as the “DSM Policy.”
4. The Diocesan Sexual Misconduct Point Person (henceforward “the Point Person”) is the title given to the position of the individual with primary responsibility for implementing this policy and these procedures. The Point Person’s responsibilities are outlined below in Appendix A, below.
5. The Investigative Team (henceforward “the Team”) is the title given to the group of individuals appointed by the Bishop to investigate complaints of sexual misconduct under this policy. The role of the Investigative Team is defined and its responsibilities outlined in Appendix A, below.

(1) PRELIMINARY MATTERS

1. **Initiation of a complaint under the DSM Policy**

There are two ways in which an investigation of alleged sexual misconduct can be initiated under this Policy, using these Procedures.

- (a) A person wishing action to be taken under this policy notifies the Point Person, who is tasked with leading an appropriate response, in accordance with the DSM Policy. All persons are encouraged to come forward with a valid complaint or to seek advice without fear of retaliation or reprisals. Retaliatory action against anyone reporting a situation in good faith and/or participating in an investigation in good faith will not be tolerated and any retaliatory conduct should be reported immediately.
- (b) The Diocesan Bishop may request that the Point Person initiate an investigation under the provisions of this policy where the Diocesan Bishop has a reasonable suspicion of sexual misconduct having taken place, whether or not the Complainant wishes to make a formal complaint.

Anyone who learns of an alleged incident of sexual misconduct has a responsibility to assist in keeping workplaces and church Ministries free from such misconduct and may

encourage an individual who has been the victim of sexual misconduct to make a complaint or may report the matter themselves to the Point Person, or to the Bishop.

2. **Legal Counsel and Criminal/Civil Proceedings**

This policy does not preclude a Complainant from seeking legal counsel or from proceeding with a criminal or statutory complaint or civil action.

Indeed, in every case, a Complainant is to be informed that they are entitled to seek legal and other counsel and that the procedures under this policy are not a substitute for criminal or civil actions, or human rights or other administrative remedies available outside this policy. If a Complainant undertakes such procedures, they are expected to notify the Diocese that they have done so.

If there is notice that criminal or civil proceedings have commenced or may be commenced, any procedures under this policy will normally be suspended, except for actions that reasonably need to be taken to protect Complainants and/or other people who may potentially be harmed, and also excepting the provision of support persons and pastoral care as outlined in this policy.

If proceedings under this policy are suspended pending resolution of a criminal or civil matter, the Diocese will defer any internal investigation. If it becomes evident, however, that the matter is not going to be resolved by the civil authorities within a reasonable period of time, or if there are other relevant factors, the Diocese may decide to open an internal investigation. (see Policy Statement 7, above.)

3. **Timely Response**

The Diocese is committed to proceeding in a timely way to address allegations of sexual misconduct. Fairness to the Complainant(s) and the Respondent(s) requires that the complaint be initiated and processed expeditiously. The timelines outlined herein are generally to be followed, but extensions for reasonable and/or significant cause are allowed. Complainants and Respondents are similarly expected to proceed in a timely fashion.

In rare cases, the Point Person, after consultation with appropriate resource people (e.g., Diocesan Bishop, Chancellor, etc.), 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 it is not reasonably possible to undertake an appropriate investigation in the circumstances, and substantial

prejudice will result to the Complainant or the Respondent if the Complaint process was nevertheless to be allowed to continue. Any decision of this nature is to be recorded, with written reasons attached to the decision.

4. Confidentiality

All complaints under this policy are to be dealt with confidentially, within the guidelines provided in this policy (outlined in Appendix H). It is essential, however, that Complainants and Respondents and all other persons affected by a Complaint recognize that confidentiality may be limited for the purposes of conducting a full and fair investigation, or as required by law, or where anyone is at risk, or where confidentiality is expressly waived by the parties or their representatives.

5. Public Communication

All public communications, including to Parish and Media contacts, are to be made only by the Diocesan Bishop or their designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven. When a complaint has been substantiated it will be left to the discretion of the Diocesan Bishop as to whether and how to communicate this decision to the Parish or Place of Ministry where the incident(s) occurred and/or beyond to the wider Diocese and/or to the Media, and/or to the general public. In making this decision, the Diocesan Bishop will consider the nature and severity of the sexual misconduct, the need to protect Complainants and/or other potential victims, and the importance of communication of information in the prevention of sexual misconduct.

6. Complaints against the Diocesan Bishop, Executive Director, or Diocesan Sexual Misconduct Policy Point Person

In the event that a complaint is against the Diocesan Bishop, then the Metropolitan of the Province of Canada performs all functions under this policy that would otherwise be undertaken by the Diocesan Bishop.

In the event that a complaint is against the Executive Director of the Diocese, then the Diocesan Bishop will appoint an individual to perform all functions under this policy that would otherwise be undertaken by the Executive Director.

In the event that a complaint is against the Point Person, then the complaint may be initiated by notifying the Diocesan Bishop, who will then assign an alternate

person who will perform all functions under this policy that would otherwise be undertaken by the Point Person.

