

Clergy Sexual Misconduct Policy

Adopted December 2022



INTRODUCTION

The concept of sexual misconduct by clergy is troubling. Unfortunately, clergy sexual misconduct has often been minimized and hidden. The effects can be devastating. The path of healing, justice and accountability is never easy. Courage will be required to do the work of bringing truth to light.

There is no place for sexual misconduct by clergy in the BIC Church. It will not be tolerated. We take allegations of clergy sexual misconduct seriously. Clergy who participate in sexual misconduct will be subject to discipline and possible revocation of their ministry credentials.

We commit ourselves to:

- ... supporting persons who have been harmed by clergy sexual misconduct;
- ... advocacy for victims;
- ... investigating allegations and responding appropriately;
- ... screening all clergy upon commencement of ministry;
- ... providing ongoing training regarding the prevention of clergy sexual misconduct and appropriate mechanisms for reporting and response.

We desire our congregations to be safe places for all to thrive. To this end we present this document as a framework for how we will respond as a denomination.

SACRED TRUST AND RESPONSIBILITY

As a church we declare that all human beings have equal worth in the eyes of God. As Galatians 3:26-29 states, "you are all God's children". The Be In Christ Church supports equity without regard to ethnicity, situation, or gender. In our congregations and ministries we seek to create environments of welcome, respect, equality, and kinship in Christ.

Clergy hold a place of authority in the church and have been given much responsibility. They have been vested with a sacred trust to care for persons and to maintain an environment that is safe for people to live and grow in God's love. Sexual misconduct by a clergy person causes great harm. Ministerial leaders have the responsibility not only to refrain from actions and words which hurt others, but also to protect the vulnerable against that which causes harm.

As those in positions of authority who are expected to lead by example, clergy must be held to the highest standard of conduct. Clergy sexual misconduct is a violation of the commitments made upon being credentialed for Pastoral ministry in the Be In Christ Church.

SECTION 1: POLICY

1.1 BIBLICAL AND THEOLOGICAL FOUNDATIONS

The Holy Scriptures speak of the Church as the Body of Christ¹ and call its members to live lives that are rooted in Christ² and to grow together in love, thanksgiving and service to God and neighbour.³ To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit.⁴ The Church is to work for – and, as a sign to the world, to exemplify in its own life and relationships -- a community of truth, justice and mercy, compassion and reconciliation, mutual service and steadfast faithfulness.⁵ We confess that we have not always lived up to this high calling.⁶

As a faith community the people of the Be In Christ Church of Canada affirm:

- That every human being is created in the image of God who has made us for loving, covenantal relationships with our Creator, others and the world. We believe that our peace arises out of right relationships. Our personal dignity, freedom and bodily integrity are ensured by faithfulness to just covenants of mutual trust, care and respect. Such covenants undergird the moral framework of our communal life, responsibilities and entitlements.
- That children, adolescents, the infirm and elderly are particularly vulnerable to the tragic consequences of broken covenants and abusive treatment. Special care must be taken to protect their individual rights and personal integrity.
- That respect, reverence and mutuality are necessary in all human relationships. This agreement about the fundamentals of human relations, including sexual relations, leads to a firm judgement and condemnation of sexual misconduct.

Sexual misconduct by clergy occurs in a wide range of sexual activities including but not limited to: rape, child molestation, adultery, prostitution, and sometimes even in marriage. Sexual misconduct can also occur in the socially subtle aspects of sexism and in sexual harassment of employees in the workplace.

The Church must be clear about these violations of sexual intimacy. It must be explicit in its teaching about these particular aberrations of sexual relations, aggressively proactive about its social policy and action touching on these areas, and forthright in dealing with violations in its own community. Sexual misconduct cannot be treated by the Church as simply a private matter even between consenting adults. Moreover, the greatest care is expected to be exercised in relationships of trust, authority and confidentiality, to avoid taking advantage of trust and responsibility of authority.

