

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

## 有關處理任職員工和教會性行為不端之政策和程序

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

#### 加拿大宣道會政策

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. 加拿大宣道會致力於建立和確保安全的環境去敬拜、作見證、並在沒有性行為不端的情況下與同同事奉。故此，加拿大宣道會不容忍任何人以任何形式去進行性行為不端，包括為宣道會或與宣道會工作的任何持證員工、非持證僱員、合同工或志願者，以及在宣道會所屬任何教會、會眾、地區、機構、團體、組織或以其名義運作的其他機構服務的僱員，對任何人進行性騷擾、性虐待和兒童虐待等行為。 **To make a complaint regarding sexual misconduct where a real or perceived differential in power or authority is involved, please go to [report.abuse@cmacan.org](mailto:report.abuse@cmacan.org).** 如要就涉及權力或權威差異的性行為不端作出投訴，請瀏覽 [report.abuse@cmacan.org](mailto:report.abuse@cmacan.org)。

## **Preamble 前言**

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. 加拿大宣道會（C&MA）不會容忍或縱容所屬人員或服務懷有任何能構成性行為不端之意圖或行為。 The C&MA will actively seek to prevent such behaviour and respond to any such behaviour when it occurs. 加拿大宣道會將積極防止此類行為，並在發現此類行為時作出回應。 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. 針對任職員工和教會的性行為不端之政策和程序（「政策」）現已實施並用作指引，務求以縝密、公平、和懷著憐憫的方式針對此類問題作出適當的回應。

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. 加拿大宣道會致力於為其所屬教會、會眾、地區、機構、團體、組織和以其名義運作的其他機構提供安全的環境去敬拜、作見證、並在沒有性行為不端的情況下與同同事奉。 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. 加拿大宣道會譴責任何所屬人員在加拿大宣道會認可的活動中提供專業或教牧服務時，對任何人進行虐待行為。

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. 加拿大宣道會

會謹慎和認真對待所有有關性行為不端的投訴，並以誠信和公正的方式及時進行調查，並以投訴人和各方相關人士的福祉為其考慮因素。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. 此政策亦會將處理此類案件的責任和權力交給一位有適當的專業知識和經驗的全國顧問辦公室，全國顧問會與各理事機構、許可機構部門和僱主緊密合作。

The term “sexual misconduct” encompasses a wide range of behaviours and may vary in seriousness and consequences. 「性行為不端」一詞涵蓋的範圍廣泛，可涉及眾多不檢的行為，其嚴重程度和後果各不相同。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. 為了清晰闡釋本政策，在此解釋「性行為不端」涵蓋的範圍，那包括但不限於以下，包括虐待；製作、觀看或分發兒童色情製品；隱瞞虐待；誘騙行為；圖像虐待；性侵犯；和性騷擾，這些不檢行為均在本政策第十條中有詳盡描述。

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. 此政策用以解決在有清楚分明的權力差異或感知到有權力差異的情況下發生的性行為不端案子。The use of the term “sexual misconduct” in this Policy refers to sexual misconduct involving a real or perceived differential of power or authority. 本政策中使用的「性行為不端」一詞是指在有清楚分明的權力差異或感知到有權力差異的情況下發生的性不當行為。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. 這些文件，包括《有關任職員工的紀律、復原、和申訴之政策》(The Policy on Discipline, Restoration and Appeal for Official Workers), 以及《加拿大宣道會教會成員之紀律和復原政策》(Discipline and Restoration Policy for Members of Local Churches of The Christian and Missionary Alliance in Canada) 用以處理有關其他類型的性行為不端之指控。

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. 若本政策使用「投訴人」和「指控」等術語，這些術語並不含任何懷疑因素，所採取的方法也不代表已就指控定下任何結論。

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

### **第 1 條——聖經對性行為不端之紀律的教導**

Abuse and harassment committed by workers and volunteers in the church are particularly grievous types of sin. 教會的員工和志願者所犯的虐待和騷擾是特別嚴重的罪行。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. 所有罪都會帶來損害的，但性行為不端罪是涉及了從在位而有權力的員工或志願者向身處弱勢地位人士進行毀滅性的信任背叛。

The Bible speaks clearly of God’s love for justice and God’s heart for the abused and the oppressed. 聖經清楚地說明，上帝愛公義，祂關顧受虐待和受壓迫的人。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).” 教會員工和志願者犯下的性行為不端罪是特別難以處理的，因正如耶穌所教導的，此罪涉及了教會領袖有意地去用欺騙和隱藏的方式去傷害他人——他們是「外面披著羊皮，裡面卻是殘暴的狼」（馬太福音 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. 聖經鼓勵為真正謙卑下來和悔改的罪人給予憐憫、恩典、寬恕和復和的機會，而不是提供給那些有意繼續欺騙的「狼」。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. 關於虐待的話題，尤其是涉及教會的員工和志願者所犯的虐待，教會必先以保護教會為其優先考慮，以免他人受進一步的傷害。

The following passages provide biblical grounds for dealing with cases of sexual misconduct in the church. 以下經文為處理教會中發生的性行為不端案件提供了教導。

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

所有人都是上帝創造的，具有與生俱來的尊嚴和價值。

- All humans are created with dignity and worth as image bearers of God (Genesis 1:27). 所有人都是有尊嚴和價值的，因為他們都是上帝照著自己的形象造的（創世記 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). 上帝關顧和保護特別容易受到虐待和壓迫的弱勢群體，包括移民、窮人、兒童（尤其是孤兒）、老人（尤其是寡婦）、和殘疾人等（出埃及記 22:21-24）。
- Jesus attributed high value to children (Mark 9:37). 耶穌把小孩子看為寶貴（馬可福音 9:37）。

### 1.2 Power may be misused and abused in the church 權力在教會中或被誤用和濫用

- The Bible condemns key aspects of predatory behaviour (Psalm 10) 聖經譴責任何掠奪性行為（詩篇 10）
- The Bible laments when the vulnerable have no one to intervene (Ecclesiastes 4:1). 當弱勢群體未能得到幫助時，聖經哀嘆憂傷（傳道書 4:1）。
- Jesus challenged how his disciples viewed and used power and condemned authoritarian uses of power (Matthew 20:25,26). 耶穌質疑祂的門徒如何看待和使用權力，並譴責操權管束的行為（馬太福音 20:25,26）。
- Jesus condemned predatory behaviour against children (Matthew 18:6). 耶穌譴責掠奪兒童的行為（馬太福音 18:6）。
- Jesus condemned predatory behaviour against widows (Mark 12:38-40). 耶穌譴責掠奪寡婦的行為（馬可福音 12:38-40）。

### 1.3 Justice is given a high place in the economy of God 公義在神的經綸中被賦予崇高的地位

- The Lord loves justice (Psalm 37:28; Isaiah 61:8). 耶和華喜愛公義（詩篇 37:28；以賽亞書 61:8）。
- Justice is the foundation of God’s throne (Psalm 89:14; 97:2).

