

**Anglican Church of Canada  
Ecclesiastical Province of Canada**

**Regulation Constitution -1: Provincial Safe Church**

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Ecclesiastical Province of Canada**

**Regulation Constitution -1: Provincial Safe Church**

Part 1: Purpose, Objectives, Application and Definitions

PURPOSE

- 1 The purpose of this Regulation is to promote the mission of the church by providing a safe working, learning and spiritual environment.

OBJECTIVES

- 2 The objectives of this Regulation are:
- a) **The prevention** of misconduct towards anyone including children, youth and vulnerable adults by applying effective processes to ensure the church is a safe place for all people including Clergy, lay-leaders, Provincial staff, and other volunteers;
  - b) **The protection** of all members of the church community from misconduct, particularly children, youth and vulnerable adults; and
  - c) **The legal protection** of the Ecclesiastical Province of Canada and its leadership.

APPLICATION

**Provincial**

- 3(1) This regulation applies to, but is not limited to, the Provincial Synod, including its officers and employees, members of the Provincial Council and its committees.
- 3(2) This regulation applies equally to the church community and other groups using church facilities and/or participating in church programs or events.
- 4(1) The Province of Canada shall adopt and comply with the processes, procedures and standards as set out in Schedule C of this Regulation.

- 4(2) Notwithstanding s. 4(1), the Province may modify the processes and procedures found in the model Diocesan Safe Church Regulation (Schedule C).
- 5 A Provincial Safe Church Regulation shall contain:
- a) Part 1: Purpose, Objectives, Application and Definitions;
  - b) Part 2: Administration, Information Management and Privacy Protection
  - c) Part 3: Risk Management;
- 6 The Province shall complete and maintain a risk assessment for each Diocesan and Parish program or ministry, and for each position within such program or ministry.
- 7(1) The components of Part 3 (Risk Management) as per s. 5, shall include:
- a) Risk identification and Assessment;
  - b) Program and Safety Standards;
  - c) Human Resources Standards;
  - d) Facilities Standards;
  - e) Transportations Standards.
- 7(2) The “Risk Identification and Assessment” as per s. 7(1)(a), shall include:
- a) Rate and/or measure the applicable risk factors, and;
  - b) Establish responses to mitigate or avoid the risk factor(s) commensurate with the level of assessed risk, as set out in The Risk Management Guide (included as a schedule in Schedule C)
- 7(3) The “Program and Safety Standards” as per s 7(1)(b), shall include:
- a) The supervision, support and evaluation of lay leaders and volunteers;
  - b) The maintenance and adherence to a program (ministries) list;
  - c) The two-adult standard;
  - d) The leader/participant ratio standard;
  - e) The off-site and overnight activities standard;
  - f) The first aid standard;
  - g) The minimum insurance standard;
  - h) The health and wellness standard;
  - i) The medical and accident incident reporting standard;
  - j) The allergies standard; and
  - k) The reportable diseases standard.
- 7(4) The “Human Resources Standards” as per s 7(1)(c), shall include:
- a) Job descriptions;
  - b) A recruitment process that includes position advertisement, reference checks, police records checks, interview criteria and selection criteria.

- c) A uniform and structured screening process of clerics who originate from outside the Diocese and who wish to serve God within the Diocese.

7(5) The “Facility Standards” as per s 7(1)(d), shall include:

- a) A facilities examination and audit;
- b) A facilities checklist;
- c) Safety standards;
- d) A washroom standards;
- e) Church facilities use standards;
- f) Off-site and overnight events standards;
- g) Billeting standards;
- h) Health and cleanliness standards;
- i) Food allergy standards, and;
- j) Building and structural standards.

7(6) The “Transportation Standards” as per s 7(1)(e), shall include:

- a) Driver qualifications, and;
- b) Vehicle requirements.

## **Diocesan**

8(1) The Province recommends that each Diocese of the Province of Canada adopts and complies with the standards as set out in Schedule C of this Regulation.

8(2) Notwithstanding s. 8(1), each Diocese of the Province may modify the processes and procedures found in the model Diocesan Safe Church Regulation (Schedule C).

9 The Province recommends A Diocesan Safe Church Regulation contains:

- a) Part 1: Purpose, Objectives, Application and Definitions;
- b) Part 2: Administration, Information Management and Privacy Protection
- c) Part 3: Risk Management;

10 The Province recommends that each Diocese completes and maintains a risk assessment for each Diocesan and Parish program or ministry, and for each position within such program or ministry.

11(1) The Province recommends that the components of Part 3 (Risk Management) as per s. 9, includes:

- a) Risk identification and Assessment;
- b) Program and Safety Standards;
- c) Human Resources Standards;
- d) Facilities Standards;

- e) Transportations Standards.
- 11(2) The Province recommends that the “Risk Identification and Assessment” as per s. 11(1)(a), includes:
- a) Rate and/or measure the applicable risk factors, and;
  - b) Establish responses to mitigate or avoid the risk factor(s) commensurate with the level of assessed risk, as set out in The Risk Management Guide (included as a schedule in Schedule C)
- 11(3) The Province recommends that the “Program and Safety Standards” as per s 11(1)(b), includes:
- a) The supervision, support and evaluation of lay leaders and volunteers;
  - b) The maintenance and adherence to a program (ministries) list;
  - c) The two-adult standard;
  - d) The leader/participant ratio standard;
  - e) The off-site and overnight activities standard;
  - f) The first aid standard;
  - g) The minimum insurance standard;
  - h) The health and wellness standard;
  - i) The medical and accident incident reporting standard;
  - j) The allergies standard; and
  - k) The reportable diseases standard.
- 11(4) The Province recommends that the “Human Resources Standards” as per s 11(1)(c), includes:
- a) Job descriptions;
  - b) A recruitment process that includes position advertisement, reference checks, police records checks, interview criteria and selection criteria.
  - c) A uniform and structured screening process of clerics who originate from outside the Diocese and who wish to serve God within the Diocese.
- 11(5) The Province recommends that the “Facility Standards” as per s 11(1)(d), includes:
- a) A facilities examination and audit;
  - b) A facilities checklist;
  - c) Safety standards;
  - d) A washroom standards;
  - e) Church facilities use standards;
  - f) Off-site and overnight events standards;
  - g) Billeting standards;
  - h) Health and cleanliness standards;
  - i) Food allergy standards, and;
  - j) Building and structural standards.

11(6) The Province recommends that the “Transportation Standards” as per s 11(1)(e), includes:

- a) Driver qualifications, and;
- b) Vehicle requirements.

## DEFINITIONS

12. In this Regulation:

“abuse” means misconduct involving physical or sexual assault, or economic, emotional, physical, or sexual misconduct of a child, youth or vulnerable adult;

“Bishop” means the person holding the office of Bishop of a Diocese within the Province;

“bullying” means repeated incidents of negative behaviours by one person towards another person or persons so as to cause physical, sexual, economic, social, emotional or psychological harm to that/those other person(s);

“child” means a person who is thirteen (13) years of age or younger;

“church” includes a chapel or any other place dedicated or consecrated as a place of worship;

“Church” means The Anglican Church of Canada;

“Church facility” means a church, hall or any other building within which a church program, event or activity is carried out;

“Church member” means a baptised Christian who is a member of the Diocese or of a parish;

“Church Warden” means a principal elected lay officer of a Parish Corporation;

“Cleric” means a Bishop, Priest, Transitional Deacon, or Vocational Deacon licensed in a Diocese of the Province;

“community” includes a Diocese and a parish;

“Constitution” means the Constitution of the Provincial Synod;

“Diocese” means a diocese of the Province as set out in Canon One;

“Provincial Council” means the Provincial Council constituted pursuant to the Constitution;

“Provincial Misconduct Officer” means the Provincial Misconduct Officer appointed under this Regulation;

“Provincial Privacy Officer” means the Provincial Privacy Officer appointed under this Regulation;

“Provincial Safe Church Officer” (DSCO) means the Provincial Safe Church Officer appointed by the Provincial Council under this Regulation;

“economic misconduct” means the breach of a position of trust wherein one person takes control of or materially affects another person’s or persons’ economic resources without prior consent;

“emotional misconduct” means an abuse of authority wherein one person behaves unacceptably in a manner which diminishes another person’s identity, personal dignity and/or self worth;

“exploitation” means misconduct that may incorporate harassment, assault or abuse. It focuses on the power of the perpetrator in relation to the vulnerability of the victim and refers to a breach of trust and/or the act of taking advantage of such vulnerability for one’s own gain;

“facility” means a church, hall, rectory, a meeting room, a lounge, a kitchen, or any other area of a building, including the entire building, and any other structure(s) or equipment that may be used for a church program;

“fiscal year” means the fiscal year of the Province, a Diocese, or another corporation referred to in this Regulation;

“formal complaint” means a complaint of misconduct that is not a minor complaint;

“General Synod” means the General Synod of the Church incorporated by Chapter 82 of the Statutes of Canada, 1921;

“harassment” means unwelcome comments, unacceptable behaviour, or other conduct which is known or ought reasonably to be known to be offensive, demeaning, humiliating, derogatory or otherwise disrespectful of another person. It is conduct that tends to interfere with an environment of understanding and mutual respect. It may be sexual or non-sexual in nature;

“Incumbent” means a member of the clergy who is appointed to the charge of a parish;

“internet communications” means any electronic communication that may use the world-wide web;

“Leader position” or “Leader” means a leadership role in a program, an activity or an event by a lay person or Cleric in which s/he has authority for the delivery of the program, activity or event and who is expected to have direct interaction with or oversight of children, youth or vulnerable adults.

