

# **Policy on Sexual Misconduct**



**ANGLICAN  
DIOCESE <sup>OF</sup> QUEBEC**

## **Creating a Safe Church**

Revised September 2023

# 1. Theological Foundations

The holy scriptures speak of the church as the Body of Christ,<sup>1</sup> and call its members to live lives that are rooted in Christ<sup>2</sup> and to grow together in love, thanksgiving, and service to God and neighbour.<sup>3</sup> To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit.<sup>4</sup> The church is to work for—and, as a sign to the world, to exemplify in its own life and relationships—a community of truth, justice and mercy, compassion and reconciliation, mutual service and steadfast faithfulness.<sup>5</sup> This vocation is identified in the Baptismal Covenant by which we are united with Christ in his death and resurrection and become members of the family of faith, the church.<sup>6</sup> We confess that we have not always lived up to this high calling.<sup>7</sup>

In company with the bishops and people of the Anglican Communion, the Anglican Diocese of Quebec

*affirms that every human being is created in the image of God who has made us for loving, covenantal relationships with our Creator, others and the world. We believe that our peace arises out of right relationships. Our personal dignity, freedom and bodily integrity are ensured by faithfulness to just covenants of mutual trust, care and respect. Such covenants undergird the moral framework of our communal life, responsibilities and entitlements.*

*[It] further acknowledges that children, adolescents, the infirm and elderly are particularly vulnerable to the tragic consequences of broken covenants and abusive treatment. Special care must be taken to protect their individual rights and personal integrity.*

*There is universal agreement that respect, reverence, and mutuality are necessary in all human relationships. This agreement about the fundamentals of human relations, including sexual relations, leads to a firm judgement and condemnation of sexual abuse and exploitation.*

*Sexual abuse is self-gratification by exploitation. It makes an impersonal object of the other person, abusing both the person and sexuality itself. Abuse occurs in a wide range of sexual activities: always in rape and child molestation, usually in adultery and prostitution, and sometimes even in marriage. Sexual abuse also occurs in the socially subtle aspects of sexism and in sexual harassment of employees in the workplace.*

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<sup>1</sup> See Romans 12:5; 1 Corinthians 12:12-27; Ephesians 1:22-23.

<sup>2</sup> See Ephesians 3:17; Colossians 2:7.

<sup>3</sup> See Colossians 1:6; John 13:12-17; John 15:12; Matthew 7:2; Luke 10:25-28.

<sup>4</sup> See Romans 8:18-27; 2 Corinthians 5:17; Galatians 6:14-15; John 1:12-14, 16.

<sup>5</sup> See Matthew 28:18-20; Acts 1:8; 2 Corinthians 5:18-21; Colossians 1:18-23; 1 Timothy 5:11-16; Hebrews 13:1-8.

<sup>6</sup> See Ephesians 4:1-6; *Book of Common Prayer*, p. 529; *Book of Alternative Services*, pp. 158-160.

<sup>7</sup> See 1 John 3:1-10.

*The church must be clear about these violations of sexual intimacy. It must be explicit in its teaching about these particular aberrations of sexual relations, aggressively proactive about its social policy and action touching on these areas, and forthright in dealing with violations in its own community.*<sup>8</sup>

Sexual misconduct cannot be treated by the church as a private matter even between consenting adults, since others' attitudes and relationships are bound to be affected. Moreover, the greatest care is expected to be exercised in relationships of trust, power, authority, and confidentiality, to avoid taking advantage of trust, or abuse of power and the responsibility of authority.

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<sup>8</sup> *The Lambeth Conference 1988: The Reports, Resolutions, and Pastoral Letters from the Bishops* (London: Church House Publishing, 1988), pp. 155-195.

## 2. Policy

- a) The Anglican Diocese of Quebec undertakes to ensure that all activities, work, and pronouncements with which it is engaged uphold the values of love, truth, and justice and are demonstrably free from violence, coercion, and discrimination because of gender.
- b) It is our policy that sexual assault, sexual harassment, or sexual abuse of any kind, whether to an adult, adolescent or child, by or to any staff person, contract employee or volunteer, will not be tolerated.
- c) We will actively try to prevent such occurrences and deal with any accusations promptly, seriously and systematically, in cooperation with proper authorities, where appropriate.
- d) In sharing the gospel mission to bring reconciliation, healing and wholeness, those who undertake to serve the church as clergy or laity (whether as a volunteer or on salary or stipend), will draw close to those to whom they minister. They need to recognize the dynamics of trust in these relationships and the consequent potential for harm and abuse. They therefore must, in living out their faith, adhere to Christian ethical principles in their conduct. The authority conferred by the church on those who work in Christ's name must be rooted in the love of Christ (Ephesians 3:17). In their ministry, they must model God's trustworthiness. For any Christian, to betray trust by the grave ethical transgression of sexually abusing another, is to deny the image of God in the other, and therein to undermine our very foundation as a church called into being to witness to that image. Such a betrayal cannot be other than a gross injury to the one abused, and a violation of faithfulness to Christ.
- e) At all times, an ethic of mutual respect, responsibility and caring, as well as modeling wholeness and healthy sexuality in relationships, will be the goal. We will practice, advocate and educate to that end.

