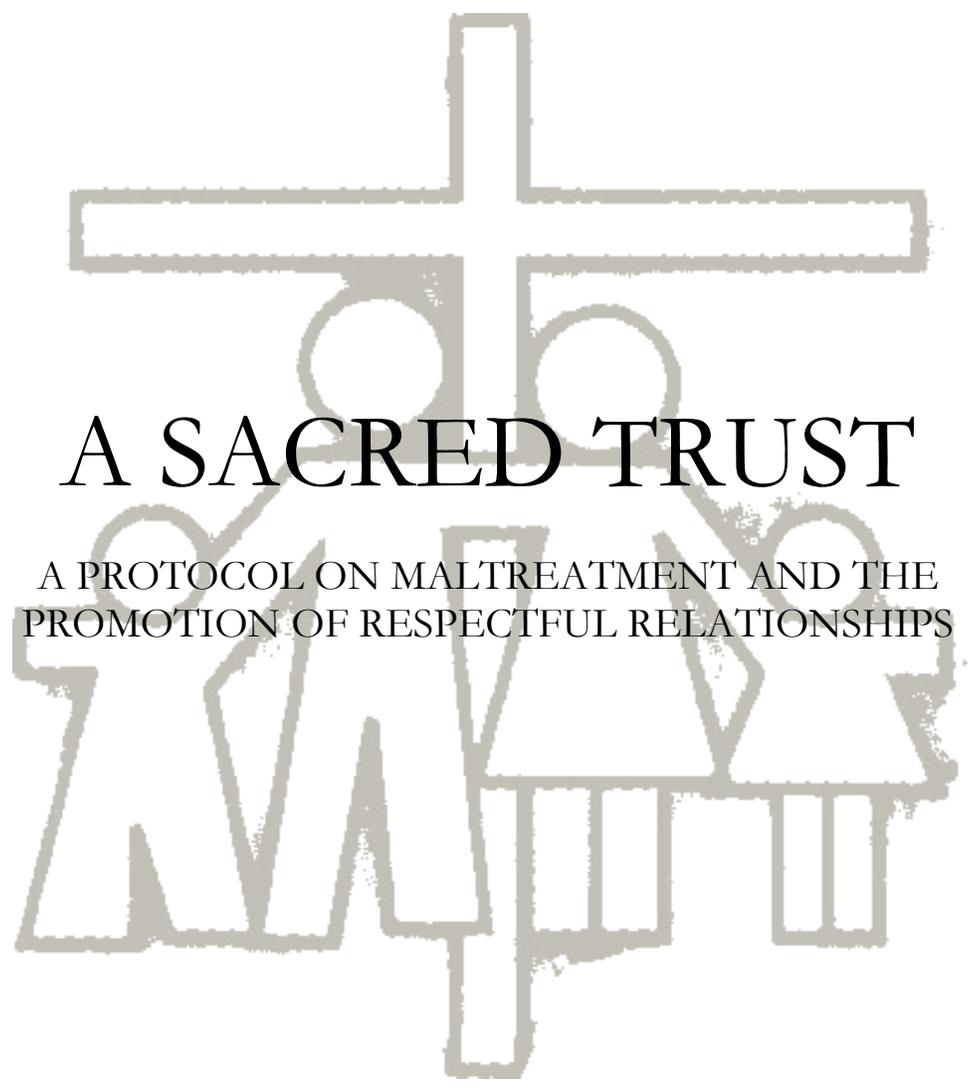


DIOCESE OF EASTERN NEWFOUNDLAND AND LABRADOR



A SACRED TRUST

A PROTOCOL ON MALTREATMENT AND THE
PROMOTION OF RESPECTFUL RELATIONSHIPS

NOVEMBER 2018

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INTRODUCTION

OVERVIEW

1. The Diocese of Eastern Newfoundland and Labrador (“the Diocese”) is committed to ensuring that our church is a safe and holy place for all people. Our Baptismal Covenant states that we are to seek and serve Christ in all persons, loving our neighbour as ourselves (*Book of Alternative Services*, p. 159). It is our solemn responsibility, therefore, to be actively involved in seeking the welfare of all members of our community and especially those who are vulnerable through age, infirmity or pastoral circumstances. This is a sacred trust which must be responsibly and safely managed.
2. This document, *A Sacred Trust: A Protocol on Maltreatment and the Promotion of Respectful Relationships* (“*A Sacred Trust*”), has been developed with a twofold purpose:
 - a. To prevent maltreatment and promote respectful relationships within the Diocese through education and screening of all clergy, employees, and volunteers.
 - b. To respond to allegations of maltreatment within the Church and support all parties through this process.
3. Acceptance of *A Sacred Trust* and adherence to its provisions is a mandatory and vital component of the life and work of all clergy, employees and volunteers of Synod office, parishes, and other diocesan ministries and activities.

ROLES AND RESPONSIBILITIES

4. The Bishop of Eastern Newfoundland and Labrador (“the Bishop”) is responsible for over-seeing the administration and application of *A Sacred Trust*, as well as making provision for an audit process verifying compliance with *A Sacred Trust* throughout the Diocese on a regular basis.
5. The Metropolitan of the Ecclesiastical Province of Canada will assume the responsibilities of the Bishop in the administration of *A Sacred Trust* where the Bishop is the subject of an allegation of maltreatment.
6. The Diocesan Executive Officer is responsible for the administration and application of *A Sacred Trust* with respect to diocesan ministries and activities.
7. The incumbent of a parish is responsible for the administration and application of *A Sacred Trust* with respect to parish ministries and activities.
8. The Advisory Committee on Maltreatment and the Promotion of Respectful Relations (“the Advisory Committee”) shall consist of four to six persons appointed by the Bishop and should include individuals with experience and/or training in the area of