7. False, Malicious, or Vexatious Complaints

No person or persons is/are to knowingly make a false or malicious complaint. If it is determined that there was no sexual misconduct and that a complaint was initiated falsely or maliciously, then appropriate disciplinary action is to be taken against the person(s) making the false or malicious complaint.

8. Authority to Decline to Proceed

The Point Person, after consultation with the appropriate resource people (e.g., Diocesan Bishop, Chancellor, etc.), may decline to deal with a complaint at any stage if, in their opinion, there is no substance to the complaint, or if the complaint is trivial, frivolous, malicious, made in bad faith, or if the incident(s) complained of does not fall within the definition of sexual misconduct in this policy. Any decision of this nature is to be recorded, with written reasons attached to the decision.

(2) THE COMPLAINT PROCESS

As noted previously, this procedure is triggered when the Point Person is notified by an individual of their wish to make a complaint under this policy, or when the Point Person is asked by the Diocesan Bishop to initiate an investigation if there is reasonable suspicion that sexual misconduct that falls within the application of this policy has occurred.

Immediately after being notified of the possibility of a complaint being reported, and also upon a complaint being actually reported, the Point Person is to notify the Executive Director of the complaint. The Executive Director shall, in turn, immediately notify the Diocesan insurance providers of a potential claim.

1. Any complaint, disclosure, allegation, or report of sexual misconduct where the alleged victim is under the age of sixteen years shall be immediately reported to the appropriate civil authority(ies).

All complaints, allegations, disclosures, or reports of sexual misconduct under this policy related to children sixteen or seventeen years old shall be immediately flagged and a decision made, in consultation with the Bishop, and upon receiving legal advice, as to whether provincial legislation requires that the complaint be reported to the civil authorities.

All complaints, allegations, disclosures, or reports of sexual misconduct related to adults who may be classified as Vulnerable Adults shall be immediately flagged, and a decision made, in consultation with the Diocesan Bishop, and upon receiving legal advice, as to whether provincial legislation requires that a report be made to the civil authorities.

See Appendix B for further procedures dealing with complaints involving children, youth, and vulnerable adults. The Point Person may seek professional advice with respect to ensuring a correct balance of protective action, legal response, pastoral care, and confidentiality with respect to any misconduct directed towards a child, youth, or vulnerable adult.

2. If it is clear to the Point Person that the incident(s) complained of are criminal in nature, the Point Person is to advise the Complainant that they should seek the assistance of the police rather than using the procedure outlined in the policy. If the Point Person is unsure, they are to consult with the Diocesan Bishop and to take legal advice on the matter.
3. The Complainant is to be offered the assistance of a Support Person. See Appendix A.
4. The Complainant may not wish to file a formal complaint under the Policy. The Point Person will be able to provide advice on available options, including informal resolution of the matter and available Diocesan and community resources. (See Appendix C – Informal Resolution of the Complaint).
5. If the Complainant does wish to proceed to a formal complaint, they are to be provided with a copy of the Policy and Procedures and are to be asked to provide the basis for the complaint orally or in writing. The Complainant's account should, generally speaking, include a description of the incident(s), location, dates and times, and name of the Respondent(s) and any potential witnesses.
6. The Point Person will assist the Complainant to formalize the complaint, in writing, so that it includes, at a minimum, the information identified in the template in Appendix D. The Complaint should be signed and dated. This is to be done within a period of ten business days from the time the matter is brought to the attention of the Point Person. The Complainant will be asked

to sign a Consent for Release of Information/Acknowledgement of Limited Confidentiality (See Appendix I).

Note: The process of putting the complaint into a formal, written Complaint is **not** to take the place of the statement the Complainant will make to the Investigative Team. The formal, written Complaint is a brief recounting of what is alleged to have occurred that will assist the Point Person to determine whether and how to proceed with the next step in the process. (In the case of an investigation initiated at the request of the Diocesan Bishop, a signed release by the Complainant is not required.)

7. After receipt of the formal, written Complaint, the Point Person will consult with the Diocesan Bishop and the senior person responsible for the Parish or place of ministry where the alleged sexual misconduct took place as to
 - (i) whether there needs to be an immediate change made to the location and reporting responsibilities of the Complainant and/or the Respondent during the investigation, and/or
 - (ii) whether measures such as suspension of the Respondent from their position may be appropriate to protect the Complainant and/or other potential victims.
 - (iii) Whether to appoint a Crisis Response Team to provide appropriate short-term support to the Parish or place of ministry. (See Appendix A.)

The decision about the imposition of any such interim measures will be made by the Diocesan Bishop.

(3) INVESTIGATION

1. The Point Person, on the direction of the Diocesan Bishop, will appoint an Investigative Team. (See Roles and Responsibilities in Appendix A.)
2. The Point Person will inform the Complainant of the names of the Investigative Team members.
3. The Investigative Team will meet in person with the Complainant within ten business days of the formalizing (i.e., the signing of a written complaint) of the complaint and take a full statement from the Complainant. If the statement is written by the Complainant, it should be signed by the Complainant to confirm its accuracy. If it is audio-recorded or audio-visually

recorded, the Complainant should review the statement and then sign a form indicating agreement with its accuracy. The statement would then be turned over to the Point Person.

