

Sexual Abuse Policy and Procedures

Sexual Abuse (Sexual Harassment, Pastoral Sexual Misconduct,
Sexual Assault) and Child Abuse: Official Policy and
Procedures Document of The United Church of Canada



The United Church of Canada
L'Église Unie du Canada

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I Theological Statement

We affirm: We are not alone, we live in God's world.

God intends for all life freedom from abuse and injustice; God desires for all human beings, created in God's image, mutual respect, care, protection, and empowerment.

We believe in God: who has created and is creating, who has come in Jesus, the Word made flesh, to reconcile and make new, who works in us and others by the Spirit. We trust in God.

Sexual abuse, exploitation, and misconduct are destructive to God's people, violating the love we know in Jesus and negating people's ability to develop and use their gifts of creativity and wholeness. We believe God continues to call God's people to love and to respect the Word made flesh, and where there is abuse to seek restorative justice and healing.

We are called to be the Church: to celebrate God's presence, to live with respect in Creation, to love and serve others, to seek justice and resist evil, to proclaim Jesus, crucified and risen, our judge and our hope.

God calls the church to resist injustice. That call requires the church to confess and lament times it has turned away from God's call to love and serve others and from its particular responsibility to protect the vulnerable, the weak, and those with limited voice. Recognizing that sexual abuse occurs when one uses her or his power to take advantage of the vulnerability of another and that it is a violation of both individuals and the community, we affirm God's call to the church to be a transforming presence by promoting right relationship within its midst and in the world, in the name of the One who is our judge and our hope.

Some of us are called into leadership in the church. We are set aside and designated as a trustworthy presence among our people. In this leadership role, we have power and authority intended to be used to support the church's ministry and the individuals we serve. When we betray that trust by taking sexual advantage of the vulnerability of someone who seeks our help, it is a particularly egregious form of sexual abuse. This misconduct undermines the integrity of the whole ministry and the whole church. The hospitality code that we learn from the Jewish and Christian traditions mandates us to protect the vulnerable among us.

It is our responsibility as church in order to protect the integrity of the church to call to account anyone who uses her or his office to harm or exploit another. Such a person should not be allowed to represent our church in leadership or to use her or his status to gain access to vulnerable people.

In life, in death, in life beyond death, God is with us. We are not alone.

Jesus taught God's way of mutuality and respect, calling people to create and sustain life-giving relationships based on the dignity of each person. God is with us, blessing us and calling us to live with respect and care within that blessing.

Thanks be to God.

II

Preface

This document contains policy and procedures for individuals who have experienced betrayal of trust within the United Church community because of sexual abuse, which includes sexual harassment, pastoral sexual misconduct, sexual assault, and child abuse. This document outlines how these concerns may be addressed within the church.

The contents of the Sexual Abuse Policy and Procedures are grounded in a theological statement reflective of the basic faith beliefs of The United Church of Canada. Sexual abuse, exploitation, and misconduct are destructive to God's people, and God calls upon the church to resist injustice and protect the vulnerable and the weak.

The United Church seeks to ensure that the voice of a complainant is listened to and heard, and that pastoral care and support are provided to that individual and her or his family. It recognizes that sexual abuse occurs when one uses her or his power to take advantage of the vulnerability of another. Consent to a sexual relationship or act can be given only by an individual who is in a position to make such a choice, and that choice cannot be made by an individual who acts out of fear or who is taken advantage of by a person in a position of trust. While seeking to respect the difficult decision a complainant makes when deciding to initiate a complaint, the church also seeks to honour the duty of care that it has to its members, adherents, employees, and those who avail themselves of our services.

When a complaint of sexual abuse is brought to the attention of the church, the church will thoroughly investigate the allegations, taking into account information from all relevant parties, and then determine the veracity of the complaint. Allegations of sexual abuse must be proved based on clear and convincing evidence. If the complaint is confirmed and we determine that someone in a designated role of leadership in our church has violated our policy, we will make reasonable efforts to ensure that person does not take advantage of someone else again. If the complaint is not upheld we will make reasonable efforts to restore the respondent's credibility within our community. Whether or not the complaint is upheld, we will make reasonable efforts to assist the complainant in recovery from the stresses associated with bringing a complaint forward. We assume that the respondent against whom the complaint is made is innocent until proven guilty.

III

Policy

from *The Manual*, 2007 (Toronto: United Church Publishing House, 2007)

073 Sexual Abuse and Child Abuse.

- (a) The United Church will not tolerate, and will seek to eradicate, any behaviour by its members, lay and Order of Ministry, Adherents, or employees that constitutes Sexual Abuse or child abuse. (2007)
- (b) The United Church is committed to providing a safe environment for worship, work, and study in all Pastoral Charges, Congregations, institutions, agencies, organizations, or other bodies that operate under its name. Complaints of Sexual Abuse or child abuse will be taken seriously and will be dealt with in a spirit of compassion and justice. (2007)
- (c) The General Council has approved policies and procedures to deal with complaints of Sexual Abuse. These policies and procedures shall be available from the General Council office and shall be made easily available to any Court or other body of the United Church, which shall consult the approved policies and procedures before taking any action on a complaint of Sexual Abuse. (2007)

072 Making a Complaint.

- (a) Any member, Adherent, or employee of the United Church, its Congregations, Presbyteries, Conferences, and related agencies, or any person who is Ministry Personnel, who has personal knowledge of an act or omission by a member, an Adherent, a Candidate for the ministry, or a person who is Ministry Personnel, that is a proper ground of discipline, may make a complaint, in writing, before the Session or Church Board or Church Council, the Presbytery, the Conference, or the General Council, as the case may be. (2007)
- (b) If a Court has reasonable and probable grounds for believing that an act or omission that is a proper ground of discipline has occurred, such Court may make a complaint as provided in subsection (a). (2007)
- (c) Any complaint made by a Court shall be heard by the next higher Court. A complaint made by the General Council shall be heard by the Judicial Committee.
- (d) The United Church seeks to protect from abuse not only its own members and Adherents but also all persons who avail themselves of the pastoral or professional services of the United Church. Therefore any person who is not a member or an Adherent, who has sought out the professional or pastoral services of employees or Ministry Personnel of the United Church as cited above for purposes of pastoral care, counselling, marriage workshops, day care, etc., has the right not to be abused in any way. Such person is also extended the right to full protection of the policies and procedures of the United Church for the addressing of such matters, and may therefore make a complaint within the Courts of the United Church.
- (e) When in receipt of a complaint of Sexual Abuse, the appropriate Court shall immediately consult the policies and procedures for dealing with such cases, approved from time to time by the General Council and available from the General Council office, and shall follow the procedures outlined. (2007)

V Cases Involving Legal Minors

When a complaint of sexual or physical abuse of a child designated by provincial or territorial law as a legal minor is disclosed, or where there are reasonable grounds to suspect such abuse, the person to whom the disclosure is made or who suspects such abuse shall immediately report the suspicion and the information on which it is based to the authority or agency as defined in provincial or territorial laws in the jurisdiction in which the abuse is alleged to have occurred. These procedures also apply in cases where time has elapsed and the individual who is the subject of the abuse has reached the age of an adult.

The person reporting is encouraged to record the details of the disclosure or the reasonable grounds of suspicion and relevant dates and times. The person reporting is to keep the information confidential, except as required by law.

The authority or agency to which suspected sexual or physical abuse of a legal minor is reported has the responsibility of investigating the suspected abuse. In order that such investigation is not hindered, no representative of The United Church of Canada will question the alleged victim, the alleged perpetrator, or any potential witness concerning the investigation while the investigation by the provincial or territorial agency, authority, and/or police is being undertaken or until such time as those authorities indicate such questioning may proceed.

When the alleged perpetrator is in an accountable relationship with The United Church of Canada, and the matter has not been reported to the appropriate court of the United Church by the legal authorities, the matter should also be reported, as soon as it is permitted by provincial/territorial legislation, to the appropriate court of the United Church by the person who has taken the allegations to the authorities.

VI Procedure

The purpose of these procedures is accomplished by offering opportunities to all involved for the truth to be spoken and believed, for any sexual abuse violation to be acknowledged, for accountability to be exercised, and for compassion to be demonstrated in ways that serve justice. All procedures are based on providing protection for the vulnerable and ensuring accountability for the offender. Effort needs to be made to offer restitution to the complainant(s) and to enable her or him to be vindicated, to be set free from the power of the violation in her or his life.

Please refer to Appendix II for definitions of terms used in this section and throughout the policy and procedures.

It is intended that these procedures will, in some way, call the respondents to undertake a journey toward their own well-being and the well-being of the community.

1. The complainant contacts a consultant, designated under this policy, and informs the consultant of the sexual abuse allegations.
2. The consultant reviews the policy with the complainant and determines if the complaint is one to which the policy applies.
3. The complainant puts the complaint in writing. In the event that the complainant chooses not to put the complaint in writing, the notes made by the consultant of the conversation with the complainant will serve as the written record of the complaint. A complaint by a third party must be made in writing; otherwise, no further action will be taken.
4. The consultant informs the Conference personnel minister that a complaint has been received and provides a copy of the written complaint and/or the written record of the meeting to the Conference personnel minister.
5. The Conference personnel minister informs the chairperson of the Conference Coordinating Committee and the designated staff member at the General Council Office that a complaint has been received.
6. The Conference personnel minister informs (without details) the chairperson of the court of accountability of the respondent to the complaint that a complaint has been received.
7. The Conference personnel minister contacts the consultant to be assigned to the respondent and provides the consultant with a copy of the complaint.
8. The consultant assigned to the respondent contacts the respondent to inform her or him that a complaint has been made, discusses pastoral care for the respondent and family, and reviews the policy with the respondent. A copy of the complaint is provided to the respondent at this time.

9. The chairperson of the court of accountability and the chairperson of the Conference Coordinating Committee, in consultation with the Conference personnel minister, will determine if it is necessary to suspend the respondent from her or his position of accountability until the matter is resolved. Prior to making a Decision with respect to the suspension of the respondent, the chairperson of the court of accountability and the chairperson of the Conference Coordinating Committee shall provide the respondent with an opportunity to meet with them to provide comment on the appropriateness of initiating a suspension. Should the respondent be an employee, such suspension shall be with pay and benefits.