## **What is the Duty of Care?**

The law recognizes many special relationships in which one party is required to look after the best interests of the other in the best possible way. These relationships include solicitor/client, physician/patient, priest/parishioner, parent/child, partner/partner, director/corporation and principal/agent relationships. These relationships involve trust and confidence. They require that the party entrusted with taking care of another party acts honestly, in good faith, and generally in the best interests of the other party.

The duty of care emerges from the reasonable expectations of the parties, often in circumstances where one person relies on the other, to protect their interests. They frequently involve explicit or implicit commitments by one party to look after the interests of the other. Even relationships where the parties are expected to pursue their own self-interest can, in appropriate circumstances, give rise to the duty of care.

### 3. Definitions

#### a) Sexual Assault of an Adult or a Child

Sexual Offences are listed in Part V of the Criminal Code of Canada. As of this writing the amended offences with adults or young persons under sixteen years of age include 151 sexual interference with a person under the age of sixteen years; 152 Invitation to sexual touching with a person under the age of sixteen years; 153.1 sexual exploitation of person with disability, 155(1) incest; 160(1) bestiality; 163.1 voyeurism (including visual recording); 162.1 Publication of intimate content without consent; 162(1) publishing obscene materials; 163.1(1) offences related to child pornography; 170 parent permitting procuring; 171.1 making sexually explicit material available to a child; 172 corrupting children; 172.1 luring a child.<sup>9</sup>

(Note: This is not an exhaustive summary and is not intended to be a legal opinion or legal advice. The law is a living thing and changes from time to time as it is interpreted by the courts.)

In general, if a person under the age of sixteen is alleged to be a victim of Criminal Code offences, this must be reported to the Department of Youth Protection/*Direction de la protection de la jeunesse*. As of this writing, information on making a report can be found on the website of the *Commission des droits de la personne et des droits de la jeunesse*: <https://www.cdpcj.gc.ca/en/file-a-complaint/i-want-to/reporting-child-abuse>

#### b) Sexual Harassment

- i. Several kinds of behaviors with a sexual connotation, if unsolicited and unwanted, and especially if repetitive and/or escalating, can be forms of sexual harassment. Generally speaking, harassment has been defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.
- ii. Examples are: suggestive looks or leers, obscene gestures, sexual remarks, comments, teasing or telling jokes with a sexual content, letters, calls, social media communications, text messages, images, or materials of a sexual nature, imposed touching, closeness, invitation to touch or view sexually explicit materials, pressure for dates or activities with a sexual overtone, or offer to use influence in return for sexual favour.
- iii. Unequal power in relationships may put someone at the mercy of another. Sexual harassment may also include discrimination on the basis of gender or sexual orientation, causing stress, intimidation or humiliation to the victim. It may happen in situations where dominance and abuse of power result

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<sup>9</sup> <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

in a lack of respect for and mistreatment of people as sexual objects, which demeans and destroys the dignity of the victim.<sup>10</sup>

### **c) Pastoral Relationship**

A pastoral relationship is a relationship carried out in the name of or on behalf of the diocese, parish, or place of ministry, as the case may be, between a cleric, employee or volunteer and any person to whom such cleric, employee or volunteer provides pastoral counselling, pastoral care, spiritual direction, spiritual guidance or from whom the cleric, employee or volunteer has received confidential or privileged information. In assuming responsibility for such a relationship, the cleric, employee or volunteer acknowledges responsibility for the wellbeing of the other person, is expected to respect that individual's personal integrity and determines not to abuse the power inherent in the relationship. Any sexual activity or conduct in which a person in a pastoral relationship with another takes advantage of the vulnerability of the person under their pastoral care or other guidance or leadership, regardless of who appears to have initiated it, shall be deemed to be sexual misconduct.

### **d) Sexual Exploitation of a Professional Relationship**

Exploitation of a professional relationship is any kind of sexual contact or invitation to sexual contact, between a member of the clergy or anyone in a position of authority or power over, or owing a duty of care to, the subject of the exploitation. (This includes volunteers.)

### **A Note About 'Consent'**

Consent is understood as non-coercive. If a victim agrees to any assault under threat, or if consent is obtained by fraud or by the influence of a person in authority over the victim (e.g. counsellor, pastor, guardian), it will be deemed to be no consent. An accused may show "honest belief" of consent and may not be convicted. However, it is always no consent for children under age 12, for children aged 12 to 14 if the difference in age between the accused and the victim is more than 2 years, and for young persons aged 14 to 16 if the difference in age between the accused and the victim is more than 5 years (Section 150.1(2) of the Canadian Criminal Code). Consent is not valid if the accused was in a position of authority over them. Also, there are further provisions for mentally or otherwise incapacitated vulnerable children, adolescents and adults.<sup>11</sup>

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<sup>10</sup> *When Christian Solidarity is Broken: A Pastoral and Educational Response to Sexual Harassment* (Geneva: WCC Publications, 1991).