上帝的寶座以公平和正義為其根基（詩篇 89:14; 97:2）。

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

聖經有無數關於照顧貧窮困苦者的教導

- Leaders are responsible to care for the oppressed, destitute, poor, and needy (Proverbs 31:4f.,8f.; Jeremiah 22:15f.).  
領袖有責任照顧受欺壓者、困苦者、窮人和有需要的人（箴言 31:4f.,8f.; 耶利米書 22:15f.）。
- God's people are to care for the oppressed, the fatherless, and the widow (Isaiah 1:17).  
上帝的子民要照顧孤兒、寡婦和受欺壓的人（以賽亞書 1:17）。
- Jesus illustrates love for neighbour by telling of proper and improper response to an assault (Luke 10:30-37).  
耶穌用了「好撒瑪利亞人」的故事，針對強盜剝削作出的錯誤回應，來說明對鄰舍應有的愛（路加福音 10:30-37）。

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

聖經教導我們需要尋求免受剝削者侵害的保護

- The prophets condemn shepherds who do not protect but rather prey upon the sheep (Jeremiah 23:1-4; Ezekiel 34:1-31).  
先知斥責那些不保護羊群而反去讓羊成為他們食物的牧羊人（耶利米書 23:1-4; 以西結書 34:1-31）。
- Jesus spoke of dangerous wolves and innocent sheep needing protection (Matthew 7:15; 10:16; John 10:12,13).  
耶穌談到凶殘的狼，並說明了馴良的羊需要得到保護（馬太福音 7:15; 10:16; 約翰福音 10:12,13）。
- A person guilty of gross sexual misconduct was to be cast out of the church (1 Corinthians 5:1-5). 犯下嚴重性行為不端的人將被趕出教會（哥林多前書 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).  
聖經新約書信警告那些企圖破壞教會的人（羅馬書 16:17,18; 提摩太後書 3:1-6）。

## Article 2 - Scope of the Policy

### 第 2 條 - 政策涵蓋範圍

#### 2.1. Persons Subject to the Policy 受政策約束人士

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. 本政策適用於所有在加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作的所有現任和前任持證員工、（非持證）僱員、合同工和志願者。

## 2.2. Ecclesiastical Authority 教會權威

The C&MA delegates the implementation of all proceedings contained in and related to the Policy to the national advisor. 加拿大宣道會已將與政策相關和涵蓋的所有程序委託給全國顧問，由其實施及執行。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. 其他教會機構（例如長議會、區執行委員會和董事會）不得就本政策所涵蓋的事宜去執行任何紀律處分程序。

## 2.3. Reporting Obligation 舉報責任

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.

每項對性行為不端之投訴，若符合此政策中的定義，亦涉及此政策管制範圍內的人士，必需立即交給全國顧問處理，並根據此政策進行跟進程序。

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

可能導致紀律處分的性行為不端包括但不限於：

- Abuse of any kind<sup>1</sup> 任何形式的虐待
- Production, viewing or distribution of child pornography<sup>1</sup> 製作、觀看或分發兒童色情作品
- Concealment of abuse<sup>1</sup> 蓄意隱瞞虐待行為
- Grooming behaviour<sup>1</sup> 誘騙行為
- Image-based abuse<sup>1</sup> 圖像虐待
- Sexual assault<sup>1</sup> 性侵犯
- Sexual harassment<sup>1</sup> 性騷擾

## Article 3 – Administration of the Policy

### 第3條——政策管理

#### 3.1 Managing the Process 管理程序

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

政策的監督和管理是全國顧問的責任。

##### 3.1.1 Appointment of National Advisor 任命全國顧問

The national advisor will be nominated by the president for a four-year term renewable without limit and be appointed by and accountable to the Board of Directors to report activity only, so as to ensure the confidentiality of any investigation.

全國顧問將由加拿大宣道會會長提名，任期四年，無限制可連任，由董事會任命並對其負責。全國顧問僅需匯報其活動，以確保所以調查案子的保密性。

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<sup>1</sup> A definition of this matter is found in Article 10 – Definitions. 關於該事項之定義，請參閱本政策的第十條——《定義》。

### 3.1.2 Responsibilities of National Advisor 全國顧問之職責

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 policies, managing the investigations and providing a report which includes advice regarding discipline to be presented to the appropriate licensing authority or employer. 收到關於性行為不端的指控後，全國顧問有權力和責任確保盡快執行政策中概述的程序步驟，包括但不限於接收指控，並與投訴人、被投訴人和證人溝通。全國顧問亦會收集和審查證據，以確定此政策對每項指控之應用，並諮詢和遵守加拿大宣道會所有政策以執行相關調查，並提供一份有關紀律建議的報告呈給適當的許可當局或僱主。

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. 全國顧問應確保將整個過程中取得的進展通知給投訴人和被投訴人的相屬顧問。

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. 全國顧問可自行決定將處理指控程序的任何工作外判，包括保留獨立調查員的服務。

### 3.1.3 Appointment of Complaint Advisor 委任投訴顧問

The national advisor may appoint complaint advisors who are capable and qualified to receive complaints. 全國顧問可任命有能力和資格接收投訴的顧問，稱為投訴顧問。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. 全國顧問可在全國和地區網站上提供投訴顧問的聯繫資料，或透過加拿大宣道會專門用以接收投訴的網站上收到投訴，並將投訴案子轉介給投訴顧問。Reports created by a complaint advisor of any complaint(s) received shall be forwarded promptly to the national advisor only. 投訴顧問對收到的投訴作出的報告應立即轉發給全國顧問一人。

## 3.2 Receiving Complaints 接收投訴

### 3.2.1 Obtaining complaints 收到投訴

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: 每個加拿大宣道會所屬教會、地區以及全國辦事處都應在其網站上（如有），以及在其員工/僱員和志願者手冊（如有）中，列出以下聲明：

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. 加拿大宣道會致力於建立和確保安全的環境去敬拜、作見證、並在沒有性行為不端的情況下與同同事奉。故此，加拿大宣道會不容忍任何人以任何形式去進行性行為不端，包括為宣道會或與宣道會工作的任何持證員工、非持證僱員、合同工或志願者，以及在宣道會所屬任何教會、會眾、地區、機構、團體、組織或以其名義運作其他機構服務的僱員，對任何人進行性騷擾、性虐待和兒童虐待等行為。 **To make a complaint regarding sexual misconduct where a real or perceived differential in power or authority is involved, please go to [report.abuse@cmacan.org](mailto:report.abuse@cmacan.org).** 如要就涉及權力或權威差異的性行為不端作出投訴，請瀏覽 [report.abuse@cmacan.org](mailto:report.abuse@cmacan.org)。

3.2.2 The C&MA website shall contain an easily located list of complaint advisors and the email address for the national advisor. 加拿大宣道會網站應提供一個簡易清晰的列表，列出投訴顧問和全國顧問的電子郵件地址。

### 3.3 Reporting Complaints 舉報投訴

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. 任何持執照員工、（無執照的）僱員、合同工或志願者若發現加拿大宣道會人員或活動涉嫌性行為不端，應立即向其部門或工作場所監督和全國顧問報告。

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. 全國顧問和教會事工或工作場所的監督者都有一個重要責任，就是要確保受任何指控事件影響和其他易受傷害的人士之人身安全。 Every supervisor has a responsibility to ensure sexual misconduct ends as soon as they become aware of it. 一旦發現性行為不端，監督者必需即時確保停止相關性行為不端之發生。

### 3.4 Timeline for Resolution of Complaints 處理投訴的程序時間表

It is intended that all complaints will be resolved within 90 days of being reported. 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.