4. If the Complainant lives out of province, or in a geographic area within the province where it is impracticable for the Investigative Team to travel, the Investigative Team, after consultation with the Point Person, will be permitted to take the statement from the Complainant in an alternate fashion (e.g., via a secure electronic method such as Zoom).
5. After receipt of the Complainant's statement, the Point Person will contact the Respondent and inform them that they are the subject of an investigation under the Diocesan Sexual Misconduct Policy. Depending on the circumstances, the Point Person may contact the Respondent prior to the receipt of the Complainant's statement, for example, if some interim action needs to be taken in light of the particular allegations.
6. The Investigative Team will interview witnesses and review any other documentation that may be relevant to the complained of incident(s). While it is preferable that witness statements be taken in person, if the witness lives out of province, or in a geographic area within the province where it is impracticable for the Investigative Team to travel, the Investigative Team, after consultation with the Point Person, will be permitted to take the statement from the witness in an alternate fashion (e.g., via a secure electronic method such as Zoom).
7. During the initial contact with the Respondent (or shortly thereafter), the Point Person will provide the Respondent with a copy of the Diocesan Sexual Misconduct Policy and will describe the complaint process to the Respondent and explain the limitations to the protection of confidentiality. The Respondent will be advised of their right to seek independent legal counsel. The Respondent will be asked to sign the Consent for Release of Information/Acknowledgement of Limited Confidentiality agreement. A copy of the Complainant's statement (with personal contact information redacted) is then to be provided to the Respondent.
8. The Point Person will advise the Respondent of the names of the members of the Investigative Team and that the team will request a meeting within ten business days so that the Respondent can respond to the allegations.

9. The Point Person will offer the Respondent the assistance of a Support Person (See Roles and Responsibilities outlined in Appendix A).
10. The Investigative Team will meet with the Respondent within ten business days after the Respondent has received a copy of the formal, written Complaint. The Investigative Team will interview the Respondent and/or receive the Respondent's written reply to the complaint. If the statement is written by the Respondent, it should be signed by the Respondent to confirm its accuracy. If it is audio-recorded or audio-visually recorded, the Respondent should review the statement and then sign a form indicating agreement with its accuracy. In all cases, the Respondent will have the opportunity to reply fully to the specific allegations raised against them.
11. If the Respondent declines to reply to the complaint, the Investigative Team will complete the investigation without the Respondent's response.
12. The Investigative Team are to take appropriate notes about the investigation as it unfolds. The notes will not be part of the final report; they will, however, be kept in the investigative file.
13. The Investigative Team will be expected to complete the investigation within ten business days following the meeting with the Respondent.
14. The Point Person will monitor the work of the Investigative Team and support persons, and establish, to the extent reasonably possible that
 - i. required deadlines and other procedural requirements are met;
 - ii. all reasonable avenues of investigation are followed and/or witnesses interviewed; and
 - iii. all information collected as a result of the investigation, including statements (with personal contact information redacted) and other evidence collected is disclosed to the Complainant and the Respondent at the end of the investigation. However, the Point Person will confer with the Chancellor, Diocesan Bishop, or other appropriate person prior to disclosing highly personal or sensitive information, and a decision will be made as to how to manage such disclosure appropriately (e.g., explicit photographs would not normally be disseminated as disclosure; rather, a description of same would be provided and, if necessary to ensure a fair process,

an opportunity for the parties to view same in a controlled setting would be provided).

15. The Complainant and the Respondent each have the right to prepare and provide a written submission for the Investigative Team's consideration. The parties are permitted ten business days from the final disclosure to them of the evidence collected by the Investigative Team to make this submission. These written submissions will be appended as part of the final report of the Investigative Team.
16. The Investigative Team will prepare a final report which is to contain a summary of the steps taken, the complaint made, the response from the Respondent, evidence gathered, and submissions received. The report is to be submitted within ten business days of the completion of the Investigation. The report shall contain the Investigative Team's finding of fact, any significant factual disputes, and a conclusion as to whether the complained-of sexual misconduct (or other sexual misconduct disclosed by the investigation) was found to be substantiated. This finding is to be on a balance of probabilities. The Investigative Team will make any recommendations they consider appropriate.

(4) FORMAL MEDIATION

1. At the conclusion of the investigation, if the Point Person considers it to be appropriate in the circumstances; if there is mutual agreement between the Point Person, the Complainant, and the Respondent; and if, after consultation with the Diocesan Bishop and/or the Executive Director, a referral to formal mediation is approved, the matter may be so referred. Note: Formal mediation will likely be inappropriate for all cases of Sexual Exploitation, Sexual Assault, and Sexual Offences. (These terms are defined in the Definitions section of the Policy.)
2. The Point Person will refer the matter to a trained mediator acceptable to both Complainant and Respondent. The costs of the mediation will be paid by the Diocese. The parties (Complainant and Respondent) are to be advised that they are entitled to seek independent legal advice. Legal or other advisors would not be excluded from the mediation unless agreed upon by the parties with the mediator. The parties are responsible for their own legal expenses, if incurred.