<sup>11</sup> Justice Laws of Canada Website: <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-23.html#h-118150>

## 4. Guiding Principles

- a) The Anglican Diocese of Quebec is committed to the safety and wellbeing of all persons who come into its care and will do all it can to create and preserve a culture of safety and respect in the places and relationships for which it is responsible.
- b) The protection of children is a matter of fundamental concern and legal responsibility. A complaint of sexual assault or abuse of children shall be reported to civil authorities immediately and in accordance with the laws of the appropriate jurisdiction.
- c) Preserving the safety and wellbeing of a complainant, or others who might be affected, will be a priority.
- d) Confidentiality will be respected, except where the law demands otherwise, or where others are at risk.
- e) All complaints will be taken seriously and will be investigated.
- f) An accused person will be presumed innocent pending the results of the investigation.
- g) Nothing must be done to interfere with a criminal investigation.
- h) The Anglican Diocese of Quebec will do all it can to preserve the safety of the places of work for its staff and volunteers.



## **5. Mechanism for Response**

- a) The Diocesan Executive Council will appoint from time to time:
  - i. an officer of Synod to whom complaints relating to Sexual Misconduct Policy will be directed ("Designated Officer of Synod"); and
  - ii. an outside organization or individual ("Assessor") which will manage the Sexual Misconduct Policy for the diocese.
  
- b) The name of the Assessor and the Designated Officer of Synod will be communicated throughout the diocese at least twice a year.

## 6. Specific Procedures

In this policy document, “complainant” and “person accused” are terms which describe the person bringing the complaint and the person who is accused of misconduct. These terms do not imply any assumptions about the results of the investigation.

Any complaints regarding the suspected abuse of a child must be reported immediately to the *Direction de la protection de la jeunesse*/Director of Youth Protection (DPJ/DYP). Legislation identifies five forms of child abuse: sexual abuse, physical abuse (injury), medical neglect, emotional abuse, and developmental neglect.

Any complaint on reasonable grounds or which has been reported to the *Centre de protection de l'enfance et de la jeunesse* (CPEJ) against clergy concerning sexual abuse must be brought to the attention of the diocesan bishop. The bishop should ordinarily meet with the wardens of the congregation at an early date. If the complaint is against a lay staff worker or volunteer, their supervisor should be informed first and the supervisor must take it to the bishop.

During an investigation, the clergy or staff person who is the subject of the allegation will be placed on leave of absence with pay. A volunteer who is the subject of an allegation will be required to relinquish their responsibility until the matter is resolved. Any such leave is without prejudice and does not imply the guilt or innocence of the person under investigation.

## Responses

### a) Any Complaint of Sexual Abuse of a Child by Any Person

The first paragraph of Article 38 of the *Youth Protection Act* (RSQ c. P-34.1) sets forth the circumstances in which the security or development of a child is considered to be in danger. It reads as follows:

*For the purposes of this Act, the security or development of a child is considered to be in danger if the child is abandoned, neglected, subject to psychological ill treatment or sexual or physical abuse, or if the child has serious behavioural disturbances.*

The Law requires that anyone who receives information relating to the foregoing must contact the *Direction de la protection de la jeunesse*/Director of Youth Protection. **Three categories** of persons are obliged by law to contact the director of youth protection. Additionally, all persons in Quebec who do not fall under any of these categories and who receive information are encouraged to contact the director.

The **first category** of persons who are obliged by law to contact the director of youth protection are professionals. Article 39 of the *Quebec Youth Protection Act* provides that every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the practice of their profession, has reasonable

grounds to believe that the security or development of a child is or may be considered to be in danger, must bring the situation to the attention of the director without delay.

The **second category** of persons who are obliged by law to contact the director of youth protection comprises any employee of an institution, any teacher, any person working in a child care institution or any police officer who, in the performance of his duties, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger. Article 39 of the *Quebec Youth Protection Act* provides that it is incumbent on any such person to bring the situation to the attention of the director without delay.

The **third category** of persons who are obliged by law to contact the director of youth protection relates to cases of physical abuse and sexual abuse. In such cases under Article 39 of the *Quebec Youth Protection Act* any person whatsoever who has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger must bring the situation to the attention of the director without delay.

Additionally, Article 39 of the *Quebec Youth Protection Act* provides that everyone in Quebec who does not fall within these three categories and who receives information for proscribed activities (other than physical abuse and sexual abuse where everyone must act) and has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger is encouraged to bring the situation to the attention of the director without delay.<sup>12</sup>

At time of writing, information on How to Report can be found on the official Government of Quebec website:

<https://www.quebec.ca/en/family-and-support-for-individuals/childhood/services-youth-difficulty-families/youth-protection/reporting-a-situation-to-the-director-of-youth-protection/how-to-report-a-situation>

Once the *Direction de la protection de la jeunesse*/Director of Youth Protection is contacted, their staff will begin the investigation of the case and contact the individuals as they see fit. Under the regulations, only the DPJ/DYP or the police may question the victim/alleged offender so that the investigation may proceed unhindered. However, pastoral support is still appropriate.

#### **b) Any Complaint of Sexual Abuse of a Child by Clergy, Lay Staff, or Volunteer**

The diocese will assist the DPJ/DYP and the police. The bishop is strongly encouraged to work collaboratively with the police and/or public prosecutor. The bishop will explain the need to meet with the parish at the earliest possible opportunity. Details of the investigation will not be disclosed to the parish, but the parish will be given assistance in dealing with the crisis. If the investigation is inconclusive, or the accused is not charged or convicted, the bishop may consult with the appointed Assessor named in section 5.a.ii of this policy about any further action to be taken.