¹ Romans 12:5; I Corinthians 12:12-27; Ephesians 1:22-23

² Ephesians 3:17; Colossians 2:7

³ Colossians 1:6; John 13: 12-17; John 15:12; Matthew 7:12; Luke 10:25-28

⁴ Romans 8:18-27; II Corinthians 5:17; Galatians 6:14-15; John 1:12-14, 16

⁵ Matthew 28:18-20; Acts 1:8; II Corinthians 5:18-21; Colossians 1:18-23; I Timothy 5:11-16; Hebrews 13:1-8

⁶ I John 1:8-10

1.2 PRINCIPLES

1. The Be In Christ Church of Canada undertakes to ensure that activities in which it is engaged uphold the values of love, truth and justice proclaimed in the Gospel of Jesus Christ.
2. This policy applies to every person credentialed as a cleric with the Be In Christ Church of Canada.
3. All employees, clergy, and volunteers have the right to a work environment that is free of sexual misconduct from any source, be it co-worker, minister, client, parishioner, volunteer, service provider or member of the public.
4. Clergy are expected to maintain the highest ethical standards of mutual respect, responsibility and caring, as well as modeling wholeness and healthy sexuality in all their relationships with those for whom they have responsibility.
5. Credible allegations of clergy sexual misconduct will be investigated.
6. Professional counsellor/client relationships are to be respected and maintained by all clergy. Exploitation of this trust through sexual activity, touching for sexual purposes, or the suggestion or depiction of any such activity, will not be tolerated.
7. An accused person is presumed innocent until proven guilty. The fact that procedures have been initiated does not create an inference of guilt.
8. Preserving the safety and well-being of a complainant, or others who might be affected, is a priority. Pastoral care shall be available to complainants, respondents, their families, or others affected within the community.
9. An advocate may be appointed by the Denominational Leader to assist a complainant or respondent involved in a proceeding governed by this policy.
10. The Executive Director may initiate an investigation under the procedures of this policy into any situation where there is reasonable suspicion of sexual misconduct whether or not a complaint has been made.
11. Denominational leadership and local congregational leadership actively try to prevent sexual misconduct and deal with every accusation promptly and in co-operation with the proper authorities, where appropriate. Nothing shall be done to interfere with a criminal investigation.

1.3 DEFINITIONS

Sexual misconduct for the purposes of this policy is sexual exploitation, sexual harassment, or sexual assault (commonly called sexual abuse).

Pastoral Relationship

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

Sexual Harassment

Sexual harassment is a specific form of harassment. It is engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the other and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual harassment includes behavior that has the effect of undermining, coercing, intimidating, humiliating or demeaning an individual on the basis of sex. It may have the effect of creating a place of ministry or workplace which is hostile or offensive. Such behavior may consist of a single incident or several incidents over a period of time. The harasser could be of the same or opposite sex as the person harassed and may also be a supervisor or co-worker/minister. Sexual harassment can occur in or outside the office or church building, in person or by any other means, but is not limited to a work-related activity.

Examples:

- Threats or verbal abuse
- Unwelcome sexual remarks, jokes, innuendo or taunting about a person's body or sexual orientation
- Distribution of material of a sexual nature which potentially could be offensive
- Displaying sexist, pornographic or derogatory pictures
- Unwelcome invitation requests or sexually suggestive remarks
- Leering or other sexual gestures
- Unnecessary physical contact, such as patting or pinching

Sexual Exploitation

Sexual exploitation is any form of sexual contact or invitation to sexual contact, with an adult by a professional person, cleric or anyone in a position of authority, trust or power over that adult whether or not there is consent from the individual. Sexual exploitation refers to the act of taking advantage of the vulnerability of an adult, with whom there is a fiduciary and/or pastoral relationship, for one's own pleasure/gain.

Sexual Assault

Sexual assault, commonly known as sexual abuse, is any intentional use of force or threat of use of force and involving some form of sexual activity, including, but not limited to, the examples listed below, against another person without his/her consent. Sexual assault is an activity that may be criminal in nature as defined either as child abuse under the Provincial Child and Family Services Act or as criminal under the Criminal Code of Canada. For purposes of this policy other related offences including the possession, distribution or accessing of child pornography shall be treated as sexual assault.

Examples:

- kissing, sexual contact, fondling or sexual intercourse
- bodily harm or threats to harm, assault with a weapon
- incest, bestiality and gross indecency
- sexual offences against children such as sexual interference, invitation to touching, sexual exploitation, parent or guardian procuring sexual activity of a child, exposing genitals to a child, juvenile prostitution, corrupting children, indecent acts

Consent

Meaningful consent for sexual activity is not possible in a pastoral or fiduciary relationship. Consent is understood as non-coercive; therefore, consent has not been given if an individual agrees to any sexual activity under threat, or if consent is obtained by fraud or through the influence of a person in authority over that person. Children under the age of 14 cannot give consent except in the limited circumstances between peers as set out in the Criminal Code. There are further provisions for mentally or otherwise incapacitated or vulnerable children, adolescents and adults.