所有投訴擬在舉報後的 90 天內得到解決。 全國顧問應告知投訴人，如要向適當省級人權委員會或法庭提出投訴，該程序是有時間限制的。

## Article 4 – Investigative Process

### 第 4 條——調查程序

An investigation is reasonable and appropriate when it is demonstrated to be thorough, documented, fair, and able to withstand legal scrutiny. 調查程序需以縝密、有記錄、公正並且能夠經受法律審查的方式進行，在此條件下，進行調查是適當和合理的。 Each investigation will implement and document all prescribed steps. 每項調查都應遵循並記錄所有規定步驟。 All investigative plans for internal and external investigations will be approved by the national advisor. 所有內部和外部的調查計劃都將由全國顧問批准。 The prescribed steps for external and internal investigations are as follows: 外部和內部調查的規定步驟如下：

#### 4.1 Initial Procedure 初始程序

##### 4.1.1 Expressing Allegation 作出指控

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. 指控性行為不端的投訴人可以書面形式，大概說明對加拿大宣道會人員或活動的性行為不端指控，並通知給全國顧問或全國顧問委任的投訴顧問。 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. 若投訴人選擇不以或無法以書面形式作出指控，則全國顧問或投訴顧問在與投訴人對話時所做的筆記將會成為調查案子之書面記錄。

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. 投訴可由對案子有第一手知識（觀察或持有證據）的第三者人士提出。 在這種情況下，指控中涉及的受害者隨時會成為投訴人。

##### 4.1.2 Determination of Application of Policy 此政策之適當應用

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

收到任何指控後，全國顧問應確定此政策是否適用該指控。

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. 若全國顧問在覆核指控案子的性質及其所有相關資料後，確定該政策是適用於該指控，則其處理程序會繼續進行。

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 若全國顧問在覆核指控案子的性質及其所有相關資料後，確定可進行非正式處理程序，則可向投訴人提供此程序。



An informal resolution process is used to resolve, only in appropriate cases, simpler and less-serious complaints that may not require a full investigation 僅在適當的情況下，非正式解決程序才可啟動，以解決不需全面調查、較簡單和不太嚴重的投訴 (e.g., where the complaint is simple and contains only one allegation, and the respondent admits to that allegation and wants to make restitution). (例如，投訴內容簡單且僅涉及一項指控，並且被投訴人承認該指控並冀作出賠償)。

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. 非正式解決程序並不一定適用於所有指控情況，尤其是已轉介給外部調查的案子。

The informal resolution process must be facilitated by a third-party facilitator approved by the national advisor, the complainant, and the respondent. 非正式解決程序必須由全國顧問、投訴人和被投訴人批准的第三方協調人(facilitator)指導。 The facilitator will ensure a safe and confidential environment for all parties. 協調人將確保為諸方提供一個安全和保密的環境。 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. 非正式解決程序完成後，協調人將向全國顧問提交一份書面報告，說明該過程是否全部或部分順利完成。

Any informal resolution process is voluntary and, in order to proceed, requires the agreement of the complainant, the respondent, and the national advisor. 任何非正式解決程序都是自願的，若要進行，必需得到投訴人、被投訴人和全國顧問之同意。 The process may be suspended prior to or after commencement when either party chooses to withdraw or the national advisor withdraws support. 當任何一方選擇退出或全國顧問退出支持時，該過程或在開始之前或中段宣告暫停。

- 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. 若全國顧問在覆核指控案子之性質及其所有相關資料後，確定此政策不適用於該案子，則將通知投訴人有關決定，並根據此政策為其作出解釋，之後該案子的處理程序隨之結束。 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). 若其他加拿大宣道會政策適用於該案子，全國顧問可指導投訴人使用該政策來處理他們的指控。

#### 4.1.3 Notifications and Assignments 通知和職責分配

- 4.1.3.1 Notification of Ecclesiastical Authority or Employer 通知教會當局或僱主

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: 在收到已確定受本政策約束的指控後，全國顧問應通知被投訴人的相關教會當局或僱主，並向他們提供如下投訴摘要：

- 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. 若被投訴人為該教會的志願者，則其監督教牧同工、主任牧師、長議會和區監督應得到通知。
- 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.  
若被投訴人為加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作的其他機構的（無執照）僱員，則其監督、相關理事會（如有）和下一級監督（如有）應得到通知。
- 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.  
若被投訴人為該教會的持證員工（主任牧師除外），則應通知主任牧師、長議會和區監督。
- In the case of a senior pastor<sup>4</sup>, the church board, the district superintendent, and the president shall be notified.  
若被投訴人為該教會的主任牧師，則應通知長議會、區監督和宣道會會長。
- 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.  
若被投訴人為加拿大宣道會所屬地區、機構、團體、組織或以其名義運作的其他機構的持牌員工，則其監督、相關管理委員會（如有）和下一級監督（如有）應得到通知。
- 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.  
若被投訴人為未指派的任職員工或退休榮譽員工，應通知區監督和宣道會會長。

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<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. 若受到指控的為志願者，其監督、相關理事會（如有）或下一級監督應考慮暫停其事奉崗位。

<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. 若受到指控的為員工，根據省或地區的勞動法，應考慮該員工應否行政休假。

<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. 有關暫停任職員工執照的詳細信息，請參閱《有關任職員工的紀律、復原、和申訴之政策》的第 3.3 節——有關僱傭關係。

- In the case of an international worker<sup>4</sup>, the regional developer, district superintendent, the Vice President of International Venture, and the president shall be notified. 若被投訴人為國際員工，則應通知地區發展負責人 (Regional Developer)、區監督、International Venture 副會長和宣道會會長。
- In the case of a district superintendent<sup>4</sup>, the District Executive Committee and the president shall be notified. 若被投訴人為區監督，則應通知地區執行委員會 (District Executive Committee) 和宣道會會長。
- In the case of a regional developer<sup>4</sup>, the district superintendent, the Vice President of International Venture, and the president shall be notified. 若被投訴人為地區發展負責人，應通知區監督、International Venture 副會長和宣道會會長。
- In the case of the president<sup>4</sup>, the Board of Directors shall be notified. 若被投訴人為宣道會會長，應通知董事會。

#### 4.1.3.2 Notification of Respondent 通知被投訴人

- 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.

若被投訴人為持證員工，全國顧問在收到已確定受本政策約束的指控後，應在被投訴人所屬教會當局在場（以在線或實體的形式）的情況下，向被投訴人完全揭曉對其指控，並提供該指控之書面副本，以及解釋審查政策和流程。全國顧問亦需為被投訴人具體說明若指控得到證實所能產生的影響，以及被投訴人可行使的追索權。

- 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 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.

若被投訴人為加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作的其他機構的（非持證）僱員，全國顧問在收到已確定受本政策約束的指控後，應在其僱主在場（以在線或實體的形式）的情況下，向被投訴人完全揭曉對其指控，並提供該指控之書面副本，以及解釋審查政策和流程。全國顧問亦需為被投訴人具體說明若指控得到證實所能產生的影響，以及被投訴人可行使的追索權。

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. 若被投訴人為加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作的其他機構的（非持證）志願者，全國顧問在收到已確定受本政策約束的指控後，應在其監督和教會當局或僱主在場（以在線或實體的形式）的情況下，向被投訴人完全揭曉對其指控，並提供該指控之書面副本，以及解釋審查政策和流程。全國顧問亦需為被投降人具體說明若指控得到證實所能產生的影響，以及被投訴人可行使的追索權。

#### 4.1.3.3 Assignment of Care 關顧工作之分配

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: 在收到已確定受本政策約束的指控後，全國顧問應確保適當分配以下職責：

##### 4.1.3.3.1 An advisor for the complainant will be appointed who will:

委任一名顧問給投訴人，此顧問將：

- Inform the complainant of the policy and process. 將政策和流程告知投訴人。
- 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.