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<sup>12</sup> <http://legisquebec.gouv.qc.ca/en/showdoc/cs/P-34.1>

**c) A Complaint of Sexual Abuse of an Adult by Clergy, Lay Staff, or Volunteer**

Where a criminal investigation is required, the diocese will assist the police. The victim has the right to notify the police or not. The diocese will only notify the police with the permission of the victim or if there is strong concern that another person may be victimized. The bishop is strongly encouraged to work collaboratively with the police and/or public prosecutor. The bishop will explain to the police and the public prosecutor the need for the bishop to meet with the parish at the earliest possible opportunity. If the investigation is inconclusive, or the accused is not charged or convicted, the bishop may consult with the appointed Assessor named in section 5.a.ii of this policy about any further action to be taken.

**d) A Complaint of Sexual Abuse by Clergy, Lay Staff, or Volunteer Where a Criminal Investigation is Not Pursued**

On receiving the complaint, the Designated Officer of Synod will immediately involve the Assessor named in section 5.a.ii of this policy.

The Assessor will meet with the complainant or the parent or guardian of the child and see that the complaint is put in writing. The Assessor will obtain written permission to present the complaint to the accused.

The accused will be personally presented with the written complaint by the Assessor in the course of an interview. The Assessor will provide the bishop with a report and suggestions for further action, if any.

Further action will be based on whether there is a need to protect vulnerable people or children.

## Flow Charts of Procedures

### ***Response to suspected or reported child abuse***

***If a person suspects child abuse or assault by a member of staff or a volunteer, they must report this to child protection authorities.***



***They also inform the Designated Officer of Synod that a report has been made. The Designated Officer of Synod informs the Assessor who then notifies the bishop***



***Diocese cooperates fully with investigation***



***Accused person is notified by the bishop and the Assessor that the report has been made unless investigating authorities direct otherwise***



***If applicable, they are removed from duties or activities with children or vulnerable persons***



***With permission of child protection or police investigators, Assessor ensures that support is offered to the child and family***



***Assessor ensures that support is offered to accused person***



***If necessary, crisis response is offered to the community affected (e.g., parish, workplace)***



***Following legal proceedings, the Assessor conducts an internal investigation, and consults with the bishop on status of accused person (whether accused person can be reinstated into duties with children or adults)***

***Response to a complaint of assault of an adult***

***Complainant notifies the Designated Officer of Synod who contacts the Assessor who then notifies the bishop***



***If the complainant gives permission, the diocese will assist them in reporting the assault to the police. If they prefer not to report, the investigation should proceed as for "Exploitation of an Adult"***



***Diocese cooperates fully with investigation***



***Accused person is notified by the bishop and the Assessor that the report has been made unless investigating authorities direct otherwise***



***If applicable, they are removed from duties or activities with children or vulnerable persons***



***With permission of police investigators, the Assessor ensures that support is offered to complainant and family***



***Assessor ensures that support is offered to accused person***



***If necessary, crisis response is offered to the community affected (e.g., parish, workplace)***



***Following legal proceedings, the Assessor conducts an internal investigation, and consults with the bishop on status of accused person (whether accused person can be reinstated into duties with children or adults)***

## ***Response to complaint of exploitation of an adult***

***Complainant notifies the Designated Officer of Synod who contacts the Assessor who then notifies the bishop***



***The Assessor may notify the accused person of complaint<sup>13</sup>***



***The Assessor appoints:***

- 1. Support person for complainant***
- 2. Support person for accused***



***Assessor interviews complainant, obtains consent to release information to the Diocese***



***Assessor writes up complaint, sends it to complainant for review and signature***



***Assessor sends complaint to accused***



***Assessor provides accused two weeks for reply***



***Assessor presents complaint, response (if received), and any other evidence in a report to the bishop***



***bishop consults with the Assessor to determine whether corrective action or discipline is appropriate (See section 7 "Disciplinary procedures")***



***The Assessor informs the complainant of the results of the report***

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<sup>13</sup> Normally the accused person will only be notified when they receive the official written complaint. However, in some circumstances, it may make sense for the Assessor to notify the accused person before receiving the official complaint. For example, if rumors are spreading about the complaint; if the accused person is already informally aware of the complaint; or if there is a need for immediate action, such as a change of duties.

**Response to complaint of harassment of an adult**

**Note: A case can go directly to formal investigation without attempting Options A or B.  
Formal investigation can also be suspended by the Assessor  
if parties indicate they wish to mediate.**

**Option A: Informal process (optional)**

**Complainant notifies the Designated Officer of Synod who contacts the Assessor who then notifies the bishop**



The Assessor obtains consent of complainant and accused person  
to initiate informal process



The Assessor appoints facilitator to meet with complainant and accused person



**Case resolved:**

The two parties are able to agree about the unwelcome behaviour that must stop  
**or**

**Case unresolved**

**Option B: Mediation**

**Complainant notifies the Designated Officer of Synod who contacts the Assessor who then notifies the bishop**



The Assessor obtains consent of complainant and accused person to initiate mediation



The Assessor appoints professional mediator  
to meet with complainant and accused person