Temporary Removal of Respondent from Position

- (a) The chairperson of the court of accountability and the chairperson of the Conference Coordinating Committee shall determine, in consultation with the Conference personnel minister, whether or not it is necessary to suspend the respondent from her or his position. If the Decision is to suspend and the respondent is ministry personnel or an employee, the suspension shall be with pay and benefits until the matter is resolved.
- (b) In making the Decision to remove a respondent from her or his position of accountability, those responsible shall:
 - (i) provide the respondent with an opportunity to meet with them to provide comment on the appropriateness of initiating a suspension;
 - (ii) consider the positive and negative impacts the removal of the respondent from the accountable position would have on the people directly involved in the complaint, other persons in the affected church community, and the investigation; and
 - (iii) not make any determination or assumption concerning the innocence or guilt of the respondent.

This is a Decision to be made in the best interests of the community served by the church court. It is not, nor is it intended to be, a Decision with respect to the innocence or guilt of the respondent.

Section 364 of *The Manual* will apply if a person serving as ministry personnel is charged with a criminal offence.

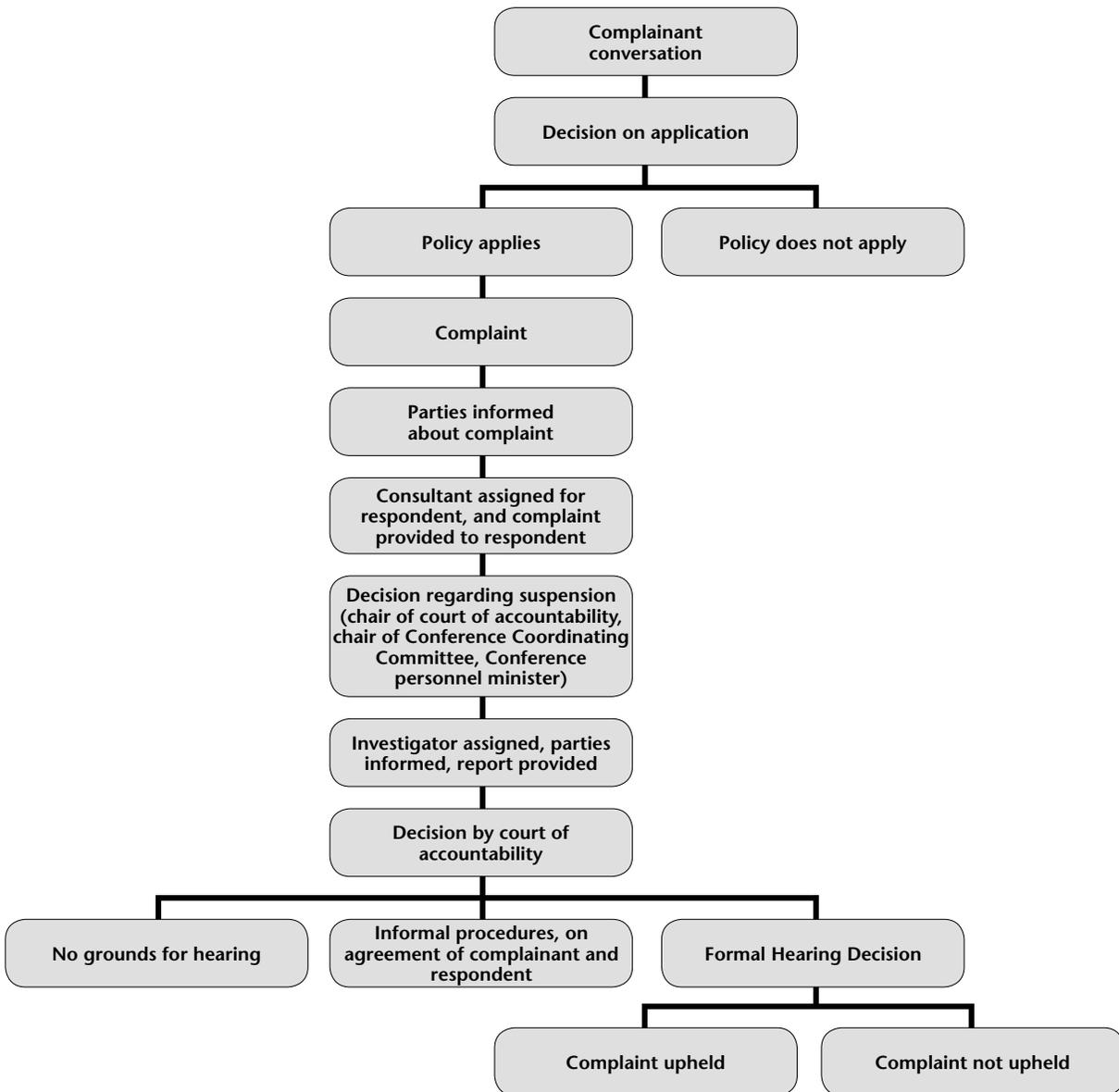
10. The designated staff member at the General Council Office will assign an investigator to investigate the complaint; will provide the investigator the name and contact information of the complainant, the respondent, and the Conference personnel minister; will inform the Conference personnel minister, the chairperson of the Conference Coordinating Committee, and the consultants who the assigned investigator is; and will request that the consultants inform the complainant and respondent respectively.
11. The investigator will investigate the complaint and provide a written report to the designated staff member at the General Council Office. The investigation will occur whether or not the respondent is away from her or his position for any reason, including medical leave initiated by the respondent.

12. The designated staff member at the General Council Office will provide a copy of the Investigator's Report and a summary of the investigator's findings to the Conference personnel minister.
13. The Conference personnel minister will provide a copy of the Investigator's Report to the chairperson of the Conference Coordinating Committee and the chairperson of the court of accountability, and a copy of the summary of the investigator's findings to the consultants, who will provide a copy to the complainant and the respondent respectively.
14. On receipt of the investigator's report, the court of accountability will make a Decision as to how to proceed. The court must make a determination whether there are reasonable grounds to proceed with a Formal Hearing, whether there are reasonable grounds to proceed and use informal resolution (on agreement of the complainant and the respondent), or whether there are no reasonable grounds to proceed with the complaint. If the court determines that there are no reasonable grounds to proceed with the complaint, it will declare that there will be no further action taken on the complaint under this policy. In the case of a Decision not to proceed with the complaint, the reasons for such Decision will be provided. There is no appeal from a Decision of the court of accountability with respect to the disposition of the complaint.
15. The Decision of the court of accountability will be made known in writing to the complainant, the respondent, the chairperson of the Conference Coordinating Committee, the Conference personnel minister, and the designated staff member at the General Council Office.
16. In the event that the court determines that a Formal Hearing is to be held, the complaint shall be heard by the next higher court. The court of accountability, as a party to the complaint, will appoint a prosecutor whose task is to call evidence to establish the particulars of the complaint. Section 075 of *The Manual* will apply.
17. The panel hearing the complaint will determine whether or not the complaint is upheld.
 - (a) If the Formal Hearing panel determines the complaint is proven it may make a Decision that any of the actions provided for in section 075(k) and (l) of *The Manual* be taken as the panel determines appropriate. These actions include but are not limited to Admonition, Rebuke, Suspension, Deposition, Discontinued Service List (Disciplinary) or Discontinued Lay Ministry Appointment List, Expulsion, and other actions as provided for. The Decision of the Formal Hearing panel is to be implemented as provided for in section 075(m) of *The Manual*.
 - (b) If the complaint is not proven, the Formal Hearing panel shall dismiss the complaint.

All steps under this procedure shall be carried out forthwith.

All records and related materials of complaints shall be kept confidential, except as provided for in the policy and procedures and as required by law.

Complaint Flow Chart



Appendix I:

Roles and Responsibilities

Consultants

Consultant Team

1. Each Conference Executive, or body selected by it, shall appoint a team of consultants consisting of no fewer than five (5) members, representative of both men and women with a majority of the consultants being women. The team should be, to the extent possible, geographically, linguistically, and ethnically representative of the Conference. Lay members, those of differing sexual orientations, and those serving as ministry personnel should be represented on the team.
2. Consultants shall be appointed for a term of five (5) years and may have their terms renewed subject to the recommendations of the Conference Coordinating Committee on Sexual Abuse.

Responsibilities

1. To act in a consultative capacity for either an individual who has come forward with an allegation that she or he has been sexually abused or is the victim of child abuse by a person who is accountable to The United Church of Canada, or to act in a consultative capacity for the individual who is accountable to The United Church of Canada and who has been accused of sexual abuse or child abuse.
2. To become familiar with The United Church of Canada's policies and procedures regarding sexual abuse, to be familiar with issues involved in all forms of sexual abuse, to be committed to keeping up to date on related issues, and to be positive and accepting of all sexual orientations.
3. To be committed to confidentiality with respect to the work they are to carry out and to demonstrate skills of sensitivity and discernment.
4. To identify and seek support for the pastoral care needs of the individual and the individual's family.
5. To ensure that the individual to whom she or he is assigned receives a complete copy of the Sexual Abuse Policy and Procedures and to review the policy and procedures with that individual.
6. To encourage the complainant to have a family member or supportive friend present at all their meetings.

7. To encourage the complainant to put the complaint in written form and inform third party complainants that the matter will not be pursued under this policy if the complaint is not in writing. In the event that the complainant is the abused person and is not prepared to provide a written complaint, the consultant shall advise the complainant that once she or he is made aware of an allegation of sexual abuse, it must be investigated. The consultant shall determine whether or not the complainant is willing to speak to the investigator who is assigned to investigate the complaint.
8. To prepare a written account of the meeting with a complainant and provide a copy of the account and the written signed complaint of the complainant, if available, to the Conference personnel minister.
9. When assigned to a respondent, to inform the respondent that she or he is to have no contact with the complainant, the immediate family of the complainant, or individuals who may have an influence on the complainant.
10. To advise the individual to whom she or he is assigned as a consultant, that as a consultant she or he is not an advocate for the complainant or respondent. Further to advise the complainant or respondent that she or he may choose an advocate and/or legal counsel to assist her or him with the process, and to advise the individual that pastoral care support could be helpful during the process.
11. To provide information to the complainant or respondent concerning the investigator and other information required to be provided by the Conference personnel minister or church court representative.
12. To keep records of all complaints and concerns of sexual abuse brought to the consultant's attention and keep a record of all meetings and other forms of contact with the individual to whom the consultant is assigned, in particular, records of the times, dates, and locations of the meetings or contacts and a brief description of matters discussed during the meetings or contacts.
13. To become familiar with resources (e.g., secular resource people, educational materials, distress centres, women's centres, legal and medical advisors, counsellors, therapists) within the Conference, and attend the training session provided on the application of this policy.