在得到全國顧問諮詢的情況下，與投訴人一同決定，應如何在整個過程中支持和關顧投訴人（以及其家人，如適用），包括提供保護。

- 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.

了解投訴人冀如何解決其案子。此信息應傳達給全國顧問，但全國顧問無需因而採取行動。此對話之目的是讓投訴人有機會得到諮詢、聆聽和關心。

- Keep the complainant advised of at what stage the process is at a mutually agreed upon frequency. 以雙方同意的溝通頻次，告知投訴人關於投訴過程正處於哪個階段。
- 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. 與投訴人保持緊密聯繫並向其提供更新信息，直到審查委員會的報告或上訴程序的結果已交給相關教會當局或僱主。

##### 4.1.3.3.2 An advisor for the respondent will be appointed who will

委任一名顧問給被投訴人，此顧問將負責：

- 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. 在得到全國顧問諮詢的情況下，與被投訴人一同決

定，應如何在整個過程中支持和關顧被投訴人（以及其家人，如適用），包括提供保護。

- **Keep the respondent advised of at what stage the process is at a mutually agreed upon frequency.** 以雙方同意的溝通頻次，告知被投訴人關於投訴過程正處於哪個階段。
- **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.** 與被投訴人保持緊密聯繫並向其提供更新信息，直到審查委員會的報告或上訴程序的結果已交給相關教會當局或僱主。

**4.1.3.3.3 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.** 通知相關直接教會、僱主或監督的僱主，並確保任何受影響的教會、會眾、機構、團體、組織或其他涉及或受影響的人士得到關顧，並為其提供幫助。

## **4.2 Additional Procedure When a Minor is Involved** 案子涉及未成年人時之附加程序

### **4.2.1 Reporting Allegation** 舉報指控

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. 有關對未成年人作出性行為不端的指控，根據各省或地區的法律，任何涉及加拿大宣道會人員或活動的指控，或有合理理由懷疑加拿大宣道會人員或活動時，任何人士，包括全國顧問，在收到此類指控或懷疑此類性行為不端發生時，應立即向涉嫌發生不當行為所在地方的司法管轄區或省的所屬法律規定適當部門，報告該指控及其相關信息。

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. 若指控中所列明發生性行為不端的時間已過，或涉及加拿大宣道會人員或活動之性行為不端的受害者已達成人年齡，此程序仍然有效。Reporting of such sexual misconduct to the proper authority by the now adult shall be encouraged, but subject to the will of the complainant. 應鼓勵現已成為成年人的受害者向有關當局報告案子，但應服從投訴人之意願。

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. 我們鼓勵舉報任何犯下或涉嫌性行為不端的舉報人士，記錄對該指控的詳細資料或合理懷疑的理由，包括案子之相關日期和地點。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. 除法律要求外，舉報人應對信息保密，以免所涉及的未成年人之身份被泄露。

#### 4.2.2 Involvement of National Advisor 全國顧問之責任

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. 當舉報人士向適當部門報告涉及加拿大宣道會人員或活動對未成年人進行任何涉嫌或可疑的性行為不端後，那接收指控的人士，或對指控有合理懷疑的人士，需將那涉及犯下或涉嫌性行為不端的指控告知全國顧問。

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. 當有關當局調查涉及犯下或涉嫌性行為不端的案子時，全國顧問或加拿大宣道會的任何代表都不應就該案子向受害者、被投訴人或任何證人進行調查，直到相關當局表明此類調查可正式進行，或當全國顧問在收到法律建議後，在情況允許之情況下啟動全面或部分調查。

### 4.3 The Components of the Process 程序細節

#### 4.3.1 Type of Investigation 調查類型

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. 所有調查將在全國顧問的授權下進行，無論是內部還是外部調查，都由全國顧問決定，並應根據以下程序細節進行。

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>. 若全國顧問認為指控符合附錄 A 中的內部調查標準，則應由涉及案子的教會、地區、機構、團體、組織或其他加拿大宣道會機構進行所需內部調查。

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>. 若全國顧問認為指控符合附錄 A 中的外部調查標準，則應由涉及案子的教會、地區、機構、團體、組織或其他加拿大宣道會機構進行所需外部調查。

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<sup>5</sup> The criteria for determining an internal investigation are found in Appendix 'A'. 關於符合內部調查之標準，請參閱附錄 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. 調查員之委派需由全國顧問考慮，若全國顧問認為該人選是有能力以獨立和公正的形式進行調查，並擅長指導和處理敏感問題（例如涉及心靈創傷），則全國顧問可委派該人選成為調查員去進行各內部和外部調查。

#### 4.3.3 Components of an Investigation 調查細節

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. 所有關於性行為不端的指控均應根據《性行為不端調查計劃》(Sexual Misconduct Investigative Plan) 進行調查。任何與該調查計劃之偏差都必須得到全國顧問的書面批准。

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. 調查員應向全國顧問提交並陳述一份書面報告，其應包括調查結果、經考慮的證據以及對處理指控的建議。

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. 全國顧問之後會將調查員報告的副本轉發給評審委員會（參考第 5 條）和被投訴人。

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. 被投訴人將有十五 (15) 個工作天以書面形式對調查員的報告作出回應。任何此類回應都將附加在調查報告中並轉發給審查委員會。

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. 若調查員在調查過程中發現了超出本政策範圍但針對被投訴人的新指控，則應將此新資料通知全國顧問，並應確定是否需要啟動任何加拿大宣道會的其他方案（如有）以處理新的指控，或通知相關教會當局或僱主是否需要考慮提出新指控。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. 在這種情況下，當針對新指控的調查進行時，那提交給審查委員會有關涉及投訴人的原投訴報告或證據需要經過修輯，以保護投訴人的隱私，並確保被

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關於符合外部調查之標準，請參閱附錄 A。

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

關於《性行為不端調查計劃》，請參閱附錄 B。

投訴人不會因原投訴的指控而受到兩次重覆調查。The national advisor will be responsible for the redaction of records. 全國顧問將負責記錄所作之修輯。

#### 4.4 Confidentiality 保密

Information about allegations and complaints under this Policy shall be kept confidential to the extent possible. 有關本政策下調查的指控和投訴信息應盡可能保密。 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. 除非有必要披露相關信息以幫助調查案子、採取糾正程序或滿足法律要求，否則與指控相關的信息（包括任何能讓他人知道案子相關人士的資料）應絕不被泄露。

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. 在調查進行期間，投訴人、被投訴人和任何參與調查之人士均不應與彼此或第三者討論該案子、投訴或調查，唯一的例外情況是要就其自身權利去尋求建議。 The investigator may discuss the investigation and disclose the allegations or complaint-related information as necessary to conduct the investigation. 調查員可討論調查內容並在必要時透露指控或投訴相關信息以進行調查。