maltreatment. The Advisory Committee is responsible for advising and/or assisting the Bishop with respect to the application of *A Sacred Trust*.

9. The Bishop will designate a person who will be responsible for working with the media regarding allegations of maltreatment within the Diocese.

WHAT CONSTITUTES MALTREATMENT?

10. For the purposes of *A Sacred Trust*, the term “maltreatment” includes any physical, sexual or emotional abuse, harassment or exploitation by a cleric, employee or volunteer towards another person – adult or child, ordained or lay – in the context of their role within the Diocese.
11. The World Health Organization further defines “child maltreatment” – sometimes referred to as “child abuse and neglect” – to include all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child’s health, development or dignity. This includes the production, possession and/or distribution of child pornography.
12. With respect to children under, or apparently under, the age of 16, within the Diocese we are legally bound, under the *Children and Youth Care and Protection Act [2010]*, by a duty to immediately report when we have information that a child is, or may be, in need of protective intervention. This duty to report is fulfilled only by reporting the incident/allegation to Child, Youth and Family Services, the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police.
13. For the purposes of *A Sacred Trust*, the term “children” refers to those under 16 years of age, the term “youth” refers to those 16 years of age but younger than 18 years of age, and the term “adult” refers to those 18 years of age and older.
14. Under Section 12(1) of the *Adult Protection Act [2011]* we also have a duty to immediately report when we reasonably believe that an adult may be an adult in need of protective intervention. This duty to report is fulfilled only when we provide that information, together with the name and address of the adult, if known, to the Department of Health and Community Services, a social worker or a peace officer.
15. Section 5 of this legislation defines an “adult in need of protective intervention” as an adult who lacks capacity and who is incapable of caring for themselves, or who refuses, delays or is unable to make provision for adequate care and attention for themselves; or who is abused or neglected.
16. Section 2(a) of this legislation defines “abuse” as the deliberate mistreatment of an adult who lacks the capacity to protect themselves that causes or is reasonably likely, within a short period of time, to cause the adult serious physical, psychological or emotional

harm, or substantial damage to, or loss of, assets and includes intimidation, humiliation and sexual assault.

