



# **DIOCESE OF NIAGARA SAFE CHURCH POLICY**

Approved by Synod Council on June 22, 2021  
to take effect on October 1, 2021

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# 1. GENERAL PRINCIPLES

## 1.1 Foundations

In January 2020, the Synod Council of the Diocese of Niagara adopted the following mission statement:

Ignited by the irresistible love of Jesus and renewed by the Holy Spirit,  
we partner with God to deepen faith, share stories, and care for God's world.

Our vision is to be a people who are called to life and compelled to love; this applies to all aspects of our ministry.

Within our Diocese, we are blessed with the opportunity to serve many people in many communities. Core to our Christian identity is an affirmation of the dignity and worth of all persons as every human being is created in the image of God. In baptism, we make a commitment to follow the life and teachings of Jesus Christ. Through Jesus' example, we know the importance of respect for all people, healthy and right relationships, and conducting ourselves with integrity. Churches within the Diocese are places of worship, teaching, learning, and community. Relationships built in these sacred spaces continue to bless the wider church and it is our desire to provide spaces that are safe and holy for all.

We seek to nurture a community of faith where people respect one another and share the gifts that God has given to them and to others. Healthy boundaries offer opportunities to foster healthy, respectful, and meaningful relationships within and beyond the diocesan community. Healthy boundaries promote and encourage the dignity and self-worth of each person. Healthy boundaries affirm actions that reflect our Christian beliefs, our love of God, and our love of neighbour. Through all these things, healthy boundaries nurture a spirit of trust and grace, making space for all to thrive in our community of faith.

The commitment to healthy boundaries is something that is shared throughout the Anglican Communion. When healthy boundaries are not maintained, human dignity can be compromised and the potential for conflict and abuse increases.

In 2019, the Anglican Church of Canada adopted The Anglican Communion Charter for the Safety of People (see [Appendix B](#)).

The Five Commitments of the Charter are as follows:

1. Pastoral Support where there is abuse;
2. Effective Responses to abuse;
3. Practice of Pastoral Ministry;
4. Effective Review of Suitability for Ministry; and
5. A Culture of Safety in the Church.

As set out in the Charter, the witness of Scripture recognises and affirms God's love for all members of the human family and the priority given in Jesus' ministry to children and the vulnerable of society. The Five Commitments provide a framework for effective Safe Church policies and procedures. Our Diocese seeks to uphold these five commitments through this policy, ensuring that the connections made through our various ministries in the Diocese are healthy and that they strengthen our Christian community.

## 1.2 Accountability

The Diocese has a standard for accountability that applies to all people in the Diocese and in all churches, regardless of the status, ministry, gender, orientation, office, context of work, or position (volunteer, paid, lay, or ordained). Familiarity with and adherence to this code is a necessary and vital component of each of our lives and ministries as members of the Anglican Communion. In particular, ordained persons, as people in positions of sacred trust, are called to uphold, promote, and model the standards of professional competence and conduct as conveyed by this policy. This standard is an affirmation that in all matters, we as the people of the Anglican Diocese of Niagara, are accountable to:

- God – to love our Creator with our entire being, mind, body, soul, and strength, according to Christ’s instruction;
- one another – that our beliefs, language, actions, and commitments reflect the value we place on a healthy relationship with God and healthy relationships with one another;
- ourselves – that we value such things as will engender a healthy, life-giving way of Christian life, knowing that the things we do in private strongly form that which we become in community; and
- the world – modeling the Way of Christ, to the Glory of God.

Our accountability is based on scripture, on our Anglican tradition, and on sound reason.

## 1.3 Scope

This Safe Church policy is intended to support safe spaces for all people that are part of the Diocese. This policy therefore applies to all the following:

- Clergy
- Licenced lay workers
- Diocesan staff
- Diocesan and parish leaders
- Diocesan and parish volunteers
- Parishioners
- Vulnerable persons

This policy is designed to cast a vision for safe spaces, encouraging the development of healthy relationships. This policy is also designed to respond to a spectrum of situations which may leave a person in our faith community feeling unsafe, including disagreements and conflict, harassment, violence, discrimination, and abuse.

When issues of conflict, harassment, violence, and/or discrimination arise, individuals may choose to *informally* resolve a complaint, as per Part 2 of this policy. A formal process to resolve conflict is covered in Part 3 of this policy. A formal process to address harassment, violence and discrimination is covered in Part 4 of this policy. Part 5 of the policy addresses situations involving abuse. The policy has no application in circumstances where a respondent is deceased. In such cases, the complainant should contact the Executive Officer and/or Bishop.

Application of this Policy is subject to the *Ontario Occupational Health and Safety Act*, the *Ontario Human Rights Code*, the *Criminal Code*, and any other applicable legislation.

Nothing in this Policy prevents an individual from pursuing their rights under the *Ontario Human Rights Code* or in the courts.

Should the complainant commence proceedings with the Ontario Human Rights Tribunal, or in the courts, the Bishop may, in the interest of ensuring the safety of the diocesan community, impose restrictions on persons named in such proceedings. If a proceeding before the Ontario Human Rights Tribunal or in the courts makes a determination of the complaint on its merits, the Diocese reserves the right to undertake its own investigation in accordance with this policy and may take any action, including disciplinary action, as may be appropriate in accordance with the Canons of the Diocese, the Ecclesiastical Province of Ontario, and the Anglican Church of Canada.

## **1.4 Education**

Honouring the Diocese's commitment to follow this policy is the responsibility of all members of the parish and diocesan community and essential to upholding healthy boundaries in all aspects of ministry. The Executive Officer supports the diocesan community by ensuring that the community understands this policy and follows its procedures in order to build and promote healthy boundaries. To ensure the understanding of Safe Church Policies, trained diocesan staff will offer mandatory training to clergy and lay leaders on an annual basis.

This Policy will be made available to all parishes, missions, and diocesan ministries. An electronic version of the policy will be posted on the diocesan website and be distributed to all clergy, parish and diocesan employees, and lay leaders by e-mail on an annual basis, and an acknowledgement of having reviewed the policy will be required. A printed copy of the policies will be available in parish offices and can be requested at any time from the Canon Pastor or the Executive Officer.

From time to time, as determined by the Bishop and Executive Officer, additional educational materials and education about Safe Church practices will be shared with parish and diocesan leaders.

## **1.5 Prevention**

The following two principles are fundamental when interacting with vulnerable people and groups:

1. As much as possible, interactions should be in public places, open to observation from others.
2. People interacting with vulnerable people and groups are to be supervised and supported in their ministry and not interact with vulnerable people in isolation. When working in isolation, judgement can become skewed, boundaries may be crossed, and abuse may occur.

While these general guidelines should be followed whenever possible, circumstances will arise in a church environment where these guidelines cannot be met. For example, there will be times when people will request private, confidential pastoral care in closed settings, and there will be times where individual in-home visits are necessary. These types of ministry should not be discouraged; however, the people involved must be aware of the inherent risks posed by these situations, must take all appropriate steps to minimize the chance of being in a compromising situation and must follow the standard of best practices.

