



## DISCIPLINE & RESTORATION PROTOCOLS

*Protocols & Processes for Complaints Received by CBOQ  
Over Alleged Breaches of Ethical Pastoral Conduct*

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APPROVED BY MINISTERIAL RESOURCES COMMITTEE

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# PART I

# GENERAL INTRODUCTION

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## I. A. PREAMBLE

Within Canadian Baptists of Ontario and Quebec (hereinafter referred to as CBOQ) it is our belief that the Christian Church is a body of believers that should exhibit Christian characteristics promoting a climate of acceptance and trust. Those who give leadership within or on behalf of the church, must always seek to create an atmosphere of trust and safety in the lives of those whom they are called to serve. Because of this, those who are accredited within CBOQ must always serve in ways that reflect the highest ethical and moral standards. CBOQ must continually seek to provide a responsive environment in which those who have suffered harm will be heard and responded to, and those who are accused of wrongdoing will be justly treated.

This manual outlines the protocols to be used in cases where allegations of behaviour that runs contrary to the expectations identified in the Statement of Ethical Pastoral Conduct (page 12) have been made against those accredited by CBOQ.

The protocols within this manual involve an approved **ecclesiastical** process, which shall be conducted within the confines of CBOQ's structure and polity. While this is a primarily an ecclesiastical process, it seeks to act fairly and follow the principles of natural justice. "The principles of natural justice concern the general manner in which a decision is made. Essentially, procedural fairness does not concern the correctness of the decision. Rather, principles of natural justice help to ensure that the decision maker followed the proper procedure in arriving at their decision. The principles of natural justice and procedural fairness are based on the theory that the substance of a decision is more likely to be fair if the procedure through which that decision was made has been just."<sup>1</sup>

It is important to note that the process followed in these protocols may generate a body of evidence that can be used in any criminal investigation or civil action launched for damages. As such, parties to a proceeding must be aware that participation may not be limited to an ecclesiastical review. Their evidence may be introduced in criminal and or civil court. Churches are subject to the rules and dictates of the civil and criminal legal systems.

The hoped-for end of any disciplinary investigation and action is reinstatement of accreditation and return to ministry where appropriate. To that end the protocols outlined are intended to be redemptive. There is a further dimension of restoration that is the work of the individual in addressing his or her relationship with God and other people who have been affected. That restorative work is important but beyond the scope of the official responsibility of CBOQ.

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<sup>1</sup> <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/canadian-citizenship/administration/decisions/natural-justice-procedural-fairness.html> accessed 27 July 2018

This process emerges from the concept and expectations of a Fiduciary Relationship. Fiduciary relationship refers to a special relationship or trust. This trust is normally granted to a person who holds a position of power, leadership or authority by virtue of their rank or position.

Complainants, Victims and Respondents all face vulnerable circumstances during investigative and disciplinary activities. It is important to protect confidentiality and to be as fair as possible in each situation. Counsel and pastoral care should be offered wherever possible to victims, accused and the congregation that may be involved.

## I. B. DEFINITIONS AND CLARIFICATIONS

- 1) An **ACCREDITED MINISTRY LEADER**  
means ordained ministers, commissioned workers, chaplains and others who are accredited by the CBOQ from time to time. These persons are included in the most current listing of Accredited Ministry Leaders. Ministry Leaders who are actively searching for ministry employment during the year CBOQ is carrying their benefits are included in this definition.
- 2) An **ARM'S-LENGTH RELATIONSHIP**  
means that there must be no family, business or friendship links or relationship with the church or ministry setting, Respondent, Victim(s) or the Complainant(s).
- 3) The **ASSOCIATION MINISTRY COMMITTEE (AMC)**  
is a committee appointed in each Association of CBOQ that, in addition to other duties, assist the:
  - Director of Church Life and Leadership and/or the MRC in dealing with pastoral matters requiring any kind of discipline:
  - Director of Church Life and Leadership in providing pastoral care to the Respondent and Victim(s) of alleged breach of the Statement of Ethical Pastoral Conduct
  - Ministerial Resources Committee (MRC) in any process of reconciliation and restoration.

**Notation:** Some Associations use other names for the group serving with these responsibilities.

Throughout this document, the phrase AMC “or equivalent” suggests working with the group best suited to carry out the functions described.

- 4) **CANADIAN BAPTISTS OF ONTARIO AND QUEBEC (CBOQ)**  
is the legal entity incorporated as a corporation under the Act by Articles of Continuance dated 29<sup>th</sup> day of July 2014 and named “Canadian Baptist of Ontario and Quebec.” It is committed to abide by the protocol contained within this manual.
- 5) **CHURCH LEADERS**  
Means a person who has been appointed and/or elected to a leadership position by a local church at a duly called business meeting. Example of Church Leaders are: Deacon, Director of Children’s Ministry, Elder, Trustees etc.

- 6) **A COMPLAINANT**  
is a person who has lodged a complaint of child abuse, elder abuse or Immoral or Unethical Behaviour against an Accredited Ministry Leader of CBOQ.
- 7) **COMPLIANCE**  
Means to abide by all matters relating to the disciplinary process. Refusing to meet with the Executive of the Ministerial Resources Committee (MRC) or a Response Team or a Review Hearing will be in itself sufficient reason for accreditation to be suspended.
- 8) The **CREDENTIALS COMMITTEE**  
is a standing committee attached to the Ministry Resource Committee charged with the responsibility for any process of accreditation and recognition of a person's credentials with CBOQ. (See General Bylaw, Article 7.09)
- 9) The **DIRECTOR OF CHURCH LIFE AND LEADERSHIP**  
is the CBOQ executive staff person primarily responsible for leading the processes described in these Protocols. In all instances, when Director of Church Life and Leadership is referenced, read "Director of Church Life and Leadership or designate."
- 10) **DISCIPLINARY ACTION**  
Is the decision and action taken by the MRC Executive upon reception of the investigation report from the Response Team. It shall refer to one of the actions listed below and further explained in Part III D.
- a. CENSURE**  
is an official statement of the MRC expressing disapproval of a behaviour as unbecoming a person accredited with CBOQ. This statement is placed in the Respondent's file kept at CBOQ office.
- b. SUSPENSION OF ACCREDITATION**  
is the removal of the Respondent's accreditation with CBOQ for a specific period of time in order to implement a program of discipline, reinstatement and restoration prescribed by the MRC. It allows for the possibility of later reinstatement of the Respondent's accreditation
- Notation:** Any and all ministry associated with pastoral care in any form (i.e. preaching, counseling, teaching, and visiting) within CBOQ must not take place while a Respondent's credentials are suspended until such time as the person is fully reinstated.
- Because the Respondent is no longer accredited by CBOQ during the said suspension, licenses (i.e. to perform marriages requiring denominational accreditation) will be revoked.
- The suspension of the Respondent's accreditation by CBOQ shall mean that his/her name will not be listed as one available for ministry.

**c. WITHDRAWAL OF ACCREDITATION**

is an official act of permanent withdrawal of accreditation with CBOQ. The Respondent will never again be accredited by CBOQ, nor be included in CBOQ's Listing of Accredited Ministers in its next printing, will have any license(s) requiring denominational accreditation (such as a license to perform marriages) revoked, have all CBOQ employee benefits cease, and lose the privilege of performing any pastoral function on behalf of CBOQ be removed.

11) The **EXECUTIVE OF THE MINISTERIAL RESOURCES COMMITTEE (MRC Executive)**

is comprised of the following: the Chair of the MRC, the Chair of the Credentials Committee, the Director of Church Life and Leadership and the Executive Minister. The MRC Executive is responsible for the overall conduct and work of the Ministerial Resources Committee and may be called upon to advise and assist the Executive Minister in dealing with pastoral matters requiring any kind of discipline.

**Notation:** It is to be noted that the Executive Minister will immediately assign a designate when the Executive of the MRC is called to investigate or make a decision concerning the discipline of a Ministry Leader. This will ensure the impartiality of the Executive Minister should a Respondent appeal the decision of the MRC Executive or process of investigation.

12) The **EXECUTIVE MINISTER**

is an employee hired by the Board of Directors to oversee the overall mission of the CBOQ in accordance with CBOQ's General Operating By-Law and has all the rights and duties associated therewith.

(See General Bylaw, Article 2.1.4)

In all instances, when Executive Minister is referenced, read "Executive Minister or designate".

13) **FIDUCIARY RELATIONSHIP**

refers to a special relationship or trust. This trust is normally granted to a person who holds a position of power, leadership or authority by virtue of their rank or position. In Christian ministry this refers to a relationship in which the Church Body trusts that those in positions of leadership will exercise loving, safe, enabling, enriching, non-abusive authority, care, guidance, and encouragement to every member without distinction.

In a Christian community setting this specifically relates to the trust that is normally granted to persons both training for and practicing Christian ministry.

14) **IMMORAL AND UNETHICAL BEHAVIOUR**

is any breach or violation of the terms of the Statement of Ethical Pastoral Conduct found in Part I.

15) The **MINISTERIAL RESOURCES COMMITTEE (MRC)**

is a standing committee attached to the board of directors of CBOQ. It assists and advises the board of directors of CBOQ on matters related to credentials, accreditation, determination of ordination procedures, ordination of new pastors, discipline involving accreditation, and

maintenance of confidential records and files and the restorative process for Ministry Leaders.  
(See General Bylaws, Article 7.08)

16) **MULTIPLE OFFENSES**

Means when a Respondent has been found in breach of the Statement of Ethical Pastoral Conduct more than once.

17) The **PRESIDENT OF CBOQ**

is appointed in accordance with CBOQ's General Operating By-Law, who has all the rights and duties associated there with.

(See General Bylaw, Article 2.1.1)

18) **REINSTATEMENT OF ACCREDITATION**

is the action taken by the MRC once it is fully satisfied that the Respondent is clearly repentant and has fulfilled all the requirements prescribed by the MRC.

The MRC may reinstate accreditation with or without continuing restrictions.

19) A **RESPONDENT**

is a person named in a complaint concerning child abuse, elder abuse or Immoral or Unethical Behaviour.