17. Section 2(k) of this legislation defines “neglect” as the failure to provide care, assistance, guidance or attention to an adult who lacks capacity that causes, or is reasonably likely, within a short period of time, to cause the adult serious physical, psychological or emotional harm or substantial damage to, or substantial loss of, assets.

PREVENTION

EDUCATION AND SCREENING

18. All ministries and activities within the Diocese must be subjected to a risk assessment (see Risk Assessment Checklist at Annex A). This is the responsibility of Synod Office for all diocesan ministries and activities, and the incumbent of a parish for all ministries and activities within a parish.
19. All stipendiary clergy and employees, as a condition of employment, as well as all non-stipendiary clergy and volunteers eighteen years of age and older, holding positions identified as involving risk, as a condition of voluntary service, must then:
- a. receive and read a copy of, and participate in an orientation to *A Sacred Trust*;
 - b. agree in writing to comply with *A Sacred Trust* (Annex C); and
 - c. apply for a ‘Certificate of Conduct’ and a ‘Vulnerable Sectors Check’.
20. Synod Office will initiate the process above for all stipendiary clergy, diocesan employees and diocesan volunteers. Parish incumbents will initiate the process above for parish employees and volunteers, as well as non-stipendiary clergy engaged in parish ministry.
21. Certificates of Conduct/Vulnerable Sector Checks will be processed according to the following guidelines:
- a. Stipendiary clergy, as well as all laypersons employed within the Diocese, are required to make application for a Certificate of Conduct/Vulnerable Sector Check.
 - b. Synod office will initiate the application process for diocesan volunteers, as well as for clergy who are licenced in the Diocese but not serving within a parish (Annex B).
 - c. The incumbent of a parish will initiate the application process for non-stipendiary clergy serving in the parish, as well as for parish volunteers (Annex B).
 - d. Original copies of Certificates of Conduct/Vulnerable Sector Checks for clergy (both stipendiary and non-stipendiary), diocesan employees and diocesan volunteers will be

received and held at Synod office, and a copy will be provided to the applicant upon request.

- e. Original copies of Certificates of Conduct/Vulnerable Sector Checks for parish employees and volunteers will be received and held at the parish office. A photocopy may be held on file, but it must be annotated with the date the original copy was viewed and signed by the incumbent.
 - f. A copy of Certificates of Conduct/Vulnerable Sector Checks for non-stipendiary clergy volunteering in a parish may be held at the parish office in addition to the original held at Synod Office.
 - g. If an offense is identified, the individual may still be accepted into a position provided the offense is not related to the tasks of the position.
 - h. Certificates shall be renewed every five (5) years or as circumstances dictate.
 - i. It should be noted that these documents are confidential and must be stored in a locked cabinet. All certificates/checks and other documentation necessitated by this protocol are confidential and must be stored in a locked cabinet and held on file, in a manner that it is readily accessible, for a period of not less than fifty (50) years.
22. All leaders 18 years of age and older, who volunteer with the C.L.B., are in compliance with the requirements of *A Sacred Trust* through the “Put the Child First” policy and process.

GUIDELINES FOR APPROPRIATE BEHAVIOUR WITH CHILDREN AND YOUTH

23. The following guidelines are offered to help those who minister to children and youth within the Diocese decide upon appropriate behaviour, both for the protection of leaders as well as children and youth:
- a. Always inform parents or guardians where their children are and for what purpose when they are within your care.
 - b. When taking a group of children or youth on an outing ensure that more than one adult accompanies and stays with the group.
 - c. Participation of children or youth in any off-premises church-sponsored programs or events must be explicitly authorized by signed parental consent.
 - d. Choose carefully when selecting times and places to meet youth on an individual basis (e.g., office hours; in your home or theirs with someone else within easy contact). Under no circumstances are you to be alone with a child.