### **1.5.1 Best Practices**

1. It is preferable to meet with at least one additional person present rather than be alone with an individual.
2. It is preferable to have more than one adult present when working with vulnerable people (if the other adult cannot be in the same room, it is best to have them close by in the same building).
3. It is preferable to have meetings in an open, public space rather than a closed, private space. A church hall is better than a secluded room, a church office is better than a person's home, a living room is better than a bedroom, an open door is better than a closed door; a door with a window is better than a solid door.
4. It is best to inform others of one's activities and whereabouts.
5. It is best to schedule regular meetings with a supervisor or colleague to discuss the ongoing nature and actions of one's ministry.
6. If a person is involved in a situation where a boundary is violated, or something occurs that is out of the ordinary or could be misinterpreted, they must immediately report and discuss the situation with a supervisor. If the supervisor is unwilling, unable, or unavailable for discussion, they should seek out another qualified person or colleague with whom to discuss the issue. Follow up should happen with the supervisor as soon as possible.

### **1.5.2 Recruitment and Supervision of Volunteers**

The Diocese celebrates the time and talent that volunteers offer to the community. In order to support the Diocese's commitment to a safe church environment, volunteers working with vulnerable persons will be asked for references and to complete a police record check with vulnerable sector screening. An interview may be conducted (typically by a member of the parish staff).

Following the completion of these steps, the cleric-in-charge or diocesan director, whomever oversees the ministry, will review these documents and, if appropriate, approve volunteers for their respective roles. A copy of this policy will be given to all who commit to volunteering within the Diocese, and all volunteers working with vulnerable persons will be required to acknowledge their receipt, understanding of, and commitment to these policies.

Volunteers are required to renew their Police Record Checks with vulnerable sector screening every three (3) years. For children and youth volunteers under the age of 18, for whom a Police Record Check is not possible, written references and a formal interview process are required for screening purposes.

Children and youth who have not been screened may volunteer to help with children's programs provided an adult is present who has completed the steps listed above. A child may not care for other children without adult supervision.

Should someone become aware of a volunteer or potential volunteer who for any reason may not be eligible to volunteer in a position of trust, they must share this information with the Bishop or Executive Officer. The Bishop, along with the Executive Officer, will then make appropriate inquiries and take any necessary action to ensure compliance with the Safe Church Policy.

## **1.6 Confidentiality**

As part of the Diocese's commitment to loving each other, we honour the confidentiality of the information that is collected in order to comply with this policy.

As a first principle, information will be held in confidence unless disclosure is required by law, in order to complete an investigation under this policy or to ensure the safety of an individual. Confidentiality may be waived by the parties.

Matters of confidentiality may bear directly upon the proper process of an investigation, and on the well-being and recovery of victims and individuals involved. When a complaint has been made under this Policy and an investigation is in process, immediate colleagues may become privy to information related to the complaint; in such circumstances this information is to be held in the strictest confidence.

## **1.7 Conflict of Interest**

Every effort will be made to avoid any real or perceived conflict of interest between those who engage with this policy and those who are responsible for the administration of this policy. The determination of whether a conflict of interest exists will be made by the Bishop. If the Bishop is, or appears to be, in a conflict of interest in the execution of their duties under this policy, the determination of whether a conflict of interest exists and, if so, the appropriate remedy to resolve such conflict will be made by the Metropolitan.

## **1.8 Policy Review**

Synod Council shall review this policy annually. Any issues that arise related to the policy and its procedures that require more immediate attention will be reviewed as the issues arise.

## 2. INFORMAL RESOLUTION PROCESS

[Link to definitions](#)

Disagreement is a part of any healthy relationship. Disagreement moves to conflict when differences become personal and/or harmful. When a person believes they are in conflict with another person(s) they are encouraged to engage in personal reflection regarding the conflict, its impact and the potential contributions of each participant.

When issues of concern arise, be they instances of conflict, harassment, discrimination, or violence, individuals may choose to informally resolve a complaint. A matter is considered appropriate for direct dialogue if (a) it is safe to talk with the other party; (b) the concern is perceived to be a small infraction; and (c) the power is relatively balanced between the parties. In other situations, an individual may choose to bring a supervisor into the conversation or to proceed directly with a formal complaint.

1. If the matter is considered appropriate for direct dialogue, the individual is encouraged to discuss the matter directly with the other individual(s) involved, giving specific details (date, time, etc.) with the aim of resolving the conflict. This should be done as soon as possible after the circumstance(s) that gave rise to the conflict.
  - a. When discussing the incident directly, the parties are encouraged to speak and listen respectfully to one another and to engage one another with a spirit of humility, openness, curiosity, and self-reflection.
  - b. If this is a matter of harassment, discrimination, and/or violence the individual should, if they are comfortable doing so, clearly request that the behaviour(s) stop immediately. Alternatively, a supervisor may be engaged as per step 2.
2. If the issue remains unresolved, or if one or more of the parties believe there is an issue but are unable to approach the other(s) directly, then the following steps are recommended:
  - a. One or more of the parties may wish to seek assistance from their immediate supervisor. Parishioners and those without an immediate supervisor may seek assistance from their parish leader.
  - b. If within ten (10) working days of engaging the supervisor, or parish leader, the issue remains unresolved, or in situations in which the supervisor or parish leader is implicated in the incident, or where the supervisor or parish leader feels they cannot adequately address the situation, one or more of the parties and/or the supervisor may seek assistance from the Canon Pastor.
3. Those supporting the parties involved in the issue will work to discern a direction for resolution, and will recommend one of the following options:
  - a. take no further action;
  - b. proceed with further direct dialogue between the parties;
  - c. address the matter through informal mediation (described below); and
  - d. address the matter through one of the formal processes.
4. Informal mediation by the supervisor or the Canon Pastor is encouraged, if appropriate. If informal mediation is chosen, those drawn in to support those involved in the issue will informally mediate the concern as soon as possible and enter into a mediation agreement ([Appendix D](#)).



- a. During informal mediation, all parties are expected to speak in an honest, and respectful manner in the hope of resolving the issue.
- b. The person supporting the informal mediation may terminate the mediation at any time if they feel that informal mediation has no reasonable prospect of resolving the issue and/or if the matter is beyond their capacity to mediate. In this case, they will refer the issue to the Executive Officer.

At all times it is the Diocese's primary intent to provide all persons who enter our doors with a safe environment free of harassment, discrimination, and violence. With this principle in mind, we encourage all persons, even those who use our informal procedure, to alert their supervisor or parish leader immediately as to any ongoing concerns in this regard so that the policies under section 4 or 5 of this policy may be implemented as appropriate.

### 3. CONFLICT POLICY

[Link to definitions](#)

Disagreement is a part of any healthy relationship. Disagreement moves to conflict when differences become personal and/or harmful. When a person believes they are in conflict with another person(s) they are encouraged to engage in personal reflection regarding the conflict, its impact and the potential contributions of each participant.

#### 3.1 Informal Conflict Resolution Process

Individuals may choose to directly approach the person with whom they are in conflict or they may choose to bring a supervisor (if a supervisor is available) into the conversation as outlined in Part 2 of this policy, entitled “Informal Resolution Process”. If the informal resolution process does not resolve the matter to the satisfaction of all affected parties, the matter may proceed as a formal conflict, using the procedures outlined in the following section. While parties are encouraged to consider informal conflict resolution as a first step, the parties may wish to begin with the formal conflict resolution process described below.