20) The **RESPONSE TEAM**

Are the members appointed by the Director of Church Life and Leadership. They shall consist of no less than two members of the standing Response Team Panel and one member from the Respondent's local AMC.

The task of the Response Team is to quickly investigate a complaint (normally within fourteen (14) days of notification and make recommendations through the Director of Church Life and Leadership to the Ministerial Resources Committee Executive.

21) The **RESPONSE TEAM PANEL**

is a standing panel of at least twelve members who are recommended by the Executive Minister, appointed by the MRC and approved by CBOQ Board annually in September.

From this Panel the Director of Church Life and Leadership will appoint the members of any Response Team as stipulated in Part II and the Board President of CBOQ will appoint the three members of any Review Hearing as stipulated in Part V.

**Notation:** Members of the Response Team Panel must not be current members of the MRC or the Credentials Committee.

Members of a Response Team or a Review Hearing must have a clear arm's-length relationship from the church, the Complainant Victim(s), and the Respondent involved. By "arm's-length" we mean that members of the Response Team or the Review Hearing must not have any family, business, friendship links or relationship with the church, Complainant, Victim(s), or Respondent.

22) **RESTORATION**

is a process that is a matter of the heart between the individual and his/her relationship to God and others who have been affected. While CBOQ is interested in the process, it cannot force it to happen.

23) The **REVIEW HEARING TEAM**

are the three members of the Response Team Panel who are appointed by the Board President of CBOQ at the request of the Executive Minister as part of the appeal process made by the Respondent.

This Review Hearing Team shall not include persons involved in the initial Response Team investigation and have an arm's-length relationship with the church, Complainant, Victim(s), and Respondent.

24) **TEMPORARY LEAVE OF ABSENCE FROM MINISTRY (Temporary Leave of Absence)**

is the immediate removal of the Respondent from his/her place of ministry at the requirement of the Director of Church Life and Leadership. Such a request is made when a notice of an allegation of breach of the Statement of Ethical and Pastoral Conduct is received and the Director is of the opinion that the Respondent should step down temporarily while the matter is being investigated according to these protocols. Its intention is protective not punitive. The Respondent may continue being paid by his/her employer.

**Notation:** CBOQ will work with an affected church for as long as the process takes in providing for interim pastoral care.

25) **TEMPORARY LIFTING OF ACCREDITATION**

Is the temporary removal of a Respondent's credentials. This takes effect when the Respondent is put on a Temporary Leave of Absence from his/her place of ministry. It will remain in effect as long as the Respondent is on Temporary Leave of Absence.

The Temporary Lifting of Accreditation may be replaced by a Suspension Of Accreditation should the Respondent be subject to Disciplinary Action.

**Notation:** Any and all ministry associated with pastoral care in any form (i.e. preaching, counseling, teaching, and visiting) within CBOQ must not take place while a Respondent's accreditation is temporary lifted. This means a Respondent's license to perform marriages requiring denominational accreditation will be revoked.

**Notation:** Members of the Response Team Panel will be asked to attend a yearly orientation seminar to review procedures and preferred methods of investigations.

26) **VICTIM**

is a person who may or may not be the complainant, but who has sustained harm as a result of the alleged breach of the Statement of Ethical Pastoral Conduct

## I. C. RESPONSIBILITIES

### **RESPONSIBILITY OF CHURCH LEADERS**

When situations arise involving allegations of Immoral or Unethical Behavior on the part of Accredited Ministry Leaders, it is incumbent on the spiritual leaders of a church to involve CBOQ in the investigation and disciplinary process, since CBOQ is the body charged with the accreditation of Ministry Leaders on behalf of the congregations. The same expectation is placed on organizations that employ Accredited Ministry Leaders, such as chaplaincy settings.

### **RESPONSIBILITY OF CBOQ**

CBOQ is responsible to respect and recognize the autonomy of the local church and its responsibility to resolve its own matters of concern. However, with that acknowledgement, CBOQ has the responsibility and authority to take investigatory and disciplinary action when a written complaint is formally presented to the Director of Church Life and Leadership concerning Immoral or Unethical Behaviour in the life of a CBOQ Accredited Ministry Leader which brings the Body of Christ into disrepute.

Preferably, a written complaint may be forwarded to the Director of Church Life and Leadership by:

- An individual who believes that he/she has no other recourse
- The appointed spiritual leader(s) of a local church
- An Association Ministry Committee (or its equivalent)

Complaints should preferably be in writing and signed by the person(s) making the complaint. If it is not in writing, a written minute of an oral statement will be produced by the Director of Church Life and Leadership who may ask for the signature of the person making the complaint.

**Notation:** No one shall be compelled to sign a document, especially if the Complainant is a minor under the age of eighteen (18) years old.

Information of Immoral or Unethical Behaviour may also come in the form of a confession by an Accredited Ministry Leader.

In a Christian community setting this specifically relates to the trust that is normally granted to persons both training for and practicing Christian ministry.

A breach of a Christian minister's fiduciary responsibility towards those who place their trust in him/her is to be understood as a grievous act of ethical, if not also moral misconduct.

# PART II

# STATEMENT OF ETHICAL PASTORAL CONDUCT

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## II. STATEMENT OF ETHICAL PASTORAL CONDUCT

### **Statement of Intent**

The Statement of Ethical Pastoral Conduct<sup>2</sup> has been created to provide a clear standard of conduct for those who are Accredited Ministry Leaders by CBOQ and serve in positions of leadership and influence within the Christian community. As followers of the Lord Jesus Christ, and leaders within the church we covenant with God and one another to abide or adhere to a high standard of morality and ethics within our lives and ministries.

### **Standard Principles and Expectations**

*All Ministry Leaders accredited by CBOQ are representatives of the wider Christian community and of CBOQ. As a visible role model and servant leader, I agree to:*

Live as a follower of Jesus Christ in my actions, attitudes and behaviours, recognizing my daily need for Christ's grace and forgiveness in my life and in the lives of others (Mark 12: 30- 31; Ephesians 2: 8-10; Colossians 2: 6-7; 1 John 1: 8-10).

Honour the high calling to Christian ministry and leadership and endeavour to lead a godly and exemplary life (Ephesians 4: 11-12; Titus 1:7-9).

Study with diligence and teach the scriptures with integrity, presenting the whole counsel of God's word in matters of faith, doctrine, ethics and morality (2 Timothy 2: 15- 16; 2 Timothy 3: 16- 17; Hebrews 4:12).

Endeavour to grow as a Ministry Leader to offer ongoing effectiveness in ministry and leadership (Philippians 2: 1-11).

Maintain strict confidentiality when asked or required, except in cases where disclosure is necessary to prevent harm to persons and/or is required by law. It is required by law to

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<sup>2</sup> All Ministry Leaders who seek accreditation with CBOQ must agree with and sign and date the Statement of Ethical Pastoral Ethics, thus giving their consent to be supervised and disciplined. The Statement of Ethical and Pastoral Ethics is then placed in their personal file at CBOQ office.

report to the proper authorities suspected or declared child abuse or neglect,<sup>3</sup> and elder abuse in a nursing home.<sup>4</sup> (Romans 13: 1)

Accept responsibility for my own spiritual, emotional, physical and mental health. I will seek the help of others when I discover, or it is pointed out to me the need for support, encouragement, counselling or exhortation, and similarly act with due care towards my family and friends (2 Corinthians 5: 17- 6: 2).

Follow the directives of Galatians 6:1. If I become aware that one of my CBOQ Ministry Leader colleagues is “caught in sin,” I will consider to gently but courageously encourage him/her to confess sin and take the necessary steps of repentance and restoration. If the ministry colleague remains unrepentant or unchanged in regards to their sinful behaviour, I will consider the directives of Matthew 18: 15- 17 about contacting Church Leaders of that minister’s congregation or the Executive Minister of CBOQ (and police if required by law) and inform them of the situation.

In the spirit of Galatians 6: 1, if someone approaches me pointing out my sin, I will listen and consider their words. I will honestly reflect, confess if necessary, and consider allowing others to help me be restored in faith and practice, living out Proverbs 28:13.

## Critical Expectations

*All Ministry Leaders accredited by CBOQ are expected to uphold a high standard in terms of their conduct and lifestyle. Breach of a critical expectation may result in suspension of credentials and further disciplinary action. Detailed protocols in regards to discipline, reinstatement and restoration can be found in CBOQ Protocols for Discipline. As a Ministry Leader accredited by CBOQ, I agree to:*

Treat all people with dignity according to the Human Rights Code of Ontario<sup>5</sup> and/or the Quebec Charter of Human Rights and Freedoms<sup>6</sup>. The Code and Charter prohibit actions that discriminate against a person. Examples of discrimination are gender, race, national origin, ethnicity, sexual orientation, age, marital status, physical impairment and disability. (Genesis 1: 27; Galatians 3: 26- 28) (See the *Code and Charter* for the full list).

Not engage in aggressive or abusive behaviour, physically or verbally (Ephesians 4: 25-27).

Not engage in or be found guilty in a court of law of criminal activity, such as violence, abuse, theft, fraud, etc.. (This is not to curtail the peaceful conscientious objection to potential government action.) (Ephesians 4: 17-24)

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<sup>3</sup> In Ontario, see <http://www.children.gov.on.ca/htdocs/English/childrensaidd/reportingabuse/index.aspx> for more details on the requirements to report. In Quebec, refer to <http://publications.msss.gouv.qc.ca/msss/fichiers/2016/16-838-02A.pdf>

<sup>4</sup> In Ontario See <http://www.elderabuseontario.com/what-is-elder-abuse/legislation-reporting/#4> for more details on requirements to report. In Quebec, see <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/L-6.3> for details concerning the law, chapter IV articles 21.

<sup>5</sup> See <http://www.ohrc.on.ca/en/ontario-human-rights-code> for full details.

<sup>6</sup> See [http://legisquebec.gouv.qc.ca/en/showdoc/cs/C-12?langCont=en#ga:l\\_i-gbl\\_i-h1](http://legisquebec.gouv.qc.ca/en/showdoc/cs/C-12?langCont=en#ga:l_i-gbl_i-h1), especially section 10.

