

## **Policy and Procedures on Sexual Misconduct for Official Workers and Churches**

### **A Policy of The Christian and Missionary Alliance in Canada**

The Alliance Canada is committed to creating and ensuring safe environments for worship, witness, and work free from sexual misconduct and will not tolerate sexual misconduct in any form including sexual harassment, sexual abuse, and child abuse by its licensed workers, (non-licensed) employees, contract workers, or volunteers in service to or with The Alliance Canada, its churches, congregations, districts, institutions, agencies, organizations, or other bodies that operate under its name. **To make a complaint regarding sexual misconduct where a real or perceived differential in power or authority is involved, please go to: <https://www.cmacan.org/report-sexual-misconduct/>**

#### **Preamble**

The Christian and Missionary Alliance in Canada (the “C&MA”) will not tolerate or condone any behaviour by C&MA personnel or services that constitutes sexual misconduct. The C&MA will actively seek to prevent such behaviour and respond to any such behaviour when it occurs. The Policy and Procedures on Sexual Misconduct for Official Workers and Churches (the “Policy”) is in place to guide the response to any such matter in a thorough, sympathetic, and fair fashion.

The C&MA is committed to providing a safe environment for worship, witness, and work in all its churches, congregations, districts, institutions, agencies, organizations, and other bodies that operate under its name. The C&MA condemns abuse against any person in their receipt of professional or pastoral services from C&MA personnel or participation in any C&MA sanctioned activity.

Complaints of sexual misconduct will be taken seriously and investigated with integrity and fairness promptly and with concern for the wellbeing of complainants and other involved parties. The Policy places the responsibility and authority for dealing with any such cases in the office of a national advisor who operates at arms-length from governing bodies, licensing authorities, and employers and is appointed with regard for appropriate expertise and experience.

The term “sexual misconduct” encompasses a wide range of behaviours and may vary in seriousness and consequences. For the purposes of this Policy, “sexual misconduct” includes but is not limited to the following, all of which are described in Article 10 and include abuse; production, viewing or distribution of child pornography; concealment of abuse; grooming behaviour; image-based abuse; sexual assault; and sexual harassment.

The Policy is in place to address issues of sexual misconduct where a real or perceived differential in power or authority is deemed to be involved. The use of the term “sexual misconduct” in this Policy refers to sexual misconduct involving a real or perceived differential of power or authority. The Policy on Discipline, Restoration and Appeal for Official Workers and the Discipline and Restoration Policy for Members of Local Churches of The Christian and Missionary Alliance in Canada deal with allegations of other types of sexual misconduct.

Where the Policy uses terms such as “complainant” and “allegations,” such terms are not intended to imply any element of inherent scepticism, and the approach taken does not imply any conclusion has been reached in respect of allegations.

## Article 1 – Biblical Basis for Discipline on Matters of Sexual Misconduct

Abuse and harassment committed by workers and volunteers in the church are particularly grievous types of sin. All sin is harmful; this sin may involve a devastating betrayal of trust by a worker or volunteer in a position of power over someone who is in a vulnerable position.

The Bible speaks clearly of God’s love for justice and God’s heart for the abused and the oppressed. Sins of sexual misconduct committed by workers and volunteers in the church are particularly difficult sins to deal with because, as Jesus taught, they involve leaders who utilize deception and secrecy to harm others— “wolves in sheep’s clothing” (Matthew 7:15). The Bible advises that mercy, grace, forgiveness, and restoration be offered to sinners who are genuinely humble and repentant, but not to “wolves” who continue to deceive. In cases of abuse, especially abuse committed by workers and volunteers in the church, accountability and protecting the church from further harm must take priority.

The following passages provide biblical grounds for dealing with cases of sexual misconduct in the church.

### 1.1 All people are created by God with inherent dignity and value

- All humans are created with dignity and worth as image bearers of God (Genesis 1:27).
- God makes provision for the care and protection of the vulnerable who are particularly open to abuse and oppression. These categories include the immigrant, the poor, children (especially orphans), the elderly (especially widows), the disabled, etc. (Exodus 22:21-24).
- Jesus attributed high value to children (Mark 9:37).

### 1.2 Power may be misused and abused in the church

- The Bible condemns key aspects of predatory behaviour (Psalm 10).
- The Bible laments when the vulnerable have no one to intervene (Ecclesiastes 4:1).
- Jesus challenged how his disciples viewed and used power and condemned authoritarian uses of power (Matthew 20:25,26).
- Jesus condemned predatory behaviour against children (Matthew 18:6).
- Jesus condemned predatory behaviour against widows (Mark 12:38-40).

### 1.3 Justice is given a high place in the economy of God

- The Lord loves justice (Psalm 37:28; Isaiah 61:8).
- Justice is the foundation of God’s throne (Psalm 89:14; 97:2).

### 1.4 Instructions to care for the needy are prevalent in the Bible

- Leaders are responsible to care for the oppressed, destitute, poor, and needy (Proverbs 31:4f.,8f.; Jeremiah 22:15f.).
- God’s people are to care for the oppressed, the fatherless, and the widow (Isaiah 1:17).
- Jesus illustrates love for neighbour by telling of proper and improper response to an assault (Luke 10:30-37).

### 1.5 The need for protection from predators is taught in the Bible

- The prophets condemn shepherds who do not protect but rather prey upon the sheep (Jeremiah 23:1-4; Ezekiel 34:1-31).
- Jesus spoke of dangerous wolves and innocent sheep needing protection (Matthew 7:15; 10:16; John 10:12,13).
- A person guilty of gross sexual misconduct was to be cast out of the church (1 Corinthians 5:1-5).