3. If formal mediation is to take place, the parties and the mediator shall enter into a written mediation agreement, after completing consent forms set out in Appendix G, with such variations as the circumstances may require or in such form as is agreed to by the parties and the mediator.
4. The mediation process is to take no longer than thirty (30) days from the time the mediation was agreed to, unless otherwise agreed in writing by all the parties, including the Point Person.
5. The results of the mediation are to be reported by the mediator to the Point Person, who will then inform the Diocesan Bishop. The Diocesan Bishop will consider the results of the mediation agreement, if any, in making their final decision about the Complaint.
6. If at any point, either of the parties withdraws from participation in this process or if the process fails, the investigation report will be completed and the matter will proceed according to the procedures outlined here in the DSM Policy and Procedures.

(5) DECISION-MAKING PROCESS

1. The Point Person will submit the results of the investigation to the Diocesan Bishop. This will include a summary of the actions taken by the Point Person and a copy of the Investigative Teams report. The Diocesan Bishop will then make a final decision on the Complaint or, if the Diocesan Bishop considers that for any reason the matter should be referred to Ecclesiastical Court, the Bishop will begin that process by appointing a Commission of Inquiry as outlined in Section 5 of Canon 30. If this is done, the Commission of Inquiry would have full access to all of the documents received or prepared by the Investigative Team, including its final report.
2. The Diocesan Bishop will meet with the Respondent, within ten (10) business days of the receipt of the investigative report, to inform them of the final decision. The decision is to be in writing and includes the results of the investigation and any corrective action to be taken.
3. The Diocesan Bishop will also inform the Complainant in writing, within ten (10) business days of the receipt of the investigative report, of the results of the investigation, the final decision and any corrective action to be taken. The

Diocesan Bishop will meet with the Complainant, unless the Complainant advises that they do not wish to meet.

4. Where a complaint has been substantiated, a copy of the Diocesan Bishop's decision is maintained in the Point Person's file and also in the Respondent's personnel file. If the complaint is not substantiated, there will be no record kept in the personnel file of the Respondent. However, a copy of the complaint and investigation is to be kept in the confidential files of the Point Person.

(6) DISCIPLINE

1. The nature and type of discipline if the complaint is substantiated, is determined by the Diocesan Bishop – upon consultation with the Point Person and the Chancellor. The discipline will depend on the severity and frequency of the incident(s) substantiated as a result of the complaint.
2. Disciplinary measures may include counseling sessions, sensitivity training, a written warning or reprimand, an assigned on-site supervisor, transfer or limitations placed on function, suspension without pay, termination, deprivation or relinquishment of exercise of ministry or other discipline provided for in Canon 30.
3. The Diocesan Bishop shall give disciplinary decisions in writing with reasons and a copy shall be provided to the Respondent and the Complainant.
4. When an employee of the Diocese has been disciplined under this Policy, using these Procedures
 - a. any subsequent letter of reference provided to the employee or on their behalf will include reference to the discipline and the reason for it.
 - b. The Diocesan Bishop, in consultation with the Point Person and/or the Chancellor and/or other appropriate professionals, will consider what persons or organizations within or outside of the Diocese ought to be notified of the incident. This may include co-workers, colleagues, the Parish or place of ministry where the incident occurred, the Diocesan

community, the broader Anglican community or the general public. The Diocesan Bishop will have the final decision as to what communications are appropriate and the scope of these communications.

(7) APPEAL

An Appeal of the Diocesan Bishop's decision by the Complainant or Respondent may be made to the Metropolitan Bishop within thirty (30) days of the receipt of the Diocesan Bishop's decision by filing a written request setting out the reasons for the appeal. The consent of the Metropolitan will be sought in advance to hear the appeal or to nominate someone to act in their place to hear the appeal.

(8) COMMITTEE OF REVIEW

Where an employee, volunteer or cleric is suspended, deprived of, or relinquishes their licence or has limitations placed on their functioning for longer than one year as a result of sexual misconduct, their status may be reviewed and changed after a period of one year. The review is conducted at the request of the Respondent to the Diocesan Bishop and is to be conducted by a committee of review appointed by the Diocesan Bishop, which reports its recommendations to the Diocesan Bishop.

(9) TIME LIMITS

During the resolution process described above and until the matter is concluded, the Point Person must provide brief updates on the status of the case to the Complainant and Respondent. These updates should be provided monthly following the initial involvement of the particular named party.

Up to the point where the investigative report has been forwarded to the Diocesan Bishop, the Point Person may – upon reasonable request or when dictated by circumstances - extend the time for taking any step under this policy. If an extension is required, both parties will be informed of the extension and the reason for it.

After the report has been forwarded to the Diocesan Bishop, the Diocesan Bishop may - upon reasonable request or when dictated by circumstances - extend the time for taking any step under this policy. If an extension is required, both parties will be informed of the extension and the reason for it.