Conference Personnel Minister (or Equivalent Position)

In each Conference, a Conference personnel minister or individual carrying out the responsibilities normally assigned to a Conference personnel minister shall be assigned the responsibility for the administration of the Sexual Abuse Policy for the Conference, in cooperation with the Conference Coordinating Committee.

Responsibilities

1. To carry out responsibility for the administration of the Sexual Abuse Policy for the Conference and to ensure that the process moves forward as provided for in the policy.
2. To be knowledgeable of the Sexual Abuse Policy and Procedures of The United Church of Canada and its administration, and to act as a resource person in relation to its implementation.
3. To assist with the training and education of the members of the Conference Coordinating Committee, consultants, and presbytery or district officers in relation to the policy and procedures, serve as staff resource to the Conference Coordinating Committee, and promote understanding of the policy and procedures within the Conference and the presbyteries or districts.
4. To receive information from the consultant who has been informed of a complaint under this policy, and, if the nature of the complaint is unclear, to clarify any uncertainty with the consultant.
5. To inform the chairperson of the Conference Coordinating Committee and the designated staff member at the General Council Office that a complaint has been received.
6. To inform, without details, the chairperson of the court of accountability of the respondent to the complaint that a complaint of sexual abuse has been made in relation to the respondent.
7. To inform individuals to whom a consultant has been assigned by the chairperson of the Conference Coordinating Committee of the name of the consultant and necessary contact information.
8. To contact the consultant to be assigned to the respondent and provide him or her with a copy of the complaint.
9. To inform the chairperson of the Conference Sexual Abuse Committee and the assigned consultants of the name and contact information of the investigator assigned to do the investigation of the complaint, and request the consultants to inform the complainant and the respondent.

10. To consult with the chairperson of the court of accountability and the chairperson of the Conference Coordinating Committee, to assist with their determination if it is necessary to suspend the respondent from her or his position of accountability until the matter is resolved.
11. To provide the investigator with any information the Conference personnel minister has that is relevant to the investigation.
12. To provide, upon receipt of a copy and summary of the report of the investigator, a confidential copy of the report to the chairperson of the court of accountability and the chairperson of the Conference Coordinating Committee, and to provide a copy of the summary of the investigator's report to the consultants for distribution to the complainant and the respondent.
13. To be available for consultation with consultants and investigators.
14. To be available for consultation with the officers of the court of The United Church of Canada that is responding to a complaint.
15. To assist the congregation, in consultation with the chairperson of presbytery, to identify and respond to its pastoral care needs when a complaint has been made against ministry personnel serving the pastoral charge or an individual in a congregation.
16. To ensure that pastoral care is available to any consultant who is involved with or has concluded involvement with a particular case.

Conference Coordinating Committee on Sexual Abuse or Equivalent

Structure

1. Committee members shall be appointed by and accountable to the Conference Executive or appropriate designated committee, council, or division.
2. The committee shall be composed of three (3) to five (5) members. Membership on the committee shall contain both men and women and the majority of the members shall be women.
3. Members on the committee shall be appointed for a term of three (3) to five (5) years. Terms of appointments should be staggered in a manner that will provide for continuity in the work of the committee. A member shall not serve more than two consecutive terms.
4. Members shall have an understanding of sexual abuse that is consistent with the values of this policy and be accepting of all sexual orientations.

Responsibilities

All members of the committee are required:

1. To become familiar with the issues involved in sexual abuse and commit to keeping up to date on these issues.
2. To familiarize themselves with resources (e.g., secular resource people, educational materials, distress centres, women's centres, legal and medical advisors) within the Conference and share this information with the team of consultants and others.
3. To promote within the Conference an awareness of issues related to sexual abuse, and the underlying social, political, and theological factors.
4. To ensure there is an awareness within the Conference of the role of the committee and the consultants, and to be aware of the names and contact information for all consultants.
5. To provide initial and ongoing training and support for consultants.
6. To screen and recommend to the Conference Executive nominees for the positions of consultant.
7. To be available to the designated officers of the church courts for consultation.
8. To carry out responsibilities as necessary to implement this policy.

Chairperson

The chairperson:

1. Shall assign consultants as required by these procedures.
2. Shall determine with the chairperson of the court of accountability of the respondent to a complaint, in consultation with the Conference personnel minister, whether or not the respondent will be suspended from her or his position of accountability until the matter is resolved.
3. Shall ensure that the complainant, respondent, and the officer of the court are informed that an investigation is to be initiated.

Investigators

An investigation will be initiated following the receipt of a complaint by a consultant. The investigation will occur whether or not the respondent is away from her or his position for any reason, including medical leave initiated by the respondent.

Investigative Team

1. The Ministry and Employment Policies and Services (MEPS) working unit shall ensure there is a minimum of six (6) investigators to conduct investigations as provided for in the Sexual Abuse Policy.
 - (a) A person may be designated as an investigator who is a member of the staff of The United Church of Canada who has the appropriate qualifications,
 - (b) is a professional who is contracted for this service, and/or
 - (c) is a volunteer who has the appropriate qualifications or has received the appropriate training to carry out investigative functions under this policy. Volunteers shall be approved by the General Council Executive upon recommendation of the Ministry and Employment Policies and Services Permanent Committee.
The investigators shall be representative of both men and women and to the extent possible be selected from the various regions of the country.
2. It will be the responsibility of staff member of the MEPS Unit responsible for the implementation of the Sexual Abuse Policy to assign an investigator to investigate a complaint.
3. Notwithstanding any of the preceding, nothing prevents the General Council Office staff member assigned to oversee the implementation of the Sexual Abuse Policy from obtaining the services of an investigator not named through section (1) above when, in the opinion of the staff member, considerations of ethnicity or language warrant such a decision.
4. The Ministry and Employment Policies and Services Unit of the General Council Office is responsible for the costs incurred by investigators and approved training.

Responsibilities

1. To become familiar with the polity of The United Church of Canada and the Sexual Abuse Policy in particular.
2. To be sensitive and discerning when conducting an investigation and to ensure that the respect that the Sexual Abuse Policy demands for a complainant is demonstrated in the investigative process.
3. To have experience and/or education in investigative procedures.
4. To have a clear understanding of the inappropriateness of any form of sexual relationship or activity between an individual in a position of power, authority, or trust and an individual who is subject to that power, authority, or trust.

5. To ensure confidential information remains confidential, except as required for the implementation of this policy or by provincial, territorial, or federal legislation or court of law.
6. To have strong skills in writing investigative reports.
7. To conduct an investigation of a complaint or concern that is referred. In the conduct of such investigation the investigator shall:
 - (a) meet with the complainant, the respondent, and other witnesses as named by the complainant and the respondent; and other individuals deemed to be helpful by the investigator;
 - (b) prepare a written report for submission to the Executive Minister of the MEPS Unit that will include a recommendation of whether or not there are reasonable and probable grounds for the church court to proceed to a Formal Hearing of the complaint, and any other recommendation(s) the investigator deems appropriate;
 - (c) indicate in the written report of the investigation whether or not the complainant is prepared to appear before a Formal Hearing to tell her or his story; and
 - (d) should the investigator recommend that there are insufficient grounds to proceed to a Formal Hearing, the investigator may recommend an alternative(s) to address the issues raised by the complainant.

General Council Office

Executive Minister, Ministry and Employment Policies and Services Unit

The executive minister of the MEPS Unit at the General Council Office shall ensure that a member of the staff of the MEPS Unit is designated with the responsibility of overseeing the implementation of the Sexual Abuse Policy.

Upon completion of an investigation, the executive minister shall receive the report of the investigator, prepare a written summary of the findings of the investigator, and provide a copy of the report and the summary to the Conference personnel minister.

Staff Member Responsible for Sexual Abuse Policy

The staff member assigned the responsibility for overseeing the implementation of the Sexual Abuse Policy shall:

1. Work with the Conference Coordinating Committees on Sexual Abuse to build and maintain relationships with and among the committees, and to develop and implement education programs related to the Sexual Abuse Policy.
2. Develop and implement, after consultation with appropriate bodies and individuals, training programs for investigators.
3. Assign investigators to conduct investigations into complaints that have been referred from the Conferences or other body covered by this policy.
4. Prepare a written summary of the investigator's report.
5. Provide a copy of the investigator's report and the summary report to the Conference personnel minister.
6. Keep the MEPS Permanent Committee informed of the effectiveness of the implementation of the Sexual Abuse Policy.

The Appropriate Church Court

For the purposes of this policy, the appropriate church court is the court of The United Church of Canada to which a respondent to a complaint of sexual abuse or child abuse has a primary accountable relationship. In the event that the complaint against the respondent occurred at a time when the respondent served in another pastoral charge, presbytery, and/or Conference, the matter shall be dealt with by the court to which the respondent is responsible at the time the Formal Complaint is made.

The chairperson of the court of accountability shall be the contact person in the court for the purposes of this policy and these procedures. The court may designate another officer to assume the responsibilities of the chairperson. Should the court designate a person other than the chairperson, the Conference personnel minister must be informed of the decision.

In the event that a complaint is made against the chairperson of the court of accountability, the initial contact with the court will be made with the secretary to the court. The secretary will take the actions necessary to have the court name a designate to carry out the responsibilities assigned to the chairperson in this policy and these procedures.