- The epistles warn of those who seek to do harm from within the church (Romans 16:17,18; 2 Timothy 3:1-6).

## Article 2 - Scope of the Policy

### 2.1. Persons Subject to the Policy

The Policy applies to all current and former licensed workers, (non-licensed) employees, contract workers, and volunteers in the course of their work with C&MA churches, congregations, districts, institutions, agencies, organizations, or other bodies that operate under its name.

### 2.2. Ecclesiastical Authority

The C&MA delegates the implementation of all proceedings contained in and related to the Policy to the national advisor. No other ecclesiastical authority (e.g. local church board, District Executive Committee, Board of Directors) may initiate disciplinary procedures concerning the matters covered by the Policy.

### 2.3. Reporting Obligation

Every complaint of sexual misconduct as defined in the Policy against a person to whom the Policy applies must be addressed according to the Policy and, therefore, must be brought to the attention of the national advisor immediately.

### 2.4. Misconduct that may give rise to discipline includes, but is not limited to:

- Abuse of any kind<sup>1</sup>
- Production, viewing or distribution of child pornography<sup>1</sup>
- Concealment of abuse<sup>1</sup>
- Grooming behaviour<sup>1</sup>
- Image-based abuse<sup>1</sup>
- Sexual assault<sup>1</sup>
- Sexual harassment<sup>1</sup>

## Article 3 – Administration of the Policy

### 3.1. Managing the Process

The oversight and administration of the Policy is the responsibility of the national advisor.

#### 3.1.1. National Advisor Reporting

The national advisor is accountable to the Board of Directors to report activity only, so as to ensure the confidentiality of any investigation.

#### 3.1.2. Responsibilities of National Advisor

In response to each allegation received, the national advisor shall have the authority and responsibility to ensure that each element of the procedure outlined in the Policy is carried out as expeditiously as possible including, but not limited to, receiving allegations, communicating with complainants, respondents, and witnesses, collecting and examining evidence for the purposes of determining the application of the Policy to the allegations, consulting with and adhering to C&MA

---

<sup>1</sup> A definition of this matter is found in Article 10 – Definitions.

policies, managing the investigations and providing a report which includes advice regarding discipline to be presented to the appropriate ecclesiastical authority or employer.

The national advisor shall ensure that the advisor for the complainant and the advisor for the respondent are notified of progress being made throughout the process.

At his or her discretion, the national advisor may outsource any component of the procedure in response to any allegation received, including retaining the services of an independent investigator.

### 3.1.3. Appointment of Complaint Advisor

The national advisor may appoint complaint advisors who are capable and qualified to receive complaints. The national advisor may provide contact information for a complaint advisor for publication on national and district websites or assign a complaint advisor to any complaint received through any website associated with the C&MA that contains a means of receiving such complaints. Reports created by a complaint advisor of any complaint(s) received shall be forwarded promptly to the national advisor only.

## 3.2. Receiving Complaints

### 3.2.1. Obtaining complaints

Each C&MA local church and district and the national office shall post on its website, if any, and include in their staff/employee and volunteer handbooks, if any, the following statement:

The Alliance Canada is committed to creating and ensuring safe environments for worship, witness, and work free from sexual misconduct and will not tolerate sexual misconduct in any form including sexual harassment, sexual abuse, and child abuse by its licensed workers, (non-licensed) employees, contract workers, or volunteers in service to or with The Alliance Canada, its churches, congregations, districts, institutions, agencies, organizations, or other bodies that operate under its name. **To make a complaint regarding sexual misconduct where a real or perceived differential in power or authority is involved, please go to: <https://www.cmacan.org/report-sexual-misconduct/>**

3.2.2. The C&MA website shall contain an easily located list of complaint advisors and the email address for the national advisor.

## 3.3. Reporting Complaints

3.3.1. Any licensed worker, (non-licensed) employee, contract worker, or volunteer who becomes aware of an alleged sexual misconduct incident involving C&MA personnel or activities shall report it to their ministry or workplace supervisor and to the national advisor without delay.

3.3.2. The immediate responsibility of the ministry or workplace supervisor and the national advisor is to ensure the safety of the person(s) affected by any alleged incident, and the safety of others who may be vulnerable. Every supervisor has a responsibility to ensure sexual misconduct ends as soon as they become aware of it.

## 3.4. Timeline for Resolution of Complaints

It is intended that all complaints will be resolved within 120 days of being reported. Complainants will be made aware that resolution can exceed 120 days depending on the nature of the allegations.

The national advisor shall make complainants aware that there is a time limit for filing a complaint with the applicable provincial human rights commission or tribunal.

## Article 4 – Investigative Process

An investigation is reasonable and appropriate when it is demonstrated to be thorough, documented, fair, and able to withstand legal scrutiny. Each investigation will implement and document all prescribed steps. All investigative plans for internal and external investigations will be approved by the national advisor. The prescribed steps for external and internal investigations are as follows:

### 4.1. Initial Procedure

#### 4.1.1. Expressing Allegation

The complainant who has an allegation of sexual misconduct can inform the national advisor or a complaint advisor assigned by the national advisor in writing of the broad scope of the allegation of sexual misconduct involving C&MA personnel or activities they wish to see addressed. In the event the complainant chooses not to put the complaint in writing or is unable to do so, the notes made by the national advisor or complaint advisor when speaking with the complainant will serve as the written record of the complaint to be investigated.