## Article 5 – Review Process 第 5 條——審查程序

### 5.1 Review Process for Determining Findings for an Internal Investigation 對內部調查結果的審查流程

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. 全國顧問應委任一人（如主任牧師、執行牧師）、一實體（如長議會）或另一有資格人士審查調查報告。 The national advisor shall provide the person or entity responsible for review (the “Reviewer”) with a copy of the investigation report. 全國顧問應向負責審查的個人或機構（「審查員」）提供調查報告之副本。

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. 審查員的審查工作應在被投訴人收取調查員的報告後的十五 (15) 天內開始。

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. 在收到所有相關文件後，包括被投訴人對調查員報告的所有回覆（參考 4.3.3.4），並在結束審查前或要進行糾正或補救措施前，審查員可徵求全國顧問或法律顧問的意見。



- 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: 收到調查員的調查報告和建議後，審查員將單獨會見投訴人和被投訴人，如有要求，他們的顧問可以在場，以：
- 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. 確保已遵循《性行為不端調查計劃》(Sexual Misconduct Investigative Plan) 的步驟，確保其調查是完滿和公正地得以完成。
- 5.1.4.2. Utilize and address in writing each component of the “Sexual Misconduct Investigative Plan.”<sup>8</sup> 以書面形式引用和解釋如何遵循《性行為不端調查計劃》的各項程序細節。
- 5.1.4.3 Request further investigation or written clarification from the investigator if further investigation is required prior to making a recommendation. 在建議下一步措施前，若案子需要進一步調查，審查員可要求調查員進行更深入調查或以書面形式闡明資料。
- 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. 若案子投訴得直，審查員將建議對被投訴人採取糾正措施，並為投訴人提供適當的補救措施。
- 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. 審查程序完成後，審查員將向全國顧問轉發所有收到和查獲而對調查判決有幫助的相關資料，並確保投訴、調查和審查程序得以公正地完成。
- 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. 若有合理的證據表明審查員所作出的決定與證據互相矛盾，或當維持該決定會損害到加拿大宣道會、以及其所屬教會、會眾、地區、機構、團體、組織或以其名義運作的其他機構的廉正誠信，則全國顧問可拒絕審查員之決定。
- 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. 若沒有上訴的情況下，全國顧問應將審查員的報告和全國顧問的任何相反意見（參考 5.1.7），在提交同樣文件給投訴人和被投訴人的十五 (15) 天內，提交給相關教會當局或僱主以執行其後措施。

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<sup>8</sup> The “Sexual Misconduct Investigative Plan” is found in Appendix ‘B’.  
關於“性行為不端調查計劃”，請參閱附錄 ‘B’ 。

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. 若案子投訴得直，全國顧問和相關教會當局有責任為持證員工進行適當的紀律，全國顧問和相關僱主亦有責任決定（非持證）僱員和志願者得到的後果。

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. 在收到審查員的報告和全國顧問的任何相反意見（參考 5.1.7）後，僱主或教會當局應確保在一段合理時間內為投訴人和被投訴人提供適當的關顧。

## 5.2 **Review Process for an External Investigation** 外部調查的審查程序

5.2.1. A review committee shall be appointed by the national advisor. 審查委員會由全國顧問任命。  
◦ The national advisor shall be a member ex officio of this committee without vote and shall chair the committee. 全國顧問應為委員會的當然成員，無投票權，並擔任委員會主席。  
Other members shall include the ecclesiastical authority or employer and two other persons chosen for their ability to carefully analyze complex information that requires interpretation and discernment, and for their independence (relationally and vocationally) from the parties and entities involved. 委員會其他成員應包括教會當局或僱主和額外兩人，此兩人應有能力仔細分析和辨別複雜信息，並且他們與相關各方和機構都沒有直接關係（在個人和職業層面上）。

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: 在收到所有相關文件後，在結束審查、確定糾正措施或補救措施前，審查委員會可以：

5.2.2.1. Request further investigation or written clarification from the investigator if it requires further investigation to make a decision. 要求調查員進行進一步調查或以書面闡明資料，若此能幫助審查決定。

5.2.2.2. Seek advice from the national advisor or legal counsel. 向全國顧問或法律顧問尋求建議。

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: 收到調查員的調查報告及建議後，以及收到被投訴人對調查員報告的回應（參考 4.3.3.4）後，審查委員會將單獨與投訴人和被投訴人會面，如有要求，他們的顧問可一同出席，以：

5.2.3.1. Satisfy itself that both the complainant and the respondent have been represented fully and fairly in the investigative process; 確保投訴人和被投訴人在調查過程中得到了充分和公平的代表；

- 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; 確保已遵循《性行為不端調查計劃》(Sexual Misconduct Investigative Plan) 的步驟，確保其調查是完滿和公正地得以完成。
- 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. 若案子投訴得直，審查員將建議對被投訴人採取糾正措施，並為投訴人提供適當的補救措施。
- 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, and only if an appeal is not being pursued. 若沒有上訴的情況下，全國顧問應將審查員的報告，在提交同樣文件給投訴人和被投訴人的十五 (15) 天內，提交給相關教會當局或僱主以執行其後措施。
- 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. 若案子投訴得直，全國顧問和相關教會當局有責任為持證員工進行適當的紀律，全國顧問和相關僱主亦有責任決定（非持證）僱員和志願者得到的後果。
- 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. 在收到審查員的報告後，僱主或教會當局應確保在一段合理時間內為投訴人和被投訴人提供適當的關顧。

## Article 6 – The Appeal Process

### 第 6 條——上訴程序

#### 6.1 Scope of Process 程序範圍

- 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. 全國顧問應將審查員或審查委員會的報告副本送交給投訴人和被投訴人。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. 全國顧問應以書面形式讓被投訴人了解他們有權對審查員或審查委員會作出與 6.1.2 所列事項有關的決定提出上訴，並告知有關提交上訴之時限以及提交上訴的地點和方式等詳細資料。

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<sup>9</sup> The “Sexual Misconduct Investigative Plan” is found in Appendix B. 關於“性行為不端調查計劃”，請參閱附錄 ‘B’ 。

6.1.2 A respondent may appeal the decision of the Reviewer of the review committee regarding its decision related to the following: 被投訴人可就審查委員會的審查員對以下幾點作出的決定提出上訴：

6.1.2.1. upholding or dismissing the complaint. 支持或駁回投訴

6.1.2.2. corrective action(s) determined. 決定了的糾正措施

6.1.2.3. remedy(ies) determined. 決定了的補救措施

## 6.2 **Components of the Process** 程序細節

6.2.1. Any appeal shall be made in writing within thirty (30) days of the report of the review committee being delivered. 任何上訴應在審查委員會報告送達後三十 (30) 天內以書面形式提出。

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. 涉及案子的教會、地區、機構、團體、組織或其他加拿大宣道會機構的管理機構應有權得知上訴事宜。

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. 得知上訴事宜的管理機構可維持原決定或建議從輕處罰，但在任何情況下均不得加重處罰。

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. 當上訴被批准並導致判決被撤銷時，若雙方都是持證員工，則針對另一持證員工的紀律案子會被重新審閱。

## **Article 7 – Workplace Complaints**

### **第 7 條——工作場所投訴**

#### 7.1 **Definition and Exclusion** 定義與例外

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. 工作場所性行為不端投訴是指員工對其同事或監督提出的投訴，雙方均受僱於同一所加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作或其他機構。

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. 本條例適用於為或與加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作的其他機構之持證員工、（非持證）僱員和合同工。

