

Thornhill United Church Policy

Sexual Misconduct Prevention and Response

Adopted by TUC Council: May 2024

Replaces previous version: 2020

Purpose

The purpose of this document is to articulate the policy of Thornhill United Church (TUC) on the issue of sexual misconduct and to give direction should an incident of sexual misconduct occur. It is based on the United Church of Canada's (UCC) Sexual Misconduct Response Policy and Procedures (October 2023) which TUC accepts and supports. A copy of the UCC document can be found at www.united-church.ca.

Policy

Source: The Manual 2024

"The United Church will not tolerate, and will seek to eradicate, any behaviour by its members, lay and order of ministry, adherents, or employees that constitutes sexual misconduct, sexual abuse, or child abuse.

The United Church is committed to providing a safe environment for worship, work, and study in all pastoral charges, congregations, institutions, agencies, organizations, or other bodies that operate under its name. Complaints of sexual misconduct, sexual abuse, or child abuse will be taken seriously and will be dealt with in a spirit of compassion and justice.

The General Council has approved the Sexual Misconduct Prevention and Response Policy and Procedures to deal with formal complaints of sexual misconduct and abuse. These policies and procedures are referred to as the "Sexual Misconduct Policy" in these bylaws. They must be followed. The Sexual Misconduct Policy is available from the General Council Office. The United Church seeks to protect from abuse all people who use the pastoral or professional services of the United Church, whether or not they are members or adherents. Any person who has used the professional or pastoral services of ministry personnel or employees of the United Church for purposes of pastoral care, counselling, marriage workshops, daycare, and so on, has the right not to be abused in any way. They are entitled to make a formal complaint under the Sexual Misconduct Policy."

Definition of Sexual Misconduct

"Sexual misconduct within this Policy includes (workplace) sexual harassment, pastoral sexual misconduct, sexual assault, and child sexual abuse."

"Sexual misconduct is demeaning, exploitive behaviour of a sexual nature ranging from jokes, to unwanted touching, to forced sexual activities and/or threats of such behaviour in person, by text, e-mail, and through social media sites and other digital/Web platforms. Sexual assault, sexual harassment, pastoral sexual misconduct, and child sexual abuse are forms of sexual misconduct that are often primarily acts of power by one individual over another."

Community of Faith Responsibilities

If a person accused of sexual misconduct (referred to as the "Respondent") is affiliated with Thornhill United Church (TUC), such as being a member, adherent, lay employee, congregational designated minister, licensed lay worship leader, or volunteer, then TUC is considered the "Responsible Body" tasked with handling the complaint. A complaint, in this context, refers to one or more allegations of sexual misconduct made by the individual who claims to have experienced such misconduct in their dealings with TUC. An admission of misconduct is also treated as a complaint. Complaints cannot be anonymous. The Ministry and Personnel Committee will take on the role of Responsible Body unless circumstances outlined below apply.

The Responsible Body changes according to the position of the Respondent in the Church. In the event the Responsible Body is not able to act for any reason, they must establish to whom to delegate this responsibility. The following are some situations where the Responsible Body may decide to delegate its authority to receive and handle complaints:

- If an individual in the Responsible Body is a Complainant, if there is no bias and/or apprehension bias, the complaint may be received by another individual in the Responsible Body.
- Alternatively, the Responsible Body may decide to delegate their responsibility to the individual or body that it is accountable to. For example, if the Responsible Body is the Ministry and Personnel Committee, the complaint will be received by the governing body (TUC Council) because the Ministry and Personnel Committee is accountable to them.
- If a Responsible Body does not have the expertise and/or resources to handle a complaint, they are encouraged to delegate their responsibility to an appropriate body. For example, a community of faith (TUC) may want to collaborate with or even delegate their responsibility to receive and handle a complaint to the Executive Minister of the regional council, who may be in a better position to handle the complaint.