- e. Physical contact may be initiated by children and youth; however, there is a distinct difference between an appropriate touch and one with sexual overtones.
- f. Some touching is **never** appropriate with children and youth (e.g., kissing on the lips; touching buttocks, genitals, breasts; rolling on the floor; etc.).
- g. Verbal abuse is damaging. Use words which are respectful of children even when there is need to speak firmly.
- h. Some adults do have sexual fantasies about children. If you do, discuss your concerns with a trusted and competent counsellor. **Do not** act out these fantasies with children.

RESPONSE TO ALLEGATIONS

GENERAL PROCEDURES

- 24. First and foremost, in response to an allegation of maltreatment, any legislated duty to report will be immediately fulfilled.
- 25. Caution must be taken not to interfere with any investigation which may be undertaken by Child, Youth and Family Services or the police. The investigating authorities shall be notified before contact by the Bishop, Advisory Committee or any other Diocesan personnel is initiated.
- 26. The “secrecy” with which a confession of sin is traditionally treated by the confessor (‘The Reconciliation of a Penitent’, *Book of Alternative Services*, p. 166) **shall not** be offered when the subject of the confession involves the maltreatment of a child actually or apparently under the age of sixteen, or the maltreatment of an adult who lacks the capacity to protect themselves. Any legislated Duty to Report applies. Nonetheless, with the understanding that the maltreatment will be reported, if the penitent still desires the sacrament, absolution is not to be denied by the confessor.

SPECIFIC PROCEDURES

- 27. After all statutory requirements are met, the following procedures shall be followed:
 - a. Allegations of maltreatment within a parish shall be referred immediately to the Bishop through the parish incumbent.
 - b. Allegations of maltreatment within a diocesan ministry shall be referred immediately to the Bishop through the Diocesan Executive Officer.
 - c. The Bishop may consult the Advisory Committee when an allegation is received.

- d. In the case of a cleric in receipt of a stipend, or other employee of the Church, during an investigation, the person who is the subject of the allegation will be placed on leave of absence with pay. This leave is without prejudice and does not imply the guilt or innocence of the person under investigation.
- e. In the case of a person who is not employed by the Church but who holds a licence from the Bishop, there will be a suspension of the licence during the investigation. This suspension is without prejudice and does not imply the guilt or innocence of the person under investigation.
- f. In the case of a volunteer, if there is an investigation, the person who is the subject of the allegation shall be placed on leave of absence from such parish or diocesan activity. This leave of absence is without prejudice and does not imply the guilt or innocence of the person under investigation.
- g. When directed to do so by the Bishop, the Advisory Committee shall offer to provide or arrange support for the alleged victim, the complainant, the alleged perpetrator and their family members.
- h. Upon request, the Bishop and, where appropriate, a member or members of the Advisory Committee, may meet with the Churchwardens, Vestry and/or the parish in which the alleged maltreatment took place.
- i. If the investigation is inconclusive or the alleged perpetrator is not charged, the Bishop and the Advisory Committee may consult on a wider basis about what action, if any, should be taken.
- j. Upon request, the Bishop, with the assistance of the Advisory Committee, shall assist the congregation to address their concerns and facilitate healing.

DISCIPLINE

28. The Bishop is responsible for:

- a. determining whether disciplinary action is required when a complaint of maltreatment is admitted or substantiated, or an individual is convicted of an offense; and
- b. ensuring that disciplinary action taken is commensurate to the act(s) of maltreatment.

29. Pursuant to *General Synod Canon XVIII*, discipline of clergy may include: caution; reprimand; censure with probation or rehabilitation, or both; suspension with or without terms; dismissal from employment; or, removal from a non-stipendiary position.