Maintain healthy physical and emotional boundaries with those to whom I minister and with those I work alongside. This means there will be no comments or behaviours that would be construed as sexual or psychological harassment according to the Ontario Human Rights Code or the Quebec Labour Standards.<sup>7</sup> (Colossians 3: 1-17).

Honour healthy and appropriate physical and emotional boundaries (e.g. not becoming emotionally intimate with someone I am ministering to or with<sup>8</sup>) and understanding the power inherent in the role of a minister (Ephesians 5:3-5; James 3:1).

Maintain a God-honouring and pure sexuality. I will not engage in extramarital, pre-marital, or same-sex sexual relationships or behaviour in keeping with *This We Believe: Resources for Faith with Baptist Distinctives*<sup>9</sup> and the Resolution on Same-Sex Marriage<sup>10</sup>. I will avoid pornography<sup>11</sup> (Mark 7:21-23; 1 Corinthians 6:18-20; Galatians 5:16- 26; 1 Thessalonians 4:3-8).

Seek to insure the spiritual integrity of events such as marriages, funerals, child dedications or other such services, practicing them in accordance with the patterns and practices established for CBOQ by its member congregations.

Understand and observe my responsibilities in regards to the protection of children and vulnerable persons within my care, the church I serve, and the community at large (Micah 6: 8; James 1:27).

Conduct all personal and professional financial affairs ethically and responsibly (1 Timothy 6:3-10).

Refrain from illegal drug use and abuse of alcohol (drunkenness) and prescription drugs; and to seek immediate help for any addictive behaviours (drugs - legal or illegal, alcohol, gambling, pornography etc.) (Romans 13:12-14; 1 Corinthians 6:18-20)

Consistently seek to encourage congregations and congregants toward loyalty to and support of CBOQ, and to serve harmoniously within the patterns and practices established for CBOQ by its member congregations.

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<sup>7</sup> For Ontario, see <http://www.ohrc.on.ca/en/policy-preventing-sexual-and-gender-based-harassment/2-identifying-sexual-harassment> and for what constitutes general harassment in the labour force see <https://www.ontario.ca/page/understand-law-workplace-violence-and-harassment#section-3>. For Quebec see, <https://www.cnt.gouv.qc.ca/en/in-case-of/psychological-harassment-at-work/labour-standards/section-8118/index.html> and to see how this act includes sexual harassment, see <https://www.cnt.gouv.qc.ca/en/in-case-of/psychological-harassment-at-work/foire-aux-questions-sur-le-harcelement-psychologique-et-sexuel/index.html>

<sup>8</sup> Inappropriate emotional intimacy occurs when a person channels intimate emotional energy, time, and attention to someone other than their spouse. Examples of this are found when someone shares with someone of the opposite gender details of their intimate lives such as marital problems; makes comparisons of the person with one's partner; often thinks of the person; keeps the intimacy of the relationship secret; fantasizes a love or sexual relationship with the person; looks for time to be alone with the person, etc.

<sup>9</sup> <https://baptist.ca/wp-content/uploads/2016/09/This-We-Believe.pdf>

<sup>10</sup> [https://baptist.ca/wp-content/uploads/2012/03/au\\_cboq\\_resolution\\_on\\_same\\_sex\\_marriage.pdf](https://baptist.ca/wp-content/uploads/2012/03/au_cboq_resolution_on_same_sex_marriage.pdf)

<sup>11</sup> Pornography is defined as the depiction of erotic behaviour in pictures (still and motion) and/or writings intending to produce sexual excitement.

Serve humbly and not abuse the inherent power of the ministry position. I will refrain from any form of conduct that exploits another for my own advantage or the advantage of any third person (1 Peter 4:7-11).

Upon my retirement or resignation, I will seek to support the ministry of my successor(s) by refusing to interfere in the ministry of the church I formerly served. I will refrain from pastoral involvement (including opinion on the incumbent's decisions) except upon the clear consent of my successor(s) and church board.

# PART III

## CBOQ Protocol Governing the Response to Allegations of Immoral and Unethical Behaviour

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### III. A. RECEIVE COMPLAINT, ALLEGATION OR CONFESSION AND RESPONSE TO COMPLAINT

**Notation:** This protocol is not for use in case of allegation of child abuse. Please refer to Part IV for the protocol governing such allegations.

Complaints, allegations or confessions of Immoral or Unethical Behaviour should to be written, signed and directed to the CBOQ Director of Church Life and Leadership for response. The written statement may be a minute of a transcribed oral statement that is preferably signed by the person making the complaint or confession. Any legal charge laid against an Accredited Ministry Leader is also deemed an allegation which warrants the determination of a response according to this protocol.

- a) The Director of Church Life and Leadership shall have the responsibility to respond to all complaints of Immoral or Unethical Behaviour that involve CBOQ Accredited Ministry Leaders.
- b) The Director of Church Life and Leadership shall ensure that the Complainant is made aware that the issues will be or is being addressed.
- c) The Director of Church Life and Leadership shall inform the Executive of the MRC that a complaint has been registered. The names of the Complainant and Respondent shall not be revealed at this point in order to protect the privacy of all concerned. (The Director may decide that the complaint has no merit.)
- d) Within fourteen (14) days of receiving a complaint of Immoral or Unethical Behaviour the Director of Church Life and Leadership shall make a determination of the response level required in the situation, unless the law or nature of the complaint requires a quicker response.

- a. If the Director of Church Life and Leadership determines that the complaint has no merit<sup>12</sup>, the matter will be considered closed and no further steps will be taken except to inform the Complainant about the decision. The Executive of the MRC will also be informed that the complaint has been dismissed. That decision will be final.
- b. If the Director of Church Life and Leadership determines that the complaint has merit, he/she will initiate the investigation protocol outlined in Part III. B.

## III. B. RESPOND PROCEDURES

If the Director of Church Life and Leadership determines that further investigation is required, a Response Team is assigned to continue the exploration. (Its formation is explained below.) If the Director of Church Life and Leadership determines that the complaint has merit and no further is not required (NO), the matter is referred to the Ministerial Resources Executive for action.<sup>13</sup>

### PROTOCOL FOR FURTHER INVESTIGATION

#### General Directives Concerning this Protocol:

The Director of Church Life and Leadership shall begin to keep a detailed log of the proceedings, meetings and telephone conversations along with all correspondence.

**Notation:** Such log may be used as evidence in a civil or criminal trial.

The Director of Church Life and Leadership must ensure that the Victim(s) understands that his/her identity may be known by those who will be investigating.

Any action taken must not impede any Police investigation, an investigation by the Children's Aid Society in Ontario or the Director of Youth Protection in Quebec, (also known as Directeur de la protection de la jeunesse), or the authorities that investigate elder abuse, or be seen to prejudice the outcome of such an investigation.

It must be stated that an investigation led by CBOQ may be the catalyst for an investigation by legal authorities.

**Notation:** Should there be an official investigation by the police or Children's Aid Society or Director of Youth Protection, or the authorities that investigate elder abuse, or should the matter under CBOQ investigation be brought forth to a court of justice (criminal or civil), CBOQ will pause its own investigation so as not to impede the authorities and/or the legal process. It will resume once the legal proceedings or investigations led by the authorities are finished.

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<sup>12</sup> An example of a complaint without merit would be when the complaint is not about a breach of the Statement of Ethical Pastoral Conduct. Another example would be a complaint based on hearsay – unless this complaint concerns child abuse.

<sup>13</sup> An example of such response (NO) would be when an Accredited Ministry Leader is found guilty in a court of law of an offense deemed to have breached the Statement of Ethical Pastoral Conduct. CBOQ would not necessarily have to investigate the matters as the justice system already has.

Step 1

As soon as possible, (normally within 48 hours) after a decision has been made by the Director of Church Life and Leadership to proceed with an investigation, he/she shall contact the alleged Victim(s) (preferably in person or by telephone) to offer the provision of pastoral care and to make him/her/them aware of the steps which have been and will be taken.

During that communication, the Director will ascertain that the Victim(s) is (are) aware that his/her identity may become known to the Respondent and those who will be investigating the matter. The Director will verify that the Victim(s) is aware that the proceedings may lead to police or other legal authority investigation and prosecution of the respondent.

**Notation:** Should the Victim(s) not want to be identified, the CBOQ may have to cease its investigation.

**Notation:** At no time shall the Victim(s)'s identity be revealed if he/she (they) is not the Complainant and the Victim(s) does not wish to be identified. However, the Director of Church Life and Leadership will report the matter to the authorities if it is required to do so by law (such as child or elder abuse).

Step 2

The Director of Church Life and Leadership shall contact the Respondent by phone or in person immediately after speaking with the Victim(s) and inform him/her of:

- The complaint (non-detailed),
- The process taking place.

The Respondent shall be required to have no further contact with the alleged Victim(s) and Complainant if not the same, pending the outcome of an investigation.

**Notation:** The Director of Church Life and Leadership shall offer support and pastoral care to the Respondent and his/her family.

Step 3

If the situation warrants such, the Director of Church Life and Leadership may call for an immediate Temporary Leave of Absence pending the outcome of the investigation.

**Notation:** Failure by the Respondent to comply with this arrangement for a Temporary Leave of Absence, if warranted, will result in immediate Suspension of the Respondent's accreditation

**Notation:** A Temporary Leave of Absence shall be deemed necessary if in the view of the Director of Church Life and Leadership the Respondent is unable to fulfill his/her responsibilities with credibility and effectiveness.

**Notation:** The church may continue to pay the Respondent's salary while he/ she is on Temporary Leave of Absence.

**Notation:** CBOQ may offer to underwrite the cost of interim ministry up to three (3) days per week for three (3) months at \$150.00 per day.

Step 4 This arrangement will be re-negotiated if necessary at the end of ninety (90) days. The Director of Church Life and Leadership shall provide the Respondent with a copy of this Manual as quickly as possible.

Step 5 The Director of Church Life and Leadership shall contact the Chair of the appropriate Board, which oversees the Respondent's ministry:

- To request that person's assistance in the investigation;
- If necessary to arrange with the appropriate Board for the Respondent to take an immediate Temporary Leave of Absence until the matter is resolved.