Responsibilities of the Church Court Re Investigator's Report

1. Upon receipt of the report of the investigator, the court of accountability will review the report and make one of the following determinations:
 - (a) determine the investigator's report indicates there are no reasonable grounds to pursue the matter further;
 - (b) determine there are reasonable grounds to pursue the matter further, and determine if the matter is one that is appropriate to pursue through informal processes and whether or not the complainant and the respondent are interested in pursuing informal procedures to resolve the matter, with the understanding that should the informal procedures not resolve the matter a Formal Hearing may be held; or
 - (c) determine there are reasonable grounds for Formal Complaint to be made against the respondent and to proceed to a Formal Hearing in accordance with the provisions of section 075 of *The Manual*.
2. In the event that the Decision is to proceed to a Formal Hearing, the court of accountability must provide a written Formal Complaint to the respondent in which the specific charges that the respondent must defend against are provided. The court of accountability, as party to the complaint, will appoint a prosecutor whose task is to call evidence to establish the particulars of the complaint. Such hearing should be held without undue delay.
3. If the court determines there are no reasonable grounds to pursue the matter, the court should make reasonable efforts to restore the respondent's credibility within our community.

4. Should the report of the investigator indicate that the complainant is not prepared to appear before a formal hearing to tell her or his story, the church court may decide to hold a Formal Hearing in any event, should the contents of the report of the investigator warrant such a hearing to ensure that the church court exercises the duty of care that is required.
5. Subject to section 075(n) of *The Manual*, costs associated with the holding of a Formal Hearing, except for costs for legal counsel for individuals, will be borne by The United Church of Canada.

Appeal

Any appeal of a Decision resulting from a Formal Hearing must be made in accordance with the appeal process contained in section 076 of *The Manual*.

Maintenance and Retention of Records

All records and related materials of complaints initiated under this policy are to be confidential except as provided for in the policy and procedures and as required by law.

All records and related materials of complaints under the Sexual Abuse Policy that are within the jurisdiction of a Conference, a presbytery, or a congregation shall be forwarded by the Conference personnel minister in a secure manner to the executive minister or designate of the Ministry and Employment Policy and Services Unit at the General Council Office.

Records of complaints dealt with by the General Council shall be retained in a secure place by the staff member of the MEPS Unit assigned responsibility for the Sexual Abuse Policy in the General Council Office.

Appendix II: Definitions

Accountable Relationship

An accountable relationship is one which a person who is a member or adherent of The United Church of Canada, an individual designated as ministry personnel, an employee, or a volunteer creates with a court of the church when the person agrees to carry out a responsibility or an activity on behalf of that court, or with an incorporated body under The United Church of Canada that adopts this policy.

Adherent

Adherent means a person who is attached to a congregation and who contributes regularly to its life and work while not being a member thereof.

Cause—Reasonable and Probable

Grounds that are founded upon circumstances that are sufficiently strong to warrant a reasonable person to believe that the charge is true.

Chairperson of the Court of Accountability

The chairperson of the court of accountability, or another officer designated by the court, shall be the contact person in the court for the purposes of this policy and these procedures.

Child Abuse

Child abuse in the context of this policy means child sexual abuse, which includes sexual assault, sexual interference, invitation to touching, sexual exploitation, procurement, and indecent acts to a child as defined by law.

Complaint

A complaint is an accusation of sexual abuse made by the person who experienced the abuse or a person who has first-hand knowledge of the abuse (i.e., has observed or has evidence of same) and has reported it to a consultant.

Complainant

The complainant is the person who informs a consultant that he or she has been abused or has first-hand knowledge of abuse by a person subject to the provisions of this policy.

Confidential

Confidential means the holding of information and protecting it from unauthorized disclosure.

Consent

Consent is voluntary agreement to engage in an activity by an individual in a position to make such a choice. No consent will be deemed to be given where the complainant submits or does not resist by reason of:

1. the application of force to the complainant or another person;
2. threats or fear of the application of force;
3. the exercise of authority;
4. fraud;
5. the respondent being in a position of trust with the complainant; or
6. the complainant being a child in accordance with the provisions of the *Criminal Code of Canada*.

Consultant

The consultant is a person appointed by the Conference Executive to act in a consultative capacity either to an individual(s) who comes forward with a complaint of sexual abuse or child abuse or to an individual who is accountable to the United Church and who has been accused of sexual or child abuse.

Court

The courts are the bodies established by the United Church that have deliberative and decision-making powers. The primary courts of accountability and discipline of The United Church of Canada are set out in section 067, *The Manual*, as follows:

- (a) the Session or Church Board or Church Council, in the case of a member or office bearer of the Congregation or any other congregational appointee other than a Congregational Designated Minister; (2007)
- (b) in the case of a Congregational Designated Minister, the Official Board or Church Board or Church Council in respect of accountability, and the Presbytery in respect of discipline; (2007)
- (c) the Presbytery, in the case of a Pastoral Charge or of a member of the Order of Ministry, a Candidate for the ministry, a Designated Lay Minister, or any other Presbytery appointee; (2007)
- (d) the Conference, in the case of a Presbytery or of a Conference appointee not included in subsections (a), (b), or (c); and (2007)
- (e) the General Council, in the case of a Conference or of a General Council appointee not included in subsections (a), (b), (c), or (d). (2007)

Decision

Any disposition of a matter by a court, or by a body authorized to act on behalf of the court, by motion.

Duty of Care

The requirement to exercise the care, diligence, and skill of a reasonably diligent person and to take such steps as will avoid causing foreseeable harm to another person.

Formal Complaint

A Formal Complaint is a complaint of sexual abuse made in writing by the court of accountability against a respondent following consideration of a report of an investigation.

Formal Hearing

For a full explanation of a Formal Hearing, see sections 075 and 076 of *The Manual*.

Investigation

Investigation is the process used to gather and examine information from a complainant and respondent to a complaint under this policy and other persons who may have information relevant to the complaint.

Investigator

Investigator is a person who is named as an investigator in accordance with this policy.

The Manual

The Manual is the manual that is current and that contains the Basis of Union and the By-Laws of The United Church of Canada.

Member

Member shall be a person who has been received into full membership in The United Church of Canada.

Ministry Personnel

Ministry personnel means those persons who are members of the Order of Ministry, those lay persons under appointment as a lay pastoral minister, lay pastoral minister-in-training, staff associate, candidate supply, intern supply, or student supply, and those persons from other denominations under appointment as a diaconal supply or ordained supply.

Officer of the Court

See Chairperson of Court of Accountability.

Pastoral Sexual Misconduct

Pastoral sexual misconduct is a sexual action, including sexual harassment, sexual abuse, or other sexual activity or conduct, by a person designated as ministry personnel where the person takes advantage of the vulnerability of a person under her or his pastoral care. It includes consensual actions initiated by an individual who is under the pastoral care or the minister, but does not include an act of sexual assault perpetrated against the minister by the person under the pastoral care of the minister.

Respondent

The respondent is the person against whom a complaint is made, and who is called upon to respond to the complaint.

Sexual Abuse

Sexual abuse within this document includes sexual harassment, pastoral sexual misconduct, and sexual assault.

Sexual abuse is demeaning, exploitive behaviour of a sexual nature ranging from jokes, to unwanted touching, to forced sexual activities and/or threats of such behaviour. Sexual assault, sexual harassment, and pastoral sexual misconduct are forms of sexual abuse that are often primarily acts of power by one individual over another.

Sexual Assault

Sexual assault is as defined in section 265. (1) and (2) of the *Criminal Code of Canada*, which reads as follows:

265. (1) A person commits an assault when
- (a) without the consent of another person, he (sic.) applies force intentionally to that other person, directly or indirectly;
 - (b) he attempts or threatens, by an act or gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his Purpose; or
 - (c) while openly wearing or carrying a weapon or imitation thereof, he accosts or impedes another person or begs.
- (2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

Sexual assault also includes intercourse with children under the age of 16, incest, bestiality, and gross indecency.

Sexual Harassment

Sexual harassment is any attempt, or exercise of power, to coerce an unwilling person into a sexual relationship, to subject a person to unwanted sexual attention, to punish a refusal to comply, or to reward compliance. Sexual harassment may be a single incident or a series of incidents involving a wide range of behaviours such as verbal innuendo, subtle suggestions, overt demands, and/or inappropriate conduct of a sexual nature. It is behaviour of a sexual nature that is known or ought to be known to be unwanted or unwelcome. It includes actions that contribute to an environment that is “poisoned” by persistent comments about sex, gender, appearance, marital status, sexual orientation, and/or pornographic pictures or cartoons.

Third Party

A person who has first-hand knowledge (has observed or has evidence) of sexual abuse by a person to whom this policy applies.

Volunteer

A volunteer shall be any person who is carrying out a responsibility that has accountability in some manner to The United Church of Canada and who is deemed not to be a minister, a lay minister, or employee.

Appendix III: Related Policies

from *The Manual*, 2007

Resolution of Conflicts

065 Principles.

- (a) Whenever there is a conflict between or among people in the body of Christ, there is pain and anxiety on all sides. Such conflicts arise because of strongly held and differing ideas, violations of personhood or other rights, and the personal and corporate frailty that we share with all humanity. When such conflicts go unresolved, the body suffers wounds. The longer the body so suffers, the deeper the wounds go; at the same time, energy is distracted from the calling to be in mission. In all of this, the Lord is scandalized.
- (b) We believe that the church is called not only to resolve conflict but also to deal pastorally with the pain that conflict causes. Compassionate love is the true test of qualities such as forgiveness, wholeness, and humility. Equally important is the imperative of justice, which, as a measure of faithfulness, must not only be done but also be seen to be done. There can be no shalom without justice.
- (c) Basic to these procedures is the intention that, wherever possible, conflicts be clarified and resolved as quickly and as fairly as possible. The intention of the informal phase is to provide an atmosphere for the harmonious resolution of disputes and to prevent the opening and deepening of wounds unnecessarily. If informal action is successful, the healing process is made easier.
- (d) We recognize that harmonious reconciliation is not always possible. All must be aware however that, in moving to a formal process, parties must abide by exacting evidentiary rules and be prepared to bear the cost. Neither compassion nor justice is served by endless informality, hearsay allegations, and unclear procedures. The formal process presumes that a third party must rule because trust, goodwill, and readiness to find a way through have failed.
- (e) Even so, those engaged in formal appeals or grievance procedures within the United Church should never lose sight of the fact that, individually and collectively, all are accountable to and under the overall authority of Jesus Christ.
- (f) The following procedures are rooted in the Judaeo-Christian tradition of compassion and justice, of prophesy and priesthood, of law and gospel. (Matthew 18:15ff; 2 Corinthians 5:18; 1 Corinthians 12:26; Micah 6:8)

066 Discipline. Discipline is an exercise of that spiritual authority which the Lord Jesus has appointed in his holy church. Discipline is to be exercised for the purpose of maintenance of the wholeness of the church, the spiritual benefit of the members, and the honour of our Lord. The standards by which discipline is to be exercised within the United Church are those standards that are perceived in the Holy Scriptures as set forth in the Old and New Testaments and the faith and practice set forth in the Basis of Union that are in substance agreeable to the Word of God.