“misconduct” means unacceptable behavior, abuse or maltreatment that includes physical or sexual assault, bullying, harassment and/or economic, emotional, physical or sexual misconduct, and for the purposes of this Regulation, includes any discriminatory practices described in the [Part 1 \(Proscribed Discrimination\)](#) of the Canadian Human Rights Act or the human rights legislation of a civil province with the Ecclesiastical Province of Canada;

“Parish” means a geographic area or a community of Church members committed to the pastoral care of a Rector or other minister, and may include a parish corporation;

“Parish Corporation” means a corporation established through legislation pertaining to each diocese of the Province;

“physical assault” means an assault of a physical nature, other than a sexual assault, that violates the physical integrity of the person who is assaulted. The following shall be considered when applying this definition and this regulation:

- a) An "assault" happens when:
  - a) One person applies force to another person or threatens to apply force;
  - b) Intentionally, and;
  - c) Without consent;

“physical misconduct” means unacceptable behaviour, including physical assault by one person that affects the bodily integrity and/or security of another person, other than sexual misconduct;

“program (ministry)” means a structured series of similar activities or events governed and run by the Provincial Synod or a Parish Corporation which spans a period of weeks or months and in which the level of risk is expected to remain constant; e.g., weekly worship services, weekly Church School, visitations, weekly youth meetings, operation of the Sunday morning nursery, an out-of-the-cold program;

“Province” means the Ecclesiastical Province of Canada;

“Provincial Synod” means the Synod of the Ecclesiastical Province of Canada;

“Rector” means the priest appointed to that position in a parish in a diocese of the Province;

“Religious Leader” means a Cleric and any other individual recognized by and acting on behalf of the organization and empowered to provide religious instruction and spiritual guidance to others;

“risk assessment” means the process by which the Synod or a Parish Corporation rates or measures risk factors under this Regulation;

“sexual assault” means an assault of a sexual nature that violates the sexual integrity of the person who is assaulted. The following shall be considered when applying this definition and this regulation:



- b) An "assault" happens when:
  - a) One person applies force to another person or threatens to apply force;
  - b) intentionally, and;
  - c) without consent.
  
- c) The assault will be "aggravated" if the person who is assaulted is wounded, maimed or disfigured or his or her life is endangered;
  
- d) In deciding if an assault is sexual, many factors may be considered including the part of the body touched or threatened to be touched, the situation in which it occurred, the words and gestures of the person alleged to have committed the assault and any words and gestures of the person alleged to have been assaulted;
  
- e) Gender is not relevant to a determination of whether a sexual assault has occurred;
  
- i) Sexual offences are described in Part V and Part VIII of the [Criminal Code of Canada](#) (R.S.C. 1985, c. C-46) and some of those offences are:
  - i) Aggravated sexual assault;
  - ii) Bestiality;
  - iii) Incest;
  - iv) Inviting a person under the age of fourteen (14) to touch for a sexual purpose;
  - v) Sexual assault;
  - vi) Sexual assault with a weapon or sexual assault causing bodily harm;
  - vii) Sexual exploitation which is sexual interference or invitation by a person in a position of trust or authority towards:
    - 1) A young person,
    - 2) A person in a relationship of dependency or,
    - 3) A person with a mental or physical disability; and
  - viii) Sexual interference which is sexual touching of a person under the age of fourteen (14).

Note: 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. counselor, Cleric, 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 twelve (12); under specific circumstances with peers for children age twelve to fourteen (12 – 14), and with young persons aged fourteen to eighteen (14 – 18), 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 or vulnerable children, adolescents and adults ([Criminal Code of Canada](#), R.S.C. 1985, c. C-46);

“sexual harassment” means behaviour of a sexual nature that is known or ought reasonably to be known to be unwanted or unwelcome, and includes:

- i) Any attempt to coerce an unwilling person into a sexual relationship, or to subject a person to persistent unwanted sexual attention, or to punish a refusal to comply, or to reward compliance.
- ii) Sexual harassment must be understood as an exploitation of a power relationship, rather than as an exclusively sexual issue.
- iii) Sexual harassment may involve a wide range of behaviours from verbal innuendo and subtle suggestions to overt demands and unwanted inappropriate physical contact of a sexual nature.
- iv) Sexual harassment includes action(s) which contribute to an environment that is "poisoned" by suggestive pictures or cartoons, and/or other offensive acts.
- v) Sexual harassment is prohibited by federal and provincial law;

“sexual misconduct” means any act of sexual harassment, sexual assault, sexual exploitation, sexual abuse or any other sexual activity or conduct (including but not limited to sexual intercourse) in which the leader or volunteer takes advantage of the vulnerability of a person under her or his pastoral care or other guidance or leadership. Such behaviour, whether it appears to be initiated by the leader or volunteer, or by the person under care or leadership, shall be deemed to be sexual misconduct.

“special event” means an occasional or one-time (non-recurring) event run by a community;

“Synod” means The Provincial Synod;

“Volunteer” or “Volunteer Helper” means a lay person who is involved in a program with children, youth or vulnerable adults but who is not a leader;

“vulnerable adult” means a person who is nineteen (19) years of age or older, and because of his or her age, disability or other circumstances, whether temporary or permanent, is in a position of dependence on others or is otherwise at a greater risk than those in the general population of being harmed by a person in a position of authority or trust relative to him or her;

“youth” means a person who is between fourteen (14) and eighteen (18) years of age, inclusive.

## Part 2: Administration, Information Management and Privacy Protection

### ADMINISTRATION

#### **Province of Canada**

- 1(1) The Provincial Council shall exercise the general oversight of this Regulation.
- 1(2) The Provincial Council shall appoint the Provincial Safe Church Officer (PSCO).
- 1(3) The Provincial Council shall provide training to all Leaders and Volunteers within the Province.
- 1(4) The Provincial Council shall provide a copy of the current Regulation, in a format fully accessible to the recipient, to each member of the Provincial Synod Office staff, to each member of the Provincial Council, and to each member of a committee, team or other subordinate entity, immediately upon commencement of her/his duties.
- 1(5) The Provincial Council shall review at least tri-annually this Regulation and the functions performed under it.

#### **Provincial Safe Church Officer**

- 4(1) The Provincial Council shall appoint a Provincial Safe Church Officer (“PSCO”).
- 4(2) The PSCO shall administer this Regulation, including:
  - a) The [Provincial Misconduct Policy](#), (Schedule A); and
  - b) The [Provincial Privacy Policy](#), (Schedule B );
- 4(3) The PSCO shall report to the Provincial Council;
- 4(4) The PSCO shall:
  - a) Evaluate annually the effectiveness of both the church programs and this Regulation, and;
  - b) Provide recommendations, if any, for improvement to church programs and this Regulation to the Provincial Council,
  - c) Prepare and submit an annual report to the Provincial Council by September 1<sup>st</sup>, which shall include any recommendations from paragraphs (a) and (b) above.
- 4(8) The PSCO shall ensure that the Province and each Diocese complies with the requirements of this Regulation respecting risk management, recruitment and training.

## **Leaders and Volunteers of Programs and/or Ministries**

- 5(1) Each Leader and Volunteer shall understand this Regulation and adhere to it with integrity and consistency.

### **Provincial Misconduct Officer**

- 6(1) The Provincial Council shall appoint the Provincial Misconduct Officer under the [Provincial Misconduct Policy](#) (Schedule A).
- 6(2) The Provincial Misconduct Officer shall carry out the functions of that office under the [Provincial Misconduct Policy](#) (Schedule A).
- 6(3) The term of office of The Provincial Misconduct Officer shall be five (5) years and s/he is eligible for reappointment.

### **Provincial Privacy Officer**

- 7(1) The Provincial Council shall appoint the Provincial Privacy Officer under the [Provincial Privacy Policy](#) (Schedule B).
- 7(2) The Provincial Privacy Officer shall carry out the functions of that office under the [Provincial Privacy Policy](#) (Schedule B).
- 7(3) The term of office of The Provincial Privacy Officer shall be five (5) years and s/he is eligible for reappointment.

### **Contacts**

- 8(1) *The Provincial Misconduct Officer*
- MARGARET JENNIEX, PROLOCUTOR

- 8(2) *The Provincial Privacy Officer*
- MARGARET JENNIEX, PROLOCUTOR

## INFORMATION MANAGEMENT

### Communications

- 9(1) The PSCO shall develop and maintain a *Provincial Guideline on Effective Communication to Promote Safe Church Practices and Principles* within the diocese and to the public.
- 9(2) The guideline referred to in s. 9(1) above shall be in accordance with this Regulation, and in particular the [Provincial Privacy Policy](#) (Schedule B) and the [Provincial Misconduct Policy](#) (Schedule A).