A complaint may be brought by a person who has first-hand knowledge (has observed or has evidence) of sexual misconduct. In such a case, the subject of the complaint may, at any time, become the complainant.

#### 4.1.2. Determination of Application of Policy

Upon receipt of any allegation, the national advisor shall determine if the Policy applies.

4.1.2.1. If, after consideration by the national advisor of the nature of allegation and any other relevant information, it is determined that the Policy applies, the process will continue.

4.1.2.2. If, after consideration by the national advisor of the nature of allegation and any other relevant information, it is determined that an informal resolution process is in order, such a process may be offered to the complainant.

An informal resolution process is used to resolve, only in appropriate cases, simpler and less-serious complaints that may not require a full investigation (e.g., where the complaint is simple and contains only one allegation, and the respondent admits to that allegation and wants to make restitution).

The informal resolution process may not be appropriate in every circumstance and does not apply to any complaint that has been assigned for external investigation.

The informal resolution process must be facilitated by a third-party facilitator approved by the national advisor, the complainant, and the respondent. The facilitator will ensure a safe and confidential environment for all parties. Upon completion of the informal resolution process, the facilitator will submit a written report to the national advisor regarding whether the process was successful in whole or in part.

Any informal resolution process is voluntary and, in order to proceed, requires the agreement of the complainant, the respondent, and the national advisor. The process may be suspended prior to or after commencement when either party chooses to withdraw or the national advisor withdraws support.

4.1.2.3. If, after consideration by the national advisor of the nature of allegation and any other relevant information, it is determined that the Policy does not apply, the complainant will be notified of that decision with an explanation based on the Policy and the process will conclude. Where

there may be another C&MA policy applicable to the allegation(s), the national advisor may direct the complainant to that C&MA policy to address their allegation(s).

#### 4.1.3. Notifications and Assignments

##### 4.1.3.1. Notification of Ecclesiastical Authority or Employer

Upon receipt of an allegation that has been determined to be subject to the Policy, the national advisor shall notify the relevant ecclesiastical authority or employer of the respondent and provide them with a summary of the complaint as follows:

- In the case of a volunteer<sup>2</sup> in a local church, the supervising pastoral staff member, the senior pastor, the church board, and the district superintendent shall be notified.
- In the case of a (non-licensed) employee<sup>3</sup> in a C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name, the supervisor, the relevant governing board (if any), and the next level supervisor (if any) shall be notified.
- In the case of a licensed worker in a local church<sup>4</sup> other than the senior pastor, the senior pastor, the church board, and the district superintendent shall be notified.
- In the case of a senior pastor<sup>4</sup>, the church board, the district superintendent, and the president shall be notified.
- In the case of a licensed worker<sup>4</sup> in a C&MA district, institution, agency, organization, or other body that operates under its name, the supervisor, the relevant governing board (if any), and the next level supervisor (if any) shall be notified.
- In the case of an unassigned official worker<sup>4</sup> or worker emeritus<sup>4</sup>, the district superintendent and the president shall be notified.
- In the case of an international worker<sup>4</sup>, the Global Ministries strategy director, district superintendent, the International Vice President, and the president shall be notified.
- In the case of a district superintendent<sup>4</sup>, the District Executive Committee and the president shall be notified.
- In the case of a Global Ministries strategy director<sup>4</sup>, the district superintendent, the International Vice President, and the president shall be notified.
- In the case of the president<sup>4</sup>, the Board of Directors shall be notified.

##### 4.1.3.2. Notification of Respondent

- For licensed workers, upon receipt of an allegation that has been determined to be subject to the Policy, the national advisor shall fully disclose the allegation to the respondent in the presence (physical or virtual) of their immediate ecclesiastical authority and provide a written copy of such allegation, review the policy and process, specify repercussions that may arise should the allegations be substantiated, and indicate any recourse that is available to the respondent.
- For (non-licensed) employees of a C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name, upon receipt of an allegation that has been determined to be subject to the Policy, the national advisor shall fully disclose the allegation to the respondent in the presence (physical or virtual) of their

<sup>2</sup> For volunteers against whom an allegation has been made, suspension shall be considered by the supervisor, the relevant governing board (if any), or the next level supervisor.

<sup>3</sup> For employees against whom an allegation has been made, administrative leave may be considered in accordance with provincial or territorial labour laws.

<sup>4</sup> See Policy on Discipline, Restoration and Appeal for Official Workers, section 3.3 – Relationship to Employment for details regarding placing an official worker's license in abeyance.

employer and provide a written copy of such allegation, review the policy and process, specify repercussions that may arise should the allegations be substantiated, and indicate any recourse that is available to the respondent.

- For volunteers of a C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name, upon receipt of an allegation that has been determined to be subject to the Policy, the national advisor shall fully disclose the allegation to the respondent in the presence (physical or virtual) of their supervisor and the relevant ecclesiastical authority or employer and provide a written copy of such allegation, review the policy and process, specify repercussions that may arise should the allegations be substantiated, and indicate any recourse that is available to the respondent.
- In cases where the Respondent is unwilling to participate with the notification or investigation, it is not deemed as an omission or confession of guilt, however, the investigation will proceed without the Respondent's cooperation.