Step 6 As soon as possible after the Respondent has been contacted by phone or in person, the Director of Church Life and Leadership shall send the Respondent a letter by e-mail and/or regular mail:

The letter will include:

- A copy of the written complaint
- Notice of the arrangements made for his/her Temporary Leave of Absence if such is required
- A directive in writing that he/she have no further contact with the alleged Victim(s), and/or the Complainant(s) pending the outcome of an investigation
- Any additional information on the procedure which will take place
- A caution that any confession or statement given or taken from him/her could be compellable in a court of law and may be used in a prejudicial fashion against him/her. (The Respondent has the right to remain silent.)
- A request for a written response to the complaint to be sent to the Director of Church Life and Leadership within ten (10) days

Copies of this notification shall be sent to:

- the Complainant
- the Response Team, once formed
- the Chair of the appropriate Board which oversees the Respondent's ministry

Step 7 The Director of Church Life and Leadership shall advise the President of CBOQ and the MRC Executive of the complaint and the need to investigate.

Step 8 The Director of Church Life and Leadership shall arrange for support and pastoral care to the Respondent and his/her family if they so wish.

- Step 9 If the Respondent acknowledges his/her breach of the Statement of Ethical Pastoral Conduct expresses clear evidence of sorrow and repentance, and makes himself/herself available for remedial discipline, the Director of Church Life and Leadership will work with the Executive Minister, and/or the MRC Executive, and/or, if warranted, the Association Ministry Committee (or its equivalent) to arrange remedial and restorative steps of discipline (See Part VI).
- OR**
- If the Respondent does not acknowledge his/her breach of the Statement of Ethical Pastoral Conduct after ten (10) days have passed since the notification of the complaint was sent (Step 6), within the next four (4) days the Director of Church Life and Leadership shall appoint two (2) members of the Response Team Panel to form a **Response Team** to conduct an inquiry and make recommendations.
- Notation:** The importance of gender balance should be considered in the appointment of the Response Team.
- Notation:** All participating members of the Response Team must have a clear Arms-Length Relationship (see definition in Appendix C) with the church and/or people involved.
- Step 10 The Director of Church Life and Leadership shall contact the Chair of the local Association Ministry Committee (or its equivalent) to enlist one of its members to serve as a member of the Response Team.
- Step 11 The Response team shall decide amongst them:
- Who will serve as chairperson
  - Who will serve as recording secretary
- Date, time, and place of the Meetings 1 and 2 (See below)
- Notation:** The Chairperson is responsible for presiding over the proceedings. He/she shall have the breaking vote if there is a tie in the decision-making process. He/she shall ensure that the process follows the principles of natural justice. Therefore, he/she shall make himself/herself familiar with the natural justice process.
- Notation:** The Recording Secretary shall collate all documents from the case and ensure that all members of the Response Team have access to them. He/she shall ensure that all decisions are recorded and that the steps taken in the investigation are also recorded.
- Notation:** The written record created in by the Response Team investigation may be subpoenaed by a court of law.
- Step 12 The Director of Church Life and Leadership shall ensure that the Response Team is provided with copies of the written complaint and the written response, as well as the letter sent to the Respondent.

Step 13 The Response Team shall attempt to commence the investigation within fourteen (14) days of their enlistment.

Step 14 The Response Team shall consider the complaint and shall conduct such investigation and gather all relevant information to assess whether the complaint can or cannot be substantiated, always seeking to maintain appropriate confidentiality. Hearsay shall not be considered relevant. Witnesses to the alleged breach of the Statement of Ethical Pastoral Conduct may be asked for a written statement. Such statements will be shared with the Respondent.

**Notation:** It must be assumed that the police cannot be a source of substantiating information.

**Notation:** Both the Complainant and the Respondent shall be advised of their right to have a support person present at the meetings mentioned below.<sup>14</sup>

The Investigation shall include at the very least the following two (2) meetings. (See the procedure to follow for the meetings below)

**Meeting 1.**

The Response Team shall meet with the Complainant:

- To clarify their complaint(s) and respond to questions which may be raised
- To discuss the written response of the Respondent

The Response Team should also seek to meet with the alleged Victim(s) if he/she is not the same as the Complainant. If necessary and/or appropriate, the alleged Victim(s) will be met at a different time from the Complainant. The meeting will be:

- To clarify the events that have taken place and respond to questions that may be raised
- To discuss the written response of the Respondent

The Response Team shall consider the support and pastoral needs of the Complainant and/or the alleged Victim(s) and his/her family and shall make recommendations to the Director of Church Life and Leadership regarding the provision of such counseling and other help as may be deemed appropriate.

**Notation:** The Complainant and/or alleged Victim(s) shall not be coerced or compelled to appear or say anything more than what their written complaint revealed.

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<sup>14</sup> That support person may be a friend, family member, or attorney.

**Notation:** The Respondent shall be given a copy of the proceedings of that meeting prior to Meeting 2 (see below) so that he/she may properly prepare to respond to the allegations.

**Meeting 2.**

The Response Team will, in a separate gathering, meet with the Respondent to examine the particulars of the written complaint(s), his/her response and to answer any questions which might be raised.

The Respondent will be given an opportunity to present such additional information, evidence and response, as he/she feels necessary.

The Response Team shall consider the support and pastoral needs of the Respondent and his/her family and shall make recommendations to the Director of Church Life and Leadership regarding the provision of such counseling and other help as may be deemed appropriate.

**Notation:** The Respondent shall not be coerced or compelled to appear or say anything more than what their written response revealed.

**Procedures for the Meetings:**

- 1) Opening statement by the Chair of the Response Team outlining the purpose of the meeting and the procedure that will be followed.
- 2) Introduction of participants. The participants shall be the Complainant and/or Victim(s) or Respondent, and their support person. If the Complainant or Respondent have witnesses, these shall be identified.
- 3) A brief synopsis of the process to date is given by the Chair
- 4) Invocation prayer led by the Chairperson
- 5) Reading of the original written complaint by the Complainant, read by the Recording Secretary
- 6) Presentation of the information or testimony that supports the complaint, From Complainant and witnesses if appropriate

Or

Presentation of the information or testimony that may refute the complaint, from Respondent and witnesses, if appropriate

**Notation:** Members of the Response Team have the right to ask any questions of the presenters to clarify what is being said.

- 7) Clarification questions by the Response Team to any of those offering information, testimony, refutation or response
- 8) Closing statement by the Complainant or Respondent or his/her support person
- 9) Closing prayer, led by the Chairperson
- 10) Meeting ends

Step 15 Following the investigation, the Response Team must make one of the following recommendations to the MRC Executive:

The Respondent should be exonerated as there is no warrant for disciplinary action.

**OR**

The Respondent should be disciplined by the MRC, bearing in mind that he/she has voluntarily admitted to a breach of the Statement on Ethical Pastoral Conduct as brought forward in the complaint.

**OR**

The Respondent should be disciplined by the MRC, bearing in mind the Respondent has not admitted to a breach of the Statement of Ethical Pastoral Conduct but there is compelling evidence that the complaint is valid.

Step 16 The Respondent and the Complainant shall be notified of the finding as quickly as possible.

Step 17 The Response Team shall prepare a written report, which will include:

- The complaint made
- The Respondent's written response
- A summary of the investigation conducted,
- The conclusion,
- Recommendations, including the reasons for these recommendations.

**Notation:** Verify that Victim(s)'s name(s) is not included in the report if he/she/they requested to stay anonymous as per step 1.

**Notation:** This written report is compellable by a court of law. Therefore, the information it contains may be prejudicial evidence.

Step 18 The Response Team shall ensure that a copy of the written report is given to:

- The Director of Church Life and Leadership
- The Executive Minister
- The President of CBOQ
- The MRC Executive

**Notation:** In cases where the Respondent is exonerated by the Response Team but is found guilty of an offense in a separate court of law, the MRC Executive may reconsider further investigation and action.

## PROTOCOL FOR NO FURTHER INVESTIGATION REQUIRED

General Directives Concerning this Protocol:

The Director of Church Life and Leadership shall begin to keep a detailed log of the proceedings, meetings and telephone conversations along with all correspondence.

**Notation:** Such log may be used as evidence in a civil or criminal trial.

The Director of Church Life and Leadership must ensure that the Victim(s) understands that his/her identity may be known by the Respondent and the MRC, including its Executive.

Any action taken must not impede any Police investigation, an investigation by the Children's Aid Society in Ontario or the Director of Youth Protection in Quebec, (also known as Directeur de la protection de la jeunesse), or the authorities that investigate elder abuse, or be seen to prejudice the outcome of such an investigation.

**Notation:** Should there be an official investigation by the police or Children's Aid Society or the Director of Youth Protection, or the authorities that investigate elder abuse, or should the matter being under CBOQ investigation be brought forth to a court of justice (criminal or civil), the CBOQ will pause its decision making so as not to impede the authorities and/or the legal process. It will resume once the legal proceedings or investigations led by the authorities are finished.

Step 1 As soon as possible, (normally within 48 hours) after a decision has been made by the Director of Church Life and Leadership to proceed with referring the complaint directly to the MRC Executive, he/she shall contact the alleged Victim(s) (preferably in person or by telephone) to offer the provision of pastoral care and to make his/her/them aware of the steps which have been and will be taken. During that communication, the Director will ascertain that the Victim(s) is aware that his/her identity may become known to the Respondent and the MRC who will be deciding concerning discipline. The Director will verify that the Victim(s) is aware that the proceedings may lead to police or other legal authority investigation and prosecution of the respondent.

**Notation:** At no time shall the Victim(s)'s identity be revealed if he/she (they) is not the Complainant and the Victim(s) does not wish to be identified. However, the Director of Church Life and Leadership will report the matter to the authorities if it is required to do so by law (such as child or elder abuse).

Step 2 The Director of Church Life and Leadership shall contact the Respondent by phone or in person immediately after speaking with the Victim(s) and inform him/her of:

- The complaint (non-detailed)
- The process taking place

Step 3 If the situation warrants it, the Director of Church Life and Leadership may call for an immediate Temporary Leave of Absence pending the outcome of the decision of the MRC Executive.