#### 7.2 **Legislation** 立法

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. 工作場所投訴是受到其他立法的約束，例如省或地區職業健康和安​​全立法，以及聯邦、省和地區人權立法。

### 7.3 **Corrective Action** 糾正措施

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. 若被投訴人為加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作之其他機構之僱員，則對其實施的糾正措施或包括以下任何一項或多項，那具體取決於罪行的性質和嚴重程度，對被投訴人實施的糾正措施應由僱主提出並經全國顧問批准。

- 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. 在員工記錄中保留書面譴責，該書面譴責會保留不少於六 (6) 個月且不超過兩 (2) 年，兩年後該書面譴責將從其檔案中刪除。
- Written reprimand remaining on the employee's permanent record. 書面譴責永久保留在員工記錄中。
- Suspension, with or without pay. 停職，受薪或不受薪。
- Transfer, if it is not reasonable for the people involved to continue working together. 職位轉移，當涉事人員繼續合作是不合理的。
- Demotion. 降級
- Dismissal. 解僱
- Requirement to attend anti-harassment, anger-management, or other appropriate types of training. 要求參加反騷擾、憤怒管理或其他適當培訓。
- Other actions deemed applicable by the review committee. 審查委員會認為適當的其他糾正措施。

### 7.4 **Remedies for a Complainant** 對投訴人的補救措施

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: 若投訴人為加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作之其他機構之僱員，對其實施的補救措施或包括以下任何一項或多項，那具體取決於涉事罪行的性質和嚴重程度，對投訴人實施的補救措施應由僱主提出並經全國顧問批准。

- 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. 被投訴人和加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或以其名義運作之其他機構撰寫的口頭或書面道歉。
- Recovery of lost wages. 補償損失的工資

- A job or promotion that was denied. 被拒絕的職位或升職。
- Compensation for lost employment benefits, such as sick leave. 補償失去的就業福利，例如病假。
- Other remedies deemed applicable by the review committee. 審查委員會認為適當的其他補救措施。

#### 7.5 **Mediation towards Reconciliation 調解致修復**

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. 作出判決後和審查與上訴程序完成後，全國顧問可延長第三方調解員為投訴人和被投訴人進行調解之程序，以幫助修復關係。

### **Article 8 – Discipline for Licensed Workers**

#### **第 8 條——持證員工之紀律**

This article applies to licensed workers of the C&MA only. 本條例僅適用於加拿大宣道會的持牌員工。 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. 對加拿大宣道會持證員工的任何紀律處分應符合《有關任職員工的紀律、復原、和申訴之政策》的第六條——紀律嚴重程度之確定。

### **Article 9 – Sexual Misconduct Database**

#### **第 9 條 – 性行為不端數據庫**

##### 9.1 **Establishment of Database 數據庫之建立**

A strictly confidential Sexual Misconduct Database (the “Database”) shall be established, maintained, and remain exclusively accessible to the national advisor. 關於性行為不端的數據庫（「數據庫」）應被建立、維護和嚴格保密，只有全國顧問能擁有該使用權。The Database shall be the property of the C&MA. 數據庫應為加拿大宣道會的財產。

##### 9.2 **Contents of Database 數據庫內容**

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.

數據庫會記錄任何經調查發現及經政策確認，曾犯下或承認曾犯下性行為不端的加拿大宣道會所屬教會、會眾、地區、機構、團體、組織或其他以其名義運作的機構服務的持證員工、（非持證）僱員、合同工或志願者之姓名。

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. 數據庫記載的每個個案應記錄了案件所涉及的所有參與者和指定人員之姓名、所有記下的指控、作出的判決、上訴的結果、定下的紀律措施、撤銷或進一步加重的紀律處分包括開除，以及根據政策進行每程序之日期。 Any matter that was decided in a court of law shall have the relevant information included. 任何由法院決定的事宜和相關信息，都應記錄在數據庫中。

### 9.3 Access to Database information 使用數據庫資料

Any 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 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.

若經本政策確認，任何申請冀在加拿大宣道會所屬教會、會眾、機構、團體、組織或以其名義運作之其他機構工作的申請人曾犯下性行為不端，加拿大宣道會強烈鼓勵加拿大宣道會所屬教會、會眾、機構、團體、組織或以其名義運作之其他機構在聘請過程中，向全國顧問徵求從數據庫中收取有關該申請人之資料。

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). 全國顧問應向詢問者報告，關於申請人之姓名有否記載在數據庫中，如有，全國顧問僅需告知詢問者有關審查委員會向申請人提出或已解除的紀律措施，並列明若干措施之實施日期。

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. 全國顧問應將這些關於詢問之報告通知加拿大宣道會所屬教會、會眾、機構、代理機構、組織或其他以其名義運作的機構之教會權威。

## Article 10 – Definitions 第 10 條一定義

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. 加拿大宣道會持牌員工乃受《追求「卓越」——加拿大宣道會任職員工之道德守則》(Code of Ethics for Official Workers of The Christian and Missionary Alliance in Canada) 中概述的行為守則之約束。 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. 加拿大宣道會員工承諾以符合作為一個回應上帝呼召作祂忠心僕人的方式去生活，並堅守純潔、正直和誠實的生活方式。 Local churches may have similar codes of conduct which apply to employees and volunteers serving under the supervision of the local church. 每地方教會可訂立類似的行為準則，適用於在其教會監督下事奉的僱員和志願者。

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. 性行為不端是對神聖信任的一種背叛，處於屬靈領導地位的人並沒有保護他們領導的人，反利用了他們。 Sexualized behaviour by a spiritual leader is always inappropriate<sup>10</sup> and abusive for these reasons: 基於以下原因，屬靈領袖倡導的性行為是極為不恰當和濫用的：

- it is a violation of Biblical teachings 這是違反聖經教義的
- It is a violation of professional ethics 這是違反職業道德的
- It is a misuse of power and authority 這是對權力和權威的濫用
- Vulnerability and trust are exploited 這是利用他人的脆弱和信任之行為
- The unequal balance of power precludes meaningful consent 不平等權力導致平等同意權不可能發生

The term “sexual misconduct” encompasses a wide range of behaviours and may vary in seriousness and consequences. 「性行為不端」一詞可涵蓋多種不同行為，其嚴重程度和後果或各不相同。 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.

為了本政策，「性行為不端」包括但不限於以下各項，所有這些行為均在下文有所描述：包括虐待；製作、觀看或分發兒童色情製品；隱瞞虐待；誘騙行為；圖像虐待；性侵犯；和性騷擾。。

### 10.1 Abuse 虐待

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> 虐待是對他人造成傷害，使他人處於能受到傷害的風險之中，或任何有健全判斷力的人判斷為能構成傷害的風險之中。 Harm to a person may be physical, emotional, financial, psychological, sexual, and/or spiritual. 對他人構成的傷害可以是身體上的、情感上的、經濟上的、心理上的、性上的和/或屬靈上的。

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. 為了本政策，當一個處於信任或權威地位的人有意或無意地利用其職位剝削或侵犯他人以謀取個人利益，而不是在愛中為另一人服務時，那即定義為虐待。

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<sup>10</sup> See Policy on Discipline, Appeal and Restoration for Official Workers, footnote 2, for exceptions related to a dating relationship. 有關與約會關係相關的例外情況，請參閱《有關任職員工的紀律、復原、和申訴之政策》的腳註二。