#### 3.2 Formal Conflict Resolution Process

***At-A-Glance: Formal Conflict Resolution Process:***

Formal Conflict Resolution procedures are initiated if the concerns of either party have not been met with the Informal Conflict Resolution procedures or if the parties elect to move immediately to this process. The formal procedures involve a written statement that is given to the Executive Officer. A copy of the written statement is provided to the person(s) named in the complaint (the Respondent). The Executive Officer may offer suggestions for next steps, such as coaching and/or mediation. If none of the suggested solutions are appropriate or result in a satisfactory conclusion, the Bishop will arbitrate and make the final determination to resolve the conflict.

People who may be involved:

Parties involved in the conflict, Executive Officer, Supervisor, Coach, Mediator, Bishop

1. If the Informal Conflict Resolution Process does not provide a satisfactory resolution to the conflict, then any of the parties involved may make a statement in writing regarding the conflict to the Executive Officer. This statement will serve to initiate the Formal Conflict Resolution process. If possible, the statement should be normally provided within fifteen (15) working days of the conflict’s occurrence, or, if possible, within ten (10) working days of the unsatisfactory conclusion of the Informal Conflict Resolution Process.

The Statement must include:

- a. name, email address, and telephone number of the person making the statement;
- b. name(s) of the other party(ies);
- c. a description of the conflict;
- d. a statement of one’s own contribution to the situation;
- e. date(s) on which the conflict occurred;

- f. other information that will assist in the Formal Conflict Resolution process (e.g., names of witnesses); and
  - g. desired outcome.
2. The written statement, along with a signed 'consent for the release of information' ([Appendix E](#)) must be presented to the Executive Officer.
3. The Executive Officer, or their designate, will engage the following next steps:
  - a. provide a copy of the statement to the Respondent and invite a statement in response;
  - b. interview the key parties and other involved parties identified in the statement;
  - c. review related documents raised in the Statement or during the assessment of the matters in the Statement; and
  - d. provide the parties involved in the conflict with an assessment of the statement and situation and the recommendations regarding next steps for resolving the conflict.
4. Recommendations may include, but are not limited to:
  - a. further assessment and recommendation(s) developed by an external consultant;
  - b. leadership and/or conflict coaching;
  - c. mediation;
  - d. organizational review and/or organizational development;
  - e. policy development and/or revision;
  - f. education/training; or
  - g. should the statement generate concern that discrimination, harassment, violence and/or abuse may have occurred, the complaint will be referred to either Part 4 or Part 5 of this Policy.
5. If further assessment and recommendation(s) developed by an external consultant is selected under step 4(a), the external consultant will review all relevant material and interview the parties involved in the conflict and possibly others related to the situation. The external consultant will provide a report to the Executive Officer and the Bishop. The report shall outline the external consultant's assessment and their recommendations regarding next steps. A summary of the external consultant's assessment shall be provided to the parties directly involved in the conflict.
6. The external consultant may make a variety of recommendations including, but not limited to:
  - a. leadership and/or conflict coaching;
  - b. mediation led by an external facilitator;
  - c. organizational review and/or organizational development;
  - d. policy development and/or revision;
  - e. education/training; and
  - f. should the external consultant's review conclude that discrimination, harassment, violence and/or abuse may have occurred, the incident will be dealt with under Part 4 or Part 5 of this Policy.
7. If coaching is recommended, coaching will begin within fifteen (15) working days of the conclusion of the recommendation.
  - a. The parties involved in the conflict will be given an opportunity to have input with regard to the selection of the coach. The Bishop will make the final selection of the coach.

- b. Parties will receive up to three coaching sessions, following which the situation will be assessed by the Bishop to determine whether the Conflict has been resolved, further coaching is recommended, and/or further intervention such as mediation is recommended.
  - c. If the parties involved in the Conflict reject the recommendation for coaching, then the Bishop will make another recommendation under step 4 of the Formal Conflict Resolution Procedure.
- 8. If mediation is recommended, the mediation will normally begin within fifteen (15) working days of the recommendation.
  - a. The parties involved in the Conflict will be given an opportunity to have input with regard to the selection of the mediator(s). The Bishop will make the final selection of the mediator(s) and participants will enter into an agreement to mediate, such as the one described in Appendix D.
  - b. Parties will receive up to three mediation sessions with any costs for these sessions covered by the Diocese, following which the situation will be assessed by the Executive Officer to determine whether the conflict has been resolved, further mediation is recommended, and/or further intervention such as arbitration by the Bishop is recommended.
  - c. If the parties agree to a resolution of the conflict through mediation, a Memorandum of Understanding shall be composed outlining the terms of the agreement, signed by all parties involved in the conflict. This document will be held in the appropriate Diocesan file(s).
- 9. If none of the suggested solutions are appropriate or result in a satisfactory conclusion, the Bishop will arbitrate and make the final determination to resolve the conflict.

## 4. HARASSMENT, DISCRIMINATION & VIOLENCE POLICY

[Link to definitions](#)

The Diocese of Niagara is committed to providing a safe, harassment-free and violence-free environment for worship, ministry, work and study. Complaints of discrimination, harassment or violence will be taken seriously and dealt with in a spirit of compassion and justice. This policy is designed to incorporate the rights and obligations imposed by the *Ontario Health and Safety Act* and *Ontario Human Rights Code* while being inclusive of situations of harassment, discrimination, and violence in all ministry settings.

### 4.1 Informal Process

People experiencing or witnessing behaviour that is harassing or discriminatory are encouraged to clearly request that the behaviour stop. If possible, the parties are encouraged to resolve the matter using the Informal Resolution Process. If the Informal Resolution Process does not resolve the matter to the satisfaction of all affected parties, the matter may proceed as a formal complaint, using the procedures outlined in the following section. While complainants are encouraged to consider informal conflict resolution as a first step, the complainant may instead wish to simply begin with the formal complaint process described below.

### 4.2 Formal Process

#### ***At-A-Glance: Formal Harassment, Discrimination, and Violence Complaint Process***

A formal Harassment, Discrimination, and/or Violence process typically begins with a complaint which is then investigated. The Bishop will make the final decision regarding the actions to be taken following the investigation.

Parties that may be involved:

- Complainant
- Respondent
- Investigators
- Bishop
- Executive Officer
- Chaplain and/or Support Person (to be agreed-upon in dialogue with the complainant and respondent, respectively)

If the Informal Resolution Process does not conclude with a resolution or if an individual who believes they have experienced harassment or discrimination or violence as a result of the actions (or inaction) by another individual (“complainant”) is unable or unwilling to pursue the informal process or if the informal process is inappropriate for the situation, the Formal Complaint Process may be utilized.

At any point during the Formal Complaint Process, the Bishop may appoint chaplains for either/both the complainant and/or the respondent to provide support and pastoral care, in addition to any support persons the complainant and/or respondent have selected themselves. In addition, the Bishop may appoint Chaplains for the Wardens and the Parish to support them during this process.