**Notation:** Failure by the Respondent to comply with this arrangement for a Temporary Leave of Absence, if warranted, will result in immediate suspension of the Respondent's accreditation

**Notation:** A Temporary Leave of Absence shall be deemed necessary if in the view of the Director of Church Life and Leadership the Respondent is unable to fulfill his/her responsibilities with credibility and effectiveness.

**Notation:** The church may continue to pay the Respondent's salary while he/she is on Temporary Leave of Absence.

**Notation:** CBOQ may offer to underwrite the cost of interim ministry up to three (3) days per week for three (3) months at \$150.00 per day.

This arrangement will be re-negotiated, if necessary, at the end of ninety (90) days.

Step 4 The Director of Church Life and Leadership shall provide the Respondent with a copy of this Manual as soon as possible.

Step 5 The Director of Church Life and Leadership shall contact the Chair of the appropriate Board, which oversees the Respondent's ministry:

- To inform them of the complaint and the decision to refer the matter immediately to the MRC Executive for a decision;
- If necessary to arrange with the appropriate Board for the Respondent to take an immediate Temporary Leave of Absence until the matter is resolved

Step 6 As soon as possible after the Respondent has been contacted by phone or in person, the Director of Church Life and Leadership shall send the Respondent a letter by e-mail and/or regular mail:

The letter will include:

- A copy of the written complaint
- Notice of the arrangements made for his/her Temporary Leave of Absence if such is required
- A directive in writing that he/she have no further contact with the alleged Victim(s), and/or the Complainant(s) pending the outcome of a decision by the MRC
- Any additional information on the procedure which will take place
- A caution that any confession or statement given or taken from him/her could be compellable in a court of law and may be used in a prejudicial fashion against him/her. (The Respondent has the right to remain silent.)
- A request for a written response to the complaint to be sent to the Director of Church Life and Leadership within ten (10) days

Copies of this notification shall be sent to:

- Complainant
- MRC Executive
- Chair of the appropriate Board which oversees the Respondent's ministry

Step 7 The Director of Church Life and Leadership shall advise the Board President of CBOQ and the MRC Executive of the complaint, its assessed validity and that it is being sent to the MRC Executive for a decision.

**Notation:** The Director of Church Life and Leadership must ensure that the MRC Executive has the response of the Respondent in its possession before it makes a decision. Therefore, there must be a delay of at least ten (10) days before the MRC Executive can meet to deliberate.

Step 8 The Director of Church Life and Leadership shall arrange for support and pastoral care to the Respondent and his/her family if they so wish.

Step 9 The Ministerial Resources Executive will consider the available evidence and take action as outlined in the next section.

### III. C. TAKE OFFICIAL ACTION

The Ministerial Resources Committee Executive<sup>15</sup> receives the report of the Director of Church Life and Leadership or the Response Team and determines whether to Exonerate, Censure, Suspend, or Withdraw the Accreditation of the Respondent.

The Respondent, the Complainant, the Victim(s) if warranted, and the Respondent's congregation or place of ministry should be informed in writing of the decision as soon as possible.

**Notation:** The cause, conditions, program and expectations of the discipline must be clearly stated in writing by the MRC Executive.

**Notation:** If the Respondent has previously breached the Statement of Ethical Pastoral Conduct, was disciplined for it, and was reinstated, then any disciplinary action, (when another breach has been found to have occurred), the level of discipline will become increasingly stronger.  
e.g. Where the previous offense warranted censure, the next offence will warrant Suspension of Accreditation at the least. Where the previous offense warranted Suspension of Accreditation, the next offence will warrant Withdrawal of Accreditation

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<sup>15</sup> The Executive Minister must ensure that he or she is not present. As described in the Definition, The Executive Minister must recuse himself or herself from the investigative and sanction determination so as to remain impartial. He or she must delegate his position on the MRC Executive to someone else.

The MRC Executive will decide to:

**Exonerate**, that is officially stating that the MRC Executive feels there is no evidence for any disciplinary action, as the individual has not violated the Statement of Ethical Pastoral Conduct.

Or

**Censure, that is the MRC Executive makes** an official statement expressing disapproval of a behaviour as unbecoming a Ministry Leader accredited with CBOQ.

**Notation:** Censure may be offered as a warning, indicating that further similar conduct is unacceptable and would lead to withdrawal of accreditation within CBOQ.

A notice of censure shall be placed in the Respondent's personal file. Without revealing details, if they are known, information that a letter of censure was sent to the person may be shared with Churches or denominations or groups who inquire as to the ministry history of the person.

Or

**Suspend:** That is, a removal of accreditation with CBOQ for a specific period of time in order to implement a program of discipline, reinstatement and restoration prescribed by the MRC.

**Notation:** The disciplinary act of suspensions allows for later reinstatement of the Respondent's accreditation, providing that he/she has given clear evidence of genuine repentance and has fulfilled all the requirements recommended by the MRC.

**Notation:** In all cases involving discipline, the Director of Church Life and Leadership, in consultation with the MRC Executive, shall initiate the process of discipline.

The Director of Church Life and Leadership, with the MRC Executive shall establish the expectations concerning:

- The length of suspension
- Mentor accountability
- Counseling
- Reflection papers
- Assessment of ministry suitability

### **Guidelines for Suspension Timelines**

In all cases involving sexual immorality or sexual abuse of any kind (as defined by the Statement of Ethical Pastoral Conduct), Suspension of Accreditation with CBOQ **will automatically occur** for a period of time not less than two (2) years from the date the Respondent is notified in writing before any request for reinstatement will be considered. This is to underscore the seriousness of the offence and to implement an appropriate program of discipline by the MRC.

Unless extended by one (1) year, at the end of the two (2) year period, the MRC **may** either reinstate or permanently Withdraw the Respondent's accreditation with CBOQ.

In cases involving a clear breach of the Statement of Ethical Pastoral Conduct, Suspension Of Accreditation with CBOQ **may** occur for a period of time not less than one (1) year and not exceeding three (3) years from the date the Respondent is notified in writing in order to underscore the seriousness of the offence and to implement an appropriate program of discipline by the MRC.

At the end of the maximum three (3) year period the Respondent's accreditation with CBOQ **must** be either reinstated or permanently withdrawn.

### **Regulations Regarding Suspension of Accreditation**

The conditions of the Suspension of Accreditation must be clearly stated in writing. Written notice of the Suspension of Accreditation must be given to the:

- Respondent,
- Leaders of the Church/organization involved.

Any Suspension Of Accreditation must be reviewed at the end of two (2) years.

If the Respondent does not give clear evidence of genuine repentance or fails to fulfill the program of discipline prescribed by the MRC, a further period of Suspension may be required, not to exceed one (1) year.

The maximum for a Suspension is three (3) years, including extensions. At the end of three (3) years the Respondent's accreditation with CBOQ must be either reinstated or permanently withdrawn.

### **Pastoral Care during Suspension**

The MRC, in co-operation with the Director of Church Life and Leadership shall assign a "Mentor" to the Respondent during his/her Suspension.

The MRC will take steps to ensure that counseling from a Christian perspective is offered to the:

- Respondent, at CBOQ expense if taken within the first year; after 1 year, at their own expense
- Victim(s) - if refused, this fact is to be officially recorded
- Church - if refused, this fact is to be officially recorded

### **Consequences of Suspension**

Any and all ministry associated with pastoral care in any form (i.e. preaching, counseling, teaching, and visiting) within CBOQ must not take place until such time as the person is reinstated.

Because the Respondent is no longer accredited by CBOQ during the Suspension, license(s) (e.g. to perform marriages) requiring denominational accreditation will be revoked.

The Suspension of the Respondent's accreditation by CBOQ shall mean that his/her name will not be listed as one available for ministry.

Or

**Withdrawal of Accreditation**, that is, the official act of permanent withdrawal of accreditation with CBOQ.

Withdrawal of accreditation means that:

- the Respondent will never again be accredited by CBOQ
- the Respondent's name will not be included in CBOQ Listing of Accredited Ministers in its next printing
- Any license(s) requiring denominational accreditation (such as a license to perform marriages) will be revoked
- All CBOQ issued benefits will cease
- The privilege of performing any pastoral function on behalf of Canadian Baptists of Ontario and Quebec will be removed

Written notice of withdrawal of accreditation will be sent to:

- The Respondent
- The leaders of the Church/organization involved
- Any other bodies which have relied on CBOQ accreditation for endorsement approval or recognition

### **Right to Appeal**

If the Respondent contests the decision of the MRC Executive, he/she may appeal to the Executive Minister within twenty-one (21) days after the written final decision of the MRC Executive.

## III. D. MONITOR SUSPENSION OR OTHER IMPLICATIONS

The Director of Church Life and Leadership monitors follow up during suspension term.

## III. E. REVIEW AND RESPOND

At the conclusion of the Suspension term, the Director of Church Life and Leadership and MRC Executive will review the steps taken by the Respondent and decide whether his/her credentials will be Withdrawn permanently, a further time of Suspension is needed, or the individual is Reinstated. The decision is relayed to the Respondent, Complainant, and Victim(s) if warranted.

# PART IV

## CBOQ Protocol Governing the Response to Allegations of Child Abuse

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### IV. A. RESPONSIBILITY TO REPORT CHILD ABUSE

All CBOQ Churches should be aware of the following legal responsibilities pertaining to child abuse<sup>16</sup>.

#### **Responsibility to Report Child Abuse in Ontario**

- a) The Child and Family Services Act of Ontario (CFSA) requires **everyone** who believes, on reasonable grounds, that a child is or may be in need of protection, to report this information to the Children's Aid Society. A listing of local and regional Ontario Children's Aid Societies is found at [oacas.org](http://oacas.org).
- b) The law places a heavier burden to report on those who, in the course of their professional or official duties, have reasonable grounds to believe a child is or may have suffered abuse.

Persons in this category are required forthwith to report the suspicion and the information upon which it is based to the Children's Aid Society.

- c) Clergy are included in the list of those required to report, and this requirement applies even though the information may be considered confidential or privileged.