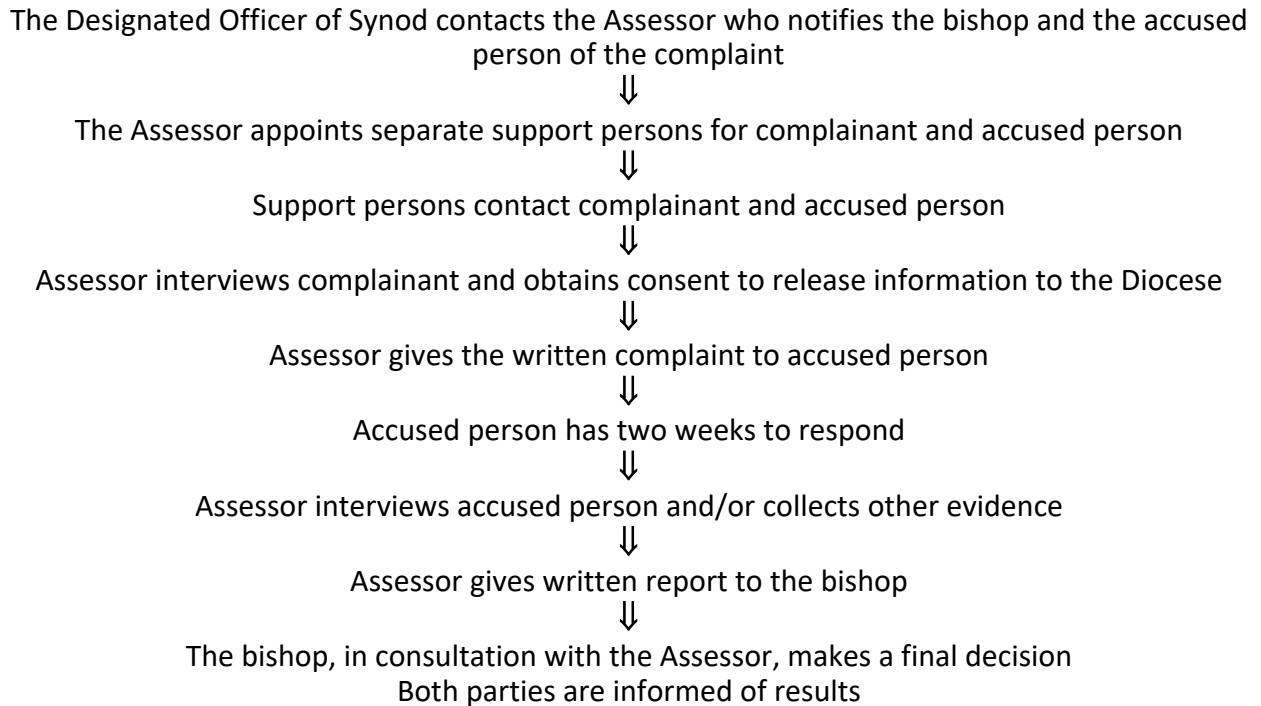
**Case resolved** and mediation signed and ratified

**or**

**Case unresolved**



### Option C: Formal Investigation



## 7. Disciplinary Procedures in the Case of Clergy or Diocesan Lay Staff

The bishop may, at their discretion and in consultation with the Assessor, exonerate publicly or privately the person accused, or continue to investigate the situation. If the allegation is substantiated, the bishop, in consultation with the Assessor, can pursue one or more of several options:

**Caution:** In a case where conduct has been unwise but not necessarily unethical, the bishop may give a verbal caution to the person.

**Warning:** In a case of clearly inappropriate behaviour, and possibly unethical behaviour, the bishop may give a warning in writing.

**Admonition:** In a case involving unethical behaviour, the person will be asked to appear before the diocesan bishop and will be given an admonition in writing. The admonition will contain the penalty decided by the bishop. An admonition can be administered either privately or publicly.

**Inhibition:** The bishop may order the offender not to perform any or certain of the duties of their office until the inhibition is withdrawn. The inhibition will continue until there is clear evidence to the diocesan bishop that an allegation is substantiated or that rehabilitation and restoration has occurred.

**Suspension:** At any time, the bishop may suspend the offender. The duration of the suspension will be communicated at the time the suspension is issued. During this time exercise of ministry in the Anglican Church of Canada is forbidden. All remuneration to the suspended person may cease.

**Deprivation:** Deprivation severs a cleric from any office or ministry they may hold and prohibits them from holding any further offices or ministry within the Anglican Church of Canada until restored by the diocesan bishop who issued the deprivation.

**Deposition:** In extreme cases a sentence of deposition may be issued. Deposition removes a cleric from the ability to exercise any ministry as if they had never been ordained. They are unable to hold any office or perform any aspects of ordained ministry within the Anglican Church of Canada.

## **8. Disciplinary Procedures in the Case of Parish Lay Staff or Volunteers**

If the allegation is substantiated, the incumbent, in consultation with the Assessor, can pursue one of the options listed above (in section 7), but the range of options is limited when dealing with lay persons. All options require pastoral sensitivity in their implementation.

The bishop may exercise authority with regard to parish lay staff by setting limits on the person's presence or conduct in any diocesan parish or ministry.

If the allegation is not substantiated the incumbent, following discussion with the bishop and in consultation with the Assessor, at their discretion may exonerate publicly or privately the person accused, or continue to investigate the situation.