See Appendix A for a list of "Responsible Bodies"

Awareness Training

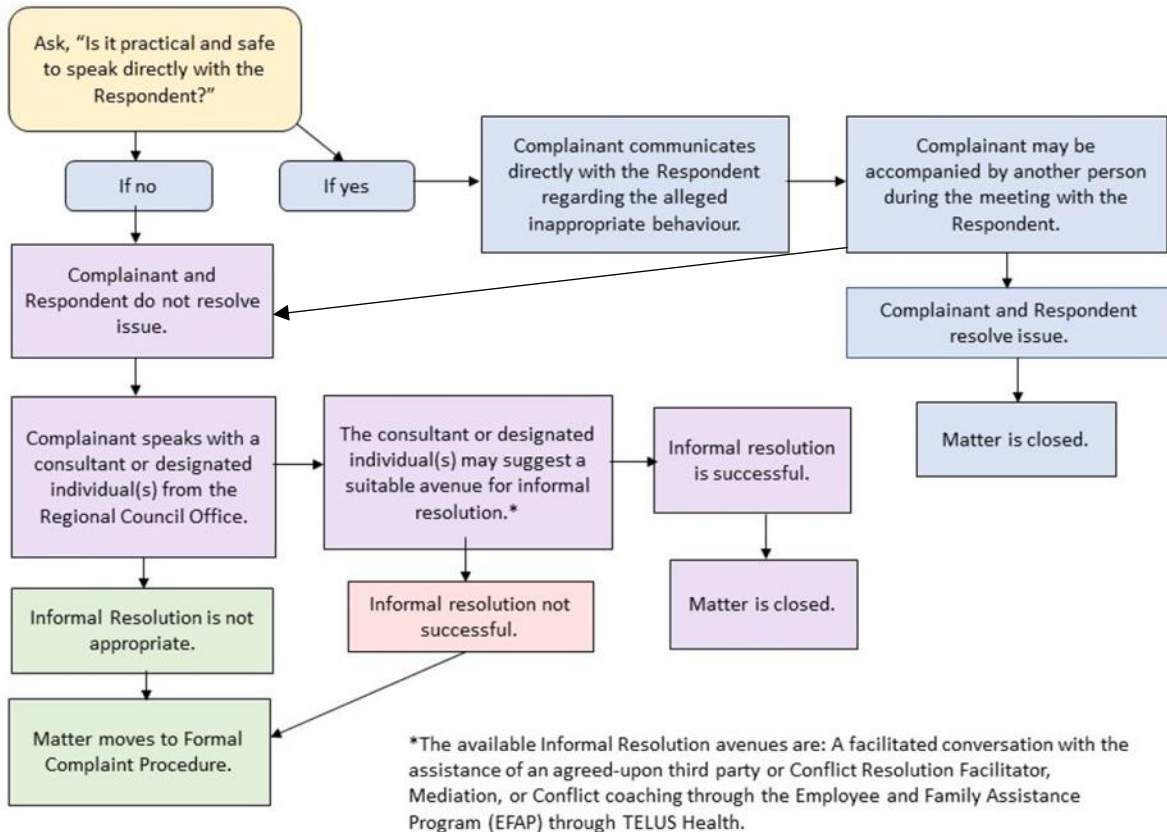
All staff and volunteers who might be members of a Responsible Body, including Council and the Ministry and Personnel Committee, must review this Policy annually and confirm in writing the date of such a review and acknowledgement of understanding their responsibilities. Other volunteers will also be encouraged to review this Policy.