III. APPENDICES

Appendix A

Roles and Responsibilities

Diocesan Bishop

- is responsible for oversight of the implementation of the Sexual Misconduct Policy.
- is to be informed of all complaints made under this policy, including vexatious complaints.
- may appoint a designate to oversee pastoral care within a parish or place of ministry.
- shall be briefed regularly by the Sexual Misconduct Policy Point Person regarding the processing of all complaints.
- is responsible to make decisions regarding the pastoral educational and communication needs of a parish or place of ministry that may be affected by a complaint made under this policy, including the possibility of appointing a Crisis Response Team
- makes the final determination as to whether a complaint has been substantiated and determines – in consultation with the Chancellor and/or other appropriate persons – appropriate discipline.

Diocesan Sexual Misconduct Point Person (Point Person)

- The Point Person is appointed by the Diocesan Bishop for a period of three (3) years, renewable at the Diocesan Bishop's discretion. Selection of a Point Person will be made based on the specific responsibilities of the position and the Bona Fide Occupational Requirements, identified through the Audit.
- The Point Person is responsible for ensuring that all complaints of sexual misconduct are taken seriously and handled with respect, dispatch, and fairness according to the Sexual Misconduct Policy including, but not limited to, the following responsibilities:
 - (i) Ensuring the Diocesan Bishop is kept informed and aware of all complaints at each stage of the process;
 - (ii) Maintaining oversight of all complaints under this policy and ensuring that each individual complaint proceeds in a timely

- fashion and that all persons involved are aware of their roles and responsibilities;
- (iii) Ensuring, as far as is reasonably possible, that Support Persons are available and offered to Complainants and Respondents and their families, should they request or require it;
 - (iv) Maintaining a list of Diocesan and community supports which may be of benefit to a complainant. (e.g., the “211” system provided by the Nova Scotia and Prince Edward Island governments);
 - (v) Overseeing the recruitment, training, and selection of person(s) who can be called upon to be a Support Person or to form a Crisis Response Team or Investigative Team as defined in this Policy;
 - (vi) Consulting with the Diocesan Bishop – and others if need be – as to the appointment of Support Persons or members of the Investigating Team and Crisis Response Team in a particular case;
 - (vii) Compiling and presenting a full report for the Diocesan Bishop to enable their final determination of a complaint;
 - (viii) Preparing an annual report to the Diocesan Bishop and Diocesan Council. This report should normally cover the following points:
 - a. The total number of occurrences where the policy/procedures has been used;
 - b. The locations where the occurrences took place;
 - c. The types of workplace or other relationships that were involved, if any, between the parties;
 - d. The resolution processes used;
 - e. The time it took for an occurrence to complete the resolution process;
 - f. The types of “outcome(s)” of the investigation(s) and resolution process(es) undertaken, with information anonymized so that no individuals or parishes or other places of ministry involved could be identified;
 - g. The author’s opinion as to the efficiency and effectiveness of the Policy and Procedure and any significant issues that were raised during the use of them.

Investigative Team

- The Point Person may recommend to the Diocesan Bishop, and/or the Diocesan Bishop may request, that an Investigative Team be formed to investigate a complaint of sexual misconduct. Persons who have a substantial personal connection with or knowledge of a Complainant, Respondent, or vital witness, such that their judgment or objectivity may be impaired, or that there may be a reasonable apprehension of bias, will not be assigned to an Investigative Team and will be requested to recuse themselves if such an impairment or apprehension of bias becomes apparent after the investigation has begun.
- The Investigative Team will be comprised of no fewer than three persons and will be responsible to conduct a full and fair investigation of the complaint in an impartial and unbiased fashion, and in accordance with the procedures set out in this policy. During the investigation, the Team will maintain open communication with the Point Person and be open to suggestions by the Point Person designed to enhance the completeness of the investigation. The Team will be responsible for the preparation of a report to the Point Person, which includes a detailed summary of the investigation, copies of statements taken, submissions received, their analysis and findings, and a conclusion as to whether the Complaint has been substantiated on a balance of probabilities. The report may also include recommendations, if appropriate.
- The Investigative Team will treat the investigation as confidential and not to be disclosed except as provided for in the Diocesan Sexual Misconduct Policy or as required by law.

Crisis Response Team

- The Point Person may recommend to the Diocesan Bishop, and the Diocesan Bishop may request, that a Crisis Response Team be sent to a Parish or place of ministry if an allegation of sexual misconduct in that place made against a member of the clergy, lay employee, or volunteer threatens the integrity of the Parish or place of ministry.
- The Crisis Response Team will, in consultation with the Point Person, contact key persons in the Parish or place of ministry and maintain clear lines of communication with persons in authority in the Parish or place of ministry including the Clergy, Parish Wardens or interim Priest, as appropriate, and make recommendations to the Diocesan Bishop about

what is needed in the Parish or place of ministry to reduce trauma, tensions, misinformation, and disruption and to support restoration. In consultation with the Diocesan Bishop, the Crisis Response Team may hold an open meeting or meetings in the Parish or place of ministry. The Crisis Response Team will be deployed only as a short-term measure.

Support Persons

- A Support person, if available, will be appointed by the Point Person to assist a Complainant, Respondent, or their respective families, if deemed appropriate and if the party (who has been informed of the role of the support person) requests assistance.
- The Support Person will work under the direction of, seek guidance from, and report to the Point Person.
- The Support Person may offer guidance and resources to the party which may include
 - a) providing information to the party regarding the Sexual Misconduct Policy,
 - b) supporting the party in finding and accessing pastoral or professional care, and
 - c) supporting the party in a process of healing and reconciliation.