### Internet Communications

- 10(1) All internet communications shall be limited to general content involving program scope, schedule, and cost, and other relevant communications only of a non-personal nature.
- 10(2) A Cleric, employee, Lay Leader or Volunteer shall not complete, or be involved with, or participate in any form of inappropriate on-line internet communication of a personal nature with a child, youth or vulnerable adult.

### Records Management

- 11(1) All personal and personnel records related to employee and volunteer positions, including all forms produced under this Regulation, shall be managed in accordance with the [Provincial Privacy Policy](#) (Schedule B)
- 11(2) All records produced under this Regulation shall be managed consistent with the Record Management Functions in accordance with [Canon Five](#).
- 11(3) No document or record produced by this Regulation shall be destroyed without the prior and written, unanimous consent of the Provincial Misconduct Officer, the Provincial Privacy Officer and the Provincial Chancellor.
- 11(4) The Province shall, in accordance Provincial Archives Policy and the [Provincial Privacy Policy](#) (Schedule B), retain in a central, secure and confidential place all documents created or received under this Regulation for a minimum of thirty-five (35) years.
- 11(5) All internet communications created or received under this Regulation shall be retained in a central, secure and confidential place for a minimum of thirty-five (35) years.
- 11(6) At the conclusion of the time limit specified in s. 11(4) hereof, the Province shall transfer the record(s) to the Provincial Archivist in accordance with [the](#) Provincial Archives Policy.

## **Confidentiality**

- 12(1) All information, proceedings, and documents collected and/or achieved under this Regulation shall be public.
- 12(2) Notwithstanding s. 12(1), the Provincial Misconduct Officer, the Provincial Privacy Officer and The Provincial Chancellor may unanimously require that specific information, proceedings and/or documents produced by this Regulation be held in private and not be disclosed to the public.

## **PRIVACY PROTECTION**

- 13 The Province shall manage records under this Regulation in accordance with the Provincial Archives Policy and the [Provincial Privacy Policy](#) (Schedule B).

# **Anglican Church of Canada**

Ecclesiastical Province of Canada

## **Regulation Constitution -1: Provincial Safe Church**

### Schedule A – The Provincial Misconduct Policy

#### Purpose

- 1 The purpose of this Policy is to protect all members of the church community and, in particular, children, youth, and vulnerable adults from misconduct.

#### Application

- 2(1) This regulation applies to, but is not limited to, the Provincial Synod, including its officers and employees, members of the Provincial Council and its committees.
- 2(2) This regulation applies equally to the church community and other groups using church facilities and/or participating in church programs or events.

#### Definitions

3. In this Regulation:

“abuse” means misconduct involving physical or sexual assault, or economic, emotional, physical, or sexual misconduct of a child, youth or vulnerable adult;

“Bishop” means the person holding the office of Bishop of a Diocese within the Province;

“bullying” means repeated incidents of negative behaviours by one person towards another person or persons so as to cause physical, sexual, economic, social, emotional or psychological harm to that/those other person(s);

“child” means a person who is thirteen (13) years of age or younger;

“church” includes a chapel or any other place dedicated or consecrated as a place of worship;

“Church” means The Anglican Church of Canada;

“Church facility” means a church, hall or any other building within which a church program, event or activity is carried out;

“Church member” means a baptised Christian who is a member of The Province, a diocese in the Province or of a parish;

“Cleric” means a Bishop, Priest, Transitional Deacon, or Vocational Deacon licensed in a Diocese of the Province;

“Committee”; means The Provincial Misconduct Committee appointed under this Policy;

“community” includes a Diocese and a parish;

“Constitution” means the Constitution of the Provincial Synod;

“Diocese” means a diocese of the Province as set out in Canon One;

“Provincial Council” means the Provincial Council constituted pursuant to the Constitution;

“Provincial Misconduct Officer” means the Provincial Misconduct Officer appointed under the Provincial Safe Church Regulation;

“economic misconduct” means the breach of a position of trust wherein one person takes control of or materially affects another person’s or persons’ economic resources without prior consent;

“emotional misconduct” means an abuse of authority wherein one person behaves unacceptably in a manner which diminishes another person’s identity, personal dignity and/or self worth;

“exploitation” means misconduct that may incorporate harassment, assault or abuse. It focuses on the power of the perpetrator in relation to the vulnerability of the victim and refers to a breach of trust and/or the act of taking advantage of such vulnerability for one's own gain;

“facility” means a church, hall, rectory, a meeting room, a lounge, a kitchen, or any other area of a building, including the entire building, and any other structure(s) or equipment that may be used for a church program;

“fiscal year” means the fiscal year of the Province, a Diocese, or another corporation referred to in this Regulation;

“formal complaint” means a complaint of misconduct that is not a minor complaint;

“General Synod” means the General Synod of the Church incorporated by Chapter 82 of the Statutes of Canada, 1921;

“harassment” means unwelcome comments, unacceptable behaviour, or other conduct which is known or ought reasonably to be known to be offensive, demeaning, humiliating, derogatory or



otherwise disrespectful of another person. It is conduct that tends to interfere with an environment of understanding and mutual respect. It may be sexual or non-sexual in nature;

“Incumbent” means a member of the clergy who is appointed to the charge of a parish;

“internet communications” means any electronic communication that may use the world-wide web;

“Leader position” or “Leader” means a leadership role in a program, an activity or an event by a lay person or Cleric in which s/he has authority for the delivery of the program, activity or event and who is expected to have direct interaction with or oversight of children, youth or vulnerable adults.

“misconduct” means unacceptable behavior, abuse or maltreatment that includes physical or sexual assault, bullying, harassment and/or economic, emotional, physical or sexual misconduct, and for the purposes of this Regulation, includes any discriminatory practices described in the [Part 1 \(Proscribed Discrimination\)](#) of the Canadian Human Rights Act or the human rights legislation of a civil province with the Ecclesiastical Province of Canada;

“Parish” means a geographic area or a community of Church members committed to the pastoral care of a Rector or other minister;

“Parish Corporation” means a corporation established by diocesan legislation within the Province;

"physical assault" means an assault of a physical nature, other than a sexual assault, that violates the physical integrity of the person who is assaulted. An "assault" occurs when the following four conditions are met:

- a) One person applies force to another person or threatens to apply force;
- b) It is intentional;
- c) It may or may not result in physical harm;
- d) The physical contact is without consent;

"physical misconduct" means unacceptable behaviour by one person, including physical assault, that affects the bodily integrity and/or security of another person, other than sexual misconduct;

“program (ministry)” means a structured series of similar activities or events governed and run by the Provincial Synod or a Parish Corporation which spans a period of weeks or months and in which the level of risk is expected to remain constant; e.g., weekly worship services, weekly Church School, visitations, weekly youth meetings, operation of the Sunday morning nursery, an out-of-the-cold program;

“Province” means the Ecclesiastical Province of Canada;

“Provincial Synod” means the Synod of the Ecclesiastical Province of Canada;

“Rector” means the priest appointed to that position in a parish in a diocese of the Province;

“Religious Leader” means a Cleric and any other individual recognized by and acting on behalf of the organization and empowered to provide religious instruction and spiritual guidance to others;

“sexual assault” means an assault of a sexual nature that violates the sexual integrity of the person who is assaulted. The following shall be considered when applying this definition and this regulation:

- a) An "assault" happens when:
  - i) One person applies force to another person or threatens to apply force;
  - ii) intentionally, and;
  - iii) without consent.
- b) The assault will be "aggravated" if the person who is assaulted is wounded, maimed or disfigured or his or her life is endangered;
- c) In deciding if an assault is sexual, many factors may be considered including the part of the body touched or threatened to be touched, the situation in which it occurred, the words and gestures of the person alleged to have committed the assault and any words and gestures of the person alleged to have been assaulted;
- d) Gender is not relevant to a determination of whether a sexual assault has occurred;
- e) Sexual offences are described in Part V and Part VIII of the [Criminal Code of Canada](#) (R.S.C. 1985, c. C-46) and some of those offences are:
  - i) Aggravated sexual assault;
  - ii) Bestiality;
  - iii) Incest;
  - iv) Inviting a person under the age of fourteen (14) to touch for a sexual purpose;
  - v) Sexual assault;
  - vi) Sexual assault with a weapon or sexual assault causing bodily harm;
  - vii) Sexual exploitation which is sexual interference or invitation by a person in a position of trust or authority towards:
    - 1) A young person,
    - 2) A person in a relationship of dependency or,
    - 3) A person with a mental or physical disability; and
  - viii) Sexual interference which is sexual touching of a person under the age of fourteen (14).