Resolution Process

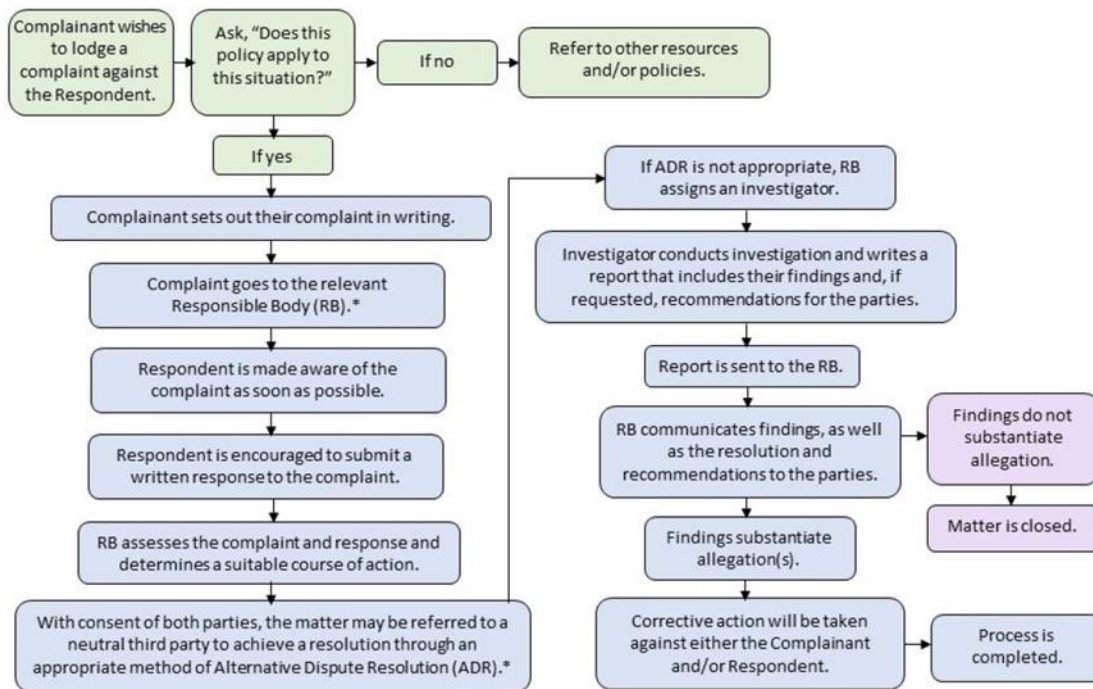
Source: Appendix C of Sexual Misconduct Response Policy and Procedures, UCC, October 2023

In the event of a complaint, there are two avenues to resolution, Informal and Formal. Both are outlined below for reference.

Informal Resolution Process



Formal Resolution Process



*See **Responsible Bodies** (Appendix A).

*If both Complainant and Respondent are employees, counselling and support are available through Employee and Family Assistance Program (EFAP). If any party does not have access to EFAP, pastoral care is available upon request.

*Applicable ADR methods include Mediation, No Blame Conciliatory Meeting, and Facilitated Conversation.

Further information regarding the process to be followed can be found in the UCC Sexual Misconduct Response Policy and Procedures. *See Appendix B for the Table of Contents.*

Cases Involving Children

Children and youth are welcome to be active participants in worship at Thornhill United Church. TUC also provides specific programs for children and youth.

Reporting Requirements for Complaints of Misconduct Toward a Child

When a complaint of sexual or physical misconduct toward a child designated by provincial or territorial law as a minor is disclosed, or where there are reasonable grounds to suspect misconduct, the person to whom the disclosure is made or who suspects such misconduct shall immediately report the suspicion and the information on which it is based to the authority or agency as defined in provincial or territorial laws in the jurisdiction in which the misconduct is alleged to have occurred.

These procedures also apply in cases where time has elapsed and the individual who is the subject of the misconduct has reached the age of an adult. The person reporting is encouraged to record the details of the disclosure or the reasonable grounds of suspicion and relevant dates and times.