Appendix B

Children, Youth, and Vulnerable Adults

Where any person suspects, on reasonable grounds, that a child is or may be in need of “protection” or “protective services,” including, for purposes of this Policy, a suspicion that a child has been the victim of sexual misconduct, that person must comply with any law requiring that the incident be reported to a child protection or other authority (e.g., the police).

Anyone who is unsure whether they should report that sexual misconduct involving a child might have occurred is encouraged to seek advice from colleagues, superiors, or child protection professionals. If there is doubt, individuals are advised to make a report to the authorities, as it is preferable to err on the side of protecting the child, youth, or vulnerable adult.

There is a special obligation on Clergy to report if they suspect that a child may have suffered sexual misconduct. This duty overrides any claim of privilege or confidentiality. Failure to comply with this duty is an offence under the law. See Section 24 of the *Nova Scotia Children and Family Services Act* and Section 9 of the *PEI Child Protection Act*.

Any clergy, lay employee, or volunteer of the Diocese who is aware of a report that a child is being or may have been the subject of sexual misconduct by a member of staff, clergy, or a volunteer of the Diocese ought to immediately inform the Diocesan Sexual Misconduct Point Person who, in turn, will inform the Diocesan Bishop. The Point Person ought to then confirm with the appropriate child protection authorities that a report has been made.

Where a member of clergy or a diocesan or parish lay employee or volunteer is accused of sexual misconduct of a child, youth, or vulnerable adult, that person will normally be immediately removed from church-related activities/duties until all legal proceedings are completed and/or the Diocesan Bishop is satisfied that the person poses no risk to children, youth, or vulnerable adults.

The Diocese will co-operate fully with child protection authorities and/or police who are investigating reports of child abuse or abuse of a youth or vulnerable adult.

Pastoral support to the Complainant and their families, and the Respondent(s) and their families will be offered as the Diocesan Sexual Misconduct Policy provides and as

possible, with the proviso that consultation occur with the civil authorities to ensure that the pastoral support is appropriate.

The Diocesan Bishop, in consultation with the Point Person, the Chancellor, and other professionals if required, shall determine whether any further action is required when an external investigation of a complaint of sexual misconduct is inconclusive or when a staff member or volunteer is found not guilty of a criminal sexual offence involving a child, youth, or vulnerable adult. This investigation and decision shall follow the procedures laid out in this Policy to determine 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, youth, and vulnerable adults.

If the Complainant was a minor at the time of the alleged Sexual Misconduct

If the complaint involves alleged sexual misconduct that occurred when an adult Complainant was a child, the Complainant should be encouraged to report the matter to the police. No report shall be made to the civil authorities by the Point Person or anyone in the Diocese without the consent of the Complainant, with the following proviso: If there is suspicion or possibility that other children are currently or may have been the victims of sexual misconduct an immediate report shall be made to Child Protection Authorities or the police.

Appendix C

Informal Resolution of the Complaint

The Complainant may not wish to file a formal complaint but be seeking advice or assistance. The Point Person shall promptly provide advice and/or assistance after consultation—if need be—with the appropriate resource people (e.g., Diocesan Bishop, chancellor, etc.) and may seek other professional advice with respect to ensuring a correct balance of protective action, legal response, pastoral care, and issues of confidentiality. The Point Person may also advise the Complainant of other diocesan and community supports which may be available. The Point Person shall make a written report of the factual circumstances of the complaint, of the action taken and the result of such action.

The Complainant may wish to communicate directly with the person responsible for the sexual misconduct and advise them that the conduct is unacceptable and must stop. This direct action should only be advised if the Complainant initiates the idea and is comfortable dealing directly with the Respondent and the particular circumstances of the complaint make it an appropriate course of action. In any event, the Point Person shall make a written report of the factual circumstances of the complaint, of the action taken and the result of such action.

The Complainant may ask the Point Person to communicate directly with the Respondent and advise them that the conduct is unacceptable and must stop. The Point Person should only make such a communication at the written request of the Complainant, and if the particular circumstances of the case make it an appropriate action. In any event, the Point Person shall make a written report of the factual circumstances of the complaint, of the action taken and the result of such action.

If requested by the Complainant and if appropriate in the circumstances, the Point Person may appoint a facilitator to assist in an informal resolution. This facilitator – who would be one of the roster of Investigative Team members – may do the following:

- Engage in separate meetings with the parties;
- Facilitate a confidential meeting with the parties;
- Recommend and oversee an educational session for the Respondent, if appropriate on the issue at hand (e.g., sexual harassment in the workplace);
- Refer a party, or the parties, to other resources, as may be appropriate.

An informal resolution process involving a facilitator would normally end with a written Resolution Agreement signed by both parties and ratified by Point Person. Copies of this agreement are to be provided to the parties and a copy is to be kept in the file of the Point Person. A memo summarizing the process and the resolution is to be provided to the Bishop and will be placed in the personnel file(s), if applicable, of the parties. The Diocesan Bishop will be responsible for periodically reviewing this memo and making a decision as to whether it is appropriate for it to be removed from an individual's personnel file or to be retained.