#### **Responsibility to Report Child Abuse in The Province of Quebec**

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<sup>16</sup> For the definition of child abuse in Ontario see: <http://www.oacas.org/childrens-aid-child-protection/what-is-abuse/> For the definition of child abuse in Quebec, see: <http://legisquebec.gouv.qc.ca/en/showdoc/cs/P-34.1?langCont=en#ga:l-ii-h1> section 38, 38.1, 38.2 and 38.3.

- a) The Youth Protection Act in Quebec requires **everyone** who believes (on reasonable grounds) that a child is or may be in need of protection, to report it to the Director of Youth Protection (Directeur de la protection de la jeunesse). A listing of local and regional Youth Protection office is found at <https://bit.ly/2O8Rssp>.
- b) The law places a heavier burden to report on those who, in the course of their professional or official duties, have reasonable grounds to believe a child is, or may have suffered abuse.  
Persons in this category are required to report their concerns without delay to the Director of Youth Protection.
- c) Clergy are included in the list of those required to report, and this requirement applies even though the information may be considered confidential or privileged.

## IV. B. OTHER RESPONSIBILITIES

### **Responsibility to Report Child Abuse to CBOQ**

Allegations and complaints of child abuse, which involve persons accredited by CBOQ, must be reported to the Executive Minister and the Director of Church Life and Leadership.

In fact, because of the sensitivity of such allegations and the likelihood of media attention all matters of alleged child abuse that in any way involve a member church of CBOQ or a person(s) who is associated with a member church of CBOQ should be immediately reported to the Executive Minister.

### **Responsibilities of CBOQ in Responding to Complaints of Child Abuse**

It is important that any action by CBOQ not interfere with the established protocols of the police or Children's Aid Society or Director of Youth Protection agents in their investigative work. Therefore, once allegations of child abuse have been reported to the appropriate authorities, any further action will be delayed pending the outcome of those actions save putting the Respondent on an immediate Temporary Leave of Absence.

### **Responsibilities of CBOQ Executive Minister in Responding to Complaints of Child Abuse**

- a) The Executive Minister, together with the Director of Church Life and Leadership shall have the responsibility to receive and respond to all complaints of abuse, or suspected abuse, which involve Accredited Ministry Leaders.
- b) Upon receiving a complaint, (whether anonymous or otherwise) of alleged abuse involving a child under the age of sixteen (16) years in Ontario, age of eighteen (18) years in Quebec, the Executive Minister, shall immediately ensure the appropriate Children's Aid Society or Director of Youth Protection, providing as complete information as possible.
- c) In no instance shall there be a delay of more than twenty-four (24) hours in reporting to the Children's Aid Society in Ontario. In Quebec, the law stipulates that the reporting must be done *without delay*.

## IV. C. PROTOCOL GOVERNING THE RESPONSE TO ALLEGATIONS OF CHILD ABUSE

The following shall be the procedure for dealing with allegations of child abuse.

Any action taken must not impede any Children's Aid Society or police investigation or be seen to prejudice the outcome of the investigation.

Step 1      Once a report, complaint, or confession, written or verbal, is received concerning an alleged child abuse involving a child under the age of sixteen (16) years in Ontario or under the age of eighteen (18) in Quebec, the Executive Minister shall ensure that the appropriate Children's Aid Society or Director of Youth Protection has been notified within the delays stipulated in IV B.

Step 2      The Executive Minister shall begin to keep a detailed log of the proceedings, meetings and telephone conversations along with all correspondence.

**Notation:**    This log will create a body of evidence that can be subpoenaed by a court of law.

Step 3      Once the Children's Aid Society or the Director of Youth Protection has been contacted and that they have confirmed they will follow up, the Executive Minister shall contact the Respondent, and confirm with him/her of:

- the allegations made
- the process that has taken place
- the imperative for an immediate Temporary Leave of Absence

Step 4      The Executive Minister shall explain to the Respondent what will happen depending upon the outcome of the investigation.

At this point, the Executive Minister will notify the Respondent that the responsibility for further actions is passed to the Director of Church Life and Leadership, who shall proceed once the authorities have completed their investigation or once the court proceedings have taken their full course.

**Notation:**    The Director of Church Life and Leadership and the Executive Minister shall take steps to provide whatever support and care are needed for the Complainant, Victim(s), the Respondent, their families, and the local congregation, provided this in no way impedes or prejudices other investigations.

Step 5

Once a ruling has been made by Child and Family Services or the Director of Youth Protection, CBOQ will proceed according to the ruling:

- If there is a charge laid by the police and the matter is brought to a court of law, the Respondent will remain on a Temporary Leave of Absence. CBOQ will await the verdict of the court of law before it proceeds.
- Once the court proceedings have rendered their verdict, the CBOQ will take the actions necessary.
- If a respondent is found guilty, the CBOQ will Withdraw his/her credentials immediately.
- If a respondent is found not guilty, he/she will be Exonerated and Reinstated.

# PART V

## CBOQ Protocol Governing the Convening of a Review Hearing to Consider Allegations of Violations of the Statement of Ethical Pastoral Conduct (The Appeal Process)

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### V. PROTOCOL GOVERNING THE CONVENING OF A REVIEW HEARING

Respondents shall have the right to appeal decisions of the MRC Executive following an investigation by the Response Team or after the Director of Church Life and Leadership is of the opinion that a Complaint has merit and does not need any further investigation and asks the MRC Executive for a disciplinary decision. The Complainant does not have the right to appeal decision of the Review Hearing Team.

An appeal of a disciplinary decision of the MRC Executive may be made to the Executive Minister by the Respondent if he/she believes that the decision has not been fair within twenty-one (21) days of the written notification by the MRC Executive.

The Executive Minister shall examine the case to make sure the principles of natural justice have been followed.

If in his/her opinion the Response Team and the MRC Executive have followed the principles, thus in his opinion the decision was arrived at fairly, the Executive Minister may decide to recommend a review hearing not be called.

If he/she believes natural justice has not been achieved, he/she shall recommend that there be a Review Hearing.

In extraordinary cases, when the Executive Minister is of the opinion that the natural justice process has been followed but the disciplinary measures are unduly harsh or unfair, he/she may ask the MRC Executive to revisit their decision.

## Review Hearing Process

Step 1 The Board President of CBOQ shall be responsible for selecting three (3) members from the Response Team Panel to form a Review Hearing Team.

**Notation:** No person shall serve on both the Response Team and the Review Hearing Team.

**Notation:** The importance of gender balance shall be considered in the appointment of members of the Review Hearing Team

Step 2 The Review Hearing Team shall decide among them

- Who will serve as Chairperson
- Who will serve as Recording Secretary
- The date, time and place of the Review Hearing

**Notation:** The Review Hearing shall normally take place not less than thirty (30) days nor more than ninety (90) days following notification.

**Notation:** The Chairperson is responsible for presiding over the proceedings. He/she shall have the breaking vote if there is a tie in the decision-making process. He/she shall ensure that the process follows the principles of natural justice. Therefore, he/she shall make himself/herself familiar with the natural justice process.

**Notation:** The Recording Secretary shall collate all documents from the case and ensure that all members of the Review Hearing Team have access to them. He/she shall ensure that all decisions are recorded and that the steps taken in the review process are also recorded.

**Notation:** The written record created in the Review Hearing may be subpoenaed by a court of law.

Step 3 The Chair of the Review Hearing Team shall make suitable arrangements (of place) to hold the Review Hearing and shall notify the Executive Minister of the same.

Step 4 The Executive Minister shall be responsible for notifying the Respondent of the following:

- The date, time and place of the Review Hearing,
- The procedure which will take place,
- His/her right:
  - To be present,
  - To present evidence, including witnesses,
  - To have a support person with them.

Step 5 The Executive Minister shall notify the Complainant, Victim(s), and appropriate church(es) or organization(s) of the date, time and place of the Review Hearing for information. They will be notified that they may attend the proceedings if they so wish but will not be allowed to participate in it.

Step 6 The Review Hearing shall follow this format:

- 1) Opening statement by the Chair of the Hearing outlining the purpose of the meeting and the procedure that will be followed.
- 2) Introduction of participants. The participants shall be the Respondent and their support person. If the Respondent has witnesses, these shall be identified. While the Complainant and or victim(s) may be present they shall not have the right to speak nor will they be officially introduced.
- 3) A brief synopsis of the process to date
- 4) Invocation Prayer led by the Chairperson
- 5) Reading of the original written complaint by the Complainant, read by the Recording Secretary.
- 6) Reading of the original written response by the Respondent, read by the Recording Secretary
- 7) Presentation of the information or testimony that supported the complaint, read by the Recording Secretary
- 8) Presentation of the information or testimony that refuted the complaint, read by the Recording Secretary
- 9) Response of the Respondent or his/her representatives. The response may be in the form of a statement (written or verbal) by the Respondent and/or their support person, the calling of witnesses by the respondent and/or their support person to support his/her appeal
- 10) Questions by the Review Hearing Team to any of those offering information, testimony, refutation or response
- 11) Closing statement by the Respondent or his/her support person
- 12) Closing prayer, led by the Chairperson
- 13) Hearing dismissed

Step 7 The Review Hearing Team shall meet in private to deliberate following the hearing.

Step 8 Within forty-eight (48) hours the Review Hearing Team shall decide on one of the following two (2) options:

A. To reject the appeal because in its opinion, it has no merit and that the disciplinary actions of the MRC Executive were proper and will continue to stand.

**OR**

B. To uphold the Respondent because in its opinion the MRC Executive erred in its decision-making process or because the natural justice process was not followed by the Response Team. The Review Hearing Team shall then make recommendations to the MRC Executive to redress the improper disciplinary

action or order a new investigation by a newly formed Response Team. (Redoing a Part II investigation.) .

Step 9 The Review Hearing Team shall forthwith advise in writing the Executive Minister, the Director of Church Life and Leadership, and the Chair of the MRC of its decision.

Step 10 The Respondent shall receive notification by telephone acknowledging this finding as quickly as possible.

Step 11 In the event of case “B” above, the Chair of the MRC shall convene a meeting of the MRC Executive to develop an appropriate plan of action.