#### 4.1.3.3. Assignment of Care

Upon receipt of an allegation that has been determined to be subject to the Policy, the national advisor shall ensure that the following responsibilities are properly assigned:

#### 4.1.3.4. An advisor for the complainant will be appointed who will:

- Inform the complainant of the policy and process.
- Determine with the complainant, and in consultation with the national advisor, how the complainant (and family, if applicable) shall be supported and cared for throughout the process, including the provision of protection.
- Ask the complainant how they would like to see the complaint resolved. This information shall be communicated to the national advisor, but does not commit the national advisor to a particular course of action. This action allows the complainant an opportunity to be consulted, heard, and considered.
- Keep the complainant advised of at what stage the process is at a mutually agreed upon frequency.
- Retain meaningful connection with and supply relevant information to the complainant until the report of the review committee or the outcome of an appeal process has been delivered to the relevant ecclesiastical authority or employer.

#### 4.1.3.5. An advisor for the respondent will be appointed who will:

- Determine with the respondent, and in consultation with the national advisor, how the respondent (and family, if applicable) shall be supported and cared for throughout the process.
- Keep the respondent advised of at what stage the process is at a mutually agreed upon frequency.
- Retain meaningful connection with and supply relevant information to the respondent until the report of the review committee or the outcome of an appeal process has been delivered to the relevant ecclesiastical authority or employer.

#### 4.1.3.6. The immediate ecclesiastical authority or employer or employer of the supervisor of the respondent will be notified and will ensure the care and health of any affected church, congregation, institution, agency, organization, or other body involved or affected.

## 4.2. Additional Procedure When a Minor is Involved

### 4.2.1. Reporting Allegation

When an allegation has been made of sexual misconduct towards a minor, as designated by provincial or territorial law, involving C&MA personnel or activities, or where there are reasonable grounds to suspect sexual misconduct involving C&MA personnel or activities, any person, including the national advisor, who receives such an allegation or who suspects such sexual misconduct shall immediately report the allegation and the information on which it is based to the proper authority as defined in provincial or territorial laws in the jurisdiction in which the misconduct is alleged to have occurred.

Such procedures may apply in cases where time has elapsed and the individual who is the subject of the sexual misconduct involving C&MA personnel or activities has reached the age of an adult. Reporting of such sexual misconduct to the proper authority by the now adult shall be encouraged, but subject to the will of the complainant.

Any person reporting any alleged or suspected sexual misconduct is encouraged to record the details of such allegation or the reasonable grounds for suspicion with relevant dates and places. The person reporting is to keep the information confidential, except as required by law, in order to protect the identity of the minor(s) involved.

### 4.2.2. Involvement of National Advisor

Following the reporting of any alleged or suspected sexual misconduct towards a minor involving C&MA personnel or activities to the proper authority, the person who received the allegation or has reasonable grounds to suspect sexual misconduct will advise the national advisor of such alleged or suspected sexual misconduct.

While the alleged or suspected misconduct is being investigated by the proper authority, neither the national advisor nor any representative of the C&MA will question the alleged victim, the alleged respondent, or any potential witness concerning the investigation, until such a time as the proper authority indicates such questioning may proceed, or when the national advisor, after receiving legal advice, initiates a full or partial investigation as circumstances allow.

## 4.3. The Components of the Process

### 4.3.1. Type of Investigation

All investigations will be performed under the authority of the national advisor, either internally or externally as determined by the national advisor and shall contain all of the same components.

4.3.1.1. An internal investigation is employed where, in the opinion of the national advisor, an allegation meets the criteria for an internal investigation in Appendix A and shall be conducted by the church, district, institution, agency, organization, or other C&MA body involved.<sup>5</sup>

4.3.1.2. An external investigation is employed where, in the opinion of the national advisor, an allegation meets the criteria for an external investigation in Appendix A and shall be conducted from outside the church, district, institution, agency, organization, or other C&MA body.<sup>6</sup>

<sup>5</sup> The criteria for determining an internal investigation are found in Appendix 'A'.

<sup>6</sup> The criteria for determining an external investigation are found in Appendix 'A'.



4.3.2. An investigator deemed by the national advisor to be independent, impartial, and who is skilled at handling sensitive matters and guiding the process (i.e. trauma-informed) shall be assigned by the national advisor to each internal and external investigation.

#### 4.3.3. Components of an Investigation

4.3.3.1. All allegations of sexual misconduct shall be investigated according to the “Sexual Misconduct Investigative Plan.”<sup>7</sup> Any deviation from this plan must be approved in writing by the national advisor.

4.3.3.2. The investigator shall provide and present a written report to the national advisor which shall include a determination of findings, evidence considered, and a recommendation as to the disposition of the allegation.

4.3.3.3. The national advisor will forward a copy of the report of the investigator to both the review committee (see Article 5) and the respondent.

4.3.3.4. The respondent will be given fifteen (15) business days to respond in writing to the report of the investigator. Any such response will be attached to the investigative report and forwarded to the review committee.

4.3.3.5. In the event that the investigator determines that any new allegation against the respondent has surfaced in the investigative process which falls outside the scope of the Policy, the national advisor shall be notified of such findings and shall determine which, if any, alternate C&MA process should be activated to deal with the new allegation, or which ecclesiastical authority or employer should be notified to consider any new allegation. In such a case, reports or evidence submitted to the review committee with regard to the original complaint may only be made available for the ensuing process if all references to the complainant and any alleged sexual misconduct are redacted in order to protect the privacy of the complainant and to ensure that the respondent is not investigated twice for the allegation that led to the original complaint. The national advisor will be responsible for the redaction of records.

#### 4.4. Confidentiality

Information about allegations and complaints under this Policy shall be kept confidential to the extent possible. Information obtained related to the allegations, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to investigate the incident, take corrective action, or otherwise required by law.