Note: 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. counselor, Cleric, 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 twelve (12); under specific circumstances with peers for children age twelve to fourteen (12 – 14), and with young persons aged fourteen to eighteen (14 – 18), 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 or vulnerable children, adolescents and adults ([Criminal Code of Canada](#), R.S.C. 1985, c. C-46);

“sexual harassment” means behaviour of a sexual nature that is known or ought reasonably to be known to be unwanted or unwelcome, and includes:

- a) Any attempt to coerce an unwilling person into a sexual relationship, or to subject a person to persistent unwanted sexual attention, or to punish a refusal to comply, or to reward compliance.
- b) Sexual harassment must be understood as an exploitation of a power relationship, rather than as an exclusively sexual issue.
- c) Sexual harassment may involve a wide range of behaviours from verbal innuendo and subtle suggestions to overt demands and unwanted inappropriate physical contact of a sexual nature.
- d) Sexual harassment includes action(s) which contribute to an environment that is "poisoned" by suggestive pictures or cartoons, and/or other offensive acts.
- e) Sexual harassment is prohibited by federal and provincial law;

“sexual misconduct” means any act of sexual harassment, sexual assault, sexual exploitation, sexual abuse or any other sexual activity or conduct (including but not limited to sexual intercourse) in which the leader or volunteer takes advantage of the vulnerability of a person under her or his pastoral care or other guidance or leadership. Such behaviour, whether it appears to be initiated by the leader or volunteer, or by the person under care or leadership, shall be deemed to be sexual misconduct.

“Synod” means The Provincial Synod;

“Volunteer” or “Volunteer Helper” means a lay person who is involved in a program with children, youth or vulnerable adults but who is not a leader;

“vulnerable adult” means a person who is nineteen (19) years of age or older, and because of his or her age, disability or other circumstances, whether temporary or permanent, is in a position of dependence on others or is otherwise at a greater risk than those in the general population of being harmed by a person in a position of authority or trust relative to him or her;

“youth” means a person who is between fourteen (14) and eighteen (18) years of age, inclusive.

## Administration

### **The Provincial Misconduct Committee**

#### PRINCIPLES

- 4(1) The Province shall provide a safe environment for its clergy and lay persons;
- 4(2) The Province shall protect the safety and well-being of a complainant, respondent and other affected persons.
- 4(3) A complaint shall be taken seriously and shall be investigated as quickly as is reasonably possible.
- 4(4) The Province shall provide pastoral care to all affected by an allegation of misconduct under this Policy.
- 4(5) Confidentiality shall be respected.
- 4(6) A respondent shall be presumed innocent until proven guilty.
- 4(7) A respondent and a complainant have the right to be represented by legal counsel or another representative of their own choice.
- 4(8) No person shall interfere with a criminal, civil or administrative investigation;
- 4(9) The Province or a church Leader shall immediately report an incident of sexual assault or abuse of a child, youth or vulnerable adult to the Minister of Social Development under the appropriate provincial child, youth or vulnerable adult protection entity or person, and to the responsible policing authority;
- 4(10) No person shall knowingly make a false or vexatious complaint.
- 4(11) A person whose role is identified within this policy and who fails to implement this policy appropriate to his/her responsibility shall be subject to disciplinary action(s) as established by the General Synod, the Provincial Synod and/or Diocesan Synod, as appropriate.

#### PREVENTION

- 5 The Province shall ensure that each Leader receives training, in accordance with the Provincial Safe Church regulation.

### **Provincial Misconduct Officer**

- 6(1) The Provincial Council shall appoint a Provincial Misconduct Officer;
- 6(2) The term of the Provincial Misconduct Officer shall not exceed six (6) consecutive years.
- 6(3) The Provincial Misconduct Officer shall report to the Provincial Council.
- 6(4) The Provincial Misconduct Officer shall be responsible for the specific functions assigned to him or her under this policy, and for the general administration of this policy.

### **Provincial Misconduct Committee**

- 7(1) The Provincial Council shall appoint a Provincial Misconduct Committee (hereinafter referred to as "the Committee") comprising two clergy and two lay members;
- 7(2) The Provincial Council shall designate the Chair of the Committee.
- 7(3) The term of the Chair of the Committee shall not exceed six (6) consecutive years.
- 7(4) The Committee shall be responsible for the investigation of all formal complaints.

### **Panels of Investigators and Mediators**

- 8(1) The Provincial Council shall appoint triennially a Panel of Investigators and a Panel of Mediators; the composition of each panel shall address experience, training and regional representation.
- 8(2) The Panel of Investigators shall consist of a minimum of three persons.
- 8(3) The Panel of Mediators shall consist of a minimum of three persons.
- 9 The Committee may enlist the assistance of one or more Investigators and/or Mediators.

## **MAKING A COMPLAINT**

### **General**

- 10(1) A complainant may make a minor complaint or a formal complaint against a respondent.
- 10(2) If the complainant is a child, youth or vulnerable adult, then either the complainant, the Leader or other person, shall within twenty-four (24) hours inform the Provincial Misconduct Officer of the complaint.

- 10(3) A complainant shall prove that s/he has been subject to misconduct, and a respondent is deemed to be innocent until proven otherwise.
- 11(1) A complainant or a respondent who is a child shall proceed only through her or his parent, guardian, a person in local parentis, or other legal representative.
- 11(2) A complainant or a respondent who is a youth or a vulnerable adult may, at the discretion of the Provincial Misconduct Officer or the Committee, proceed either alone or only through her or his parent, guardian, a person in local parentis, or other legal representative.
- 12 The complainant may withdraw his/her complaint at any time.
- 13 The Province, a diocese or Parish Corporation may assist the complainant and respondent to meet the requirements of this policy.
- 14 The Provincial Misconduct Officer may refer a matter falling under the scope of this Policy to the Committee on his or her own motion, notwithstanding that no formal complaint has been filed.

### **Minor Complaint**

- 15(1) A complainant may make a minor complaint either orally or in writing.
- 15(2) Each minor complaint shall be addressed in accordance with s. 25.

### **Formal Complaint**

- 16(1) A complainant shall complete the Provincial Misconduct Complaint Form (Appendix 1), and submit it as the written complaint to the Provincial Misconduct Officer within twelve (12) months of the alleged misconduct.
- 16(2) The Committee may extend, at its sole discretion, the time limit given in s. 16(1) for the filing of a written, formal complaint.
- 16(3) Each formal complaint shall be addressed in accordance with s. 26 to 37.
- 16(4) The Provincial Misconduct Officer shall, within five (5) days, provide the respondent a written notification of receipt of a formal complaint.
- 16(5) The Provincial Misconduct Officer shall provide a copy of the formal complaint to the respondent and the Leader of the activity, event or program in which the complaint arose.

## **Special Complaint Circumstances**

- 17(1) Where a complaint is made against either the Metropolitan, another bishop or the Provincial Misconduct Officer, it shall be submitted directly to the Chair of the Committee, and the Committee shall investigate the complaint.
- 17(2) Where a complaint is made against the a diocesan bishop other than the Metropolitan or the Provincial Misconduct Officer, the Metropolitan shall determine the complaint.
- 17(3) Where a complaint is made against the Metropolitan, The Primate shall determine the complaint.
- 17(4) Where a complaint is made against a member of the Committee, the member shall not participate in the proceedings and the remaining members of the Committee shall complete the investigation and/or mediation of the complaint.

## **PASTORAL CARE AND COUNCELING**

- 18(1) The Committee shall, without delay, provide pastoral care and counseling assistance to the complainant, the respondent, and their families.
- 18(2) Where appropriate, the Metropolitan may direct and provide resources for pastoral care and counseling services to the affected church community (ies).
- 18(3) Notwithstanding s. 18(1) and 18(2), no person who is a party to, or a witness in the proceeding of a formal complaint investigation shall provide pastoral care or counselling services.

## **COMPLAINT PROCEEDURE**

### **General**

- 19 A complaint filed under this Policy shall be investigated either as a minor complaint or a formal complaint.
- 20 A third party, who honestly and in good faith believes there has been a violation under this Policy, may bring the matter to the attention of a Leader or the Provincial Misconduct Officer, and encourage the potential complainant to make a complaint.
- 21 The Provincial Misconduct Officer, or the Committee, may, at any time, refer a complaint to mediation under s. 36.
- 22 The Provincial Misconduct Officer, or any other person, shall immediately report an alleged incident of sexual assault or sexual harassment of a child, youth, or vulnerable

adult to the appropriate provincial child, youth or vulnerable protection entity or officer, and to the responsible policing authority.

- 23 A Cleric who has heard a confession from any party to a proceeding under this Policy shall disclose that fact to the Metropolitan and shall not participate further in the proceeding.

### **Confidentiality**

- 24(1) All proceedings under this Policy shall be public.
- 24(2) All documents that form part of a proceeding under this Policy shall be public and part of the record.
- 24(3) Notwithstanding s. 24(1) and 24(2), the Bishop may, after consultation with the Provincial Misconduct Officer and the Provincial Chancellor, require that proceedings be held in private and/or a document not be disclosed to the public.

### **Minor Complaints**

- 25(1) Where the complainant is an adult, other than an vulnerable adult, the Leader may investigate and settle the complaint;
- 25(2) Where the complainant is a child, youth or vulnerable adult, the Provincial Misconduct Officer may personally settle it as a minor complaint or request the Leader to do so.
- 25(3) Upon settling a minor complaint, the Leader or the Provincial Misconduct Officer as the case may be, shall submit a written summary to the Provincial Misconduct Officer not later than twenty-one (21) days after the complaint arose.
- 25(4) If a Leader or the Provincial Misconduct Officer fail to settle a minor complaint, it shall be investigated as a formal complaint.