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

I, (Name of Complainant) have brought a complaint of Sexual Misconduct under the Sexual Misconduct Policy of the Diocese of Nova Scotia and Prince Edward Island against (Name of Respondent).

1. I have received a copy of the Diocesan 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. The facilitator appointed by the Diocese of Nova Scotia and Prince Edward Island is _____. I agree to the appointment of this person.
3. If the process arrives at a resolution to the complaint, such resolution will be recorded in writing and signed by the Respondent, the facilitator, and me, and it will be referred to the DSM Point Person for approval and ratification.
4. 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 any 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 DSM Point Person at any time.

I understand that the Diocesan Sexual Misconduct Policy in no way restricts, or seeks to restrict, my legal right to seek independent legal advice or to seek a remedy through the civil courts or under the Nova Scotia or PEI human rights legislation. I understand, furthermore, that by choosing to participate in this Informal Resolution Process, I am not restricting my own options in this regard. _____
(Complainant's Initials)

Signed: _____ Date: _____

Witness: _____ Date: _____

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

I, (Name of Respondent) am the subject of a complaint of sexual misconduct brought against me by (Name of complainant) under the Sexual Misconduct Policy of the Diocese of Nova Scotia and Prince Edward Island

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 Nova Scotia and Prince Edward Island is _____. I agree to the appointment of this individual.
4. If the facilitation arrives at a resolution to the complaint, the resolution will be recorded in a Resolution Agreement. The Agreement will be signed by the Complainant, the Facilitator, and me, and will be referred to the DSM Point Person for approval and ratification. The Facilitation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in this facilitated process are without prejudice and may not be disclosed in any investigation if the facilitated process fails.
6. I understand that if a resolution is reached through this process, a copy of the Agreement will be given to me, to the Complainant, and to the Point Person. I also understand that a memo summarizing the Agreement will be provided to the Diocesan Bishop and will be placed in my personnel file, if applicable. This memo may be removed at the discretion of the Diocesan Bishop.
7. 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 DSM Point Person.
8. I understand that the Diocesan Sexual Misconduct Policy does not restrict, or seek to restrict, my legal right to seek independent legal advice.

Signed: _____ Date: _____

Witness: _____ Date: _____

Appendix D

Complainant Report Form

Name -- _____

Address – _____

Date of Birth - _____

Telephone Number - _____

Email address – _____

Current Parish or Place of Ministry – _____

Position, if any, held in the Parish or Place of Ministry at the time of the alleged incident:

Details of complaint: (what occurred, where and when; and name and contact information – if available of the individual who is accused of sexual misconduct).

Respondent’s position, if any, in the Parish or Place of Ministry at the time of the alleged incident:

I, _____, authorize the Diocese of Nova Scotia and Prince Edward Island to investigate my complaint in accordance with the Sexual Misconduct Policy of the Diocese of Nova Scotia and Prince Edward Island.

I acknowledge that I have received a copy of the Sexual Misconduct Policy and that I have read it and understand it.

I understand that a copy of my signed complaint, my statement and, as well, as any related documents I may provide to the Point Person or the Investigative Team will be provided to the Respondent and other persons as necessary for the administration of the policy.

I understand that if I have any questions about the Sexual Misconduct Policy or my rights and responsibilities under it, I may speak with the Point Person.

I understand that under the Policy I am not precluded from seeking independent legal advice or from seeking a remedy through the courts (criminal or civil) or other relevant civil administrative body such as a provincial Human Rights tribunal. I also understand that the procedures under this policy are not a substitute for those above-mentioned remedies.

Dated at _____, in the province of _____,

on this _____ day of _____, 20_____.

Signature of the Complainant

Witnessed by

Diocesan Sexual Misconduct Point Person

Appendix E

Investigation Interview of Respondent

Case: Complaint of _____

Interview Location _____

Interview Date _____

Interviewers _____

I, _____, Respondent in the above-noted Complaint, hereby acknowledge receipt of a copy of the Sexual Misconduct Policy of the Diocese of Nova Scotia and Prince Edward Island and that I have read and understand the policy.

Respondent's initials

I further acknowledge that anything that I say or write in relation to this matter may be used in the formal investigation under the Diocesan Sexual Misconduct Policy, or in any ecclesiastical, criminal, or civil proceeding.

Respondent's initials

If written or audio/visual statement provided:

I acknowledge that I have provided a written statement or an audio/visual statement freely and voluntarily and that I have had the opportunity to review the statement and it as accurate to the best of my knowledge and belief.

Respondent's initials

Or

I decline to be interviewed.

Respondent's initials

Dated at _____, Province of _____ on this _____
day of _____, 20____.

Signature of the Respondent

Witnessed by

Investigation Team Member

Appendix F

Witness Interview Template

Name of Complainant -

Interview location -

Interview date -

Interviewer -

Witness name -

Address -

Phone Number -

Email address -

Witness

statement _____

Dated at _____, in the province of _____, on this

_____ day of _____, 20_____.

Signature of the Witness

Witnessed by

Investigation Team Member

Appendix G

Diocese of Nova Scotia and Prince Edward Island Formal Mediation Consent Form

I, _____ (Name of Complainant/Respondent) have brought/am the subject of a complaint of sexual misconduct under the Diocesan Sexual Misconduct Policy.