067 Primary Courts. The primary Courts of accountability and discipline are:

- (a) the Session or Church Board or Church Council, in the case of a member or office bearer of the Congregation or any other congregational appointee other than a Congregational Designated Minister; (2007)
- (b) in the case of a Congregational Designated Minister, the Official Board or Church Board or Church Council in respect of accountability, and the Presbytery in respect of discipline; (2007)
- (c) the Presbytery, in the case of a Pastoral Charge or of a member of the Order of Ministry, a Candidate for the ministry, a Designated Lay Minister, or any other Presbytery appointee; (2007)
- (d) the Conference, in the case of a Presbytery or of a Conference appointee not included in subsections (a), (b), or (c); and (2007)
- (e) the General Council, in the case of a Conference or of a General Council appointee not included in subsections (a), (b), (c), or (d). (2007)

068 Early Resolution. When a difficulty, dispute, grievance, or problem arises, the primary assumption on which these procedures are set forth for the resolution of such a situation is that the actions taken by those first involved will resolve the situation so that no further action will be necessary.

069 Further Action. Should further action be necessary, it should be initiated in the appropriate primary Court.

070 First Consideration. Where a conflict arises, whether or not as the result of a Decision, the immediately affected parties should consider the matter and if possible agree to proposed actions. To assist in the consideration and implementation of proposed actions, consultation may be entered into with appropriate persons and Committees. Although persons are entitled to representation by advocates or legal counsel at any stage, it is the hope of the United Church that conflicts will be resolved without such representation, at least to the point of the Formal Hearing.

071 Specified Procedures.

- (a) In matters of entering or terminating a pastoral relationship, the procedures set out in sections 042 to 064, 350 to 357, 360 to 368, and 389 are to be followed.
- (b) In matters of property, the provisions of the Trusts of the Model Deed (Appendix II) and sections 250 to 272, 334 and 335, and 391, and subsection 505(j) are to be followed.
- (c) In matters of Sexual Abuse, the procedures approved from time to time by the General Council and available from the General Council office are to be followed. (2007)
- (d) There shall be the right of appeal under subsections (a) and (b), except with respect to:
 - i. elections;
 - ii. Decisions about an individual with respect to the inquiry or candidacy process;
 - iii. Decisions about an individual with respect to the recognition process for Congregational Designated Ministers or Designated Lay Ministers; (2007)
 - iv. Decisions about an individual with respect to the admission or re-admission process; (2007)
 - v. initiation of calls and settlements;

- vi. initiation of appointments;
- vii. implementation of a Decision pending an Appeal;
- viii. determination of whether an Appeal meets the requirements for an Appeal hearing;
- ix. acceptance or rejection of a medical certificate;
- x. a Decision by a Pastoral Charge to request a change in the pastoral relationship;
- xi. the disposition by a Presbytery of a request from a member of the Order of Ministry for a change in the pastoral relationship;
- xii. a Decision by a Court whether to hold a Formal Hearing;
- xiii. a Decision by a Formal Hearing Committee whether to hold a Formal Hearing;
- xiv. a Decision by a Court to make a complaint; or
- xv. a Decision by a Presbytery to initiate a review of the situation under subsection 363(c).

Although a Decision about an individual with respect to the inquiry or candidacy process, the recognition process for Congregational Designated Ministers or Designated Lay Ministers, or the admission or re-admission process, may not be appealed, the individual may request that the appropriateness of the procedures used to arrive at the Decision be addressed through the General Council's approved policies and procedures for conflict resolution, other than a Formal Hearing. The individual may appeal the appropriateness of the procedures used to arrive at the Decision, but only if the matter is not resolved through the policies and procedures for conflict resolution. (2007)

072 Making a Complaint.

- (a) Any member, Adherent, or employee of the United Church, its Congregations, Presbyteries, Conferences, and related agencies, or any person who is Ministry Personnel, who has personal knowledge of an act or omission by a member, an Adherent, a Candidate for the ministry, or a person who is Ministry Personnel, that is a proper ground of discipline, may make a complaint, in writing, before the Session or Church Board or Church Council, the Presbytery, the Conference, or the General Council, as the case may be. (2007)
- (b) If a Court has reasonable and probable grounds for believing that an act or omission that is a proper ground of discipline has occurred, such Court may make a complaint as provided in subsection (a). (2007)
- (c) Any complaint made by a Court shall be heard by the next higher Court. A complaint made by the General Council shall be heard by the Judicial Committee.
- (d) The United Church seeks to protect from abuse not only its own members and Adherents but also all persons who avail themselves of the pastoral or professional services of the United Church. Therefore any person who is not a member or an Adherent, who has sought out the professional or pastoral services of employees or Ministry Personnel of the United Church as cited above for purposes of pastoral care, counselling, marriage workshops, day care, etc., has the right not to be abused in any way. Such person is also extended the right to full protection of the policies and procedures of the United Church for the addressing of such matters, and may therefore make a complaint within the Courts of the United Church.
- (e) When in receipt of a complaint of Sexual Abuse, the appropriate Court shall immediately consult the policies and procedures for dealing with such cases, approved from time to time by the General Council and available from the General Council office, and shall follow the procedures outlined. (2007)

073 Sexual Abuse and Child Abuse.

- (a) The United Church will not tolerate, and will seek to eradicate, any behaviour by its members, lay and Order of Ministry, Adherents, or employees that constitutes Sexual Abuse or child abuse. (2007)
- (b) The United Church is committed to providing a safe environment for worship, work, and study in all Pastoral Charges, Congregations, institutions, agencies, organizations, or other bodies that operate under its name. Complaints of Sexual Abuse or child abuse will be taken seriously and will be dealt with in a spirit of compassion and justice. (2007)
- (c) The General Council has approved policies and procedures to deal with complaints of Sexual Abuse. These policies and procedures shall be available from the General Council office and shall be made easily available to any Court or other body of the United Church, which shall consult the approved policies and procedures before taking any action on a complaint of Sexual Abuse. (2007)

074 Conflict Resolution. The General Council has approved policies and procedures to deal with the resolution of conflicts. These policies and procedures must be used:

- (a) in each case where a written complaint has been received by the appropriate Court; and
- (b) before a Formal Hearing can take place with respect to a written complaint.

These policies and procedures may be used with respect to any complaints or conflicts except complaints of Sexual Abuse in which case the policies and procedures referred to in section 073 shall be used. These policies and procedures shall be available from the General Council office and shall be made easily available to any Court or other body of the United Church. (2007)

075 Formal Hearing.

- (a) Initiation. A Formal Hearing shall be held by the Session or Church Board or Church Council, the Presbytery, the Conference, or the General Council with regard to their respective areas of jurisdiction:
 - i. in any case where the Court orders a Formal Hearing;
 - ii. for complaints of Sexual Abuse, when requested by the complainant or the respondent; and (2007)
 - iii. for all other kinds of complaints, when requested by a Party to the complaint, but only if the Formal Hearing Committee decides as provided in subsection (d) that it is in the best interests of the Parties to the complaint and of the United Church for a Formal Hearing to be held.
- (b) Appointment of Committee. The appropriate Court shall appoint a Formal Hearing Committee of three (3) to five (5) members of the United Church, and shall name the Chairperson and the Secretary of the Committee. In a case of Sexual Abuse, at least one-half (1/2) of the members of the Committee shall be of the same sex as the complainant, and the Committee membership shall include both women and men; those appointed to the Committee should be or become familiar with the issues related to Sexual Abuse. (2007)
- (c) Terms of Reference. In all Formal Hearings, the following shall be stated by the appropriate Court or, in the case of a Formal Hearing before the Judicial Committee of the General Council, by the Executive of the Judicial Committee:
 - i. the issues to be considered;
 - ii. the limits of the authority of the Committee;
 - iii. the resources, financial and other, available;