Complainant and Respondent

“Complainant” and “respondent” are terms which describe the person bringing the complaint and the person who is accused of sexual misconduct. The complainant may, in some circumstances, be a Denominational Official.

1.4 PREVENTION

The Be In Christ Church of Canada is committed to the prevention of clergy sexual misconduct through a continuing program of education.

1. Denominational leaders shall take responsibility for the general implementation of this policy including the orientation to and ongoing training of clergy concerning the workplace issues of sexual harassment, discrimination, sexual misconduct and ethical behavior. This policy shall be explained to clergy and their written agreement to comply with this policy is required.
2. When new clergy are appointed, agreement to comply with all personnel policies of the church including this sexual misconduct policy is required in writing as a condition of employment. Part of the orientation for new clergy shall include a review of this policy and the procedure for making complaints.
3. Denominational Leaders shall strive to make their places of work free from sexual exploitation, harassment and assault.

SECTION 2: PROCEDURES

2.1 RECEIVING AN ALLEGATION

Normally an allegation will be reported confidentially to local congregational senior leadership or to a person that the local congregation has designated as their victim advocate. Any credible allegation or confession of clergy sexual misconduct regarding a person credentialed as a cleric with the Be In Christ Church of Canada must be reported to the BIC Team Leader and/or Executive Director immediately. If an allegation is first received by the Executive Director or Team Leader, they will report it to the local congregational leadership. This process may be departed from or delayed at the discretion of the Executive Director for reasons they deem necessary. Any legal charge against a credentialed cleric is also deemed an allegation.

Upon receiving an allegation the Team Leader and/or Executive Director along with the local congregational Board Chair will move immediately to initiate a preliminary investigation into the allegation, as follows:

1. If the allegation involves sexual misconduct to a minor, the allegation will be immediately reported to the police.
2. If there is any reasonable suspicion that the misconduct is of a criminal nature, the police will be contacted.
3. The Team Leader and/or Executive Director will notify the complainant in writing that their allegation has been received.
4. The Team Leader and/or Executive Director and a Senior Leader from the local congregation (if applicable) will proceed to interview the complainant. There will always

be at least two persons conducting the interview. The interviewers will immediately document the allegation and interview proceedings.

5. The Team Leader and/or Executive Director may elect to confront the clergy person with the allegation or may defer this action at their discretion.
6. If appropriate, the Team Leader and/or Executive Director and a Senior Leader from the local congregation will interview the clergy person.
7. Legal counsel should be engaged and consulted.
8. Throughout the process the Team Leader and/or Executive Director will ensure proper documentation and shall manage all communication in concert with local congregational leadership.
9. The Executive Director shall inform the Chair of the BIC Canada Board of Directors of the allegation and will keep him / her apprised of the investigation.

If the preliminary investigation concludes that the allegation has credibility, the following process will be followed:

1. The Team Leader and/or Executive Director along with the local congregational Board Chair will issue an immediate suspension of the credentials of the cleric against whom the allegations have been made and move the employee to paid leave. This action will be communicated to the cleric in writing.
2. The complainant will be notified in writing that their allegation is being addressed.
3. The local congregational Board Chair and the Executive Director and/or Team Leader, in consultation with legal counsel and if involved, police services, will notify the congregation at large. The Executive Director and/or Team Leader will work with the local congregational Board Chair in the crafting and release of any statements or press releases.
4. The Team Leader and/or Executive Director along with the local congregational Board Chair will outline to the clergy person the procedure that will be involved in the investigation. The clergy person may have no further contact with the complainant or their immediate family for the duration of the investigation. Failure to comply may result in immediate termination.
5. The Executive Director and/or Team Leader along with the local congregational Board Chair will appoint a victim advocate to support the complainant. The victim advocate may be a friend or a lay person from the congregation, or another congregation, with skills in this area. In some cases, a paid professional may be engaged.
6. Counselling support will be offered to the complainant, the clergy person, and any others deemed to have been affected by the allegation.
7. The Executive Director and/or Team Leader along with the local congregational Board Chair will appoint a Response Team made up of two qualified persons in addition to themselves to investigate the allegations further. Depending on the nature of the

allegation this Response Team may also elect to engage a professional investigator to look into the allegation.