While the investigation is ongoing, the complainant, the respondent and any individuals participating in the investigation should not discuss the incident or complaint or the investigation with each other or other third parties, unless necessary to obtain advice about their rights. The investigator may discuss the investigation and disclose the allegations or complaint-related information as necessary to conduct the investigation.

## Article 5 – Review Process

### 5.1. Review Process for Determining Findings for an Internal Investigation

5.1.1. The national advisor shall appoint a person (e.g. Senior Pastor, Executive Pastor) or an entity (e.g. church board) or another qualified party to review the investigation report. The national advisor shall

<sup>7</sup> The “Sexual Misconduct Investigative Plan” is found in Appendix ‘B’.

provide the person or entity responsible for review (the “Reviewer”) with a copy of the investigation report.

- 5.1.2. The Reviewer shall commence its work no sooner than fifteen (15) days after the report of the investigator has been delivered to the respondent.
- 5.1.3. Upon receiving all relevant documentation, including any response to the report of the investigator by the respondent (see 4.3.3.4), and prior to concluding the review or corrective action or remedies, the Reviewer may seek advice from the national advisor or legal counsel.
- 5.1.4. Upon receiving the investigation report and recommendation from the investigator, the Reviewer will meet individually with the complainant and respondent, with their advisors present if requested, to:
  - 5.1.4.1. Satisfy itself that the “Sexual Misconduct Investigative Plan”<sup>8</sup> was followed and the investigation was completed fully and fairly.
  - 5.1.4.2. Utilize and address in writing each component of the “Sexual Misconduct Investigative Plan.”<sup>8</sup>
  - 5.1.4.3. Request further investigation or written clarification from the investigator if further investigation is required prior to making a recommendation.
- 5.1.5. If the complaint is upheld, the Reviewer will recommend corrective action(s) for the respondent and appropriate remedy(ies) for the complainant.
- 5.1.6. Upon completion of the review process, the Reviewer will forward to the national advisor all of the relevant material received and otherwise obtained as support for any decision(s) made and to ensure the integrity of the complaint, investigative, and review processes.
- 5.1.7. The national advisor may reject a decision made by the Reviewer when a reasonable and demonstrated belief that the decision made by the Reviewer is contrary to the evidence and that the integrity of the C&MA, its churches, congregations, districts, institutions, agencies, organizations, or other bodies that operate under its name will be brought into disrepute if the decision is upheld.
- 5.1.8. The national advisor shall present the report of the Reviewer, and any contrary opinion of the national advisor (see 5.1.7), to the appropriate ecclesiastical authority or employer for implementation no sooner than fifteen (15) days after it has been presented to the complainant and the respondent, and only if no appeal is being pursued.
- 5.1.9. If a complaint is upheld, it is the responsibility of the national advisor and the relevant ecclesiastical authority to determine appropriate discipline for a licensed worker and the responsibility of the national advisor and the relevant employer to determine outcomes for (non-licensed) employees and volunteers.
- 5.1.10. Upon receiving the report of the Reviewer, and any contrary opinion of the national advisor (see 5.1.7), the employer or ecclesiastical authority is to ensure that appropriate care is offered to the complainant and the respondent for a reasonable period of time.

## 5.2. Review Process for an External Investigation

- 5.2.1. A review committee shall be appointed by the national advisor. The national advisor shall be a member ex officio of this committee without vote and shall chair the committee. Other members shall include the ecclesiastical authority or employer and two other persons chosen for their ability

<sup>8</sup> The “Sexual Misconduct Investigative Plan” is found in Appendix ‘B’.

- to carefully analyze complex information that requires interpretation and discernment, and for their independence (relationally and vocationally) from the parties and entities involved.
- 5.2.2. Upon receiving all relevant documentation and prior to concluding the review or determining corrective action(s) or remedy(ies), the review committee may:
- 5.2.2.1. Request further investigation or written clarification from the investigator if it requires further investigation to make a decision.
  - 5.2.2.2. Seek advice from the national advisor or legal counsel.
- 5.2.3. Upon receiving the investigative report and recommendation from the investigator, and any response to the report of the investigator by the respondent (see 4.3.3.4), the review committee will meet individually with the complainant and respondent, with their advisors present if requested, to:
- 5.2.3.1. Satisfy itself that both the complainant and the respondent have been represented fully and fairly in the investigative process;
  - 5.2.3.2. Satisfy itself that the “Sexual Misconduct Investigative Plan”<sup>9</sup> was followed and the investigation was completed fully and fairly;
- 5.2.4. If the complaint is upheld, the review committee will recommend corrective action(s) for the respondent and appropriate remedy(ies) for the complainant.
- 5.2.5. The national advisor shall present the report of the review committee to the appropriate ecclesiastical authority or employer for implementation no sooner than fifteen (15) days after it has been presented to the complainant and the respondent.
- 5.2.6. If a complaint is upheld, it is the responsibility of the national advisor and the relevant ecclesiastical authority to determine appropriate discipline for a licensed worker and the responsibility of the national advisor and the relevant employer to determine outcomes for (non-licensed) employees and volunteers.
- 5.2.7. Upon receiving the report of the review committee, the ecclesiastical authority or employer is to ensure that appropriate care is offered to the complainant and the respondent for a reasonable period of time.