Step 12 Within twenty-one (21) days of the decision of the Review Hearing, the Chair of the MRC shall notify all parties listed below of any and all decisions:

- The Respondent
- The Complainant
- The church/organization being served at the time of the allegations
- The church/organization now being served
- Any other bodies which have relied on CBOQ recognition for endorsement, approval or recognition if appropriate

In the case of Withdrawal of accreditation all CBOQ employment benefits shall cease.

Step 13 Once the final decision is made, and appropriate action is taken, the MRC will ensure that continued effort is made to promote reconciliation and healing between all parties concerned.

**Notation:** The decision of the MRC Executive following the Recommendation of the Review Hearing Team shall be final. There are no further appeals available through CBOQ.

**Notation:** In cases where the respondent is exonerated through the Review Hearing, but is found guilty in a separate court of law, the matter may be sent to the MRC Executive for a decision by the President of CBOQ in consultation with the Executive Minister and the MRC Executive.

# PART VI

## CBOQ Protocol Governing the Process Leading to Reinstatement Following Charges of Immoral and Unethical Behaviour

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### VI. A. PREAMBLE

The pastoral office is a spiritual position of great trust, responsibility and power.

CBOQ holds that any Immoral and Unethical Behaviour by an Accredited Ministry Leader is a violation of that trust and may result in Suspension Of Accreditation with CBOQ.

Restoration to community may not necessarily mean reinstatement of accreditation or restoration to the pastoral position.

Accreditation may be reinstated when the MRC is satisfied that appropriate restorative measures have been taken.

Refusal to meet with either the MRC, or the Executive of the MRC, or a Response Team, or a Review Hearing, appointed in accordance with our Protocol, will be in itself sufficient reason for accreditation to be Suspended.

**Notation:** This measure shall not be punitive but as a means of protection for the church or the ministry setting of the Respondent. A Respondent cannot be forced to meet someone he/she does not want to meet.

While voluntary surrender of accreditation may be appropriate in some cases, CBOQ reserves the right to refuse such an offer and impose other such discipline as deemed appropriate by the MRC.

Accreditation, when Withdrawn, or Suspended for any reason, will not be transferred to another Convention or Denomination.

Accreditation will not be reinstated so that a pastor may seek accreditation with another Convention or Denomination.

Disciplinary processes started under the jurisdiction of CBOQ must be completed under the jurisdiction of CBOQ.

The independent actions or accreditation by other Conventions will not be recognized.

Accreditation from another Convention or Denomination, which has been suspended or revoked by that body will not be recognized by CBOQ or transferred to CBOQ.

## VI. B. EXPECTATIONS OF THE MINISTERIAL RESOURCES COMMITTEE AND RESPONDENT

1. **Of the MRC.** Before any reinstatement of accreditation takes place, it is expected that disciplinary steps will have been taken by the MRC as stipulated in section III D and have been monitored and followed through.
2. **Of the Respondent:** Before any reinstatement of accreditation will be considered, the Respondent will have:
  - a) Received personal Counseling from a Christian perspective.
  - b) Complied with the following:
    - i. All conditions of suspension assigned by the MRC (and/or the MRC Executive), and The Respondent's Mentor (if assigned)
    - ii. All restrictions concerning professional activity (if assigned)
    - iii. the full number of counseling sessions required by the MRC Executive
  - c) Given clear evidence of repentance, and of a genuinely broken and contrite heart, as reasonably confirmed by his/her Mentor, counselor, and the Victim(s).
  - d) Pursued reconciliation with his/her victim(s) as much as it is possible and feasible, having made every effort to provide restitution to all offended or affected parties as determined by the MRC Executive. It is understood that the Victim(s) may not wish to be reconciled and/or have any type of contact or communication with the Respondent. The MRC will acknowledge the effort of the Respondent and not the result.

**Notation:** If any of the above have not been accomplished in a manner satisfactory to the MRC Executive, the matter will be brought before the MRC

recommending an extension of said Suspension until such time as the disciplined party has accomplished these tasks. The maximum length for a Suspension is three (3) consecutive years. After three years, the MRC Executive must decide either to Reinstatement the Respondent or Withdraw their credentials.

## VI. C. PROTOCOL LEADING TO REINSTATEMENT

Stage 1 At some point in the reconciliation process, a face-to-face mediation will be offered by the MRC, if deemed appropriate. Sensitivity will be shown by the MRC so as not to re-victimize the Victim(s).

**Notation:** Refusal by either the victim(s) or the person will be officially recorded. .

A record of the event is to be made and filed.

Stage 2 Within the first year of suspension the MRC Executive shall request signed reports from:

- the Respondent (See stage three and another report by the twelfth month)
- the Respondent's Mentor (one report by the sixth month and another by the twelfth month)
- the Respondent's counselor (if assigned) (one report by the twelfth month)

Stage 3 Within two (2) months following the first year of suspension the Respondent will write a reflection paper for the MRC Executive to report on progress to that point.

Stage 4 At the end of the assigned period of suspension the Respondent will have the right to request an interview with the MRC Executive with a view to possible reinstatement of their accreditation.

**Notation:** If the steps outlined under "Expectations" (Part V. B.) have not taken place by this time, then all items outlined (with reports) will be required to have been completed before any interview takes place.

Stage 5 Before any interview takes place, the MRC Executive will make every effort to receive reports from any or all of the following and as the MRC Executive deems appropriate, as background information to help discern the progress and the possible reinstatement of the Respondent.

**Notation:** Requests of reports should mention that the reports, if given, may be compelled by a court of law.

- a) The Respondent's Counselor - particularly his/her recommendations
- b) The Respondent's Mentor
- c) The Respondent's Pastor

- d) The Association Ministry Committee (or equivalent) past and/or present
- e) Any former Executive Staff person involved in the suspension of the Respondent's accreditation
- f) The Respondent's Family:
  - In the form of an impact statement from the spouse and from children if of appropriate age
- g) Leadership of the church where the Respondent was serving at the time of the event.
- h) Victim(s) and Complainant identified in the investigation
  - In the form of an impact statement (Care must be taken as to not revictimize the Victim(s). Victim(s) must remain anonymous if they have made this request as per III A. (If a child is involved, their identity shall remain anonymous.)
- i) The Respondent - outlining the steps he/she has taken in the whole process of repentance and reconciliation.

Stage 6      Invitations will be sent to all mentioned above in Stage 5 to attend the interview if they so wish. Except for the Respondent, no invitee will have the right to speak during the interview.

Stage 7      The MRC Executive will insure that specific questions are covered in the interview of the Respondent. (The interview will only speak to the Respondent as reports were requested to inform the MRC on other aspects of the repentance, reconciliation, and healing process.) These questions are:

- a) What was your response when your misconduct came to light?
- b) How have you addressed this matter with those you have harmed?
- c) How did you address this issue with the congregation at the time of the failing?
- d) How have your actions impacted the lives of
  - i. Your victim(s),
  - ii. Your spouse (if applicable),
  - iii. Other members of your family,
  - iv. Your church and/or organization?
 (These questions are intended to gauge whether or not the person has a realistic picture of the damage that has been caused and show sorrow.)
- e) Describe the turning point between your previous state of sin and your repentant recognition of your sinfulness before God and all involved?
- f) Why do you currently believe a breach of the Statement of Ethical Pastoral Conduct will not happen again?
- g) Why should you be allowed back into ministry?
- h) Why do you think you should have your accreditation reinstated?

Stage 8 A final meeting of the MRC Executive will be held within seven (7) days of the interview to arrive at a decision.

**Notation:** No decision should be made by the MRC Executive at the Interview meeting. This is to allow for prayerful reflection and evaluation of all that has taken place.

**Notation:** A **unanimous** vote by the MRC Executive involved in the interview will be required to reinstate the person's accreditation.

Stage 9 The Respondent will be notified of the decision and recommendation regarding reinstatement or permanent Withdrawal of credentials by telephone, as soon as possible.

**Notation:** The person should be informed that this decision will stand only after it is **ratified by the MRC** at its next meeting.

**Notation:** In the case of the person, they will have a right to appeal after the MRC Executive has informed him/her. They will have seven (7) days to appeal to the Executive Minister. The latter will have seven (7) days to respond to the appeal, making sure the hearing received by the person was fair and that the process that brought about the decision followed natural justice. The Executive Minister will then either reject the appeal if he/she is of the opinion that the decision was arrived at fairly or will request the MRC to conduct a new hearing with a different panel.

In case of reinstatement, the Respondent shall be informed that his/her accreditation with CBOQ will be reinstated for a **probationary period of no less than two (2) years.**

from the date of ratification by the MRC (if they are presently in ministry)

**OR**

from the date of their commencement of ministry.

Stage 10 The decision to reinstate or permanently Withdraw the Respondent's accreditation will be presented to the Ministerial Resources Committee for ratification.

Stage 11 Upon ratification by the MRC a follow-up letter giving official notice of the reinstatement or permanent Withdrawal of accreditation will be sent to:

- a) the person reinstated or permanently Withdrawn
- b) the Church(es) or organizations involved, past or present
- c) the Association Ministry Committee (or equivalent) involved, past or present
- d) the Moderator of the Associations involved, past or present

**Notification:** Official notification of Denominational reinstatement or permanent Withdrawal of accreditation shall include the following:

- The statement of reinstatement or Withdrawal;
- The date of the passing of the reinstatement or Withdrawal;
- A summary statement of explanation outlining the grounds for the reinstatement or Withdrawal
- Any conditions and/or restrictions concerning the Respondent's professional activity during or following the two (2) year probationary period, if reinstated
- That, should another breach of the Statement of Ethical Pastoral Conduct happen, the level of discipline will become increasingly strong. For example, where the previous offense warranted Censure, the next offense will warrant Suspension Of Accreditation at the least. Where the previous offense warranted Suspension Of Accreditation, the next offense will warrant Withdrawal of accreditation.

Stage 12 The decision to reinstate or permanently Withdraw the Respondent's accreditation will be conveyed by the MRC Executive to:

- The family of the reinstated or permanently Withdrawn Respondent, if deemed necessary
- The Victim(s)
- The Respondent's Mentor
- The Respondent's Counselor

# PART VII

## Restoration Following Charges of Immoral and Unethical Behaviour

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### VII. RESTORATION OF PERSONS DISCIPLINED BY CBOQ

In keeping with our understanding that God calls us to be a people of true justice, CBOQ believes that we must make clear our expectations regarding the ethical and moral standards we require of accredited Ministry Leaders, that we must discipline delinquency, yet also and at the same time encourage both Victim(s) and Respondent(s) in a journey that will hopefully lead to healing and wholeness.