## STEP 1: Complaint and Initial Action

1. The complainant or person reporting will notify the Executive Officer that they wish to make a formal complaint under this policy.
2. The complainant will be provided with a copy of this policy and will be invited to prepare a written version of the complaint. The Bishop and/or Executive Officer maintains the right to direct an investigation under this policy even if the complainant chooses not to prepare a written version of the complaint.
3. A written complaint shall, when possible, be submitted to the Executive Officer within two (2) weeks of the alleged incidents. It shall include the following information:
  - a. name and contact information of the complainant(s);
  - b. name and contact information of the respondent(s), and a description of their role in the diocesan community;
  - c. name and contact information of any witness(es) or other persons with relevant information to provide about the incident(s);
  - d. details of what happened, including date(s), frequency, and location(s) of the alleged incident(s);
  - e. any supporting documents the complainant has in their possession that are relevant to the complaint;
  - f. a list of any documents relevant to the complaint that a witness, other person, or the respondent may have in their possession; and
  - g. a signed Consent to the Release of Information ([Appendix E](#)).
4. Upon receipt of a formal written complaint under this policy, the Executive Officer shall, within two (2) weeks:
  - a. inform the respondent that a formal complaint has been made against them under this policy and provide them with a copy of the written complaint and a copy of this policy;
  - b. make a recommendation to the Bishop as to whether any personnel changes affecting either/both the complainant and/or respondent (e.g., duties, working location, or reporting relationships) are required for the duration of the Formal Complaint Process. The final decision regarding any such change(s) shall be made by the Bishop; and
  - c. notify the Diocesan insurers of a potential claim.
5. Within two (2) weeks of being notified of the complaint, the respondent shall either (a) provide the Executive Officer with a formal written response, or (b) advise the Executive Officer they do not wish to provide a response. If the respondent provides a signed Consent to the Release of Information ([Appendix E](#)), a copy of any written response will be provided to the complainant.
6. Within two (2) weeks of receiving details of the respondent's response or being notified the respondent does not intend to provide a response, the Executive Officer will consult with the complainant to determine whether they wish to:
  - a. withdraw the complaint and take no further action;
  - b. speak directly with the respondent;
  - c. attempt to resolve the matter under the Diocesan Conflict Resolution Policy; or
  - d. proceed to the Investigation stage.

7. If the complaint is withdrawn, the Bishop may still determine that the initial concern is worthy of further investigation and may proceed to initiate an investigation.

### **Step 2: Investigation**

1. The Bishop and/or Executive Officer shall appoint an Investigator(s). The Bishop and/or Executive Officer shall indicate to the Investigator(s) whether (a) only a finding is requested, or (b) a finding plus recommendations is requested.
2. The Investigator(s) shall:
  - a. Review the written complaint and the respondent's response, if applicable;
  - b. Within thirty (30) days of their appointment (or as soon thereafter as possible), interview the complainant, respondent, witnesses, and others who might possess relevant information about the complaint;
  - c. Gather relevant documentary evidence;
  - d. Prepare a preliminary investigation report to the Executive Officer, including any request for information that may assist with the investigation;
  - e. As soon as possible or within 90 days unless extenuating circumstances do not allow, submit a written report of their findings to the Bishop.
    - i. The Investigation Report will state whether, on a balance of probabilities, the claim is substantiated. If requested, the investigator will also make recommendations for potential corrective and/or remedial actions and recommendations for resolving the concerns that contributed to and/or led to the finding.
    - ii. Recommendations may include one or more of the following:
      1. Written and/or verbal apology by the respondent to the complainant;
      2. Written and/or verbal reprimand;
      3. Coaching for one or both parties;
      4. Mediation;
      5. Workplace restorative processes;
      6. Training and/or counselling for the individuals involved or the workplace as a whole;
      7. Policy review;
      8. Corrective action;
      9. Discipline, including termination; and/or
      10. Such other action as the Investigator may advise.

### **Step 3: Decision Making Process**

1. The Bishop shall, in writing, inform the complainant and the respondent of the finding in the Investigation Report.
2. When recommendations regarding remedial actions are made, the Bishop will determine which recommendations to pursue and will initiate action accordingly.
3. Whether a complaint is substantiated or not, a copy of the Bishop's decision and documentation shall be maintained in a confidential case file held by the Executive Officer. If either the complainant or respondent is an employee, a copy of the Bishop's decision and documentation shall also be maintained in the respondent's personnel file. When a complaint is not substantiated, there shall be no record of it in the personnel file.

## 5. ABUSE POLICY

[Link to definitions](#)

The Diocese of Niagara is committed to providing a safe, abuse-free environment for worship, ministry, work, and study. Complaints of abuse of any kind will be taken seriously and dealt with in a spirit of compassion and justice. Abuse by or to any employee, parishioner, contractor, or volunteer, or participant at a parish or diocesan event will not be tolerated.

### 5.1 Children

#### ***At-A-Glance: Child Abuse Policy***

Suspicion of child abuse must, by law, be reported to authorities. The Diocese will cooperate fully with investigating authorities. As permitted, family members, the accused, and insurance providers will all be informed. A crisis response team may be formed at the request of the Bishop and/or Executive Officer. After the criminal/civil proceedings there will be an internal investigation, unless the law requires a concurrent or earlier investigation by the Diocese. There may be discipline.

People who may be involved:

- Complainant and/or Child
- Respondent
- Witnesses
- Child Protective Services and/or Police
- Executive Officer
- Bishop
- Insurance provider
- Crisis Response Team

#### **i. Duty to Report**

1. Any person who has reasonable grounds to suspect any form of abuse of a child is obligated by law to personally report the suspicion to child protection authorities. For the purposes of this policy, reasonable grounds may arise from:
  - a. personally witnessing abuse;
  - b. a complaint from the child;
  - c. circumstantial evidence of abuse (e.g., cries for help, unexplained physical injuries, etc.);
  - d. a statement of a credible eyewitness to a recent complaint;
  - e. a statement of another which is corroborated by detail from the surrounding circumstances;
  - f. a credible witness who corroborates the statement of another (excluding gossip and unsubstantiated rumours).
2. Anyone who is unsure as to whether they should report that abuse might have occurred is to err on the side of protecting the child.
3. In Ontario, the duty to report suspected child abuse overrides the privilege of confidentiality in most cases (including that of doctors and clergy). This law indicates that the positive



requirements of the obligation to report supersede the confessional seal. Child protective services will investigate accordingly and their instructions – and instructions of any law enforcement authorities – must be followed.

## **ii. Complaint and Investigation Procedures**

If the accused is a cleric, diocesan or parish staff member, or volunteer the following actions will be taken:

1. Any member of staff or of the clergy of the Diocese who is aware of a report indicating that a child is being or may have been abused by a cleric, diocesan or parish staff member or volunteer, shall inform the Executive Officer and/or the Bishop immediately.
2. The Executive Officer shall immediately confirm with the child protection authorities that a report of the suspicion of abuse has been made.
3. The Executive Officer shall document the report made by noting the time and date that the authorities were informed and the name of the intake social worker.
4. The Executive Officer shall ensure notification to the Diocesan insurers of a potential claim.
5. The Diocese will cooperate fully with child protection and/or police authorities who are investigating reports of child abuse.
6. After approval from the investigating authorities to do so, the Executive Officer and/or the Bishop, will contact the child's family. The Executive Officer, in consultation with the Bishop, shall offer the support of a chaplain to the child and the child's family.
7. After approval from the investigating authorities to do so, the Executive Officer, in consultation with the Bishop, will notify the respondent of the report. Support of a chaplain shall be offered to the respondent and their family as appropriate.
8. Where a member of staff or clergy, or a volunteer is accused of child abuse, that person, after approval from the investigating authorities to do so, shall be removed from all church-related duties until all investigations and legal proceedings are completed, and the Bishop is satisfied that the person poses no risk to children.
9. Only the Bishop or Executive Officer may make public communications regarding the situation on behalf of the Diocese, including parish and media contacts. All public statements will have due regard to confidentiality of the affected parties and the presumption of innocence.
10. If the alleged abuse occurred in a place of ministry in the Diocese, the Bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the Executive Officer to appoint a crisis response team to provide appropriate short-term support.
11. At an appropriate time, the Bishop and/or Executive Officer shall appoint an Investigator(s) to conduct an internal investigation to determine whether the accused person poses a risk to vulnerable persons. The status of the respondent during and at the conclusion of that investigation shall be determined according to the Canons of the Diocese the Ecclesiastical Province of Ontario, and the Anglican Church of Canada. Persons who have been found in a criminal proceeding to have committed any form of abuse of a child shall under no circumstances be given duties where they may be in contact with children.