## Article 6 – The Appeal Process

### 6.1. Scope of Process

- 6.1.1. The national advisor shall deliver a copy of the report of the Reviewer or the review committee to both the complainant and the respondent. The national advisor shall make the respondent aware, in writing, of their right to appeal the decision of the Reviewer or the review committee related to the matters set out in 6.1.2. and provide details regarding the time frame for appeal, and where and how to submit the appeal.
- 6.1.2. A respondent may appeal the decision of the Reviewer of the review committee regarding its decision related to the following:
- 6.1.2.1. upholding or dismissing the complaint
  - 6.1.2.2. corrective action(s) determined

---

<sup>9</sup> The “Sexual Misconduct Investigative Plan” is found in Appendix B.

6.1.2.3. remedy(ies) determined

## 6.2. Components of the Process

- 6.2.1. Any appeal shall be made in writing within thirty (30) days of the report of the review committee being delivered.
- 6.2.2. Any appeal shall be heard by the governing body of the church, district, institution, agency, organization, or other C&MA body involved.
- 6.2.3. The governing body hearing the appeal may sustain the original decision or recommend a lighter penalty, but in no case a heavier penalty.
- 6.2.4. When an appeal is granted and results in a decision being annulled, and where both parties were licensed workers, the discipline case of the other licensed worker will be reviewed automatically.

## Article 7 – Workplace Complaints

### 7.1. Definition and Exclusion

Workplace sexual misconduct complaints are complaints made by an employee against a co-worker or supervisor where both parties are employed by the same C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name.

This article applies to licensed workers and (non-licensed) employees of and contract workers in service to or with a C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name only.

### 7.2. Legislation

Workplace complaints are further governed by additional legislation such as provincial or territorial occupational health and safety legislation, and federal, provincial, and territorial human rights legislation.

### 7.3. Corrective Action

Corrective action for a respondent who is an employee of a C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name may include any of the following depending on the nature and severity of the offence and shall be proposed by the employer and approved by the national advisor.

- Written reprimand remaining on the employee's record for a period of no less than six (6) months and no more than two (2) years, after which it will be removed from their personnel file.
- Written reprimand remaining on the employee's permanent record.
- Suspension, with or without pay.
- Transfer, if it is not reasonable for the people involved to continue working together.
- Demotion.
- Dismissal.
- Requirement to attend anti-harassment, anger-management, or other appropriate types of training.
- Other actions deemed applicable by the review committee.

#### 7.4. Remedies for a Complainant

Remedies for a complainant who is an employee of a C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name and for an offense that occurred in the workplace may include any of the following actions, depending on the nature and severity of the offense, and shall be proposed by the employer and approved by the national advisor:

- An oral or written apology from the respondent and the C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name.
- Recovery of lost wages.
- A job or promotion that was denied.
- Compensation for lost employment benefits, such as sick leave.
- Other remedies deemed applicable by the review committee.

#### 7.5. Mediation towards Reconciliation

Following the review and any appeal process, an opportunity for both the complainant and respondent to enter into a mediative process utilizing a third-party mediator may be extended by the national advisor for the purpose of restoring relationships after a decision is rendered.

### Article 8 – Discipline for Licensed Workers

This article applies to licensed workers of the C&MA only. Application of any discipline for licensed workers of the C&MA shall be in accordance with the provisions and levels of discipline contained in the Policy on Discipline, Restoration and Appeal Article 6 - Determination of Severity of Discipline.

### Article 9 – Sexual Misconduct Database

#### 9.1. Establishment of Database

A strictly confidential Sexual Misconduct Database (the “Database”) shall be established, maintained, and remain exclusively accessible to the national advisor. The Database shall be the property of the C&MA.

#### 9.2. Contents of Database

The Database shall contain the names of licensed workers, (non-licensed) employees, contract workers, and volunteers in service to or with C&MA churches, congregations, districts, institutions, agencies, organizations, or other bodies that operate under its name who have been found after an investigation to have engaged in sexual misconduct according to the Policy or who admitted to engaging in sexual misconduct according to the Policy.

For each individual case, the Database shall contain the names of all participants and appointees involved in the case, the allegation(s) registered, the decision reached, the outcome of any appeal, the application of any discipline and the lifting or further application of any discipline, including expulsion, and the dates when each part of the Policy occurred. Any matter that was decided in a court of law shall have the relevant information included.

#### 9.3. Access to Database information

Any district, C&MA local church, congregation, institution, agency, organization, or other body that operates under its name conducting an employment search is strongly encouraged to solicit information in the Database from the national advisor on any applicant for employment in a district, C&MA local church, congregation,

institution, agency, organization, or other body that operates under its name regarding the applicant having found to have engaged in a case of sexual misconduct according to the Policy.

The national advisor shall report to the inquiring entity either the absence of the applicant's name in the Database or that the applicant's name appears in the Database and, if so, relay only the discipline applied to or lifted from the applicant by the review committee along with the date(s) of any such action(s).

The national advisor shall notify the ecclesiastical authority over the C&MA local church, congregation, institution, agency, organization, or other body that operates under its name of any such report that was made.

## Article 10 – Definitions

C&MA licensed workers are bound by a code of conduct outlined in A Call to Excellence – Code of Ethics for Official Workers of The Christian and Missionary Alliance in Canada. C&MA workers commit to conduct themselves in a manner consistent with their calling as servants of God, maintaining a lifestyle of purity, integrity, and truthfulness. Local churches may have similar codes of conduct which apply to employees and volunteers serving under the supervision of the local church.