### **Formal Complaints**

- 26(1) The Provincial Misconduct Officer shall immediately refer a formal complaint to the Committee and inform the bishop of the diocese(s) of the parties of the complaint.
- 26(2) The Provincial Misconduct Officer shall advise the complainant and respondent of their right to legal counsel.
- 27(1) The Provincial Misconduct Officer may recommend to the Metropolitan and the bishop of the Cleric's diocese that s/he suspends the license of a Cleric who is a respondent in a



formal complaint, and the Metropolitan and the bishop shall make a decision on this recommendation within ten (10) days.

- 27(2) The Provincial Misconduct Officer may recommend to The Province, a diocese or a Parish Corporation that it suspends, with or without pay, a Provincial, diocesan or Parish lay employee who is a respondent in a formal complaint, and The Province or the Parish Corporation shall make a decision on this recommendation within ten (10) days.
- 27(3) The Provincial Misconduct Officer may recommend to The Province or a Parish Corporation that it suspend a Provincial, diocesan or Parish Volunteer who is a respondent in a formal complaint, and The Province, the diocese or the Parish Corporation shall make a decision on this recommendation within ten (10) days.
- 28(1) The Committee shall investigate all formal complaints under this Policy.
- 28(2) The Committee shall commence an investigation immediately upon receipt of a formal complaint.
- 28(3) Notwithstanding s. 27(1) and 27(2), all proceedings under this Policy shall be suspended following the commencement of proceedings under the applicable provincial child, youth or vulnerable adult protection statute or criminal proceedings in relation to the same matter.
- 29 No person, including the Provincial Misconduct Officer, the Committee, an Investigator, a Mediator, and the Leader, shall under any circumstances advise the complainant that the procedure under this Policy is a substitute for criminal, civil, or administrative proceedings outside the Policy.

### **Complaint Investigation and Report**

- 30(1) The Committee shall complete its complaint investigation and submit an Investigation Report to the Provincial Misconduct Officer within sixty (60) days of receipt of the complaint.
- 30(2) The Committee may delegate to an Investigator the tasks of completing the complaint investigation and preparing a draft Investigation Report.
- 30(3) The Investigation Report shall address the following minimum requirements:
- a) The names of the parties and persons interviewed;
  - b) The written complaint, including the date the complaint allegedly arose;
  - c) The respondent's response to the complaint;
  - d) Confirmed findings of fact;
  - e) Alleged but unconfirmed statements;
  - f) A factual conclusion, if possible;
  - g) Deductions from the findings of fact;

- h) Recommendations;
- i) The Name(s) of the person(s) who prepared the report;
- j) The date of the report.

## **Decision**

- 31 The Provincial Misconduct Officer shall, within twenty-one (21) days of the receipt of the Investigation Report, make a finding on whether the complaint is substantiated or not, or if appropriate refer it to mediation.
- 32(1) If the Provincial Misconduct Officer determines a complaint has been substantiated, s/he may impose a penalty on the respondent, or may refer the matter to the appropriate provincial child, youth or vulnerable adult protection entity or officer, and policing authority or another external authority.
- 32(2) Following receipt of the Investigation Report, or the failure of mediation, the Provincial Misconduct Officer may dismiss the complaint or impose a penalty, including:
- a) Oral reprimand;
  - b) Written reprimand;
  - c) Suspension with or without terms;
  - d) A recommendation to the Metropolitan and the diocesan bishop(s) of the parties, that a Cleric or a layperson in a leadership role be dismissed from a Clerical position, lay employment, or a volunteer position.
- 32(3) The Provincial Misconduct Officer shall give a written decision, with reasons, on the discipline to be invoked and shall provide a copy to the complainant, respondent and the Metropolitan and the diocesan bishop(s) of the party(ies)..
- 32(4) If a complaint is found to be false or malicious, discipline under this Policy may be imposed on the complainant.
- 33(1) A party may appeal the decision of the Provincial Misconduct Officer as per s. 31(3), in a written submission to the Metropolitan within thirty (30) days.
- 33(2) The Metropolitan, in conjunction with the diocesan bishop of the party, shall make a decision on the appeal (as per s. 32(1)) within sixty days (60).
- 34(1) The diocesan bishop of the Respondent shall revoke the license of a Cleric found guilty of the sexual assault of a child, youth, or vulnerable adult in a criminal proceeding.
- 34(2) The diocesan bishop of the Respondent shall dismiss from employment, and/or remove as a volunteer with the Church any layperson, employee or volunteer found guilty of sexual assault of a child, youth, or vulnerable adult in a criminal proceeding.

- 35(1) If a Respondent is found to be in violation of the Misconduct Policy specifically, or the Safe Church Regulation in general, then the Respondent shall complete full-scope training on both the Misconduct Policy and the Safe Church Regulation.
- 35(2) A Respondent subject to s. 35(1) may not participate or work, in any capacity, in another church activity, event or program anywhere within the Province until the training specified in s 34(1) has been completed to the satisfaction of the Provincial Misconduct Officer. .
- 35(3) The Provincial Misconduct Officer, in co-operation with The Province, the diocese of the Respondent and Parish Corporation and after consultation with the Metropolitan and the Respondent's Bishop, shall decide if a guilty Respondent, who has completed the training to a satisfactory level pursuant to s. 35(2), may again participate or work, in any capacity, in a church activity, event or program that involves either a child, youth and/or vulnerable adult in any Parish Corporation and/or The Province.
- 35(4) The Provincial Misconduct Officer shall issue a written decision on the eligibility of a guilty Respondent (as per s. 35(3)) within sixty (60) days of receiving a request for Reinstatement of Privilege from the Respondent, a Parish Corporation, the Respondent's diocese or The Province.
- 35(5) The decision of the Provincial Misconduct Officer as per s. 35(4) shall be final and not appealable.
- 36 In response to a request for a reference check in relation to employment or work, the Bishop shall disclose information relating to:
- a) Any disciplinary action taken under s. 31(2) (b), (c) or (d), or s. 34(2), and;
  - b) A decision in any criminal, civil or administrative proceeding in relation to the same matter of the complaint.

## MEDIATION

- 37(1) The parties to a complaint may engage in mediation at any time in a proceeding upon executing the Mediation Agreement set out in Appendix 2, except when the alleged misconduct is subject to s. 4(9) or s. 22.
- 37(2) The Province shall be responsible for the costs of mediation, including the Mediator, with the exception that the complainant and the respondent shall each be responsible for their own legal expenses.
- 37(3) If the matter is referred to mediation, neither the Provincial Misconduct Officer nor the parties shall take any further legal action.
- 37(4) The mediation process shall be completed within sixty (60) days.

- 37(5) If mediation fails, the parties shall resume the investigative and/or decision-making process.

## EXTERNAL COMMUNICATIONS

### **External Authorities**

- 38(1) The Province, the Diocese(s) of the party(ies) and/or a Parish Corporation shall cooperate and share information relating to a complaint with an external investigating authority, including the appropriate provincial child, youth or vulnerable adult protection entity or officer, a police authority, the Canadian or provincial human rights commission or other body.
- 38(2) The Provincial Misconduct Officer shall, upon written request, make a report of the incident(s) to an external investigating authority, as per s. 38(1).

### **Media and the Public**

- 39(1) The Provincial Misconduct Officer shall be the sole media spokesperson for The Province, a diocese or Parish Corporation in relation to any matter under this Policy, unless directed otherwise by the Metropolitan.
- 39(2) The Provincial Communications Officer shall assist in the preparation of all media announcements under this Policy.
- 39(3) The names of the alleged complainant(s), respondent(s), other witnesses or third parties shall be disclosed unless the Metropolitan determines that some of or all such information should remain confidential in accordance with s. 24 (Confidentiality).

## RECORDS MANAGEMENT

- 40(1) The Provincial Misconduct Officer shall, in accordance with the Provincial Privacy Policy, retain in a central and secure location all records for a minimum of thirty-five (35) years, including but not limited to:
- a) All summaries of minor complaint settlements.
  - b) All formal complaints;
  - c) Findings, recommendations, and reports of the Committee;
  - d) Findings, recommendations, and reports of the Investigator(s)
  - e) Information made available by a Mediator to the Provincial Misconduct Officer or the Committee;
  - f) All written decisions and other communications by the Provincial Misconduct Officer and/or the Metropolitan.
  - g) All communications by the Province, a diocese or dioceses or a Parish Corporation relating to a complaint under this Policy.

40(2) At the conclusion of the time limit specified in s. 39(1) hereof, the Province shall transfer the record(s) to the Provincial Archivist in accordance with Provincial Archives Policy

#### POLICY REVIEW AND AUDIT

41 The Provincial Misconduct Officer shall present a report at each regular meeting of the Synod, which shall include:

- a) Statistics on the number of complaints made under this Policy since the last report;
- b) The number of complaints resolved and in what manner they were resolved, and;
- c) Recommendations, if any, for changes to this Policy.

42(1) The Provincial Council, through the Provincial Human Resources Officer?, shall review this Policy at least once every three (3) years.