12. In the case of acquittal of a person charged with an offence relating to the abuse of a child (or where criminal charges have not been laid or have not proceeded for any reason), the Diocese reserves the right to make an independent determination of the facts and the potential risks posed by the respondent based on a balance of probabilities standard, and erring on the side of protection of children and vulnerable persons.
13. Where a respondent is fully exonerated of the accusation, this determination will be announced publicly in a manner that is authorized by the Executive Officer or the Bishop.
14. Where a complaint is upheld, a copy of the Bishop's decision shall be maintained in the respondent's personnel file. When a complaint is not upheld, there shall be no record of it in the personnel file. However, summary documentation of the case shall be maintained in the confidential file of the Executive Officer.

### iii. Discipline

1. Where a complaint is upheld, or where an individual has been found guilty of a criminal offence related to the complaint, disciplinary action will be taken. The nature and type of discipline shall be determined by the Bishop and will depend on the severity and frequency of the incident(s). Disciplinary measures will be determined according to the Canons of the Diocese, the Ecclesiastical Province of Ontario, and the Anglican Church of Canada and may include:
  - a. admonition
  - b. suspension from the exercise of ministry or office
  - c. deprivation of office or ministry
  - d. deposition from the exercise of ministry, if the person is ordained.
2. If it is determined that no abuse took place and that the complaint was initiated maliciously, appropriate disciplinary action may be taken against the complainant.

## 5.2 Adults

### ***At-A-Glance: Adult Abuse Policy***

An adult complainant who alleges abuse by diocesan clergy, staff/volunteers (including when the adult was a child) may make a formal complaint to the Diocese and may be encouraged to report the matter to the police. The Diocese will cooperate fully with investigating authorities. A Crisis Response Team may be formed. Following (or in the absence of) criminal/civil proceedings there will be an internal investigation. There may be discipline.

People who may be involved:

- Complainant
- Respondent
- Witnesses
- Executive Officer
- Bishop
- Insurance provider
- Crisis Response Team
- Child Protective Services and/or police

**i. Complaint and Investigation Procedures**

1. Any adult who believes they have been abused by a cleric, a diocesan/parish staff member, or a diocesan/parish volunteer is encouraged to report the matter in writing to the Executive Officer. For greater certainty, this policy applies whether the person was allegedly abused as a child or as an adult.
2. At any point during the complaint process, the Executive Officer may offer the complainant the support of a chaplain, subject to the approval of any investigating authorities.
3. If the allegation involves suspected criminal conduct, the Executive Officer will encourage the complainant to report the matter to police and may assist the complainant in doing so. No report will be made to police without the consent of the adult complainant unless there is grave concern that the complainant or others may be at risk.
4. If there is any concern that a child is currently being abused, the person receiving the complaint will follow the procedures in Section 5.1 of this Policy (Abuse of a Child).
5. Where a member of staff or clergy becomes aware that a complaint of abuse may be made or has been made to the police against a cleric, a diocesan/parish employee, or a diocesan/parish, volunteer, the person who is aware of the complaint will report this immediately to the Executive Officer.
6. The Diocese will offer to cooperate fully with authorities who are investigating reports of abuse.
7. After approval from the investigating authorities to do so, the Executive Officer, in consultation with the Bishop, will notify the respondent of the report. Support of a chaplain shall be offered to the respondent and their family as appropriate.
8. When notified of a complaint of abuse under this policy, the Executive Officer shall notify the diocesan insurers of a potential claim.
9. The Executive Officer will make recommendations to the Bishop as to whether any personnel changes effecting either/both the complainant and/or respondent (e.g., duties, working location, or reporting relationships) are required. The final decision regarding any such change(s) shall be made by the Bishop. If the Bishop is the respondent, any such decision(s) shall be made by the Metropolitan. In many cases that person will be removed from all church-related duties until any investigations and legal proceedings are complete and the Bishop is satisfied that the person poses no risk to others.
10. If the alleged abuse occurred in a place of ministry in the Diocese, the Bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request that the Executive Officer appoint a crisis response team to provide appropriate short-term support.
11. Any public communication about the matter on behalf of the Diocese, including any communication to the parish and/or media, is to be made only by the Bishop or his/her designate, and will respect both the presumption of innocence and the confidentiality of the parties.
12. At an appropriate time, the Bishop and/or Executive Officer shall appoint an Investigator(s) to conduct an internal investigation to determine whether the accused person poses a risk to vulnerable persons. The status of the respondent during and at the conclusion of that

investigation shall be determined according to the Canons of the Diocese, the Ecclesiastical Province of Ontario, and the Anglican Church of Canada.

13. In the case of an acquittal (or where criminal charges have not been laid or have not proceeded for any reason), the Diocese reserves the right to make an independent determination of the facts and the potential risks posed by the respondent based on a balance of probabilities standard, erring on the side of protection of vulnerable persons.
14. Where a respondent is fully exonerated of the accusation, this determination will be announced publicly in a manner that is authorized by the Executive Officer or the Bishop.
15. Where a complaint is upheld, a copy of the Bishop's decision shall be maintained in the respondent's personnel file. When a complaint is not upheld, there shall be no record of it in the personnel file. However, summary documentation of the case shall be maintained in the confidential file of the Executive Officer.

**ii. Discipline**

1. Where a complaint is upheld, or where an individual has been found guilty of a criminal offence related to the complaint, disciplinary action will be taken.
2. The nature and type of discipline shall be determined by the Bishop and will depend on the severity and frequency of the incident(s). Disciplinary measures will be determined according to the Canons of the Diocese, the Ecclesiastical Province of Ontario, and the Anglican Church of Canada and may include:
  - e. admonition
  - f. suspension from the exercise of ministry or office
  - g. deprivation of office or ministry
  - h. deposition from the exercise of ministry, if the person is ordained
3. If it is determined that no abuse took place and that the complaint was initiated maliciously, appropriate disciplinary action may be taken against the complainant.

# APPENDIX A: DEFINITIONS

The following is a list of terms and common phrases that arise in the context of Safe Church discussions. Not all the terms are explicitly referenced in our diocesan policy, some are derived from the Anglican Communion's Safe Church Charter and other appropriate sources. It is important that everyone be aware of the below list of terms and phrases.

**Abuse** is a behaviour which causes harm to another person or is undertaken with the intention of causing harm to another person or may place another person at the risk of harm. Types of abuse include:

- bullying;
- concealment of abuse;
- cultural abuse;
- cyber abuse;
- emotional or psychological abuse;
- financial abuse;
- gender-based violence;
- harassment;
- neglect;
- physical abuse;
- sexual abuse;
- spiritual abuse; and
- verbal abuse.