Sexual misconduct is a violation of a sacred trust in which a person in a position of spiritual leadership takes advantage of a person under their leadership, instead of protecting them. Sexualized behaviour by a spiritual leader is always inappropriate<sup>10</sup> and abusive for these reasons:

- it is a violation of Biblical teachings
- It is a violation of professional ethics
- It is a misuse of power and authority
- Vulnerability and trust are exploited
- The unequal balance of power precludes meaningful consent

The term “sexual misconduct” encompasses a wide range of behaviours and may vary in seriousness and consequences. For the purposes of this Policy, “sexual misconduct” includes but is not limited to the following, all of which are described below: abuse; production, viewing or distribution of child pornography; concealment of abuse; grooming behaviour; image-based abuse; sexual assault; and sexual harassment.

### 10.1. Abuse

Abuse is behaviour that causes harm to another person, that may place another person at the risk of harm, or that a reasonable person would judge could harm another person...<sup>11</sup> Harm to a person may be physical, emotional, financial, psychological, sexual, and/or spiritual.

Abuse occurs, for the purposes of this Policy, when a person in a position of trust or authority, either intentionally or unintentionally, uses their position to exploit or violate others for personal advantage rather than to serve the other person in love.

Sexual abuse may be caused through grooming behaviour, sexual harassment, sexual exploitation, image-based abuse, child sexual abuse, and/or violence, as are defined in this section...<sup>12</sup>

<sup>10</sup> See Policy on Discipline, Appeal and Restoration for Official Workers, footnote 2, for exceptions related to a dating relationship.

<sup>11</sup> Adapted from the Anglican Communion Safe Church Commission.

<sup>12</sup> Adapted from GRACE (Godly Response to Abuse in the Christian Environment).

## 10.2. Production, Viewing or Distribution of Child Pornography

Child pornography describes or depicts a person who is or who appears to be a child engaged in sexual activity, or in a sexual context. It can include any film, printed matter, electronic data, computer image and any other depiction<sup>13</sup>.

## 10.3. Concealment of Abuse

Concealment of abuse means the attempt to hide abuse, to deceive, or to prevent abuse from becoming known by other persons, the church authority, or civil authority<sup>13</sup>. This includes requirements or attempts to coerce secrecy and silence from another person, to control another person, or to isolate another person from support. This also includes any attempt(s) to hide an abusive relationship by avoiding oversight and scrutiny from others, for example, by meeting in private locations or deleting electronic communications.

In the event a worker or volunteer fails to fully cooperate with a sexual misconduct investigation, to err on the side of protection of others, the worker or volunteer may be deemed to be concealing abuse for the purposes of the investigation.

Fully cooperating with sexual misconduct investigation may include providing cell phone records, texts, emails, and other data, electronic or otherwise, to investigators.

## 10.4. Grooming Behaviour

Grooming behaviour occurs when a worker or volunteer deliberately undertakes actions with the aim of engaging and influencing an adult, vulnerable person, child or young person for the purpose of exploitation (for example, sexual or financial). Grooming may include grooming those close to the victim by developing trust with parents, family members, other workers, and the Church community with the goal of exploiting the victim. Grooming commonly precedes other forms of abuse and often involves the use of technology to build the relationship with the victim due to its private nature.

Grooming is subtle to detect but often involves some, if not all, of the following six stages:

- Stage 1: Targeting the victim by identifying vulnerabilities, emotional neediness, and desires.
- Stage 2: Gaining the victim's trust—and the trust of the victim's Church community, family, and friends.
- Stage 3: Fill a need of the victim, the victim's family, or the victim's Church community (e.g. gain Church employment or volunteer).
- Stage 4: Isolate the victim to create situations where they are alone together, including the use of private electronic communication.
- Stage 5: Exploit the victim (for example, sexually).
- Stage 6: Maintain control often using the victim's affection for the abuser, blaming and shaming the victim, threats, demanding secrecy, violence against the victim or their family, friends, or pets, and/or damaging or stealing possessions<sup>14</sup>.

## 10.5. Image-based Abuse

Image-based abuse occurs where a worker engages in the taking of, distribution of, or threat to distribute intimate, nude and/or sexual images of another person without their consent. The images may be original and

<sup>13</sup> Adapted from the Anglican Communion Safe Church Commission.

<sup>14</sup> Adapted from Saskatoon Sexual Assault and Information Centre.

photoshopped photos, drawn pictures, and videos. It is called “sexting” when technology is used to distribute the image. It is called “sextortion” when the worker tries to get sexual favours, money or something else, by threatening to reveal intimate images of the other person, or requests money, additional images, or sexual favours for removing the images online<sup>15</sup>.

#### 10.6. Sexual Assault

Sexual assault occurs where a worker engages in any intentional or reckless act, uses force or threatens to use force involving some form of sexual activity against a person without their consent, or with their consent in circumstances where consent is not a defense to such sexual activity under the applicable laws. Children who are under the age of consent, or any adult on their behalf, cannot consent to sexual activity. Sexual assault will normally constitute a criminal offence and includes:

- Rape
- Touching a person in a sexual manner
- Inviting, inducing, inciting, or forcing a child, young person or vulnerable adult to touch themselves, the worker or another person in a sexual manner

#### 10.7. Sexual Harassment

Sexual harassment means:

- Engaging in a course of vexatious comment or conduct against a person because of sex where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to another person and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual harassment can involve unwelcome words or actions associated with sex that are that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to another person or group of people. It can also include behaviour that intimidates or isolates an individual.