- iv. the time within which the Formal Hearing is to be held; and
 - v. the date by which the Committee is to report.
- (d) For any complaint other than a complaint of Sexual Abuse, a Party to the complaint may request a Formal Hearing by giving, in accordance with section 003, a written request to the Secretary of the Court to which the complaint was made. The request shall contain the arguments in support of a Formal Hearing being held. The Party requesting a Formal Hearing shall give, in accordance with section 003, a copy of the request to the other Party to the complaint within seven (7) days of making the request to the Court. If the other Party to the complaint wishes to make a reply to the request, the reply shall be given, in accordance with section 003, to the Secretary of the appropriate Court and to the Party requesting the Formal Hearing, within thirty (30) days after the other Party to the complaint is deemed to have received a copy of the request for a Formal Hearing. The Formal Hearing Committee shall review the request and the reply, if any, and shall make a Decision either to hold a Formal Hearing with respect to the complaint because it would be in the best interests of the Parties and of the United Church to do so, or to refuse to hold a Formal Hearing because it would not be in the best interests of either or both of the Parties or of the United Church to do so. Notice of such Decision shall be given in writing to the Parties concerned and, in the case of a Decision not to proceed with a Formal Hearing, shall include the reasons for such Decision. Such Decision is not subject to Appeal. (2007)
- (e) Notice. The Committee shall give to each Party involved at least fifteen (15) days written notice of each Hearing, in accordance with section 003.
- (f) Presence and Counsel. A Party may be present at the Formal Hearing, and may be represented by an advocate or legal counsel.
- (g) Open or Closed Hearing. The Formal Hearing shall be open unless the Committee rules that the Hearing shall be closed in cases where its being open would adversely affect any person. The Committee may rule that the Hearing shall be closed throughout or only for a part of the Hearing. In cases of Sexual Abuse the Hearing shall be closed. When a Hearing is closed, either throughout or in part, only the Parties and their advocates or legal counsel, the Committee, the recorder, the Committee's legal counsel, and any witness giving evidence may be present, except that the Committee may allow a Party to the Hearing to have present not more than two (2) support persons, provided that the support persons may not take part in the Hearing unless giving evidence under oath. (2007)
- (h) Rules of Evidence. The proceedings shall be like those of a public court of law, and accepted rules of evidence applicable in the province or territory in which the Formal Hearing is being held shall be used. In cases dealing with Sexual Abuse, the standard of evidence shall be "preponderance of evidence" as determined by provincial or territorial law. (2007)
- (i) Verbatim Record. There shall be a Verbatim Record of the Formal Hearing, or a summary thereof to which all Parties agree, and the Committee shall provide such Verbatim Record or summary.
- (j) Decisions and Recommendations. Within the limits of its authority, the Committee shall make Decisions and recommendations.
- (k) Decisions Arising from a Complaint. In the case of a complaint, when the complaint has been proven, the Committee shall make a Decision that one (1) or more of the actions set out in paragraphs i. to vii. below be taken, as the Committee may consider appropriate having regard to the nature of the offence.
- i. Admonition. Admonition shall be in private.
 - ii. Rebuke. Rebuke is a more severe form of reproof and may be administered in public.
 - iii. Suspension. In the case of a person functioning as Ministry Personnel, suspension shall be from all rights, privileges, and duties with respect to the Pastoral Charge or one (1) or more

offices held. In the case of a lay person, suspension shall be from one (1) or more offices held. The Decision of the Committee may be to suspend for whatever period it considers appropriate.

- iv. Deposition. Deposition consists of the permanent removal of a person from one (1) or more offices held. In the case of a person functioning as Ministry Personnel, deposition may involve dissolution of the pastoral relationship; or permanent removal from all rights, privileges, and duties with respect to the Pastoral Charge or one (1) or more offices held. In the case of a lay person, deposition may involve permanent removal from one (1) or more offices held.
 - v. Discontinued Service List (Disciplinary) or Discontinued Lay Ministry Appointment List.
 - (1) If the Committee was appointed by or is acting for the Presbytery, the Committee may, in the case of a member of the Order of Ministry, make a recommendation to the Conference that the name of the person be removed from the rolls of Presbytery and Conference and be placed on the Discontinued Service List (Disciplinary), and may, in the case of a Designated Lay Minister, make a Decision that the name of the person be removed from the rolls of Presbytery and Conference (if not already effected by the termination or conclusion of the Presbytery Appointment) and be placed on the Discontinued Lay Ministry Appointment List, and may, in the case of a Congregational Designated Minister, make a Decision that their appointment be terminated and their name be placed on the Discontinued Lay Ministry Appointment List. (2007)
 - (2) If the Committee was appointed by or is acting for the Conference, the Committee may, in the case of a member of the Order of Ministry, make a Decision that the name of the person be removed from the rolls of Presbytery and Conference and be placed on the Discontinued Service List (Disciplinary), and may, in the case of a Designated Lay Minister, make a recommendation to the Presbytery that the name of the person be removed from the rolls of Presbytery and Conference (if not already effected by the termination or conclusion of the Presbytery Appointment) and be placed on the Discontinued Lay Ministry Appointment List, and may, in the case of a Congregational Designated Minister, make a recommendation to the Presbytery that their appointment be terminated and their name be placed on the Discontinued Lay Ministry Appointment List. (2007)
 - vi. Expulsion. Expulsion is the removal of a person from membership in the United Church. The result of such expulsion is to deprive such person of all offices and positions, including membership in the Order of Ministry, previously held by such person in the United Church or in any related or associated organization.
 - vii. The Committee may also require restitution which may involve monetary payment or other form of symbolic restoration.
- (l) Other Decisions. Within the limits of its authority, the Committee may make a Decision to take one (1) or more of the actions contemplated by subsection 363(d), in which event the provisions of subsection 363(e) apply, and also the Committee may take the actions contemplated by subsections 363(f) and (g) in the place of the Presbytery.
- (m) Implementation of Decisions.
- i. In the case of a Decision of a Formal Hearing Committee to suspend, that Decision shall be implemented as soon as the Party suspended is deemed, in accordance with section 003, to have received notice of the Decision.
 - ii. In the case of Decisions of a Formal Hearing Committee arising from a complaint, other than Decisions to suspend, those Decisions shall be implemented not earlier than fifteen (15) days after the respondent is deemed, in accordance with section 003, to have received notice of the Decisions.

- iii. In all other cases, the Decisions of a Formal Hearing Committee shall be implemented immediately upon the release of those Decisions, unless the Committee decides otherwise.
- (n) Costs. The obligation to pay the costs related to the Formal Hearing, including, but not limited to, Verbatim Records, travel and accommodation for the Parties concerned and witnesses, legal counsel fees, and other costs, and the way in which such costs are to be shared, shall be fixed by a Decision of the Committee. It is normally inappropriate to assess costs against a complainant of Sexual Abuse. (2007)
- (o) Report. The Committee shall forward a written copy of its Decision to all Parties, as soon as practicable after the completion of the Hearing. The report of the Committee shall be forwarded in accordance with section 003 and shall include its Decisions with reasons and any recommendations with respect to the matters before it. A Decision shall be made as to the wisdom of sharing the Decision of the Formal Hearing Committee with the Pastoral Charge, working colleagues, or other concerned parties.
- (p) No Debate. The Decisions of the Committee shall be the Decisions of the Court for which the Committee was appointed and acting, and therefore shall not be subject to debate by such Court, but may be appealed as provided herein. Notwithstanding the foregoing, a Decision of the Judicial Committee may only be reviewed, not re-heard, by the General Council, and a Decision of the General Council may not be appealed.
- (q) Recommendations. Any recommendations of the Committee may be debated by the Court that appointed the Committee and shall be approved, amended, or rejected.

076 Appeals.

- (a) An Appeal may be made only against a Decision or against a ruling of the General Secretary of the General Council. An Appeal may be made only by a person or a Court directly affected by the Decision or ruling. In the case of a Decision made by a Formal Hearing Committee, an Appeal may be made only by a Party to the Formal Hearing.
- (b) An Appeal may be made as follows:
 - i. against a Decision of a Formal Hearing, to the Judicial Committee of the General Council;
 - ii. against any other Decision, to the next higher Court; and
 - iii. against any ruling of the General Secretary of the General Council on questions of jurisdiction or interpretation, to the Judicial Committee of the General Council.
- (c) Parties. The Parties to the Appeal are:
 - i. in the case of an Appeal of a Decision of a Formal Hearing Committee: the appellant, the Court the Decision of which is being appealed, and the other Parties to the Formal Hearing;
 - ii. in the case of an Appeal of a Decision other than a Decision of a Formal Hearing Committee: the appellant and the Court the Decision of which is being appealed; and
 - iii. in the case of an Appeal against a ruling: the appellant and the General Secretary of the General Council.
- (d) Notice of Appeal. Notice of Appeal must be given in accordance with section 003 to the Secretary of the Court to which it is directed within thirty (30) days after the Decision of the lower Court has been communicated. A Decision shall be deemed to have been communicated to a person or Court eligible to appeal, on the earlier of:
 - i. the date on which notice is deemed to have been received in accordance with section 003; and
 - ii. fifteen (15) days after the minutes of the Court making the Decision have been distributed in the normal manner.

Such Secretary shall, within five (5) days after receipt of a notice of Appeal, give, in accordance with section 003, a copy of the notice of Appeal to all other Parties to the Appeal.

- (e) Interim Implementation. In the case of a Decision of a Formal Hearing Committee arising from a complaint, other than a Decision to suspend, the respondent may make a request, in accordance with section 003, to the General Secretary of the General Council, for a ruling as to whether the Decision should not be implemented pending the disposition of an Appeal. Such request must be made not later than five (5) days after the respondent is deemed, in accordance with section 003, to have received notice of the Decision. The ruling shall be made by the Moderator, the immediate Past Moderator, and the General Secretary of the General Council, except in the case of an Appeal against the Moderator, the immediate Past Moderator, or the General Secretary of the General Council, when the ruling shall be made by the Chairperson of the Judicial Committee. If it is ruled that the Decision should not be implemented pending the disposition of an Appeal, but the Appeal subsequently is not pursued within the requisite time limits, or the Appeal is deemed abandoned, or the Appeal Committee decides to refuse to hear the Appeal, then the Decision shall thereupon be implemented. Any such ruling is not subject to Appeal.
- (f) Grounds for Appeal. Grounds for Appeal are:
 - i. the failure of the Court that made the Decision against which the Appeal is being made to consider the matter as completely as practicable;
 - ii. that the Decision was not in accordance with the rules of natural justice; (2007)
 - iii. that the Decision was not reasonably able to be reached on the evidence; (2007)
 - iv. that the Decision was not in accordance with the Polity of the United Church; or (2007)
 - v. the availability of evidence that could not reasonably have been adduced and that might be relevant. (2007)
- (g) Appellant's Statement. Within thirty (30) days after the notice of Appeal as provided in subsection (d) is deemed to have been received, the appellant must give, in accordance with section 003, to the Secretary of the Court that is hearing the Appeal, a statement outlining the arguments to be made in support of the Appeal. If this requirement is not met, the Appeal shall be deemed to have been abandoned.
- (h) Distribution of Appellant's Statement. Within seven (7) days of receiving the appellant's statement, the Secretary of the Court that is hearing the Appeal shall give, in accordance with section 003, a copy of the statement to the Court the Decision of which is being appealed, and, in the case of an Appeal of a Decision by a Formal Hearing Committee, to all other Parties to the Appeal.
- (i) Court's Reply. If the Court the Decision of which is being appealed wishes to make a reply, that reply must be given in accordance with section 003 to the Secretary of the Court that is hearing the Appeal, within thirty (30) days after the statement in subsection (h) is deemed to have been received.
- (j) Distribution of Court's Reply. Within seven (7) days of receiving the reply of the Court the Decision of which is being appealed, the Secretary of the Court that is hearing the Appeal shall give, in accordance with section 003, a copy of the reply to the appellant, and, in the case of an Appeal of a Decision by a Formal Hearing Committee, to all other Parties to the Appeal.
- (k) Appointment of Committee. To hear an Appeal addressed to the Presbytery or the Conference, the Executive of the Presbytery or the Conference shall appoint an Appeal Committee of three (3) to five (5) members of the United Church, and shall name the Chairperson and the Secretary of the Committee. In a case of Sexual Abuse, at least one-half (1/2) of the members of the Committee shall be of the same sex as the complainant, and the Committee membership shall include both women and men; those appointed to the Committee should be or become fully knowledgeable of the policies and procedures of the United Church related to Sexual Abuse, prior

to the commencement of the Appeal; members may want to learn more about issues related to Sexual Abuse. To hear an Appeal addressed to the General Council, the Judicial Committee shall be the Appeal Committee. (2007)