Abuse of children and young people is commonly called 'child abuse'. Abuse of an adult can take many forms. Abuse in a family or domestic context may be called 'family violence' or 'domestic violence'.

**Allegations** are circumstances which are the subject of the complaint.

**Authorised** is defined as having been empowered by a licence or other similar authority.

**Bullying** occurs where a person engages in behaviour directed to a person which is repeated, unreasonable (such as where it is victimising, humiliating, intimidating or threatening), and creates a risk to the person's health and safety. It includes:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- inappropriately ignoring someone, or excluding someone from information or activities;
- touching someone threateningly or inappropriately;
- teasing someone or playing pranks or practical jokes on someone; and displaying or distributing written or visual material that degrades or offends.

It does not consist of conduct carried out in a reasonable manner, such as:

- disagreeing with or criticizing someone's beliefs or opinions or actions in an honest and respectful way;
- giving information about inappropriate behaviour in an objective way to the person or people concerned and to any other person with a proper reason for having that information;
- setting reasonable performance goals, standards or deadlines;
- giving information about unsatisfactory performance in an honest and constructive manner; and
- taking legitimate disciplinary action.

**Canon Pastor** is a person appointed by the Bishop with specialized mediation skills who may be assigned to mediate a conflict in accordance with the Informal Resolution Process.

**Charter** refers to the Charter for the Safety of People within the Churches of the Anglican Communion which the Anglican Consultative Council adopted by resolution 15.09 passed in 2012, and the text of which is set out in Appendix B.

**Child pornography** describes or depicts a person who is or who appears to be a child engaged in sexual activity, or in a sexual context. It can include any film, printed matter, electronic data, computer image and any other depiction.

**Church community** is a parish or church organization in which ministry is undertaken.

**Civil Authority** is defined as the police or other authority to which a report of known or suspected abuse may or should be made.

**Clergy** are ordained bishops, priests, and deacons of the church.

**Complainant** is a person who makes a complaint of any kind or a person making a complaint on behalf of the primary victim.

**Complaint** is defined as a concern or issue that has been alleged against a person who is, or has been, affiliated with the Diocese.

**Concealment of abuse** is defined as the failure without reasonable excuse to disclose known or suspected abuse by a person engaged in a ministry position within the church to the ecclesial or civil authority.

**Conflict** is a situation between at least two interdependent parties that is characterized by perceived differences that the parties evaluate as negative. This often results in negative emotional states and behaviors intended to prevail.

**Counselling** refers to interactions between persons for the purpose of support, consultation, obtaining advice, or guidance on matters of concern or interest. It is understood that the nature of counselling relationships involves an imbalance of power and requires a strong element of trust.

**Crisis Response Team** is a group of people with particular skills and expertise who are appointed by the Bishop to provide intensive support to the place of ministry in circumstances whereby a complaint has been made under this policy.

**Cultural Abuse** occurs where a person mistreats a person by actions or threats based on their cultural identity, beliefs and/or practices. It includes:

- forbidding someone to observe the dietary or dress customs of their country of origin;
- using racial slurs in reference to a person's identity;
- threatening to 'out' someone as LGBTQ2+ if their friends and family don't know, or
- isolating someone who doesn't speak the dominant language where they live.

**Cyber abuse or Cyberbullying** occurs where a person engages in behaviour involving the use of technology which harms or threatens to harm a person socially, psychologically or physically. It can take place in various online spaces, like chat rooms, on social networking sites, through emails, messaging apps or on message boards. It includes a range of behaviours which are sometimes described as 'cyberbullying', 'cyberstalking', and 'image-based abuse'.

**Emotional abuse** (sometimes called "psychological abuse") occurs where a person engages in behaviour directed to a person where the person suffers, or is likely to suffer, harm to their health and safety. It includes:

- making derogatory, demeaning or belittling comments, jokes or gestures about someone's appearance, lifestyle, background, or capability;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them; and
- coercing, manipulating, threatening or intimidating a person. It does not consist of conduct carried out in a reasonable manner, such as:
  - a. disagreeing with or criticizing someone's beliefs or opinions or actions in an honest and respectful manner;
  - b. giving information about inappropriate behaviour in an objective way to the person or people concerned and to any other person with a proper reason for having that information; and
  - c. taking legitimate disciplinary action.

**Executive Officer** is a diocesan employee whose is responsible for:

- acting as liaison between the process of investigations and decision-making;
- receiving documented complaints;
- determining whether to refer the complaint to civil authorities (in consultation with the Chancellor and/or legal counsel); and
- advising the Bishop on how to proceed with formal complaints.

**Financial abuse** occurs where a person seeks personal advantage or financial gain for themselves or their family from their position or from a ministry relationship, beyond their stipend or wage and recognised allowances. Where it involves theft or fraud, it will constitute a criminal offence. It includes soliciting a gift, whether monetary or otherwise, from a person with whom there is a ministry relationship.

**Gender-based violence** is any act that is perpetrated against a person's will and is based on harmful gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature, and can take the form of a denial of resources or access to services.

**Grooming** occurs where a person deliberately undertakes actions with the aim of engaging and influencing an adult or a child or young person for the purpose of sexual activity. In the case of a child or young person, the person may groom them and those close to them, such as parents, family members and other church members, with the aim of having sexual activity with the child or young person. In the

case of an adult, the person may groom the adult and those close to the adult such as family members, other church members and church communities, with the aim of having sexual activity with the adult. Grooming commonly precedes other forms of sexual abuse and can involve contact involving the use of technology to build the relationship with the child or adult and include behaviours such as communicating secretly, testing boundaries, intimidation and touching

**Harassment** occurs where a person engages in unwelcome conduct, whether intended or not, towards another person where the person feels with good reason offended, belittled or threatened. This behaviour may consist of a single incident or several incidents over a period of time. It includes:

- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence, including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form such as phone calls, email, text messages; and
- stalking a person.

**Image-based abuse** occurs where a person engages in the taking of, distribution of, or threat to distribute, intimate, nude and/or sexual images of another person without their consent. The images may be original and photoshopped photos, drawn pictures, and videos. It is called 'sexting' when technology is used to distribute the image. It is called 'sextortion' when the person tries to get sexual favours, money or something else, by threatening to reveal intimate images of the other person, or requests money, additional images, or sexual favours for removing the online images .

**Licensed Lay Workers** are people licensed by the diocesan bishop to engage in professional ministry.

**Ministry** is defined as the work involved or the situation which exists when a church worker has responsibility as part of their role for the wellbeing of others.

**Ministry relationship** is a relationship between a person with authority vested by the church and any person for the purposes of ministry.

**Ministry suitability information** is a written statement by a church authority of an ecclesiastical province about a person that discloses whether or not there has been, and, if there has, the substance of any allegation, charge, finding or admission of the commission of a criminal offence, or the breach of the province's rules regarding the conduct of ministers, including rules relating to sexual conduct and conduct towards children, young people, and vulnerable adults.

**Neglect** occurs when a person with responsibility for the welfare of another person fails without reasonable excuse to provide the basic necessities of life, so that the person's physical or mental health and development are placed at risk of harm. It includes being deprived of: food, clothing, shelter, hygiene, education, supervision and safety, and medical care.

Neglect can occur in a variety of situations such as a care home or day-care centre for vulnerable adults, a camp or residential facility or day-care centre for children and young people, a boarding house in a school, a hospital or a health clinic.