Sexual harassment may include:

- Asking questions, talking, or writing about sexual activities
- Rough or vulgar humour or language related to sexuality, sexual orientation or gender
- Taking, displaying, or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form
- Leering or inappropriate staring
- Invading personal space
- Unnecessary physical contact, including inappropriate touching, tickling, playful aggression, prolonged hugs
- Demanding hugs, dates, or sexual favours
- Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes
- Verbally abusing, threatening, or taunting someone based on gender or sexual orientation
- Threatening to penalize or otherwise punish a worker if they refuse a sexual advance
- Asking, pressuring, manipulating, or coercing someone into sending an intimate photo
- Sending someone an unsolicited sexual or nude photo of yourself or someone else
- Showing or disseminating an intimate photo of someone sent to you to anyone else

<sup>15</sup> Adapted from the Anglican Communion Safe Church Commission.



- Taking, viewing, possessing, producing, or distributing child pornography<sup>16</sup>

#### 10.8. Volunteer

A licensed or non-licensed person who volunteers for a church, district, institution, agency, organization, or other C&MA body whose participation has been requested by that body, where that body organizes the activity, and the volunteer provides a service to that body (e.g. teaches, supervises, administrates, etc.).

#### 10.9. Worker

A licensed or non-licensed employee or contract worker who performs work or supplies service for monetary compensation.

### Article 11 – Amendments

Amendments to this document may be made by the Board of Directors.

Adopted, including appendices 'A' and 'B' – Board of Directors, February 2022

Amended – Board of Directors, November 2023

Amended – Board of Directors, February 2024

---

<sup>16</sup> Adapted from the Ontario Occupational Health and Safety Act and <https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment>.

## **Appendix 'A' - Criteria for Determining an Internal or External Investigation**

### **Policy and Procedures on Sexual Misconduct for Official Workers and Churches**

Once the national advisor determines the Policy and Procedures on Sexual Misconduct for Official Workers and Churches applies to a complaint, the national advisor shall determine whether the investigation will be conducted internally or externally.

#### **A1. An internal investigation may occur:**

When the national advisor deems, in his or her discretion, that an external investigation is not required (including, but not limited to, less serious complaints or complaints where the respondent has admitted guilt), the investigation will be carried out by the C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name by an impartial person or persons appointed/approved by the national advisor.

#### **A2. An external investigation shall occur:**

The national advisor may, in his or her discretion, require that an external investigation must be conducted. The national advisor will generally require an external investigation in the following circumstances:

A2.1. If the complaint involves physical force or pressure between the complainant and respondent and/or physical contact with the breasts, buttocks, vagina, or penis of the complainant or respondent.

A2.2. When there are particularities of the complaint that are beyond the ability of internal investigators to competently investigate.

A2.3. When the complaint is made against a denominational leader, such as a District Superintendent, Global Ministries strategy director, or worker at a district or the national office.

A2.4. If the complainant was a minor at the time of the occurrence or if the complaint includes instances of the respondent making, printing, publishing, or possessing child pornography of the complainant's person. (In these cases, investigations will be run concurrently with law enforcement investigations, with law enforcement investigations taking priority).

A2.5. When there is particular complexity to the complaint and investigation.

A2.6. When the respondent is a lead pastor, chairperson of the board, or a person in a position of power within a C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name that would create difficulties in that entity conducting an impartial, unbiased investigation.

A2.7. When the respondent been charged, previously charged, or convicted by a law enforcement agency for sexual misconduct.

A2.8. When there are multiple complaints by the complainant against the respondent, or there are multiple complainants against the respondent.

A2.9. When, in the determination of the national advisor, the C&MA church, congregation, district, institution, agency, organization, or other body that operates under its name lacks the ability, expertise, resources, or desire to conduct a proper investigation.

## **Appendix 'B' - The Sexual Misconduct Investigative Process**

### **Policy and Procedures on Sexual Misconduct for Official Workers and Churches**

#### **B1. The Purpose**

All investigations will follow and document all steps in The Sexual Misconduct Investigative Process. Investigations will be carried out to a high human resources/legal level. All investigative plans for internal and external investigations will be approved by the national advisor, to ensure that the investigation is thorough, documented, fair, and able to withstand legal scrutiny.

#### **B2. The Process**

The process must include, at a minimum, each of the following components, but the order may be changed.

##### **B2.1. The national advisor shall:**

- B2.1.1. Define the scope and purpose of the investigation.
- B2.1.2. Establish terms of reference.
- B2.1.3. Assign a qualified investigator/company.

##### **B2.2. The investigator shall:**

- B2.2.1. Receive the "Complaint/Suspicion" of the complainant as recorded by the national advisor and, when applicable, interview the complainant.
- B2.2.2. Identify any witness(es) and determine which witness(es) should be interviewed.
- B2.2.3. Interview respondent and bring full disclosure.
- B2.2.4. Obtain statement from witness(es).
- B2.2.5. Determine whether there is physical evidence to collect or conserve (video, email, texts, social media posts, cell phone records, security records, etc.)
- B2.2.6. Collect any relevant written records and documents.
- B2.2.7. Collect any relevant and appropriate physical evidence.
- B2.2.8. Obtain the respondent's reply and evidence to the allegation(s) after giving the respondent adequate time to consider the allegations and have access to counsel and a support person.
- B2.2.9. Interview any new witness(es), re-interview previous witness(es), or gather additional evidence, as necessary and appropriate based on new information provided by respondent.
- B2.2.10. Review all applicable C&MA policies, labour laws, etc., and present a written report to the national advisor which shall include a determination of findings, evidence considered, and advice regarding the disposition of the allegation.

B2.3. The investigator may, in their professional judgment, modify or eliminate any of the steps in section B2.2. provided that at all times the investigator conducts a fair, impartial, and thorough investigation applying best practices and maintaining the integrity of the investigation process.