- (l) Terms of Reference. In all Appeals the following shall be stated:
 - i. the resources, financial and other, available;
 - ii. the time within which the Appeal is to be heard; and
 - iii. the date by which the Committee is to report.
- (m) Whether to Hear. Before any Appeal may be heard,
 - i. the Committee; or
 - ii. in the case of an Appeal to the Judicial Committee of the General Council, its Executive, shall review the written statements referred to in subsections (g) and (i) above, and shall make a Decision either to refuse to hear the Appeal because it does not meet the grounds for an Appeal or to proceed to hear the Appeal. Notice of such Decision shall be given in writing to the Parties concerned, and in the case of a Decision to refuse to hear the Appeal shall include the reasons for such Decision. Such Decision is not subject to Appeal.
- (n) Notice. The Committee shall give to the Parties to the Appeal at least fifteen (15) days written notice of each hearing, in accordance with section 003.
- (o) Failure to Appear. The Committee may, by notice in accordance with section 003 to an appellant, require the appellant to confirm in writing that they, or their advocate, or legal counsel will be present for the hearing of the Appeal. Such confirmation must be given in accordance with section 003 to the Committee, within five (5) days of the deemed receipt of the notice. Failing such confirmation, or if the appellant or their advocate or legal counsel is not present for the hearing of the Appeal, the Committee may declare that the Appeal has been abandoned by that appellant.
- (p) Delay in Hearing. If twelve (12) months from the date of the notice of Appeal have elapsed without the Appeal being heard, any Party to the Appeal may apply on thirty (30) days' notice to all other Parties for a ruling by the Court to which the Appeal is directed to declare that the Appeal shall be heard forthwith or to declare that the Appeal has been abandoned.
- (q) Presence and Counsel. Any Party or Court appearing before the Committee shall have the right to appear in person or by an advocate or legal counsel. Any Party or Court appearing by an advocate or legal counsel may be present at the hearing.
- (r) Open or Closed Hearing. The Appeal Hearing shall be open unless the Committee rules that the Hearing shall be closed in cases where its being open would adversely affect any person. The Committee may rule that the Hearing shall be closed throughout or only for a part of the Hearing. In cases of Sexual Abuse the Hearing shall be closed. When a Hearing is closed, either throughout or in part, only the Parties and their advocates or legal counsel, the Committee, the recorder, the Committee's legal counsel, and any witness giving evidence may be present, except that the Committee may allow a Party to the Hearing to have present not more than two (2) support persons, provided that the support persons may not take part in the Hearing unless giving evidence under oath. (2007)
- (s) Rules of Evidence. The proceedings shall be like those of a public court of law, and accepted rules of evidence applicable in the province or territory in which the Appeal is being held shall be used.
- (t) Verbatim Record. There shall be a Verbatim Record of the proceedings, or a summary thereof to which all Parties agree.

- (u) Decision. The Committee shall report its Decision to the appropriate Court and to the Parties involved, with reasons for allowing or dismissing the Appeal or for ordering a Formal Hearing. The Committee in its Decision may attach conditions in either allowing or dismissing the Appeal. In the case of a Decision to be decided again, the Committee may order that the matter be referred back to a lower Court to hold a Formal Hearing with respect to the matter, or that a new Formal Hearing be held by the Court to which the Appeal has been made.
- (v) Costs. The obligation to pay the costs related to the Appeal, including, but not limited to, Verbatim Records, travel and accommodation for the Parties concerned and witnesses, legal counsel fees, and other costs, and the way in which such costs are to be shared, shall be fixed by a Decision of the Committee. It is normally inappropriate to assess costs against a complainant of Sexual Abuse. (2007)
- (w) Decision. The Committee shall forward a written copy of its Decision to all Parties, as soon as practicable after the completion of the hearing.
- (x) No Debate. The Decisions of the Appeal Committee shall be the Decisions of the Court that appointed the Appeal Committee and therefore shall not be subject to debate by such Court, but may be appealed as provided herein. Notwithstanding the foregoing, a Decision of the Judicial Committee may only be reviewed, not re-heard, by the General Council, and a Decision of the General Council may not be appealed.
- (y) Records of Lower Court. The Decision of the Appeal Committee shall be communicated to the lower Court, which shall insert the Decision in its records. Further, on the margin of the record of the original Decision, it shall indicate that the Appeal has taken place, note the effect of the Decision of the Appeal Committee, and state the place in the record where the Decision of the Appeal Committee has been recorded.
- (z) Judicial Committee. The authority of the Judicial Committee shall be as set out in sections 541 to 549.

077 Decisions Not Subject to Appeal. Decisions that are not subject to Appeal are as follows:

- (a) elections;
- (b) Decisions about an individual with respect to the inquiry or candidacy process;
- (c) Decisions about an individual with respect to the recognition process for Congregational Designated Ministers or Designated Lay Ministers; (2007)
- (d) Decisions about an individual with respect to the admission or re-admission process; (2007)
- (e) initiation of calls and settlements;
- (f) initiation of appointments;
- (g) implementation of a Decision pending an Appeal;
- (h) determination of whether an Appeal meets the requirements for an Appeal hearing;
- (i) acceptance or rejection of a medical certificate;
- (j) a Decision by a Pastoral Charge to request a change in the pastoral relationship;
- (k) the disposition by a Presbytery of a request from a member of the Order of Ministry for a change in the pastoral relationship;

- (l) a Decision by a Court whether to hold a Formal Hearing;
- (m) a Decision by a Formal Hearing Committee whether to hold a Formal Hearing;
- (n) a Decision by a Court to make a complaint; or
- (o) a Decision by a Presbytery to initiate a review of the situation under subsection 363(c).

Although a Decision about an individual with respect to the inquiry or candidacy process, the recognition process for Congregational Designated Ministers or Designated Lay Ministers, or the admission or re-admission process, may not be appealed, the individual may request that the appropriateness of the procedures used to arrive at the Decision be addressed through the General Council's approved policies and procedures for conflict resolution, other than a Formal Hearing. The individual may appeal the appropriateness of the procedures used to arrive at the Decision, but only if the matter is not resolved through the policies and procedures for conflict resolution. (2007)

Procedural Resources

Checklist for Consultants Working with Complainants

Prior to working with a complaint of sexual abuse:

- Read the United Church Sexual Abuse Policy and Procedures.
- Attend a Conference training event on the United Church Sexual Abuse Policy and Procedures.
- Become familiar with regional resources related to the issue of sexual abuse (e.g., secular resource people, educational material, women's centres, counsellors, legal and medical advisors).
- Be clear about the role of consultants when working with a complainant:
 - to work in a consultative capacity to determine if the complaint applies to the United Church policy
 - to ensure that all allegations of sexual abuse are investigated
 - if the complainant is not prepared to provide a written statement, to provide notes of the conversation with the complainant that will serve as the written record of the complaint to be given to the Conference personnel minister

When you are contacted by a potential complainant:

- In the initial conversation, identify that your role as consultant is to work in a consultative capacity to determine if her or his complaint falls within to the United Church policy.
 - Inform the potential complainant that you are obligated to forward any complaint that falls within the United Church Sexual Abuse Policy, regardless of the wish of the complainant to pursue it, once you have any information that allows you to identify the respondent.
- When meeting with the complainant
 - ensure that the complainant has a copy of the Sexual Abuse Policy
 - review the policy and procedures with the complainant
 - advise the complainant that if you hear the complaint, and the policy does apply, then once the parties are identified there must be an investigation whether or not she or he provides a written complaint
 - determine if the complaint is one to which the policy applies
 - identify and seek out pastoral care and/or counselling support and resources for the complainant and family
- If the policy applies, encourage the complainant to put the complaint in written form.
 - Third-party complainants must provide a written complaint or the matter will not be pursued.
 - If the complainant is the abused person, but is not prepared to provide a written complaint, the consultant's notes will serve as the written record instead.

- Prepare a written account of your meeting with the complainant.
 - Provide a copy of your account and the written complaint to the Conference personnel minister.
- Keep a written record of all meetings and other forms of contact with the complainant (including dates, times, and locations of meetings or contacts, and a brief description of matters discussed during them).
- Provide information to the complainant as required, including the name of the investigator.
- The Conference personnel minister will provide you with a copy of the summary of the investigator's findings.
 - Provide the summary of findings to the complainant.
- Maintain confidentiality throughout, except as provided for in the policy and procedures and as required by law.