## 9.1 Pastoral Care When the Victim is a Child

- a) If the victim is a child, the Assessor must ensure that a verbal report (followed by a written report) has been made by the person receiving the allegation to the *Direction de la protection de la jeunesse*/Director of Youth Protection (DPJ/DYP). (See 6.a of this document.) The safety of the child must always be the top priority (Guiding principle 4.b).
- b) The Assessor contacts the DPJ/DYP and requests to be advised when the investigation is completed. As the police are involved in the initial interview between the DPJ/DYP and the victim, criminal charges may be laid. The DPJ/DYP will request that neither the person receiving the allegations nor the Assessor discuss the complaint with the victim until the initial investigation is completed. It will be necessary to follow up by phone with the DPJ/DYP.
- c) The Assessor will contact the victim and the family of the victim to offer support, as appropriate. Although there must be no interference with an ongoing investigation, help in obtaining therapeutic treatment, as well as other forms of pastoral care, may be offered as needed. Personal communication with a child is especially important as they may be experiencing intense confusion and emotions ranging from, but not limited to, confusion, humiliation, shame, rage, sadness, fear and guilt (Guiding principles 4.b. and c).
- d) Care must be taken not to inadvertently impede or influence the investigation (Guiding principle 4.g).

## 9.2 Pastoral Care to a Victim of Abuse

- a) The Assessor will contact the victim to offer support, as appropriate. Although there must be no interference with an ongoing investigation, help in obtaining therapeutic treatment, as well as other forms of pastoral care, may be offered as needed.
- b) Victims of sexual abuse, regardless of age, gender, or social status often experience intense confusion after the event. The emotions experienced are specific to each individual and may be affected by a range of factors including age, gender, and the type of abuse experienced. The safety and wellbeing of the complainant or victim must always be a top priority (Guiding principle 4.c).
- c) Care must be taken not to inadvertently impede or influence an ongoing investigation (Guiding principle 4.g).
- d) Special care should be offered by the Assessor to the family of a victim.

## 10. Pastoral Care in Confronting an Abuser

When a complaint of sexual abuse is alleged against clergy, lay staff, or volunteer, the following suggestions may be considered helpful according to circumstances:

1. **ADVOCACY and SUPPORT:** In addition to the pastoral response outlined above, the bishop shall respond to the victim(s) of abuse by naming an appropriate person for advocacy and support during the process. A list of qualified therapists shall be provided, and the diocese may offer financial support for this purpose (Guiding principle 4.c).
2. **CONFRONTATION:** When church becomes unsafe. Confronting a priest or lay person with disciplinary action should be understood as a pastoral and caring act towards the victim, offender, and the community as a whole:
  - 1) Drawing attention to a potentially unsafe place or relationship in an effort to prevent further harm (Guiding principles 4.a, b, and c).
  - 2) Providing for the common good of the church community and the safety of all (Guiding principles 4.a and h).
  - 3) Offering the possibility for restoration and healing (Guiding principles 4.a, and h).
3. **CONFESSION, REPENTANCE, and RESTORATION:** Recreating and restoring safe relationships in the church.
  - 1) Confession and acknowledgement of responsibility should be regarded as an important first step in restoring right relationship with an offending church worker (Guiding principles 4.a and h).
  - 2) A confession cannot be considered the sole basis for restoration of ministry. Therapeutic evaluation and treatment are recommended and should be required (Guiding principles 4.a, b, c, and f).
  - 3) Confession and demonstration of remorse do not require the victim to forgive the offender. No expectation of forgiveness should be placed on the victim at any time (Guiding principles 4. a. and c).
  - 4) The safety, well-being, and concerns of all persons affected by a restoration of ministry to an offending church worker must be seriously considered (Guiding principles 4.a. b. c. and h).
4. Special care should be offered to the family of the offender.
5. The bishop and the Assessor (or a representative) may meet with the congregation and communicate the final results of the process, with special attention to the disciplinary action taken and its implications. The diocese may continue to make available a trained resource person who can assist the congregation in whatever ways are necessary to address their concerns and bring healing.

## **Appendix I: Contact information for the *Direction de la protection de la jeunesse*/Director of Youth Protection**

To report a situation, you can contact the DJP/DYP in your region. In case of emergency, call 911.

### **01 – Bas-Saint-Laurent**

- Telephone number: 418-723-1255
- Toll-free number: 1-800-463-9009

### **02 – Saguenay–Lac-Saint-Jean**

- Telephone number: 418-543-3006
- Toll-free number: 1-800-463-9188

### **03 – Capitale-Nationale**

- Telephone number: 418-661-3700
- Toll-free number: 1-800-463-4834

### **04 – Mauricie–Centre-du-Québec**

- Telephone number: 819-378-5481
- Toll-free number: 1-800-567-8520

### **05 – Estrie**

- Telephone number: 819-566-4121
- Toll-free number: 1-800-463-1029

### **06 – Montréal**

- Telephone number: 514-896-3100

### **06 – Montréal (Batshaw)**

- Telephone number: 514-935-6196

### **07 – Outaouais**

- Telephone number: 819-771-6631
- Toll-free number: 1-800-567-6810

## **08 – Abitibi-Témiscamingue**

- Telephone number: 819-825-0002
- Toll-free number: 1-800-567-6405

## **09 – Côte-Nord**

- Telephone number: 418-589-9927
- Toll-free number: 1-800-463-8547

## **10 – Nord-du-Québec**

- (Use the phone number for Abitibi-Témiscamingue or for Saguenay–Lac-Saint-Jean)