8. The findings of the investigation, as well as action recommendations, will be reported in writing by the Response Team and presented to the local congregational Church Board. This report will be shared with the Chair of the Be In Christ Church of Canada Board of Directors. The report will include:
 - the complaint made
 - the clergy person's written response
 - a summary of the investigation
 - the conclusion reached with reasons and recommended actions
9. All costs will be the responsibility of the local congregation. The congregation may appeal to the denomination for financial assistance if deemed necessary.

2.2 DETERMINATION OF ACTION

The Response Team, local congregational Board Chair and the Chair of the BIC Canada Board of Directors will determine the action to take from these options:

Exonerate. If there is deemed insufficient evidence of wrongdoing, any suspensions will be lifted and the cleric may return to their role.

Censure. Censure expresses strong disapproval of a behaviour as unbecoming a cleric credentialed for ministry with the Be in Christ Church of Canada. Censure may be offered as a warning, indicating that further similar conduct is unacceptable and would lead to further discipline. Notice of censure will be placed in the cleric's personnel file. Without revealing details, information that a letter of censure was sent to the person may be shared with congregations or groups who inquire as to the ministry history of the person as determined by the Executive Director.

Conclusion of Employment and Removal of Credentials. In this case, the actions of the cleric are deemed to be of such a serious nature that conclusion of employment and removal of ministry credentials are necessary.

The clergy person will be notified in writing regarding the findings and recommendations of the Response Team. If termination and/or sanctions are deemed necessary, all legal obligations will be followed. The implementation of actions and public communication will be overseen by the Executive Director and/or Team Leader and the local congregational Board Chair.

At the conclusion of any proceedings the Executive Director and/or Team Leader will prepare a final written report. It will be stored in the clergy person's personnel file with the Be In Christ Church of Canada. A copy of this report will be given to the local congregational Board Chair and the Chair of the BIC Canada Board of Directors.

2.3 POSSIBLE REINSTATEMENT

It is recognized that the circumstances of sexual misconduct usually makes restoration to the role of credentialed clergy within our denomination untenable. **No placement or restoration of credentials will take place for a minimum of two years** following conclusion of employment related to clergy sexual misconduct. When reinstatement is considered it is expected that the clergy person acknowledges their misconduct, expresses clear evidence of sorrow and repentance, and agrees to submit to remedial discipline. It will be the responsibility of the individual to demonstrate their fitness for ministry if seeking out further ministry with the BIC. All situations will be handled on a case-by-case basis.

If and when subsequent ministry involvement in a local BIC congregation is being considered, the local Pastor must consult with the Executive Director to determine whether this is permissible and if so, what boundaries are needed.

When a person is no longer credentialed by the Be In Christ Church of Canada, all professional licence(s) will be revoked.

2.4 APPEAL

If the clergy person contests the action, they may appeal to the BIC Canada Board of Directors for a review hearing. The Board of Directors will appoint an Appeal Council made up of five (5) experienced credentialed Pastors who will hear the appeal and make a decision regarding the recommended actions arising from the investigation. The decision of the Appeal Council will be final. There is no provision for further appeal.

2.5 CARING FOR VICTIMS AND THOSE AFFECTED

The local church shall continue to provide care for those affected by the misconduct. The Team Leader will continue in conversation with local church leadership regarding steps that can be taken to help facilitate ongoing healing in the congregation.

2.6 CLERGY BOUNDARIES AND ACCOUNTABILITY

All clergy must develop a personal plan for healthy boundaries related to interactions with those under their care, particularly in counselling settings. These boundaries should be clearly communicated to the local church board and reported on occasionally. Further training is recommended on an ongoing basis.

2.7 CONGREGATIONAL REPORTING PROCESSES

The policy outlined in this document pertains to clergy sexual misconduct in particular as clergy are credentialed by the denomination. On a general level, each congregation should develop a system for reporting sexual misconduct by a church leader. Training regarding appropriate behaviours for leaders and processes for reporting should be provided at a congregational level.