

DIOCESAN 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 and effective 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, Diocesan and parish 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 Diocese, each Diocesan or Parish Corporation and their leadership.

Application

- 3(1) This Regulation applies to, but is not limited to, the Diocesan Synod of Fredericton, including its officers, employees and volunteers, members of the Diocesan Council and its committees, the Corporation of the Cathedral of Christ Church, including its officers, employees and volunteers, parishes and Parish Corporations, including Incumbents, Church Wardens and Vestries, corporation officers, members, employees and volunteers, and the Diocesan Camps, including their officers, employees and volunteers.
- 3(2) This Regulation applies equally to the Church community and the Diocesan Synod, the Corporation of Christ Church Cathedral, Parish Corporations and Diocesan Camps will seek to apply these rules to other groups using Church facilities and/or participating in Church programs or events.
- 3(3) All corporations and individuals mentioned in subsections 3(1) and 3(2) are bound by this Regulation and the policies enacted under it.

Definitions of Terms

4 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;

“Act” means the *Anglican Church Act, 2003 and amendments*;

“Archdeacon” means an Archdeacon appointed by the Bishop under Canon Four to exercise territorial or Diocesan supervisory functions;

“Archdeaconry” means a Deanery or group of Deaneries under the supervision of an Archdeacon;

“Archdeaconry Greater Chapter” means a group of persons within an Archdeaconry comprising all licensed clergy, Church Wardens and the lay members of the Synod and their substitutes from Parish Corporations, and all other ministries within the Archdeaconry;

“assault” means physical assault or sexual assault;

“Assistant Diocesan Misconduct Complaints Officer” means the Assistant Diocesan Misconduct Officer appointed under the Diocesan Misconduct Policy;

“Bishop” means the person holding the office of Bishop of the Diocese;

“bullying” means misconduct involving 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);

“Cathedral” means the Cathedral of Christ Church in the City and Diocese of Fredericton;

“Cathedral Chapter” means The Bishop and Chapter of the Cathedral of Christ Church in the City and Diocese of Fredericton;

“child” means a person who is thirteen 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 voting member of the Diocese or of a parish;

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

“Church worker” means a Cleric, a lay-member, an employee, a Leader, or a volunteer of the Diocesan Synod, a Cathedral or Parish Corporation, or a Diocesan Camp in relation to an activity, an event or a program that is sponsored or delivered by the Church.

“Cleric” means a Bishop, Priest, or Deacon licensed in the Diocese;

“Committee” means The Diocesan Misconduct Committee appointed under the Diocesan Misconduct Policy;

“community” includes the Diocese, Cathedral, Parish or Camp;

“Complainant” means a person who alleges s/he is the victim of misconduct by a respondent;

“confession” means the auricular, private confessing of sins to a cleric;

“Consent” is active acquiescence or silent compliance by a person legally capable of consenting and in possession of all essential information in order to give valid consent. Consent is non-coercive and may be evidenced by words or acts or by silence when silence implies concurrent;

“Constitution” means the Constitution of the Synod;

“Dean” means the Dean of the Diocese;

“Deanery” means a geographic area identified by the Bishop and incorporating several parishes in close proximity;

“Diocese” means The Diocese of Fredericton as constituted by Letters Patent issued by Queen Victoria on April 25, 1845, under which the boundaries of the Diocese of Fredericton are coterminous with the boundaries of New Brunswick. ;

“Diocesan Council” means the Diocesan Council constituted pursuant to the Act and by the Constitution;

“Diocesan Human Resources Committee” (DHRC) means the Diocesan Human Resources Committee appointed by the Diocesan Council under Canon Four;

“Diocesan Misconduct Complaints Officer” means the Diocesan Misconduct Complaints Officer appointed under the Diocesan Misconduct Policy;

“Diocesan Privacy Officer” means the Diocesan Privacy Officer appointed under the Diocesan Privacy Policy;

“Diocesan Safe Church Committee” (DSCC) means the Diocesan Safe Church Committee appointed by the Diocesan 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 economic resources without prior consent;

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

“employee” means a person who performs certain duties in return for remuneration by the employer;

“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, a rectory, an office building, a camp building, 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 a corporation continued or established under the Act;

“General Synod” means the General Synod of the Anglican Church of Canada 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 the person appointed to that position or shared position in a parish or

mission and includes a member of the clergy appointed as Rector;

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

“Leader position” or “Leader” means a leadership role in an activity, event or program by a lay person or Cleric in which s/he has authority for the delivery of the activity, event or program;

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

“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 New Brunswick Human Rights Act;

“Mission” means a ministry authorized by the Bishop in a geographical area or a community and which is not maintained and managed by a parish corporation;

“Parish” means a geographical area or a community of Church members;

“Parish Corporation” means a corporation comprising the Incumbent, Church Wardens and Vestry of a parish continued or created under the Act;

“Parish Nursing” is the intentional integration of the practice of **Parish nursing** with the beliefs of a religious community. A **parish nurse** is a registered **nurse** (RN) specialist who encourages physical and spiritual health and wholeness by developing and leading programs within faith communities.

“personal information” is information about an identifiable individual. For the purposes of the Safe Church Regulation, personal information may also include personal health information;

“personal health information”, with respect to an individual, whether living or deceased, means information:

- a) concerning the physical or mental health of the individual;
- b) concerning any health service provided to the individual;
- c) that is collected in the course of providing health services to the individual; or
- d) that is collected incidentally to the provision of health services to the individual;

“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 Diocesan Synod, Cathedral or Parish Corporation, or Diocesan Camp which spans a period of days, weeks or months and in which the level of risk is expected to remain constant; e.g., weekly worship services, weekly Church School, camp session, 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;

“public” means open, transparent and available to all;

“Regional Dean” means a priest who has been appointed to assist the Bishop in a Deanery;

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

“Respondent” means a person against whom a complaint of misconduct is made;

“risk” means an uncertain event or condition that, if it occurs, would have a positive or negative impact;

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

“risk event” means an event that either has occurred or has the potential to occur; there are two types of risks events: A good or positive event (opportunity), and a bad or negative event;

“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:

- i) An "assault" happens when:
 - a) One person applies force to another person or threatens to apply force;
 - b) intentionally, and
 - c) without consent;
- ii) The assault is "aggravated" if the person assaulted is wounded, maimed or disfigured or his or her life is endangered;
- iii) 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;
- iv) 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:
 - a) Aggravated sexual assault;
 - b) Bestiality;
 - c) Incest;
 - d) Inviting a person under the age of fourteen to touch for a sexual purpose;
 - e) Sexual assault;
 - f) Sexual assault with a weapon or sexual assault causing bodily harm;
 - g) 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
 - h) Sexual interference which is sexual touching of a person under the age of fourteen;

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 the case that no consent exists for children under age twelve under specific circumstances with peers for children age twelve and thirteen, and with young persons aged fourteen to eighteen, 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, including:

- i) Any coercion or 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 shall 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 contacts of a sexual nature. It may be one incident or a series of incidents;
- iv) Sexual harassment includes actions that contribute to an environment that is "poisoned" by suggestive pictures or cartoons, and/or other offensive acts. Federal and provincial law prohibits sexual harassment;
- 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 Church worker 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 Church worker or by the person under care or leadership, shall be deemed to be sexual misconduct. This definition is applicable to all church workers: lay or ordained, paid or volunteer;

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

“Synod” means The Diocesan Synod of Fredericton as constituted and continued by the Act and by the Constitution;

“Vestry” means the lay persons who, together with the Incumbent and Church Wardens, comprise the Parish Corporation;

“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 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 and eighteen years of age, inclusive.

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