1. I have received a copy of the Sexual Misconduct Policy. I have read it and understand it.
2. I agree to enter into a facilitated Mediation to resolve this complaint.
3. The Mediator appointed by the Diocese of Nova Scotia and Prince Edward Island is _____ (Name of Mediator). I agree to this Mediator.
4. If this mediation arrives at a resolution to the complaint, the Resolution Agreement will be put in writing. The Resolution Agreement will be signed by the Complainant, the Respondent, and the Mediator. It will then be referred by the Sexual Misconduct Policy Point Person to the Diocesan Bishop for approval and ratification. I understand that, once ratified by the Bishop, the Mediation Agreement will be final and binding.
5. I understand that a copy of the ratified Mediation Agreement will be provided to all parties, including a copy to the Point Person to be held in their files and, if applicable, in the Respondent's personnel file.
6. 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.
7. I understand that if I have any questions about the operation of this policy and my rights and responsibilities under it, that I may speak with the Sexual Misconduct Policy Point Person.
8. I understand that I have the right to seek independent legal advice and the right to seek remedy through the courts (criminal or civil) or other relevant civil administrative body such as a provincial Human Rights tribunal.

Dated this _____ day of _____ at

_____.

Signature of Complainant/Respondent

Signature of Witness

Appendix H

Confidentiality

When receiving a complaint under the Sexual Misconduct Policy and throughout an investigation taken pursuant to the Policy, all efforts will be made on the part of all parties concerned to hold in confidence information which is obtained, including identifying information about any person involved. There will be times however when this information is required to be disclosed by law, for the purposes of conducting a full and fair investigation, where safety or prevention issues warrant disclosure, or where confidentiality is expressly waived by the parties.

Matters of confidentiality may bear directly not only upon the proper process of the investigation, but on the well-being and recovery of individuals involved. When sexual misconduct has been alleged and an investigation is in process, immediate colleagues and associates 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. While the investigation is ongoing and until a final resolution of the matter reached, anyone involved as a complainant, respondent or witness will be strongly advised not to discuss the complaint, incident, or the investigation with anyone unless necessary to obtain advice about their own rights or in private conversation with a support person.

Appendix I

Consent for Release of Information/Acknowledgement of Limited Confidentiality

Concerning the complaint of _____ (name of Complainant) against _____ (name of Respondent) which was signed and dated at _____ in the province of _____ on _____, 20__.

1. Complainants, Respondents, and witnesses are advised to read the Diocese of Nova Scotia and Prince Edward Island's Sexual Misconduct Policy and Procedures.
2. Every effort will be made to maintain the confidentiality of information received during the process of a complaint made pursuant to the Policy, subject to the exceptions noted below.
3. There will be times when this information is required to be disclosed by law, for the purposes of conducting a full and fair investigation, where safety or prevention issues exist, or where confidentiality is expressly waived by the parties.
4. Information provided by the Complainant will be released to the Respondent and information provided by the Respondent will be released to the Complainant. Personal contact information of the parties, however, will be redacted.
5. All other information collected as a result of the Investigation will be released to the parties as deemed appropriate and necessary by the Sexual Misconduct Policy Point Person (hereinafter referred to as the "Point Person").
6. The investigation may proceed in the absence of information from the Respondent. In this case, the investigating team will make their final report to the Diocesan Bishop, via the Point Person, noting the absence of such information which may otherwise be of assistance to the Respondent.
7. Witnesses are advised that any information that they provide, either verbally or in writing, to a member of the investigating team will be released to the Complainant and Respondent and other persons as necessary.
8. While the investigation is ongoing and until a final resolution of the matter reached, anyone involved as a complainant, respondent or witness are hereby strongly advised not to discuss the complaint, incident, or the investigation with anyone unless necessary to obtain advice about their rights or in private conversation with a support person.

9. The parties are advised that the information collected through the investigation and disclosed to them is disclosed for the sole purpose of assisting them through the process and to ensure the Respondent is fully able to respond to the complaint. The parties are strongly advised not to further disclose or disseminate this disclosure unless required by a civil investigative agency, the courts, or other civil authority.
10. If legal proceedings commence regarding these parties, the Diocese may be required by law to release information and documents to the courts or other civil authority
11. If the Parties have any questions regarding their rights and responsibilities in the investigation, they are advised to speak with the Point Person.
12. This policy is not intended to preclude or in any way dissuade a Complainant or Respondent from seeking Legal Counsel or to preclude or in any way dissuade a Complainant from seeking a remedy through the courts or via a civil proceeding such as a provincial Human Rights Tribunal.

I acknowledge receipt of a copy of the Sexual Misconduct Policy and Procedures. I have read, understand, and agree with the Notice regarding the Release of Information/ Acknowledgement of limited confidentiality, as provided above.

Signed: _____, Date: _____

Witness: _____, Date: _____