Checklist for Consultants Working with Respondents

Prior to working with a complaint of sexual abuse:

- Read the United Church Sexual Abuse Policy and Procedures.
- Attend a Conference training event on the United Church Sexual Abuse Policy and Procedures.
- Become familiar with regional resources related to the issue of sexual abuse (e.g., secular resource people, educational material, women's centres, counsellors, legal and medical advisors).
- Be clear about the role of consultants when working with a respondent:
 - to inform the respondent that a complaint has been made
 - to provide the respondent with a copy of the complaint
 - to discuss pastoral care/support issues for the respondent and her or his family
 - to review the Sexual Abuse Policy and Procedures with the respondent
 - but not to act as an advocate for the respondent or for the complainant

When you are assigned a respondent:

- The Conference personnel minister will provide you, as consultant, with a copy of the complaint.
- When you have received a copy of the complaint, contact the respondent to inform her or him that a complaint has been made.
- When informing the respondent that a complaint has been made
 - advise the respondent that you have been assigned as a consultant for her or him
 - advise the respondent that your role of consultant is not as an advocate, but for information-sharing
 - provide the respondent with a copy of the complaint
 - ensure that the respondent has a copy of the Sexual Abuse Policy and Procedures
 - review the policy and procedures with the respondent
 - inform the respondent that she or he is to have no contact with the complainant, the immediate family of the complainant, or individuals who may have an influence on the complainant
 - advise the respondent that she or he may choose to have an advocate and/or legal counsel to assist with the process
 - identify and seek out pastoral care and/or counselling support and resources for the respondent and family

- Keep a written record of all meetings and other forms of contact with the respondent (including dates, times, and locations of meetings or contacts, and a brief description of matters discussed during them).
- Provide information to the respondent as required, including the name of the investigator.
- The Conference personnel minister will provide you with a copy of the summary of the investigator's findings.
 - Provide the summary of findings to the respondent.
- Maintain confidentiality throughout, except as provided for in the policy and procedures and as required by law.

Checklist for Conference Personnel Ministers Working with a Complaint of Sexual Abuse

Prior to working with a complaint of sexual abuse:

- Read the United Church Sexual Abuse Policy and Procedures.
- Attend a training event on the United Church Sexual Abuse Policy and Procedures.
- Assist in the training and education of members of the Conference Coordinating Committee, consultants, and chairpersons of courts (or their designate) in relation to the United Church Sexual Abuse Policy and Procedures.
- Become familiar with regional resources related to the issue of sexual abuse (e.g., secular resource people, educational material, women's centres, counsellors, legal and medical advisors).
- Be clear about the role of the Conference personnel minister (or equivalent position) when working with a complaint of sexual abuse:
 - to be responsible for the administration of the Sexual Abuse Policy for the Conference, in cooperation with the Conference Coordinating Committee
 - to ensure that the process moves forward as provided for in the policy
 - to act as a resource person during the policy's implementation

Working with a complaint of sexual abuse:

- When a complaint has been received, you will be notified by the consultant to the complainant.
 - The consultant will provide to the Conference personnel minister a copy of the account of her or his meeting with the complainant and the written complaint of the complainant.
 - If the nature of the complaint is unclear, clarify any uncertainty with the consultant.
- Inform the chairperson of the Conference Coordinating Committee and the designated General Council Office staff member, and the chairperson of the court of accountability that a complaint has been received.
- Inform the chairperson of the court of accountability that a complaint has been received.
 - Do not provide details of the complaint until after the respondent has received the complaint.
- Consult with the chairperson of the Conference Coordinating Committee to assign a consultant to the respondent.
 - Provide the consultant with a copy of the complaint.
- The designated General Council Office staff member will notify you of the name and contact information of the assigned investigator.
 - Provide the name and contact information of the investigator to the chairperson of Conference Coordinating Committee, the consultant working with the complainant, and the consultant working with the respondent.
 - Ensure that the consultants provide this information to the complainant and the respondent.

- Provide the investigator with any information relevant to the investigation.
- Consult with the chairperson of the court of accountability and the chairperson of the Conference Coordinating Committee regarding the suspension of the respondent from her or his position of accountability until the matter is resolved.
 - If the decision is to suspend and the respondent is ministry personnel or an employee, the suspension shall be with pay and benefits until the matter is resolved.
 - The decision to suspend is to be made in the best interests of the community served by the church court and has no bearing whatsoever on the guilt or innocence of the respondent.
- The designated General Council Office staff member will provide you with a copy of the investigator's report and a summary of the investigator's findings.
- Provide a copy of the investigator's report to
 - the chairperson of the court of accountability
 - the chairperson of the Conference Coordinating Committee
- Provide a copy of the summary of the investigator's findings to the consultants.
 - The consultants provide the summary of findings to the complainant and the respondent.
- Be available for consultation with the consultants, the chairperson of the Conference Coordinating Committee, the investigator, and the chairperson of the court of accountability as required.
- In consultation with the chairperson of presbytery, you may also assist the respondent's pastoral charge in identifying and responding to its pastoral needs when a complaint has been made.
- Maintain confidentiality throughout, except as provided for in the policy and procedures and as required by law.

Checklist for Conference Coordinating Committee Working with a Complaint of Sexual Abuse

Prior to working with a complaint of sexual abuse:

- Read the United Church Sexual Abuse Policy and Procedures.
- Attend a Conference training event on the United Church Sexual Abuse Policy and Procedures.
- Become familiar with regional resources related to the issue of sexual abuse (e.g., secular resource people, educational material, women's centres, counsellors, legal and medical advisors).
- Be clear about the role of the Conference Coordinating Committee when working with a complaint of sexual abuse:
 - to be available to the chairperson (or designate) of the church courts for consultation

The chairperson specifically shall

- assign consultants as required, in consultation with the Conference Personnel Minister
- with the chairperson of the court of accountability of the respondent, in consultation with the Conference personnel minister, determine whether or not the respondent will be suspended from her or his position of accountability until the matter is resolved
- advise the complainant, the respondent, and the chairperson of the court of accountability when an investigation has been initiated and when an investigator has been assigned

Working with a complaint of sexual abuse:

Conference Coordinating Committee

- Maintain confidentiality throughout, except as provided for in the policy and procedures and as required by law.

Chairperson of Conference Coordinating Committee

- You will be informed by the Conference personnel minister when a complaint has been received.
- In consultation with the Conference personnel minister, assign a consultant to the respondent.
- Meet with the chairperson of the court of accountability and, in consultation with the Conference personnel minister, determine if it is necessary to suspend the respondent from her or his position of accountability until the matter is resolved.
- Prior to making a decision regarding suspension, with the chairperson of the court of accountability
 - give the respondent an opportunity to meet with you to comment on the appropriateness of a suspension
 - consider the positive and negative impacts the removal of the respondent from the position will have on the people directly involved in the complaint, other persons in the affected church community, and the investigation

- If the decision is to suspend and the respondent is ministry personnel or an employee, the suspension shall be with pay and benefits until the matter is resolved.
 - The decision to suspend is to be made in the best interests of the community served by the church court and has no bearing whatsoever on the guilt or innocence of the respondent.
- The Conference personnel minister will notify you of the name of the assigned investigator.
 - Ask the consultants to inform the complainant and the respondent that an investigation has been initiated. They should specify who the investigator is.
- The Conference personnel minister will provide you with a copy of the investigator's report.
- During and after the process, assist the consultants to identify and seek out pastoral counselling and other support and resources for themselves.
- Maintain confidentiality throughout, except as provided for in the policy and procedures and as required by law.

Checklist for Chairperson of the Court of Accountability (or Designate) Working with a Complaint of Sexual Abuse

Prior to working with a complaint of sexual abuse:

- Read the United Church Sexual Abuse Policy and Procedures.
- Attend a Conference training event on the United Church Sexual Abuse Policy and Procedures.
- Be clear about the role of the chairperson of the court of accountability when working with a complaint of sexual abuse:
 - the chairperson of the court of accountability is the contact person for the purposes of the United Church Sexual Abuse Policy and Procedures, unless a designate has been assigned and the Conference personnel minister has been informed
 - the appropriate church court is the court of The United Church of Canada to which a respondent has a primary accountable relationship
 - if the complaint against the respondent occurred at a time when the respondent served in another pastoral charge, presbytery, and/or Conference, the matter shall be dealt with by the court to which the respondent is responsible at the time that the Formal Complaint is made

Working with a complaint of sexual abuse:

Chairperson of the court of accountability

- The Conference personnel minister will inform you that a complaint has been received, but will provide no details of the complaint until after the respondent has a copy of the complaint.
- Meet with the chairperson of the Conference Coordinating Committee and, in consultation with the Conference personnel minister, determine if it is necessary to suspend the respondent from his or her position of accountability until the matter is resolved.
- Prior to making a decision regarding suspension, with the chairperson of the Conference Coordinating Committee
 - give the respondent an opportunity to meet with you to comment on the appropriateness of a suspension
 - consider the positive and negative impacts the removal of the respondent from the accountable position will have on the people directly involved in the complaint, other persons in the affected church community, and the investigation

If a person serving as ministry personnel is charged with a criminal offence, section 364 of *The Manual* will apply.
- If the decision is to suspend and the respondent is ministry personnel or an employee, the suspension shall be with pay and benefits until the matter is resolved.
 - The decision to suspend is to be made in the best interests of the community served by the church court and has no bearing whatsoever on the guilt or innocence of the respondent.
- Receive a copy of the investigator's report from the Conference personnel minister.
- Ensure the court of accountability (or its executive or a commission assigned by the executive) reviews the report.
- Maintain confidentiality throughout, except as provided for in the policy and procedures and as required by law.

Court of accountability (or its executive)

- The court (or its executive or a commission assigned by the executive) will receive a copy of the investigator's report from the chairperson.
- Upon review of the report, make one of the following determinations:
 - that the investigator's report indicates there are no reasonable grounds to pursue the matter further
 - that there are reasonable grounds to pursue the matter further through informal processes, on agreement of the complainant and respondent
 - that there are reasonable grounds for a Formal Complaint to be made against respondent, and to proceed to a Formal Hearing (in accordance with provisions of section 075 of *The Manual*)
- If you determine that there are no reasonable grounds to proceed with the complaint
 - declare that no further action will be taken on the complaint under this policy
 - provide the reasons for the Decision not to proceed
 - provide a written copy of the Decision to the complainant, the respondent, the chairperson of the Conference Coordinating Committee, the Conference personnel minister, and the designated staff member of the General Council Office
- If the Decision is made to proceed to Formal Hearing
 - provide a written Formal Complaint to the respondent, where the specific charges against which the respondent must defend are provided
 - appoint a prosecutor
 - ensure the Formal Hearing is held without undue delay
- If the decision is made that there are no reasonable grounds to pursue the matter further
 - make reasonable efforts to restore the respondent's credibility within the community
- Maintain confidentiality throughout, except as provided for in the policy and procedures and as required by law.