## **11 – Gaspésie–Îles-de-la-Madeleine**

- Telephone number: 418-368-1803
- Toll-free number: 1-800-463-0629

## **12 – Chaudière-Appalaches**

- Toll-free number: 1-800-461-9331

## **13 – Laval**

- Telephone numbers: 450-975-4000 or 450-975-4150
- Toll-free number: 1-888-975-4884

## **14 – Lanaudière**

- Telephone number: 450-756-4555
- Toll-free number: 1-800-665-1414

## **15 – Laurentides**

- Telephone number: 450-431-6885
- Toll-free number: 1-800-361-8665

## **16 – Montérégie**

- Telephone number: 514-721-1811
- Toll-free number: 1-800-361-5310

## **17 – Nunavik**

### **Ungava**

- Telephone number: 819-964-2905

### **Baie d’Hudson**

- Telephone numbers: 819 -988-2191 (day) and 819-988-2957 (night)
- Toll-free number: 1-877-535-2345

## **18 – Terres-Cries-de-la-Baie-James**

### **Chisasibi**

- Telephone number: 819-855-2844 (day)
- Toll-free number: 1-800-409-6884

### **Waswanipi**

- Telephone number: 819-753-2324
- Toll-free number: 1-800-409-6884

### **Information taken from the Government of Quebec website:**

<https://www.quebec.ca/en/family-and-support-for-individuals/childhood/services-youth-difficulty-families/youth-protection/reporting-a-situation-to-the-director-of-youth-protection/contact-informations-of-the-dyp>

Accessed September 13, 2023



## Appendix II: Understanding ‘Reasonable Grounds’

Every report of child abuse should be taken seriously. Current research indicates that the incidence of false allegations of abuse made by children is low<sup>14</sup>. Therefore, if any child discloses that he or she has been abused, the adult should always consider this as “reasonable grounds” to suspect abuse and should forthwith make a report to the Direction de la protection de la jeunesse/ Director of Youth Protection.

Other allegations (by adults, for example) may merit further consideration. It is suggested, however, that it is better to err on the side of protecting a child and allow the professionals at the DPJ/DYP to conduct any necessary investigation.

“Reasonable grounds” are those grounds which have a rational foundation. Any of the following would be helpful in establishing them:

- A complaint from the child;
- Circumstantial evidence such as unexplained physical injury (see the list of possible grounds for reporting on the DYP website<sup>15</sup>);
- A statement of a credible eyewitness or a credible witness to a recent complaint;
- A statement of another which is buttressed with credible detail from the surrounding circumstances;
- A credible witness who corroborates the statement of another.

However, the following would always be excluded as providing reasonable grounds:

- Gossip;
- Unsubstantiated conclusions.

In short, “reasonable grounds” have a rational basis. They are not based on intuition, feelings, emotion, or the uncritical acceptance of another’s views if they are unsupported by other facts. In most cases, reasonable grounds will be made up of a number of pieces of rational evidence which together combine to cause the individual to believe a child is or may be in need of protection.

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<sup>14</sup> Donoghue et al. 2018, <https://doi.org/10.1080/10538712.2018.1477224>

<sup>15</sup> <https://www.quebec.ca/en/family-and-support-for-individuals/childhood/services-youth-difficulty-families/youth-protection/reporting-a-situation-to-the-director-of-youth-protection/grounds-for-reporting-a-situation>

## **Acknowledgements**

The following sources have been used in the development of this protocol:

*The Anglican Communion Charter for the Safety of People and the Safe Church Policies and Procedures of the Anglican Church of Canada, 2018.*

Wells, Mary. *Responsible Ministry: A Model Misconduct Policy for Faith Communities and Institutions, 2000.*

Wells, Mary. *Overcoming Barriers to Healing in the Aftermath of Abuse in a Parish, 2019.*

Anglican Diocese of Toronto, *Diocesan Sexual Abuse Policy, October 2001 (revised 2018).*

## Appendix II – Diocesan Misconduct Complaint Form

Thank you for filling out this form. The Anglican Diocese of Quebec takes all complaints of misconduct seriously, and is committed to investigating them.

### **Instructions for filling out this form**

Use a pen. Do not use pencil. Be sure to complete Sections A through G of the form. Contact the Designated Officer of Synod or the Leader of the event, activity or program if you need any assistance to complete the form. You may leave any section blank if there is any information you don't know or don't wish to disclose, but please keep in mind that it will help the diocese's investigation to provide as complete information as possible.

Please sign and date each page of the form, and each additional page that you may attach.

Submit the completed form to the Diocesan Misconduct Officer at the address below:

Stephen Kohner  
2473 rue le Caron  
Baie-Comeau, QC G5C 2G7  
418-295-3431  
*skohner@quebec.anglican.ca*

### **SECTION A: Your Name and Age** (You are the “Complainant”)

Your Last Name, First Name

Your Date of Birth

If you are complaining on behalf of someone else, then identify the name and age of that person; otherwise, insert ‘Not Applicable’ or ‘N/A’, sign and date the bottom of the page, and skip to Section B:

Family Name, First Name

Date of Birth

\_\_\_\_\_, Page \_\_\_\_\_ of \_\_\_\_\_ pages  
Signature Date (yyyy/mm/dd)

**SECTION B – Who are you complaining about? (This is the accused person)**

Please provide as much information as you can about the person who committed the misconduct. You may attach another page for more than three names if multiple people were involved. Remember to sign, date, and number each page.