The person reporting is to keep the information confidential, except as required by law. The authority or agency to which suspected sexual or physical misconduct toward a minor is reported has the responsibility of investigating the suspected misconduct (or delegating this responsibility, as discussed above under Community of Faith Responsibilities). In order that such investigation is not hindered, no representative of The United Church of Canada will question the alleged victim, the alleged perpetrator, or any potential witness concerning the investigation while the investigation by the provincial or territorial agency, authority, and/or police is being undertaken or until such time as those authorities indicate such questioning may proceed.

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

APPENDICES

Appendix A: Responsible Bodies

Source: United Church of Canada Sexual Misconduct Response Policy and Procedures 2023

Which Responsible Body receives the complaint?	The Responsible Body is determined by the position of the Respondent in the Church
Community of Faith	Respondent is a United Church of Canada member, adherent, lay employee, congregational designated minister, licensed lay worship leader, or volunteer of a community of faith.
Office of Vocation	Respondent is a United Church minister (ordained, diaconal, and/or designated lay minister) or Candidate.
Executive Minister of the Regional Council	Respondent is the chair of the M&P Committee and/or council/board of a community of faith, a volunteer, or any person accountable to that regional council.
Director of Human Resources and Payroll	Respondent is a staff member of a regional council or the General Council Office.
Executive Officer of Shared Services	Respondent is the Director of Human Resources and Payroll Services, or an Executive Minister.
General Secretary	Respondent is the Moderator
General Secretary Supervision Committee	Respondent is the General Secretary

NB: A Responsible Body may delegate its authority in the event it is unable or unwilling to act, to another appropriate Responsible Body. For example, a community of faith can delegate its responsibility to a regional council.

Appendix B: Table of Contents from UCC Sexual Misconduct Response Policy and Procedures October 2023

I. Theological Statement	4
II. Purpose of This Policy	4
III. Two Criteria Must Be Met for This Policy to Apply	4
IV. Those Who Can Lodge a Complaint	5
V. This Policy is Required by Law	5
VI. Options for Making a Complaint Outside this Policy	6
VII. Individuals Shall Not Fear Retaliation from the Church	6
VIII. Definitions Related to Sexual Misconduct	7
IX. Definitions for Procedures to Respond to Complaints	9
X. Cases Involving Children	11
A. Procedures to Respond to Complaints: Lay People	12
B. Procedures to Respond to Complaints: Ministry Personnel	17
C. Procedures to Respond to Complaints: Regional and General Council Offices	17
XI. This Policy Applies to International Complaints	20
XII. Procedures for Indigenous Communities	22
XIII. Restoration of Relationship: Communities of Faith	22
XIV. Notes to the Policy	23
Appendices	24
Appendix A: Responsible Bodies	24
Appendix B: Sexual Harassment Definitions	25
Appendix C: Informal Resolution Process	27
Appendix D: Formal Resolution Process	28
Appendix E: Complaint Form	29
Appendix F: Administrative Leave	31
Appendix G: Role of Consultants	32
Appendix H: Role of Pastoral Care	33
Appendix I: Checklist for Receiving a Complaint of Sexual Misconduct	34
Appendix J: List of Policy Revisions	35

Appendix C: Complaint Form

Source *United Church of Canada Sexual Misconduct Response Policy and Procedures October 2023*

Complainant Information

Name: _____ Phone Number: _____

Location of incident: _____ Email: _____

Supervisor's Name (if applicable): _____

Details of Complaint

Name(s) of person(s) against whom this complaint is made:

Date(s) of incident(s):

Please describe the conduct, comments, or situation. Include the date, location, and any other relevant information. In cases of multiple incidents, please identify the time period over which these incidents occurred.

Please list any documents that may be relevant to your complaint, including documents, notes, e-mails and/or other records.

Please describe the resolution that you are seeking.

Witness Information

Please list the names of possible witnesses.

Name	Position	Contact Phone Number

Declaration

I confirm the statement(s) contained in this complaint are true to the best of my knowledge. I understand a copy of this complaint will be provided to the Respondent for the purpose of investigating this complaint.

Signature: _____ Date (dd/mm/yyyy): _____