Trusting that acts of breaching the Statement of Ethical Pastoral Conduct have been addressed appropriately through Protocol **III, IV, V, VI** CBOQ further wishes, wherever and whenever possible, to help facilitate reconciliation in the relationship between Respondents and the people hurt by the breach of the Statement of Ethical Pastoral Conduct and towards a full restoration to Christian ministry.

CBOQ will in no way attempt to force reconciliation between disenfranchised parties. It will, however, do all that it can to encourage interpersonal reconciliation and ministry restoration throughout the disciplinary process, particularly in Part V, dealing with reinstatement of accreditation. We recognize that the restoration process is a matter of the heart between the Respondent and his/her relationship to God and others who have been affected.

# APPENDICES

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## APPENDIX A: LEGAL CONSIDERATIONS REGARDING DEFAMATION

The Law of Defamation (i.e. slander and libel) is concerned with redressing the damage to reputation resulting from the publication and communication of a false statement(s) that tend to lower a person in the estimation of right-thinking members of society, by way of civil suit.

Complaints made against church officials for infractions against church discipline are protected from civil liability by a “qualified privilege.” Any member of a congregation may forward information to an appropriate official of the church regarding the behaviour of a clergy person without fear of civil suit, provided he or she is acting honestly and in good faith. This means that a person forwarding a complaint cannot be sued for defamation unless he is acting maliciously or recklessly.

Church officials empowered to investigate such matters who circulate information about the charged during the course of their investigation will in turn be protected by a qualified privilege. However, the communication must be done with a view to discipline or as a step in the investigation, and not with a purpose to injure or spread malicious gossip. The privilege will be lost if the information is spread maliciously or recklessly without regard to whether it is true or false. Care must be taken not to communicate the information beyond those who need to know.

The law of defamation accords complete immunity from liability to persons who make statements in the course of judicial or quasi-judicial proceedings. Such statements are “absolute privilege” and cannot be made the basis of an action for defamation. The immunity extends not only to statements made at the actual hearing but also to occasions preparatory to the hearing.

However, the Courts have been cautious in extending this “absolute immunity” to such disciplinary bodies. The question, in every case, is whether the hearing in question has similar attributes to a court of justice. As stated by one author, “At least some of the trappings of formalities of the ordinary courts must be present.” Professional disciplinary bodies satisfy this test if there are adequate procedures in place to ensure that the principles of natural justice are adhered to.

## APPENDIX B: THE ONTARIO HUMAN RIGHTS CODE (OHRC)

Persons and organizations situated in Ontario are obliged to conduct themselves in accordance with the Ontario Human Rights Code. It is imperative that all persons know the rights, privileges and obligations imposed by the OHRC.

Relevant Provisions of the OHRC are as follows. Section 5 (1):

“Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.”

Section 5 (2):

“Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

In matters dealing with sexual harassment the code stipulates:

Section 7 (2);

“Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.”

Section 7 (3):

Every person has a right to freedom from:

- (a) A sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (b) A reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

### B.II Quebec Charter of Human Rights and Freedom

Persons and organizations situated in Quebec are obliged to conduct themselves in accordance to the Charter of Human Rights and Freedoms of Quebec. Relevant provisions of the Quebec Charter of Human Rights and Freedoms are as follows:

Section 4

Every person has a right to the safeguard of his dignity, honour and reputation.

#### Section 9

Every person has a right to non-disclosure of confidential information.

No person bound to professional secrecy by law and no priest or other minister of religion may, even in judicial proceedings, disclose confidential information revealed to him by reason of his position or profession, unless he is authorized to do so by the person who confided such information to him or by an express provision of law.

The tribunal must, *ex officio*, ensure that professional secrecy is respected.

#### Section 10

Every person has a right to full and equal recognition and exercise of his/her human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

#### Section 10.1

No one may harass a person on the basis of any ground mentioned in section 10

#### Section 16

No one may practice discrimination in respect of the hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment.

#### Section 17

No one may practice discrimination in respect of the admission, enjoyment of benefits, suspension or expulsion of a person to, of or from an association of employers or employees or any professional order or association of persons carrying on the same occupation.

#### Section 46:

Every person who works has a right, in accordance with the law, to fair and reasonable conditions of employment which have proper regard for his/her health, safety and physical well-being.

## APPENDIX C: CONFIDENTIALITY

On the part of those who on behalf of CBOQ participate in the Protocols of Discipline of Canadian Baptists of Ontario and Quebec, it is imperative that all participants in the disciplinary protocol of Canadian Baptists of Ontario and Quebec adhere to the strictest standard of confidentiality.

Restraint must be exercised by all who are involved, not to share information with anyone except on a very strict, clear and narrow “need to know” basis. Those who “need to know” are the members of the Response Team and Review Hearing Team, the MRC Executive, the Director of Church Life and Leadership, the Executive Minister in case of appeal, the Board President of CBOQ in case of appeal, MRC members when a reinstatement process has occurred, the mentor, and counselor mentioned in Part III D when official action is taken. The information shared to those who “need to know” shall be limited to the information necessary for the carrying out of the various parties’ function.

Care should be taken to avoid and refrain from discussing with any one, (including one’s spouse), any information about the participants, the accusation(s), the process or the outcome.

Members of the Response Team or a Review Hearing must furthermore have a very clear “arm’s-length” relationship with the Church, the Complainant, Victim(s) and the Respondent involved. By this we mean the members of the Response Team or a Review Hearing must not have any family, business, friendship links or relationship with the church, Complainant, Victim(s) or Respondent.



**Covenant of  
CONFIDENTIALITY**

**Of MRC Executive, Response Team Members or Review Team Members who participate  
in the  
Canadian Baptists of Ontario and Quebec Discipline Protocols**

I have read the statement regarding confidentiality set out above and covenant to keep its commitment to the best of my ability.

I acknowledge that it is imperative that all participants in the disciplinary protocol of Canadian Baptists of Ontario and Quebec (CBOQ) adhere to the strictest standard of confidentiality.

I will seek to exercise restraint to the best of my ability from sharing information with anyone except on a very strict, clear and narrow “need to know” basis.

I will exercise great care to avoid and refrain from discussing with anyone, (including my spouse, if applicable), any information about the participants, the accusation(s), the process, or the outcome of any discipline protocol procedures.

I will seek to ascertain that I have a very clear “arm’s-length” relationship with the Church, the Complainant, the Victim(s) and the Respondent involved and will maintain that relationship throughout the process.

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Signature

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Date

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Printed Name



## **FURTHER ISSUES AROUND CONFIDENTIALITY<sup>17</sup>**

It is imperative that all participants in the process adhere to the strictest standard of confidentiality as defined in the MRC Policy and Procedures Manual. Care must be taken by all participants in the process to share information only on a “need to know” basis.

Response Team Members and Review Hearing Team as well as the MRC Executive will be required to sign a Covenant of Confidentiality as outlined in Appendix C.

### **Confidential Information**

General personnel information including letters and notes will be retained in locked filing cabinets in CBOQ Offices.

When a disciplinary investigation and response has been concluded, the confidential information shall be retained in sealed and dated envelopes and placed in the personnel files.

Information on the front of the envelope should contain the following

- a) The date on which the envelope was sealed and placed in the file
- b) The name of the person
- c) Names and/or position of those who have access to the envelope’s contents
- d) Circumstances under which the envelope may be opened

In the case where the personal file of an individual contains information regarding a breach of the Statement of Ethic and Pastoral Conduct which resulted in Censure, Suspension or Withdrawal of accreditation, the only information which may be divulged is the statement that the persons was disciplined for breaching the Statement of Ethical Pastoral Conduct. It should be stated whether the Respondent was reinstated or his/her credentials were permanently Withdrawn.

**Notation:** Should a court of law compel CBOQ to give any or all the information collated in the course of its investigation and decision, the documents shall be submitted as required by the law. These documents may also be subject to police seizure. As such, any documents kept by CBOQ could be prejudicial.

### **Access to Information** (MRC Policy and Procedures Manual, section “A”)

- 1) Files:
  - a) In normal circumstances the only people who shall have access to the personal files of CBOQ Ministry Leaders will be:
    - i. the Executive Minister
    - ii. the Director of Church Life and Leadership
    - iii. the Administrative Assistant of the MRC
  - b) Access by anyone else to the personal files shall only occur in the presence of either:
    - i. The Executive Minister
    - ii. The Director of Church Life and Leadership

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<sup>17</sup> A digital security policy is not yet available.

- iii. The Administrative Assistant of the MRC, at the request of the Director of Church Life and Leadership or the Executive Minister with notification being left in the file identifying the date, the person and the purpose for accessing the file.

Copies of personal files are not to be sent to other Conventions or Denominations.

- 2) Sealed envelopes will be opened only in the presence of either:
  - i. The Executive Minister
  - ii. The Director of Church Life and Leadership with notification being left on the envelope identifying the date, the person and the purpose for accessing the file and envelope.

### **RECORD KEEPING**

The Director of Church Life and Leadership must ensure that completed and confidential records are kept of all Complaints, allegations of any form of child or elder abuse, or of Immoral or Unethical Behaviour within CBOQ including all documentation of how the Complaints were handled and their final outcome.

### **WRITTEN COMPLAINTS**

Complaints of Immoral or Unethical Behaviour should preferably include a written statement, or the preparation of a minute of an oral statement and be signed by the person making the complaint. However, all allegations of child abuse and/or elder abuse shall be acted upon according to the law, regardless of how the complaint was made and whether there is a written statement or not. When a complaint is brought forth by a minor (a person under the age of eighteen (18), the minor shall not be forced to sign the minute of an oral statement.



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5 International Blvd  
Etobicoke, ON M9W 6H3  
416 622 8600 • [cboq@baptist.ca](mailto:cboq@baptist.ca)  
[baptist.ca](http://baptist.ca)