Name of person who committed misconduct (please print):
Contact information (if known):

**Additional Name(s)**

Name of person (please print):
Contact information (if known):

Name of person (please print):
Contact information (if known):

\_\_\_\_\_, Page \_\_\_\_\_ of \_\_\_\_\_ pages  
Signature \_\_\_\_\_ Date (yyyy/mm/dd) \_\_\_\_\_

**SECTION C – Leader(s) of the church activity, event, or program where the misconduct took place.**

Please identify the leader(s) of the church activity, event, or program where the misconduct took place.

A “leader” may be a lay person or religious leader who is in charge of an activity, event, or program, or who is expected to interact with or oversee children, youth, or vulnerable adults.

Name of Leader (1) (Please print):		
Contact information (if known)		
Telephone:		
Email:		
Name of Co-Leader (2) (if applicable):		
Contact information (if known)		
Telephone:		
Email:		
Name of Co-Leader (3) (if applicable):		
Contact information (if known)		
Telephone:		
Email:		
Name of the Church Event, Activity, or Program where the misconduct took place		
Location of the Church Event, Activity, or Program where the misconduct took place:		
Street Address (Please Print):		
Town/City and Province	Postal Code	Phone Number (if applicable)

**SECTION D – Identify the Type of Alleged Misconduct**

**D1: Definition of Misconduct**

“Misconduct” means unacceptable behavior, abuse, or maltreatment that includes physical or sexual assault, bullying, harassment, and/or economic, emotional, physical or sexual misconduct.

**D2: Presumed Innocence:**

In accordance with section 4(e) of the Diocesan Sexual Misconduct Policy, all complaints will be taken seriously and will be investigated. The existence of a complaint does not constitute proof of a person’s guilt, and the person accused of causing harm will be considered innocent until the complaint is investigated. (Section 4(f)).

**D3: Check off one or more boxes that you believe represents a true and accurate account of the type of misconduct:**

See Section 3 of the Diocesan Sexual Misconduct Policy for definitions.

- Physical assault
- Bullying (Physical, Emotional, Psychological)
- Financial misconduct (e.g., fraud)
- Physical misconduct
- Sexual assault
- Harassment (Physical or Sexual)
- Emotional misconduct

\_\_\_\_\_, Page \_\_\_\_\_ of \_\_\_\_\_ pages  
Signature Date (yyyy/mm/dd)

**SECTION E: Description of the misconduct**

Describe in your own words what happened that you believe was misconduct. Include who did what, and when it happened, and anything the accused person said to you at the time or afterward that you think might be relevant. Provide dates (yyyy/mm/dd)

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(Continue on next page if needed)

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\_\_\_\_\_, Page \_\_\_\_\_ of \_\_\_\_\_ pages  
Signature                      Date (yyyy/mm/dd)

SECTION E (continued, if required)

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If you need more space, please attach additional pages. Remember to sign, date, and number each page.

\_\_\_\_\_, Page \_\_\_\_\_ of \_\_\_\_\_ pages  
Signature Date (yyyy/mm/dd)





**SECTION G – Declarations and Understandings.**

Read the following four statements. Sign and date after each statement. If the person filling out the form is a child or youth, then the parent or guardian shall sign below each statement as well.

**1) I am making a complaint under the Diocesan Sexual Misconduct Policy. I declare the information I have provided on this form to be true and accurate to the best of my knowledge and belief.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (yyyy/mm/dd)

\_\_\_\_\_  
Parent or Guardian Signature  
(If the person filling out the form is a child)

\_\_\_\_\_  
Date (yyyy/mm/dd)

**2) I understand that if my complaint is accepted by the Designated Officer of Synod, then a copy of the accepted complaint will be sent to the accused person:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (yyyy/mm/dd)

\_\_\_\_\_  
Parent or Guardian Signature  
(If the person filling out the form is a child)

\_\_\_\_\_  
Date (yyyy/mm/dd)

**3) I have signed, dated and numbered each page, including each additional page attached, of this complaint form:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (yyyy/mm/dd)

\_\_\_\_\_  
Parent or Guardian Signature  
(If the person filling out the form is a child)

\_\_\_\_\_  
Date (yyyy/mm/dd)

REMEMBER TO PROVIDE THE DESIGNATED OFFICER OF SYNOD WITH ANY CHANGES TO YOUR CONTACT INFORMATION. IF THE DIOCESE IS UNABLE TO CONTACT YOU, WE MAY BE FORCED TO CLOSE YOUR COMPLAINT AS HAVING BEEN ABANDONED.

End of Diocesan Misconduct Complaint Form.



## **Appendix IV – Tracking the Diocesan Misconduct Complaint Form**

The Office of the Designated Officer of Synod shall complete the following information upon receipt of this complaint form, and update this section from time to time throughout the complaint resolution process.

**1. Date the Misconduct Complaint Form Was Received** \_\_\_\_\_  
(yyyy/mm/dd)

**2. Date of the Most Recent Misconduct Event:** \_\_\_\_\_  
(yyyy/mm/dd)

**3. Status of Resolution of Complaint:** Give the date and a brief description for each status update. Each update shall be initialed by the person making the update.

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