**Pastoral Care Provider** refers to a clergy or other qualified person who, in the course of their specified ministry, may be consulted, or who provides support, advice or guidance in pastoral matters, issues of spirituality or religion.

**Physical Abuse** occurs where a person commits an intentional or reckless act, uses force or threatens to use force causing injury to, or involving unwelcome physical contact with, another person. It includes:

- slapping;
- hitting;
- punching;
- shaking;
- choking;
- kicking;
- burning;
- shoving; and
- grabbing.

**Position of Trust** refers to a person in position of authority or responsibility in relation to others. Those in Positions of Trust may or may not be in a formal position, but by virtue of their position they hold a larger amount of power in a given situation.

**Primary victim** is defined as the person who has been abused.

**Protocol** refers to the Protocol for disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council referred to in resolution 16.27 passed in 2016, and the text of which is set out in Schedule 3.

**Respondent** is defined as a person against whom a complaint has been made.

**Safe church or safeguarding** is defined as policies and practices to promote the physical, emotional and spiritual wellbeing of all persons within the church, including children, young people and vulnerable adults.

**Sexual abuse** includes any of the following conduct: grooming; image-based abuse; sexual assault; sexual exploitation; sexual harassment; or viewing, possessing, producing or distributing child pornography.

**Sexual assault** occurs where anyone engages in any intentional or reckless sexual act, uses force or threatens to use force involving some form of sexual activity against a person without their consent, or with their consent in circumstances where consent is not a defence to such sexual activity under the applicable laws. Children, or any adult on their behalf, cannot consent to sexual activity. Sexual assault is a criminal offence and includes: rape, unwanted sexual touching, or sexual touching without the person's consent, and inviting, inducing, inciting or forcing a child, young person or vulnerable adult to touch themselves or another person in a sexual manner.

**Sexual exploitation** refers to the act of taking advantage of the vulnerability of another person, with whom there is a fiduciary and/or pastoral relationship for one's own sexual pleasure or gain. Sexual exploitation is any form of sexual contact or invitation to sexual contact by a person in a position of trust, authority or power over another person, whether or not there is consent from that person.

**Sexual Harassment** occurs where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to a person. It may consist of a single incident or several incidents over a period of time and may involve different forms of communication such as phone calls, email, text messages and social media.

Sexual harassment may involve a wide range of behaviours from verbal innuendo and subtle suggestions to overt demands and unwanted inappropriate physical contacts of a sexual nature. It is usually a series of incidents. It is behaviour of a sexual nature that is known or ought reasonably to be known as behaviour that is unwanted or unwelcome. Sexual harassment is an exploitation of a power relationship rather than as a sexual issue. It includes asking for sex; making gestures, jokes or comments containing sexual references; and showing sexually explicit material.

**Spiritual abuse** occurs where a person mistreats a person by actions or threats when justified by appeal to God, faith, or religion. It includes:

- using a position of spiritual authority to dominate or manipulate another person or group;
- using a position of spiritual authority to seek inappropriate deference from others;
- ostracising a person from their church community;
- isolating a person from friends and family members; and
- using biblical or religious terminology to justify abuse.

**Pastoral relationship** is defined as a relationship between a cleric, employee or volunteer and any person to whom such cleric, employee or volunteer provides pastoral counseling, pastoral care, spiritual direction, spiritual guidance or from whom the cleric, employee or volunteer has received confession or confidential or privileged information.

**Violence** is defined by the *Ontario Health and Safety Act* as:

- The exercise of physical force by a person against a worker in a workplace that causes, or could cause, injury;
- An attempt to exercise physical force by a person against a worker in a workplace that could cause physical injury; and
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury.

**Volunteer** is defined as a person who engages in ministry by offering their time and talent without remuneration, usually under the oversight of a licensed lay worker, deacon, priest, or bishop.

**Vulnerable adult** is defined as an adult who by reason of a physical or intellectual disability, mental illness or other impairment, age or other circumstance, has reduced capacity, whether permanently or temporarily, to protect themselves from abuse. This includes any adult who: is ministered to in their home; is dependent on one or more persons for support such as in the case of an accident, illness or birth of a child; experiences a life crisis or natural disaster, such as the death of a family member or loss of employment, or loss of home and possessions; and through poverty, war or civil strife, displacement, ethnicity, sexual orientation or gender, or other social and cultural factors has a diminished ability to protect themselves from abuse.

## APPENDIX B: SAFE CHURCH CHARTER

The Anglican Communion Charter for the Safety of People was adopted in October 2012 by the Anglican Consultative Council. It was adopted in July 2019 by the General Synod of the Anglican Church of Canada.

The Charter consists of the following five commitments:

1. Pastoral support where there is abuse

We will provide pastoral support for the abused, their families, and affected parishes and church organizations by:

- (a) listening with patience and compassion to their experiences and concerns;
- (b) offering spiritual assistance and other forms of pastoral care.

2. Effective responses to abuse

We will have and implement policies and procedures to respond properly to allegations of abuse against clergy and other church personnel that include:

- (a) making known within churches the procedure for making complaints;
- (b) arranging pastoral care for any person making a complaint of abuse;
- (c) the impartial determination of allegations of abuse against clergy and other church personnel, and assessment of their suitability for future ministry;
- (d) providing support for affected parishes and church organizations.

3. Practice of pastoral ministry

We will adopt and promote by education and training standards for the practice of pastoral ministry by clergy and other church personnel.

4. Suitability for ministry

We will have and implement policies and procedures to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church including checking their background.

5. Culture of safety

We will promote a culture of safety in parishes and church organizations by education and training to help clergy, other church personnel and participants prevent the occurrence of abuse.

## APPENDIX C: PASTORAL CARE

### a) Pastoral Care for the Complainant:

- i. Pastoral care to the complainant is a community responsibility and shall be given priority and attention from the beginning of the process onward. The complainant will be informed of the process of the investigation including the commitment to confidentiality.
- ii. The Bishop will offer to appoint a pastoral care giver for the complainant during an investigation. In most situations, a complainant will be very upset by what is alleged to have happened, and will require compassion and support. Extreme care must be taken to ensure that the complainant is not further victimized.
- iii. In addition, the Bishop shall insure that pastoral care is offered to the complainant's family.
- iv. Assistance to find a qualified therapist and/or financial assistance for the purpose of therapy may also be offered.
- v. In as much as possible, the Bishop shall communicate to the complainant at the conclusion of any process that may have been initiated, including any actions the Diocese may be taking as a result of its investigations.

### b) Pastoral Care for the Respondent:

- a. It is understood that a person is innocent until proven otherwise. Confronting any person with an accusation which can lead to disciplinary action should be undertaken as a pastoral and caring act, providing for the common good of the church and also offering the possibility for restoration and healing
- b. A pastoral care provider will be appointed by the Bishop to the respondent and for their family for the purpose of support from the beginning of the process forward. The respondent will be informed of the process of the investigation including the commitment to confidentiality.
- c. Assistance to find a qualified therapist and/or financial assistance for the purpose of therapy may also be offered.



(6) MEDIATION SESSIONS

(1) The mediator will schedule the time and place for the mediation sessions in consultation and with the consent of the parties.

(7) REASONABLE COSTS OF MEDIATION

(1) To be undertaken by the Diocese of Niagara, which will include costs of mediator, facilities, and any out-of-pocket expenses.