42(2) The Provincial Council shall conduct an audit of the processes under this Policy at least once every five years.

Revised by Provincial Council  
21 September 2013

## Regulation Constitution -1: Provincial Safe Church

### Schedule A – The Provincial Misconduct Policy

#### Appendix 1 – Provincial Misconduct Complaint Form

Use a pen. Do not use a pencil. Be sure to complete Sections A through I, inclusive of the form. Contact the Provincial Misconduct Officer or the Leader of the event, activity or program if you need any assistance to complete the form. Submit the completed form to either the Provincial Misconduct Officer or the Leader. Please sign and date each page of the form, and each additional page that you may attach.

#### Timeline to Submit Your Complaint:

The Provincial Misconduct Officer must receive your complaint with twelve (12) months after the alleged misconduct event took place.

Today's Date: \_\_\_\_\_  
(yyyy/mm/dd)

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

A1: \_\_\_\_\_  
Your Surname, First Name, (Knick-name), Initial

A2: \_\_\_\_\_  
Your Age in Years

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

A3: \_\_\_\_\_  
Surname, First Name (Knick-name), Initial

A4: \_\_\_\_\_  
Age in Years

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

SECTION B – Who are your complaining about? (This is the Respondent)

B1: Name of person (Please print):			
Street or Mailing Address:			
Town/City and Province	Postal Code	Email Address (if known)	Telephone or Cellular Phone Number (include area code)

Additional Respondent(s)

(2)

B2: Name of person (Please print):			
Street or Mailing Address:			
Town/City and Province	Postal Code	Email Address (if known)	Telephone or Cellular Phone Number (include area code)

(3)

B3: Name of person (Please print):			
Street or Mailing Address:			
Town/City and Province	Postal Code	Email Address (if known)	Telephone or Cellular Phone Number (include area code)

\_\_\_\_\_  
Complainant's Signature

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

SECTION C – Identify the Leader(s) and the Church activity, event or program where the misconduct took place.

“Leader” means a leadership role in an activity, event or program by a lay person or religious leader in which s/he has authority for the delivery of the activity, event or program and who is expected to have direct interaction with or oversight of children, youth or vulnerable adults.

C1: Name of Leader (1), (Please print):  Telephone or Cellular Number (Include area code):  Email Address:			
Name of Co-Leader (2), (Please print):  Telephone or Cellular Number (Include area code):  Email Address:			
Name of Co-Leader (3), (Please print):  Telephone or Cellular Number (Include area code):  Email Address:			
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	Province	Postal Code	Telephone or Cellular Phone Number (include area code)

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



SECTION D – Identify the Type of Alleged Misconduct

D1: Definition of Misconduct:

“misconduct” means unacceptable behaviour, abuse or maltreatment that includes physical or sexual assault, bullying, harassment and/or economic, emotional, physical or sexual misconduct, and for the purposes of this Regulation, includes any discriminatory practices described in the [Part 1 \(Proscribed Discrimination\)](#) of the Canadian Human Rights Act or the human rights act of a civil province within the Province

D2: Burden of Proof and Presumed Innocent:

In accordance with s. 9(3) of the Provincial Misconduct Policy, a complainant shall prove that s/he has been subject to misconduct, and a respondent is deemed to be innocent until proven otherwise.

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

- |   |   |
|---|---|
| <input type="checkbox"/> Physical assault,                              | <input type="checkbox"/> Sexual assault,                  |
| <input type="checkbox"/> Bullying (Physical, Emotional, Psychological), | <input type="checkbox"/> Harassment (Physical or Sexual), |
| <input type="checkbox"/> Economic misconduct,                           | <input type="checkbox"/> Emotional misconduct,            |
| <input type="checkbox"/> Physical misconduct,                           | <input type="checkbox"/> Sexual misconduct                |

Note: Definitions for each type of misconduct are provided in the Diocesan Misconduct Policy (Schedule A, Safe Church Regulation);

- Discriminatory practice (Check off one or more boxes that apply)
- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Race,             | <input type="checkbox"/> Ancestry,         | <input type="checkbox"/> National Origin,    | <input type="checkbox"/> Place of Origin,     |
| <input type="checkbox"/> Colour,           | <input type="checkbox"/> Religion,         | <input type="checkbox"/> Marital Status,     | <input type="checkbox"/> Mental Disability,   |
| <input type="checkbox"/> Age,              | <input type="checkbox"/> Sex,              | <input type="checkbox"/> Sexual Orientation, | <input type="checkbox"/> Physical Disability, |
| <input type="checkbox"/> Political, Belief | <input type="checkbox"/> Social, Condition | <input type="checkbox"/> Employment Status,  | <input type="checkbox"/> Voluntary Status     |

\_\_\_\_\_  
Complainant’s Signature

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

SECTION E – When did the misconduct occur? If more than one occurrence, identify the dates of the first and most recent occurrence. If there were more than three occurrences of misconduct, please state in Section E4 below the date of each additional occurrence to the best of your knowledge. Attached another page if more space is required; please remember to sign, date and number each additional page.

E1: Misconduct Event #1 Date: \_\_\_\_\_ (First Occurrence)  
(yyyy/mm/dd)

E2: Misconduct Event #2 Date: \_\_\_\_\_  
(yyyy/mm/dd)

E3: Misconduct Event #3 Date: \_\_\_\_\_ (Most Recent Occurrence)  
(yyyy/mm/dd)

E4: Additional comments:

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\_\_\_\_\_  
Complainant’s Signature

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

SECTION F - Is the misconduct still happening?  Yes,  No,

F1: If no, what date did the misconduct last occur on? \_\_\_\_\_  
(yyyy/mm/dd)

F2: If yes, explain what is happening now. Provide dates (yyyy/mm/dd)

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

SECTION G: Describe in your own words what happened that you believe was misconduct? Include who did what and when it happened. Provide dates (yyyy/mm/dd).

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(Continue on the next page, if needed)

\_\_\_\_\_  
Complainant's Signature

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



SECTION H – If the misconduct was discriminatory practice, describe in your own words how you were treated differently from the way others were treated in the Church event, activity or program. (Provide dates (yyy/mm/dd)

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

\_\_\_\_\_  
Complainant’s Signature

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

SECTION I - Complainant's Declarations and Understandings. Read the following four statements. Sign and date after each statement. If the Complainant is a child or youth, then the parent or guardian shall sign below each statement as well.

I1: I am making a complaint under the Provincial Safe Church Regulation – Provincial 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.

\_\_\_\_\_; \_\_\_\_\_,  
Complainant's Signature Date (yyyy/mm/dd)

\_\_\_\_\_; \_\_\_\_\_,  
Complainant's Parent or Guardian Signature Date (yyyy/mm/dd)  
(If the Complainant is a child)

I2: I understand that if my complaint is accepted by the Provincial Misconduct Officer, then a copy of the accepted complaint will be sent to the Respondent(s):

\_\_\_\_\_; \_\_\_\_\_,  
Complainant's Signature Date (yyyy/mm/dd)

\_\_\_\_\_; \_\_\_\_\_,  
Complainant's Parent or Guardian Signature Date (yyyy/mm/dd)  
(If the Complainant is a child)

I3: I understand that The Province will also send any supporting medical information and other important record or document to the Respondent(s) during the investigation process:

\_\_\_\_\_; \_\_\_\_\_,  
Complainant's Signature Date (yyyy/mm/dd)

\_\_\_\_\_; \_\_\_\_\_,  
Complainant's Parent or Guardian Signature Date (yyyy/mm/dd)  
(If the Complainant is a child)

Page \_\_\_\_ of \_\_\_\_ pages

I4: I have signed, dated and numbered each page, including each additional page attached, of this complaint form:

\_\_\_\_\_ ; \_\_\_\_\_,  
Complainant's Signature Date (yyyy/mm/dd)

\_\_\_\_\_ ; \_\_\_\_\_,  
Complainant's Parent or Guardian Signature Date (yyyy/mm/dd)  
(If the Complainant is a child)

REMEMBER TO PROVIDE THE PROVINCIAL MISCONDUCT OFFICER WITH ANY CHANGES TO YOUR CONTACT INFORMATION AS THE PROVINCE MAY CLOSE YOUR COMPLAINT AS HAVING BEEN ABANDONED IF WE ARE UNABLE TO CONTACT YOU.

End of Provincial Misconduct Complaint Form

Page \_\_\_\_\_ of \_\_\_\_\_ pages



## Regulation Constitution -1: Provincial Safe Church

### Schedule A – The Provincial Misconduct Policy

#### Appendix 2 – Tracking the Provincial Misconduct Complaint Form

The Office of the Provincial Misconduct Officer 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: \_\_\_\_\_  
(by the Leader or the Provincial Misconduct Officer) (yyyy/mm/dd)
- 2 Date of the Most Recent Misconduct Event: \_\_\_\_\_  
(yyyy/mm/dd)

#### 3: Assess the Elapsed Period After The Misconduct Event

Have twelve (12) months elapsed between the misconduct event (s. 2) and the receipt of the Provincial Misconduct Complaint Form (s. 1)?  No;  Yes

If Yes, The Provincial Misconduct Officer shall inform the Complainant that the statute of limitation of 12 months has elapsed, in accordance with Section 15(1) of The Provincial Misconduct Policy, and pastorally advise that there will be no investigation or further action concerning this complaint.