30. Discipline of employees may include: a verbal warning; reprimand in writing; suspension; or, dismissal from employment.
31. Discipline of volunteers may include: a verbal warning; reprimand in writing; removal from volunteer position; or, in the case of an individual holding a licence from the Bishop, removal of the licence.
32. When an investigation is not pursued or is discontinued, or an allegation is shown to be unfounded, the Bishop may:
 - a. publicly or privately exonerate the person accused;
 - b. reinstate the individual;
 - c. issue a letter of exoneration to be read from the pulpit by one of the Churchwardens at the main services of the day. (If an allegation has been more widespread than in a single parish, the letter may be read by one of the Churchwardens in each of the parishes); and
 - d. where an allegation has been reported in the media, forward a letter of exoneration to the media that reported the allegation.

REVIEW/REVISION OF *A SACRED TRUST*

A Sacred Trust will be reviewed – and necessary revisions made – by the Advisory Committee when there are changes to relevant provincial or federal legislation, when requested to do so by the Bishop or Diocesan Executive Committee, or at least every three years.

ANNEX A – RISK ASSESSMENT CHECKLIST

- Identify positions in parish or diocesan ministries
- Add positions not identified on the list
- Other than those positions already so designated (with an “X”), note and assess areas of potential risk
- Request a Certificate of Conduct/Vulnerable Sectors Check if risk has been identified

Ministry Position:	Working with Children:	Working with Youth:	Alone With Vulnerable Adults	Other Risk Factors
Camp Director/Staff	X	X		
Home Visitor			X	
Nursery Coordinator/Assistant	X	X		
Parish/Diocesan Clergy	X	X	X	
Server (Adult)	X	X		
Servers Guild Coordinator	X	X		
Sunday School Teacher/Helper	X	X		
Vacation Bible School Teacher/Helper	X	X		
Youth Band/Choir Leader	X	X		
Youth Leader	X	X		
Youth Pastor/Minister	X	X		
Archivist				
Audio-Visual Controller				
Band/Choir Leader				
Band/Choir Member				
Church Warden				
Committee Chair				
Committee Member				
Counting Team				
Deacon	X	X	X	
Diocesan Council Member				
Driver				
Eucharistic Assistant				
Greeter				
Honorary Assistant				
Lay Reader				
Music Director				
Office Administrator				
Office Volunteer				
Organist				

ANNEX B

**REQUEST FOR A CERTIFICATE OF CONDUCT/
VULNERABLE SECTOR CHECK/COURT RECORDS CHECK**

*Note: The following is the suggested text for a cover letter (on parish letterhead) which is to accompany a volunteer's application for a Certificate of Conduct, Vulnerable Sector Check and/ or Court Records Check in order to have the application fee waived. Please note that a Court Records Check **is required** by those who reside within the jurisdiction of the RCMP **prior to** applying for a Certificate of Conduct. The Court Records Check **is not** required by those who reside within the jurisdiction of the RNC. Copies of the above noted application forms may be obtained from the applicable agencies.*

(Date)

(RNC, RCMP, or Provincial Court of Newfoundland and Labrador – as applicable)

To Whom It May Concern,

This is to acknowledge that *(name of parish volunteer)* is applying to serve in a capacity within this parish in which he/she will be ministering to children, youth, or other vulnerable persons.

Please process his/her application for a Criminal Records Screening Certificate/Court Records Check and a Vulnerable Sector Check as a volunteer and forward said document(s) to the undersigned.

Thank you for your assistance in this matter.

Sincerely,

(Signature block of Incumbent)

ANNEX C

**AGREEMENT TO COMPLY WITH *A SACRED TRUST: A PROTOCOL ON
MALTREATMENT AND RESPECTFUL RELATIONSHIPS***

PARISH/ORGANIZATION:

COMMITTEE/MINISTRY/POSITION:

NAME:

DECLARATION:

I have read the document *A Sacred Trust: A Protocol on Maltreatment and the Promotion of Respectful Relationships* and agree to comply with this protocol.

I have received a copy of *A Sacred Trust: A Protocol on Maltreatment and the Promotion of Respectful Relationships* dated: _____.