(8) REPORT BY MEDIATOR

(1) In the event that an agreement has been mediated, the mediator will prepare interim minutes of settlement respecting agreements reached on issues of dispute.

(2) In the event that no agreement is reached on the issues, the mediator will prepare reports stating only whether or not mediation was successful and outlining the process followed.

(9) CLOSED MEDIATION

(1) The parties understand and acknowledge that their discussions are confidential and on a “without prejudice” basis and that neither party will use any disclosures and/or discussion against the other. Further, this paragraph may be pleaded as a complete bar to disclosure of any discussions, documents, interim agreements, notes or materials relating to this mediation, with the exception of a full and final agreement executed by the parties and confirmed by counsel for each of them or a report stating only that no agreements was reached.

(10) TERMINATION

(1) This agreement will continue in force from the date of the signing until an agreement is reached or the mediation process is terminated or the mediation process is extended with the mutual consent of both parties for a further period,

(2) The parties acknowledge that they have read this agreement and agree to proceed with mediation in accordance with the terms and voluntarily enter into the execution of this agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mediator

# APPENDIX E: CONSENT TO RELEASE INFORMATION

1. Complainants, respondents and witnesses are required to read the Diocesan Safe Church Policy so that they are familiar with the procedures involved. A copy of the Policy is included with this Consent.
2. Every effort will be made by those who are responsible for the administration of the Policy to maintain the confidentiality of the process, subject to the exceptions noted below.
3. It is important to note that in the event of a formal complaint under the Policy, it will be necessary for the written complaint, as well as related documents, to be shared with the Respondent, and with others, such as potential witnesses, who may have information with respect to the complaint, with the diocesan insurers, as well as those who have responsibility for the administration of the Policy.
4. If a complainant does not sign this Consent to the release of information, a complaint will not normally proceed any further. There are exceptions to this, however, including for employment matters or when an investigation is required by law.
5. Similarly, it is important for Respondents to note that it will be necessary for the written response to the complaint, as well as related documents originating from the respondent, to be shared with the Complainant, and with others, as referred to in paragraph 3.
6. If a Respondent does not sign this Consent to the release of information, the investigation will proceed. In such an event, the Investigator(s) may make their report to the Bishop in the absence of such information which may otherwise be of assistance to the Respondent that the Respondent has not provided due to the operation of this policy.
7. In addition, it may be necessary for information and documents with respect to the complaint to be provided in response to legal requirements from courts and other agencies involved in the administration of justice.
8. If you have any questions about the operation of the Policy and your rights and responsibilities under it, please speak with the Bishop, their delegate or the executive officer.
9. As noted, the Policy is not intended to preclude a complainant from seeking legal counsel or seeking a remedy through the courts, Labour Board, or under the *Ontario Human Rights Code*.

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

_____	_____
Date	Signed
_____	_____
Date	Witness

# APPENDIX F: POLICY ACKNOWLEDGEMENT FORM

Name:

Title:

[Clergy/employee/volunteer]

\_\_\_\_\_ I hereby acknowledge receipt of a copy of the Diocese of Niagara Safe Church Policy

\_\_\_\_\_ I understand the contents of the Diocese of Niagara Safe Church Policy

\_\_\_\_\_ I understand that to function as an ordained or lay person in ministry implies a fiduciary trust and responsibility.

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

Signature:

Date:

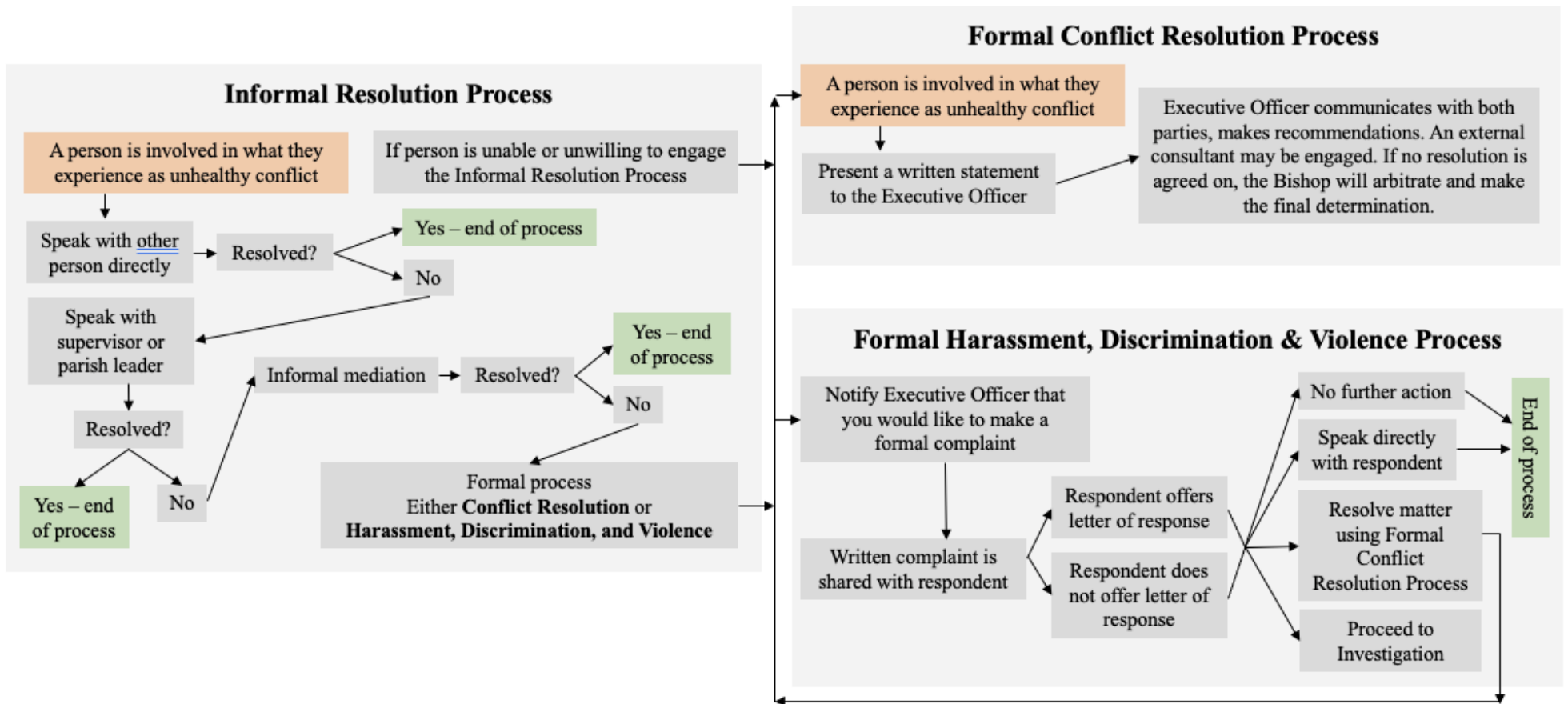
Instructions: all ordained and lay staff are expected to comply with the Diocese of Niagara Safe Church Policy. This signed form will be placed in the named person's personnel file or other suitable confidential file if there is no personnel file. It will remain in the file for an indefinite period of time.



# APPENDIX G: FLOWCHARTS

## Diocese of Niagara Safe Church Policy Flowcharts

*Note that this flowchart is not a substitute for the written policy*



## Diocese of Niagara Safe Church Policy Flowcharts

*Note that this flowchart is not a substitute for the written policy*