#### 4 Assess if this is a Minor Complaint or a Formal Complaint:

“minor complaint” means a complaint of alleged misconduct that is, to the knowledge and belief of the Leader, an isolated incident that does not allege assault, and is subject to Section 24(2) of The Provincial Misconduct Policy, and is made by someone other than a child, youth or vulnerable adult, and may be informally resolved to the satisfaction of the Leader and the parties to the complaint. A minor complaint may be communicated to either the Leader or The Provincial Misconduct Officer, and may be either written or oral.

“formal complaint” means a complaint of misconduct that is not a minor complaint.

Minor Complaint;  Formal Complaint

For a Minor Complaint, the Leader or Provincial Misconduct Officer shall submit a written summary of an oral complaint, or this complaint form completed by the Complainant, to the Provincial Misconduct Officer within 21 days after the complaint arose, in accordance with s. 25(3) of The Provincial Misconduct Policy.

Name of Person making this assessment: \_\_\_\_\_

Date of this assessment: \_\_\_\_\_  
(yyyy/mm/dd)

Date this assessment was reviewed by Provincial Misconduct Officer: \_\_\_\_\_  
(yyyy/mm/dd)

5 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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**Regulation Constitution -1: Provincial Safe Church**

Schedule A – The Provincial Misconduct Policy

Appendix 3 – Mediation Agreement

THIS IS A MEDIATION AGREEMENT made this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year of our Lord, 20 \_\_\_\_\_.

B E T W E E N: \_\_\_\_\_

\_\_\_\_\_ OF THE FIRST PART

- and -

\_\_\_\_\_

\_\_\_\_\_ OF THE SECOND PART

- and -

The Ecclesiastical Province of Canada

\_\_\_\_\_ THE MEDIATOR

## 1. AGREEMENT

The parties agree:

- (1) To attempt to settle a controversy through the mediation process on the terms contained in this agreement;
  - (1) That the parties will be present at mediation or will have a representative present who will have authority to settle the case on the spot;
  - (2) That the parties enter in this mediation with the intent to work towards a mutually acceptable settlement and will conduct themselves in good faith at all times;
  - (3) That the mediation will be closed and all discussions between the parties will be confidential and no communication made by the parties or by the mediator will be admissible in evidence at any subsequent proceeding except as mutually agreed upon;
  - (4) This agreement will continue in force from the date of the signing until it either is replaced by another agreement, or the mediation process is terminated, or the mediation process is extended for a further period, each condition being subject to the mutual consent of both parties.

## 2. IMPARTIALITY OF THE MEDIATOR

- (1) The parties acknowledge that the mediator is an impartial third party and that the mediator's role is to assist the parties to negotiate a voluntary settlement of issues arising between them. As such, the parties acknowledge that the primary responsibility for resolving their disputes rests with them and not with the mediator who acts as a facilitator only. It is understood by the parties that the mediator will not represent either of the parties in any subsequent legal proceedings between them.

## 3. ACKNOWLEDGEMENTS BY THE PARTIES

- (1) The parties acknowledge that the mediator will not give legal advice or a legal opinion with respect to individual rights, obligations and entitlements under the laws of the Province of \_\_\_\_\_ any other jurisdiction.

- (2) The parties further acknowledge that they have been specifically advised by the mediator to obtain independent legal advice during the course of mediation.
- (3) If one of the parties refuses to obtain independent legal advice, he or she hereby agrees to indemnify and save the mediator harmless from any and all liabilities arising out of or related to any mediated settlement.

#### 4. MEDIATOR'S CONFIDENTIALITY

- (1) During the mediation process the mediator may disclose to either or both parties any information provided by the other party unless the disclosing party has specifically requested the mediator to keep the information confidential.
- (2) The mediator will not disclose to anyone who is not a party to the mediation except:
  - a) with the consent of all parties;
  - b) where required by law;
  - c) where the information suggests an actual or potential threat to human life or safety.

#### 5. NO SUMMONS OR SUBPOENA

- (1) It is agreed that none of the parties will call the mediator as a witness to testify as to the fact of a mediation or as to any oral or written communication made during mediation. Nor will the parties summon, subpoena, or seek access to any document prepared for or in connection with mediation including any records, notes or work product of the mediator.

#### 6. MEDIATION SESSIONS

- (1) The mediator will schedule the time and place for the mediation sessions in consultation and with the consent of the parties.

#### 7. COSTS OF MEDIATION

- (1) The Province shall be responsible for the costs of mediation, including the Mediator, with the exception that the complainant and the respondent shall each be responsible for their own legal expenses.

8. REPORT BY MEDIATOR

- (1) If an agreement has been mediated, the mediator will prepare interim minutes of settlement respecting agreements reached on issues of dispute.
- (2) If no agreement is reached on the issues, the mediator will prepare reports stating only whether or not mediation was successful and outlining the process followed.

9. TERMINATION OF MEDIATION

- (1) All of the parties have the right to withdraw from the mediation process at any time during mediation on notice to the mediator and the other party.
- (2) The mediator has the right to suspend or terminate the mediation process at any time when in his or her opinion continuation of the process would result in harm or prejudice to one or both parties.
- (3) This agreement will continue in force from the date of the signing until an agreement is reached or the mediation process is terminated or the mediation process is extended with the mutual consent of both parties for a further period.
- (4) The confidentiality, admissibility, compellability of the mediator or the mediator's notes, the liability of the mediator, and the without prejudice clauses of this agreement remain in effect indefinitely with regard to any information obtained through the mediation process (discussions) that is subject to this agreement.

10. UNDERTAKINGS

- (1) The parties hereby undertake to make full disclosure of all relevant information reasonably required by the mediator to understand the outstanding issues.
- (2) No party or anyone acting on their behalf, will initiate or take any fresh steps in any legal proceeding between them while the mediation is in process.

11. GOVERNING LAW

- (1) This agreement will be governed by and construed according to the laws of the Province of \_\_\_\_\_, in the Country of Canada.

12. SEVERABILITY

- (1) The invalidity or enforceability of any provision of this agreement will not affect the validity or enforceability of the other provisions and any invalid provision will be severable.

13. CLOSED MEDIATION

- (1) The parties understand and acknowledge that their discussions are confidential and on a “without prejudice” basis and that neither party will use any disclosures or discussion against the other in any subsequent legal proceedings. Further, this paragraph may be pleaded as a complete bar to disclosure of any discussions, documents, interim agreements, notes or materials relating to this mediation, with the exception of a full and final agreement executed by the parties and confirmed by counsel for each of them or a report stating only that no agreement was reached.

14. EXECUTION OF AGREEMENT

- (1) The parties acknowledge that he or she has read this agreement and agrees to proceed with mediation in accordance with the terms and voluntarily enters into the execution of this agreement.

_____	_____
Date	
_____	_____
Date	
_____	_____
Date	Mediator

Anglican Church of Canada

**Ecclesiastical Province of Canada**

**Regulation Constitution -1: Provincial Safe Church**

Schedule B – The Provincial Privacy Policy

PURPOSE

- 1 The purpose of this Policy is to protect the personal information of all members of the church community; in particular, with respect to information collection, management, retention and sharing practices.

DEFINITIONS

- 2 In this Policy,

“complainant” means a person who alleges s/he is the subject of a breach of this Policy;

“Leader position” or “Leader” means a leadership role in a program by a lay person or a Cleric in which s/he has authority for the delivery of the program and who is expected to have direct interaction with or oversight of children, youth or vulnerable adults.

“Provincial Privacy Officer” means the Provincial Privacy Officer appointed under this Policy;

“personal information” means information in any form whether factual or subjective, recorded or not, of an identifiable individual. Personal information does not include the name, title, business address, business telephone and cellular telephone numbers of an individual (i.e. ‘business card’ information).

“Provincial Synod” means The Synod of the Ecclesiastical Province of Canada, and without limiting the generality of the foregoing, includes the Provincial Council, The Provincial Executive, Provincial officers, and other provincial bodies, clerics, employees, and volunteers.

“Volunteer” or “Volunteer Helper” means a lay person who is involved in a program with children, youth or vulnerable adults but who is not a leader;

PRINCIPLES

- 3 Each individual retains ownership of her or his personal information and shall have access to it for the purpose of ensuring its accuracy and completeness
- 4 The Provincial Synod shall adhere to the permission-based principles contained in the federal Personal Information Protection and Electronics Document Act of Canada



(PIPEDA) with respect to:

- a) Identifying purposes;
- b) Consent;
- c) Limiting collection;
- d) Limiting use, disclosure and retention;
- e) Accuracy;
- f) Safeguards
- g) Openness;
- h) Individual access; and
- i) Provision of recourse.