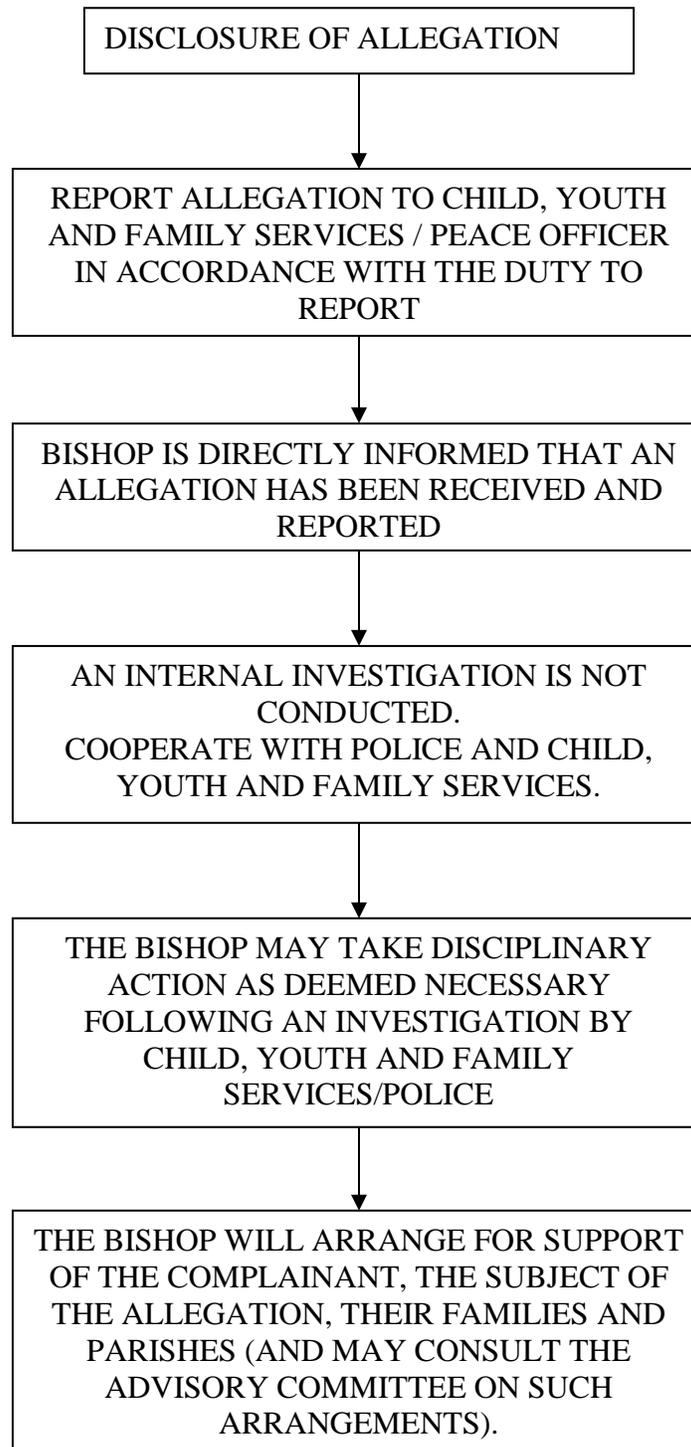
Signature

Date

Note: A copy of this document is to be held on file at Synod Office in the case of clergy or Diocesan employees and volunteers. A copy of this document is to be held on file at the parish in the case of parish employees and volunteers.