<sup>11</sup> Adapted from the Anglican Communion Safe Church Commission.  
改編自英國聖公會安全教會委員會 (Anglican Communion Safe Church Commission)。



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> 如本節定義，性虐待可從誘騙行為、性騷擾、性剝削、圖像虐待、兒童性虐待和/或暴力引起的。

## 10.2 **Production, Viewing or Distribution of Child Pornography** 製作、觀看或分發兒童色情製品

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. 兒童色情製品描述或描繪了一個從事性活動或處於性環境中的兒童或看來是兒童的人。It can include any film, printed matter, electronic data, computer image and any other depiction<sup>13</sup>. 兒童色情製品可經由電影、印刷品、電子數據、電腦圖像和以其他形式分發。

## 10.3 **Concealment of Abuse** 隱瞞虐待行為

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>3</sup>. 隱瞞虐待行為是指試圖掩蓋虐待、欺騙或防止虐待被其他人、教會當局或民事當局知曉。This includes requirements or attempts to coerce secrecy and silence from another person, to control another person, or to isolate another person from support. 隱瞞虐待行為包括要求或試圖強迫他人保密和保持沉默、控制他人或將他人與其外來支持隔離開來。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. 隱瞞虐待行為還泛指任何通過避免他人監督和審查來掩蓋虐待關係之行為，例如，在私人場所見面或刪除電子通信。

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. 為了公正地進行有關性行為不端之調查，若工作人員或志願者未能充分配合調查，基於保護他人為大前提，則工作人員或志願者可被視為正隱瞞虐待。

Fully cooperating with sexual misconduct investigation may include providing cell phone records, texts, emails, and other data, electronic or otherwise, to investigators. 為了全面配合有關性行為不端之調查，相關人士或需向調查員提供手機記錄、短信、電子郵件和其他以電子或任何形式記載的數據。

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

改編自 GRACE（對基督教場所中發生的虐待作出敬虔回應 Godly Response to Abuse in the Christian Environment）。

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

改編自英國聖公會安全教會委員會 (Anglican Communion Safe Church Commission)。

#### 10.4 Grooming Behaviour 誘騙行為

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). 當員工或志願者為了剝削（例如性或經濟）目的而故意採取行動以吸引和影響成人、弱勢群體、兒童或年輕人時，那即定義為誘騙行為 (Grooming Behaviour)。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. 誘騙行為意指通過與受害者關係密切的人建立信任，如其父母、家庭成員、其他員工和教會社區，來修飾掠奪受害者的意圖。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. 誘騙行為通常比其他形式的虐待更早發生，並由於其私密性，剝削者通常使用電子通信與受害者建立關係。

Grooming is subtle to detect but often involves some, if not all, of the following six stages: 誘騙行為通常不易察覺，但通常涉及以下所有六個階段步驟，或涉及其中幾點：

Stage 1: Targeting the victim by identifying vulnerabilities, emotional neediness, and desires.

第一階段：通過識別他人的脆弱性、情感需求和慾望來瞄準剝削目標。

Stage 2: Gaining the victim's trust—and the trust of the victim's Church community, family, and friends.

第二階段：獲得受害者的信任，以及受害者的教會、家人和朋友的信任。

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).

第三階段：滿足受害者、其家人或教會社區的需求（例如，獲得其教會聘請或成為志願者）。

Stage 4: Isolate the victim to create situations where they are alone together, including the use of private electronic communication.

第四階段：有意隔離受害者以制造他們獨處的機會，包括使用私人電子通信。

Stage 5: Exploit the victim (for example, sexually).

第五階段：剝削受害者（例如，性方面）。

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>.

第六階段：利用受害者對其感情、加以責備和羞辱受害者、威脅、要求保密、對受害者或其家人、朋友或寵物施行暴力行為，和/或損壞或偷竊財物來控制對方。

#### 10.5 Image-based Abuse 圖像虐待

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. 圖像虐待是當員工未經他人同意去參與拍攝、分發或威脅分發他人的親密、裸體和/或性圖像。The images may be original and photoshopped photos, drawn pictures, and videos. 此類圖像可以是

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

改編自薩斯卡通性侵犯和信息中心 (Saskatoon Sexual Assault and Information Centre)。

原照片和經過修飾處理的照片、繪製的圖片和視頻。 It is called “sexting” when technology is used to distribute the image. 當使用電子通訊分發此類圖像時，此行為稱為 “sexting”。 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>. 當員工試圖通過洩露他人的私密照片來獲取性好處、金錢或其他東西時，或者要求金錢、額外的圖像或性好處以刪除在線圖像，此等行為即稱為「性勒索」(sextortion)。

## 10.6 Sexual Assault 性侵犯

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. 性侵犯是當員工未經對方同意下對他人實施任何故意或魯莽行為、使用武力或威脅使用武力，與另一人進行某種形式的性活動，或即使在經對方同意的情況下，根據適用法律，該雙方同意不能充分地為此類性活動辯護。 Children who are under the age of consent, or any adult on their behalf, cannot consent to sexual activity. 未滿同意年齡的兒童或代表他們的成年人不能允許發生性活動。 Sexual assault will normally constitute a criminal offence and includes: 性侵犯通常構成刑事犯罪，包括：

- Rape 強姦
- Touching a person in a sexual manner 以性方式觸摸他人
- Inviting, inducing, inciting or forcing a child, young person or vulnerable adult to touch themselves, the worker or another person in a sexual manner. 邀請、引誘、煽動或強迫兒童、年輕人或易受傷害的成年人以性方式觸摸自己、員工或其他人。

## 10.7 Sexual Harassment 性騷擾

Sexual harassment means: 性騷擾的意思：

- 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, 因性而對某人進行無理取鬧的評論或行為，而該評論或行為是公認或理應公認為不受歡迎的，此情況即定義為性騷擾。
- 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. 若剝削者是在位的，和有能力發放、給予或拒絕給予他人利益或益處，亦知道或理應知道其招攬或行為是不受歡迎的，但仍然進行性招攬或性行為，此等行為即定義為性騷擾。

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. 性騷擾可涉及與性相關並不受歡迎的言辭或行為，這些言辭或行為是公認或理應公認為對他人或一群人帶來有冒犯性、尷尬、羞辱或貶低的意思。 It can also

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<sup>15</sup> Adapted from the Anglican Communion Safe Church Commission.  
改編自英國聖公會安全教會委員會 (Anglican Communion Safe Church Commission)。

include behaviour that intimidates or isolates an individual. 性騷擾還可指恐嚇或孤立某人的行為。

Sexual harassment may include: 性騷擾可包括:

- Asking questions, talking, or writing about sexual activities, 就性活動提出問題、談論或寫作，
- Rough or vulgar humour or language related to sexuality, sexual orientation or gender, 與性、性取向或性別有關的語言，或無禮和粗俗的幽默，
- Taking, displaying, or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form, 以印刷或電子形式拍攝、展示或傳播色情影片、色情圖片或令人反感的性笑話，
- Leering or inappropriate staring, 斜視或不恰當的凝視，
- Invading personal space, 侵入個人空間，
- Unnecessary physical contact, including inappropriate touching, tickling, playful aggression, prolonged hugs 不必要的身體接觸，包括不恰當的撫摸、搔癢、不正經的接觸、長時間的擁抱，
- Demanding hugs, dates, or sexual favours, 要求擁抱、約會或得到性方面的好處，
- Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes, 持著性別角色成見，對某人的身體特徵和舉止，去發表與性別相關的評論，
- Verbally abusing, threatening, or taunting someone based on gender or sexual orientation, or 基於性別或性取向口頭辱罵、威脅或嘲弄某人，
- Threatening to penalize or otherwise punish a worker if they refuse a sexual advance, 若員工拒絕其性挑逗，則威脅要懲罰或以其他方式懲治他們，
- Asking, pressuring, manipulating, or coercing someone into sending an intimate photo, 要求、施壓、操縱或脅迫某人發送私密照片，
- Sending someone an unsolicited sexual or nude photo of yourself or someone else, 在未經請求的情況下，向某人發送自身或他人的性照片或裸照，
- Showing or disseminating an intimate photo of someone sent to you to anyone else. 向他人展示或分發某人發送給您的私密照片。
- Taking, viewing, possessing, producing, or distributing child pornography<sup>16</sup>. 獲取、觀看、擁有、製作或分發兒童色情製品。

## 10.8 Volunteer 志願者

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.). 志願者是為教會、地區、機構、團體、組織或其他加拿大宣道

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

改編自安大略省職業健康與安全法和 <https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment>.

會機構的持照或非持照不受薪人士。志願者的服務得到機構的徵求，當該機構舉行活動時，志願者會為其提供服務（例如，教導、監督、和管理等）。

#### 10.9 **Worker 員工**

A licensed or non-licensed employee or contract worker who performs work or supplies service for monetary compensation. 從事工作或提供服務的持照或非持照受薪僱員或合同工。

### **Article 11 – Amendments**

#### **第 11 條——修正**

Amendments to this document may be made by the Board of Directors. 董事會可對本文件進行修改。

Adopted – Board of Directors, February 2022

採納——董事會，2022 年 2 月

## Appendix 'A' - 附錄 A

### Criteria for determining an Internal or External Investigation

#### 確定內部或外部調查之標準

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. 一旦全國顧問確定《有關處理任職員工和教會性行為不端之政策和程序》適用於投訴案子，全國顧問需確定調查應以內部還是外部形式進行。

#### A1. An internal investigation may occur: 內部調查應進行之標準

A1.1 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. 當全國顧問根據自己的判斷認為不需要進行外部調查時（包括但不限於，當投訴案子不太嚴重或其被投訴人承認有罪），調查將由全國顧問任命/批准一個或多個在加拿大宣道會教會、會眾、地區、機構、團體、組織或以其名義運作其他機構的公正人處理。

#### A2. An external investigation shall occur: 外部調查應進行的情況

The national advisor may, in his or her discretion, require that an external investigation must be conducted. 全國顧問可自行審慎決定要求進行外部調查。The national advisor will generally require an external investigation in the following circumstances: 若發生以下情況，全國顧問通常會要求進行外部調查：

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. 若投訴涉及投訴人和被投訴人之間的身體暴力或壓力，和/或涉及投訴人或被投訴人的乳房、臀部、陰道或陰莖之身體接觸。

A2.2 When there are particularities of the complaint that are beyond the ability of internal investigators to competently investigate. 當案子的任何細節超出了內部調查人員的調查能力範圍時，則應進行外部調查。

A2.3 When the complaint is made against a denominational leader, such as a District Superintendent, Regional Developer, or worker at a district or the national office. 當被投訴人為宗派領袖時，例如區監督、地區發展負責人 (Regional Developer)、或在地區或全國辦事處工作之人員。

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). 若投訴人在

事件發生時還是未成年人，或當案子涉及到被投訴人製作、印刷、出版或持有投訴人本人的兒童色情製品時。（在這些情況下，調查將與執法調查同時進行，執法調查為優先）。

- A2.5 When there is particular complexity to the complaint and investigation. 當投訴和調查特別複雜時。
- 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. 當被投訴人為主任牧師、董事會主席或在加拿大宣道會教會、會眾、地區、機構、團體、組織或以其名義運作其他機構中有權力職位之人士時，令該相關機構進行公正和持平的調查是困難的。
- A2.7 When the respondent been charged, previously charged, or convicted by a law enforcement agency for sexual misconduct. 當被投訴人因性行為不端被執法機構指控、曾受指控或定罪時。
- A2.8 When there are multiple complaints by the complainant against the respondent, or there are multiple complainants against the respondent. 當投訴人對被投訴人提出多次投訴，或有多名投訴人向被投訴人投訴時。
- 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. 當加拿大宣道會所屬教會、會眾、地區、機構、機構、組織或以其名義運作其他機構，根據全國顧問的衡量，缺乏進行適當調查的能力、專業知識、資源或意向時。

## Appendix 'B' - 附錄 B

### The Sexual Misconduct Investigative Process 性行為不端之調查程序

#### B1. The Purpose 目的

All investigations will follow and document all steps in The Sexual Misconduct Investigative Process. 所有調查都將遵循《性行為不端調查流程》(The Sexual Misconduct Investigative Process) 中的所有步驟，並記錄下來。Investigations will be carried out to a high human resources/legal level. 所有調查將對相關人力資源或法律領域進行全面審查。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. 所有內部和外部調查之調查計劃都要得到全國顧問的批准，以確保調查是縝密的、有記錄的、公平的，並且能夠經受法律審查。

#### B2. The Process 過程

The process must include, at a minimum, each of the following components, but the order may be changed. 調查過程必須至少包括以下每個細節，其順序可以不同。

##### B2.1 The national advisor shall: 全國顧問應：

B2.1.1 Define the scope and purpose of the investigation. 定下調查範圍和目的。

B2.1.2 Establish terms of reference. 建立職權範圍

B2.1.3 Assign a qualified investigator/company. 指派一名合格的調查員或公司。

##### B2.2 The investigator shall: 調查員應：

B2.2.1 Receive the "Complaint/Suspicion" of the complainant as recorded by the national advisor. 收取全國顧問對投訴人的「投訴/懷疑」摘下的記錄

B2.2.2 Identify any witness(es) and determine which witness(es) should be interviewed. 確定證人並決定應與哪些證人面談。

B2.2.3 Interview respondent and bring full disclosure. 採訪被投訴人並對其充分透露指控細節。

B2.2.4 Obtain statement from witness(es). 從證人處獲取陳述。

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.) 確定是否有物證需要收集或保存（例如視頻、電子郵件、文本、社交媒體帖子、手機記錄、安全記錄等）

B2.2.6 Collect any relevant written records and documents. 收集任何有用的書面記錄和文件。

B2.2.7 Collect any relevant and appropriate physical evidence. 收集任何有用和適當的物證。



- 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. 給被投訴人足夠的時間去考慮對其指控，以及與其律師和關顧人員溝通。之後，調查員應獲取被投訴人對其指控作出的回覆和提供的證據。
- 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. 根據被投訴人提供的新信息，在必要和適當的情況下，調查員應與任何新證人面談、或與原證人重新進行面談、或收集額外的證據。
- 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. 審查加拿大宣道會所有適用的政策、勞動法等，並向全國顧問提交一份書面報告，其中包括調查結果、已考慮的證據以及對處理指控的建議。
- 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. 調查員可以根據他們的專業判斷，去修改或取消 B2.2 節中的任何步驟。其前提是調查員需在任何調查程序中，都採用了最佳措施和保持調查過程之完整性，以確保調查是公平、公正和徹底的。