- 5 The Provincial Synod may collect an individual's personal information for purposes specified before or at the time of collection.
- 6 All personal information collected by or on behalf of the Provincial Synod is for the use of the Provincial Synod.
- 7 All personal information held by the Provincial Synod shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

#### ADMINISTRATION

- 8 The Provincial Synod shall appoint a Provincial Privacy Officer who shall administer this Policy
- 9 The contact information for the Provincial Privacy Officer is:  
  
Provincial Privacy Officer  
Ecclesiastical Province of Canada  
[Business address of Provincial Privacy Officer]
- 10 The Provincial Privacy Officer shall implement a program whereby member, officers, clerics, employees, and volunteers of the Provincial Synod complete the Personal Information Consent Form, which is Appendix 1 of this policy.
- 11 The Provincial Privacy Officer shall make an annual report to the Provincial Council, in which s/he shall:
  - a) Provide statistical data on the number of inquiries and complaints made under the Policy including her/his disposition of them, and;
  - b) Report and make recommendations, if any, on this Policy.

- 12 The Provincial Council shall complete an audit of this policy at least once every five (5) years.

## PERMISSION-BASED RIGHT TO PRIVACY

### **Personal Information Collection**

- 13 The Provincial Synod shall collect personal information only for specific purposes; i.e. the amount and type of information collected will be limited to what is necessary for the identified purpose(s).
- 14 The Provincial Synod shall identify the purpose(s) for which the information is required before or at the time the information is collected.
- 15 The Provincial Synod shall, if the collected information is to be used for a different purpose at a future time, ensure that it obtains the individual's consent before or at that time.

### **Personal Information Retention**

- 16 The Provincial Synod shall retain personal information as an active record only as long as it is necessary.
- 17 Personal information that is no longer an active record will be reviewed in consultation with the Provincial Archivist for retention, selection or destruction as part of the regular records transfer process.
- 18 Personal information retained as archival will be accessible in accordance with archival practices determined by the Provincial Archivist and the Provincial Archives Committee in consultation with the Provincial Chancellor.

### **Personal Information Sharing**

- 19 The Provincial Synod shall only disclose personal information in accordance with the purpose for which it is collected.
- 20 The Provincial Synod shall amend incorrect or outdated information in a timely fashion.
- 21 The Provincial Synod shall restrict access to personal information to individuals or persons in positions set out in Appendix 2 of this policy.
- 22 An individual shall have access to her or his own personal information files for the purpose of ensuring its accuracy and completeness.

## **Web Privacy Protection**

- 23 The Diocese shall adhere to the Web Privacy Statement as set out in Appendix 3 of this policy.

## **EXCEPTIONS TO THE PERMISSION-BASED RIGHT TO PRIVACY**

### **Non-Disclosure of Information**

- 24 The Provincial Synod may refuse a request for access to personal information if:
- a) The information is protected by solicitor-client privilege;
  - b) To do so could reasonably be expected to threaten the life or security of another individual;
  - c) The information was collected without the knowledge or consent of the individual because such knowledge or consent would compromise the availability or the accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
  - d) The information was generated in the course of a formal dispute resolution process, or;
  - e) To do so would reveal confidential commercial information.

### **Collection of Information Without Consent**

- 25(1) The Provincial Synod may collect and use personal information without permission:
- a) If it is clearly in the individual's interests and consent is not available in a timely way;
  - b) If collection is required to investigate a breach of an agreement or contravention of a federal or provincial law;
  - c) For journalistic, artistic or literary purposes, with respect to activities by the individual at an open church event or within the public domain;
  - d) If it is publicly available;
  - e) For an emergency that threatens an individual's life, health or security; or
  - f) For statistical or scholarly study or research. Provided that anonymity is preserved.
- 25(2) Notwithstanding s. 25(1) no photograph of a child shall be taken, stored and/or published by a Leader or Volunteer of the church program without the consent of the child's parent, guardian or trustee.

## **Disclosure of Information Without Consent**

- 26 The Provincial Synod may disclose personal information without consent:
- a) To a lawyer representing the Provincial Synod;
  - b) To collect a debt the individual owes the Provincial Synod;
  - c) To comply with a summons, warrant or order made by a court or other juridical body; or
  - d) To a lawfully authorized government authority.

## **COMPLAINTS**

- 27 A person may complain to the Provincial Privacy Officer if:
- a) S/he believes personal information was collected without her or his consent;
  - b) S/he believes the Provincial Synod possesses incorrect or inaccurate personal information about that person;
  - c) The Provincial Synod has refused or otherwise failed to disclose information to her or him following a request to do so, or;
  - d) The Provincial Synod has allegedly disclosed her or his personal information to an unauthorized person.
- 28 The Provincial Privacy Officer shall investigate the complaint and make a decision within thirty (30) days.
- 29 In her/his decision, the Privacy Officer may dismiss the complaint in whole or in part and may order one or more of the following:
- a) Some or all of the information that was collected without consent to be destroyed;
  - b) Any incorrect information to be corrected in a timely manner; Information to be disclosed to the complainant in whole or in part, and/or;
  - c) The return of information that was incorrectly disclosed to a third party.
- 30(1) A party may appeal a decision of the Provincial Privacy Officer to the Metropolitan within thirty (30) days
- 31(2) The Metropolitan shall make a decision on the appeal within sixty (60) days.

Anglican Church of Canada

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**Regulation Constitution -1: Provincial Safe Church**

Schedule B: Provincial Privacy Policy

Appendix 1: Personal Information Consent Form

I \_\_\_\_\_, hereby acknowledge and consent to the use, disclosure and retention of my personal information by the Provincial Synod of the Ecclesiastical Province of Canada, in accordance with the Province of Canada Privacy Policy.

The purpose of my consent is to enable the Provincial Synod to communicate with me and to identify members of association within or affiliated with the Province of Canada.

I also acknowledge and consent to the retention of my personal information for archival purposes to the extent that it has historical value.

I hereby acknowledge this consent remains in effect until I revoke or amend it.

_____	_____
Signature	Date
_____	
Name	

**Contact Information**

Mailing Address: \_\_\_\_\_  
(Street Address) (Apt Number)

\_\_\_\_\_

(Town or City) (Province) (Postal Code)

Telephone: \_\_\_\_\_

Cellular Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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Schedule B Provincial Privacy Policy

Appendix 2: Persons Authorized to Receive Personal Information

The following persons are authorized to receive personal information under the Privacy Policy:

- 2) The Metropolitan;
- 3) A diocesan bishop with respect to a member of her/his diocese;
- 4) The Provincial Privacy Officer;
- 5) The Provincial Prolocutor, as required;
- 6) The Provincial Misconduct Officer, as required;
- 7) The Provincial Treasurer, as required;
- 8) The Secretaries of the Province, as required;
- 9) The Provincial Council and the Provincial Executive, as required;
- 10) The Provincial Archivist pursuant to s. 17;

I hereby so authorize:

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

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

Anglican Church of Canada

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## **Regulation Constitution -1: Provincial Safe Church**

### Schedule B Provincial Privacy Policy

#### Appendix 3: Web Privacy Statement

#### **1. Our Commitment to Privacy**

The Anglican Ecclesiastical Province of Canada adheres to the following privacy policy as part of our commitment to protect personal information. The statement characterizes our information collection and sharing practices for this website (<http://province-canada.anglican.org/>). If you require more information on our policy, have questions, comments, or concerns; please contact us at [**Business offices of Provincial Privacy Officer**]

#### **2. Information We Collect**

We only ask for personal information, such as your name and email address, if you choose to contact the Anglican Province of Canada. The information collected in this way is used solely for the purpose of communicating with those persons who have agreed to be contacted.

#### **3. Permission-based Philosophy**

We do not add email addresses to mailing lists, unless the address owner has specifically requested to be added to a specific mailing list. We do not share email addresses with third parties unless required to do so by law.

#### **4. Retention and Sharing of Information**

Information is held indefinitely, unless and until directed otherwise by the person associated with the information. We do not share personal information with third parties unless required to do so by law.

#### **5. Collection of Information from Children**

Our web site is not targeted at children. On no occasion and under no circumstances do we request information from children (children meaning those under the age of 18).

## **6. Cookies**

In order for us to collect general, non-private information from our online visitors, we may use cookies. A cookie is an information file stored on your computer's hard drive, which contains data about web sites that you have visited. We only use cookies to allow us the ability to supply enhanced navigation to our unique web site visitors. This process does not involve the extraction or aggregation of private information, nor is this information provided to third parties, unless required by law.

## **7. Server Logs**

Web servers, by their nature, log visits to this web site. We use this information to help us determine how best to meet the needs of online visitors, but we do not share this information with third parties, unless required to do so by law, and we do not aggregate this information with personal information in order to identify individual visitors to our web site.

## **8. Applicability**

This privacy policy applies only to this web site. Our web site links to other organizations, which may or may not share similar information acquiring practices. We are not responsible for the privacy practices of other such sites. It is encouraged that you become aware of the privacy statements of all web sites you elect to visit.

Adopted by Provincial Council



Anglican Church of Canada

Ecclesiastical Province of Canada

**Regulation Constitution -1: Provincial Safe Church**

**Schedule C – Model Diocesan Safe Church Regulation**

(See separate e-file with title: **Model Diocesan Safe Church Regulation**)