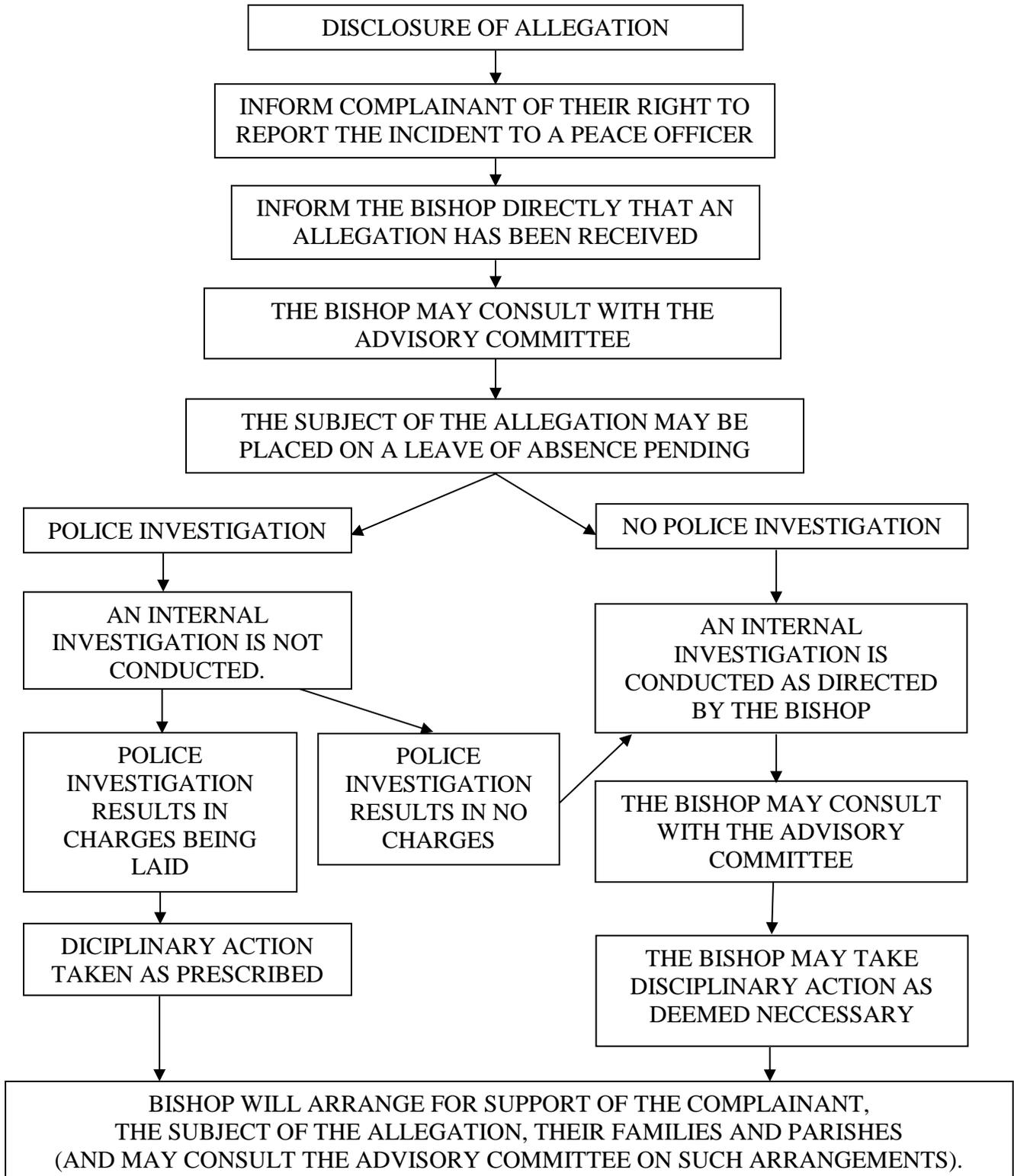
ANNEX D

**PROCEDURES FOR AN ALLEGATION INVOLVING
THE MALTREATMENT OF A CHILD**



ANNEX E

**PROCEDURES FOR AN ALLEGATION INVOLVING
THE MALTREATMENT OF A YOUTH OR ADULT**



ANNEX F

**PROCEDURES FOR AN ALLEGATION INVOLVING THE MALTREATMENT OF
AN ADULT IN NEED OF PROTECTIVE INTERVENTION**

